

Legitimate Governance Beyond the Nation State in Comparison

Global efforts for the protection of forests

Dr. Ingo Take

Institut für Politikwissenschaft
Ernst-Moritz-Arndt-Universität Greifswald

Baderstr. 6/7
17487 Greifswald
Email: take@uni-greifswald.de

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Abstract

This paper focuses on the search for sustainable structures and mechanisms of legitimate governance beyond the nation-state. In this process, international forms of governance will be differentiated from transnational and private forms of governance. The paper aims at closing the gap between theoretical loaded papers on legitimate governance beyond the nation-state on the one side and mainly empirical-saturated studies on global governance on the other side, by providing a coherent, theoretical framework for adequate evaluation of the legitimacy and sustainability of different forms of global governance. To that purpose, a catalogue of indices which will systematically combine the actual touchstones of legitimate governance beyond the nation-state; with reference to the distinction between input-, throughput- and output-legitimacy; will be presented. While the forms of governance beyond the nation-state cannot be pitted against entirely democratic institutions, it should be sufficient to identify single criteria of different forms of governance which constitute legitimacy and to inquire as to what extent these correspond with the structural criteria of the international system. On the basis of this catalogue, it will first be outlined to which extent the observable forms of organization and procedures in the various arrangements of governance cope with the standards of input- and throughput-legitimacy. In a second step, the sustainability of these forms of governance will be dealt with. The topic of this paper is the protection of forests by environmental standards. The aim of the paper is to generate empirically sound statements on the (normative) legitimacy and the sustainability of systematically selected arrangements of global governance, in order to draw conclusions about the conditions, options and limits of legitimate and sustainable governance beyond the nation-state.

Introduction

The conception of legitimate and effective forms of governance beyond the nation state is the main concern of the governance-approach, which has generated the most attention in IR since the mid 1990s. In particular, the question of how to overcome the democratic deficits of global forms of governance has led to a pretentious academic debate, which has successfully borrowed from related disciplines. To proceed in theory-building, we need to systematically assign the theory-driven assumptions on legitimate forms of governance beyond the nation state with the various, already observable, forms of global governance. The latter imply the establishment of problem-related rules by cross-border governance arrangements, which neither possess formal authority nor central enforcement-power and exhibit (feature) different actors (international, national, private, civil-society etc.), forms of organisation (organisations, regimes, formal and informal networks, negotiation-systems etc.) and patterns of steering (vertical, horizontal, networked etc.). Hereby, it is important to distinguish between international forms of governance (inter-gouvernemental institutions), transnational forms of governance (networks between international, national and non-state actors) and private forms of governance (networks of lone non-state actors). These new governance arrangements which cannot build on public authority or mechanisms for the assertion of rules and, therefore, depend on the voluntary cooperation of the rule-addressees, have to generate legitimacy from within to enforce their rules. Against this background, the question of forms and mechanisms of legitimate governance beyond the nation state gains even more weight. The paper tie up to this question by aiming at the research gap stated by Klaus Dieter Wolf and others, who criticize the absence of a „systematically comparative appraisal of the capacity of different patterns of governance both with regard to their ability to solve problems and their legitimacy quality“ (Wolf 2003: 442). Moravcsik even designates the question of the democratic legitimacy of global governance as “one of the central questions – perhaps the central question – in contemporary world politics” (2004: 336). This paper aims at closing the gap between more theory-driven works on legitimate governance beyond the nation state on the one side and studies focusing mainly on the empiric observable forms of global governance on the other side, by providing a coherent, theoretical framework for the adequate assessment of the legitimacy of different forms of governance. The innovative potential of the presented research project lies in the appliance of a structured, focused comparison which brings together a three-dimensional concept of legitimacy with the triad of international, transnational and private forms of governance.

By analysing the legitimacy of different forms of global governance some limiting factors, which influence the outcome of the interactions, have to be taken into account. Among these intervening factors are: the organizational structure and the degree of organization of the institution; the resources of the respective actors, including resulting asymmetries of power; the structure of the situation (situation structural approach); and the structure of the problem (problem structural approach) in the relevant policy field; as well as the shadow of hierarchy, e.g. the role allocated to the states with respect to the specific functions of the governance arrangements.

To contribute to the closing of the abovementioned research gap, suitable indicators for the measurement for the legitimacy; respectively, the acceptance; of different forms of governance have to be iden-

tified. The way of operationalization depends, thereby, on the conception of legitimacy guiding the research; the manner by which the international environment (in which the actors are operating) is conceptualized; and as to how far certain standards of legitimacy are seen as receptive enough. Because of the varying contexts, governance beyond the nation state cannot refer to forms of decision making (majority votes by authorized elected representatives) and mechanisms of enforcement (e.g., with recourse to the state monopoly of force) established at the state level (Risse 2004; cp. also Keohane/Nye 2000 and 2003; Sikkink 2002; Benner/Reinicke/Witte 2004). Therefore, the criterion for legitimate global governance has to be chosen with regard for the structural characteristics of cross-border policy and not derived from the ideals of representative democracy. Thus, it is to bear in mind that governance on the global level largely depends on horizontal forms of steering. Primarily for this reason, consensus-oriented negotiation processes and deliberation instead of hierarchical subordination have to be considered as mechanisms for the generation of acceptance (cp. also Neyer 2002 and 2004). Furthermore, open-mindedness for sectoral-functional differentiation, equal provision for input-, throughput- and output-oriented forms of legitimacy, independence of pre-political solidarity and disengagement from the state as bearer of sovereignty is needed (cp. Schmalz-Bruns 2005: 90). Given that the analysis of political patterns of steering beyond the state cannot presuppose institutions to be organised in a fully democratic manner, it should be sufficient to identify several (single) characteristics of different patterns of governance which are able to generate legitimacy, and to inquire as to how far they correspond to the structural attributes of the international system (Wolf 2002: 49).

In the context of this paper, a checklist of indicators shall be applied which systematically combines the recently debated touchstones of legitimate governance beyond the nation state with recourse to the distinction between input-, throughput- and output-legitimacy (Zürn 1998: 236). The input-dimension deals with the question of who is being entitled to make decisions and who is to be represented in the decision-making process. Here, the equal and active participation of all stakeholders in the deliberative processes of decision-making has to be assured, to derive a direct mechanism effectively transporting the demands and preferences of the rule addressees (cp. Scharpf 2004: 5). The throughput-dimension deals with the procedural level. Here, the central question is in which way decisions are made and in how far decision-makers will be held accountable for their performance (actions). Output-legitimacy is, on the one hand, to be conceptualised as the fulfilment of set goals; respectively, the observable solution of problems (cp. Scharpf 1999). Output-legitimacy is, on the other hand, conceivable as the ability of an institutional arrangement to generate acceptance and to motivate actors to comply with rules (cp. Neyer 2004: 101). The expert on international law, Thomas Franck, even sees the recognition of a rule as "rightful" as the most profound indicator for the rules' legitimacy (Franck 1990: 198). The acceptance of a rule is based on the recognition of this rule as being problem-adequate, equitable and fair; independent of the procedure which led to its adoption (cp. Neyer/Wolf 2005: 57). This differentiation of the concept of legitimacy in input-, throughput- and output-legitimacy follows an understanding of legitimacy which differentiates between the recognition dignity (*Anerkennungswürdigkeit*) of political orders and the decision-making processes out of normative reasons (named "legitimacy" in the following) and their factual recognition as rightful (named "acceptance" in the following). While input- and throughput-legitimacy are each based on a normative

conception of legitimacy, the notion of legitimacy in the output-dimension designates the factual, societal acceptance of rules as problem-adequate, rightful and fair (cp. Dingwerth 2005: 258). Both concepts of legitimacy will be applied in the research project. Therefore, the checklist of normative indicators for the measurement of legitimacy shall be supplemented in a second step by inquiries into the empirical acceptance of the appropriate rules by the stakeholders.

In what follows, the indicators for the measurement of legitimate governance beyond the nation state will be listed according to the three dimensions of legitimacy already identified.

Table 1: Three Dimensions of Governance Beyond the Nation State

| Input-Dimension | Throughput-Dimension | Output-Dimension |
|--|---|-----------------------------------|
| Accordance with universal principles | Accountability - Transparency of the decision-making process | Acceptability of the rules |
| Representativeness of the governance-arrangements (matching principle) | - Monitoring mechanisms - Sanction mechanisms | Degree of implementation of rules |
| Level of political equality | | Degree of compliance |
| Consens-orientation in the negotiations | | Effectivity of the rules |

With this checklist, an investigation must first be made into the degree by which the observable forms of organisation and the procedures of the different governance arrangements (international, transnational, private) live up to the criteria of input- and throughput-legitimacy. As a second step, interviews are to be conducted to measure empirically the de facto acceptance of the norms and rules established in the different governance arrangements by the rule-addressees. The systematic and comparative review of until now quite unrelated hypotheses in the context of different governance arrangements constitute a new quality for a plausibility test. As far as the chosen indicators show a legitimizing effect, they should serve as a standard for upcoming research studies and, by this, contribute to further systematization of studies on global governance. The results with regard to the correlation between certain forms of global governance and, respectively, their legitimacy acceptance within the international system form the pre-stage for the formulation of a theoretical explanation of corresponding causalities. At least, the analysis of the constitutive criteria of cross-border governance arrangements in a legitimacy-based theoretical perspective shall also help to identify their discrete potential for legitimacy and indicate ways for their institutional safeguard and transformation to other arrangements. The subject of this paper are the environmental standards which aim at the protection of forests; respectively, on sustainable forestation. The aim of the paper is to generate empirically founded statements about the (normative) recognition dignity of systematically chosen global governance arrangements, to draw conclusions about the conditions, prospects and limits of legitimate governance beyond the nation state.

Regulation Through Standards of Forestation

The global character of public goods implies that spatially separated social interactions and networks are forcefully connected. Industrial development and demographic growth, especially in the southern hemisphere, accelerate the exploitation of resources and, by this, influence worldwide market action. The environmental degradation not only has economic, but also, moral, aesthetic and political consequences. Thus, the increasing complexity and interdependence of environmental hazards, as well as the uncertainty about their consequences have increased the number and scope of international institutions, treaties and policies in the last three decades. At the same time, the engagement of civil society and private actors in this issue–area rose and their involvement in international negotiations processes improved. Thus, there is a continuing evolution of environmental institutions on the international level, though this applies more to the organizational level than to practice. Accordingly, the international endeavours for environmental protection are perceived, in many cases, to be insufficient. Yet, not the international organizations or regimes themselves are the main hindrances to an effective environmental policy. These are mainly the states which constitute these institutions. They strive to meet divergent interests; thereby often thwarting adequate policies for environmental protection. While each country contributes to the degradation of the environment, it is simultaneously struck by global environmental problems, as well as cross-border environmental damages caused by other countries. Yet, the contribution to environmental degradation differs from country to country and from region to region.¹ Respectively, the explanation for the failure of international negotiations concerning the protection of forests is primarily to be found in the different contributions to problem-solving or, rather, the unequal vulnerability of states with respect to the degradation of forests and the resulting interests. Densely-wooded developed countries have an interest in the commercial use of their forests, as well as the unrestricted export of products made of wood. In contrast, densely-wooded developing countries want to preserve autonomy over their forests in order to be free to convert them into farming land if that fosters the economic development. Sparsely-wooded countries want to get hold of forests in other countries to satisfy their need for commodities, as well as to compensate for their carbon emissions.

The wide diversity of products (especially from tropical forests), the complexity of their ecosystems, the various forms of forest cultivation, and rather unequal consequences of deforestation for diverse stakeholders² make the degradation of forests to a endless political problem and impede its cooperative solution. At the same time, non-state actors, like states, dispose of a multiplicity of problem-relevant resources in the form of funds, expertise and know-how (corporations, NGOs, indigenous groups, epistemic communities etc.). The horizontal integration of these different actors and their vertical integration on the international, transnational, national and local levels constitute another problem. Additionally, forests play an elementary role in other environmental fields, such as climate change,

¹ It can be differentiated between environmental hazards conditional upon wealth (degradation of the ozone layer, climate change, export of toxic waste etc.) and environmental hazards conditional upon poverty (deforestation, loss of biodiversity, soil erosion, desertification etc.). It can be further differentiated between the varying degrees people are affected by environmental hazards. See, for example: climate change, over-exploitation of mineral resources and commodities (rainforests), and the loss of species (fish stocks). „Environmental hazards conditional upon wealth disseminate evenly over the globe, while environmental hazards conditional upon poverty materialize preferential on the spot and internationalize only in form of medium-term occurring side effects“ (Zürm/Take 1996: 4).

² Cashore (2002: 511) differentiates between four groups of stakeholders in the process of forest certification: 1. states; 2. corporations from the supply side (forest owner, forest enterprises etc.); 3. corporations from the demand side (commercial enterprises, do-it-yourself stores, furniture shops, etc.); 4. societal interest groups (environmental organizations, unions, consumer associations, etc.).

biodiversity or soil erosion. Considered together, cross-border, holistic, inclusive procedures of effective and legitimate problem-solving constitute a necessity (cp. Harnisch 2002: 6). Beside the shifting of international efforts to protect the environment, states also have changed their policies concerning environmental degradation. The governing of private activities by regulatory policies, i.e. compulsory guidelines and standards, was supplemented during the last decades by other instruments and strategies of regulation, which rely particularly on market mechanisms and the provision of information.

Forest Protection by Forest Certification Schemes

The urgency of the worldwide protection of forests is stressed by the following quotation: „Forests play a critical role in serving human needs. They are a prime source of water, food, protein, shelter, medicine, fodder, lumber, and soil, and they often provide a basis for tourism as well. Forests also stabilize landscapes and influence water flows, water quality, and the composition of the atmosphere. They are major reservoirs of biodiversity in all latitudes and home to various groups of indigenous people as well” (Reinicke/Deng 2000: 19). Against this background, it is no surprise that forest protection is the environmental issue which has attracted the most institutional efforts for regulation ,therefore providing a fertile ground for empirical analysis (cp. Cashore 2002: 505). Here, international, as well as transnational, and a couple of private arrangements compete in their claim to guarantee an ecologically and socially sensitive, and economically appropriate way of forest cultivation. In particular, the implementation of certification systems seems to be a promising approach for the protection of forests: “Forestry is the industry for which environmental certification programs appear most organizationally developed, and can be most meaningfully studied. It is a major industry in both developed and developing countries, and often links them economically” (Meidinger 1999: 126/127).

For the timber industry and trading firms, certification is an instrument for ecological marketing and for gaining access to new markets. This applies also to forest-owners who use certifications to gain additional benefits in their markets or access to new markets. For buyers and consumers, certification offers information about the circumstances under which the acquired product was produced and which influence this process had on the environment. Finally, governments view certification as a soft instrument for steering, which fosters sustainable forest cultivation and influences the buying patterns of consumers. Environmental NGOs, local communities and indigenous groups view certification as a means to influence the method of forest cultivation (cp. Rametsteiner/Simula 2002: 89).

Environmental standards can be effective on different levels. They can apply to a whole certification programme, to a certain region or to a certain organization. Differentiation is to be made between *performance standards* and *management system standards* (cp. Meidinger/Elliott/Oesten 2003: 6; FERN 2001: 11/12). „Performance standards require the achievement of concrete conditions in the forest or in human organizations related to the forest. Management system standards focus on defining management responsibilities and processes within forest management organizations” (Meidinger 2006: 65). The former aims at the evaluation of the activities of a certain organization in relation to their environmental and social sustainability. Performance standards require the realization of concrete terms by which the environment is to be handled (protection of natural resources or biodiversity, sustainability, protection of the rights of indigenous peoples, etc.). For verification whether or not the appropriate standards were adhered to, a monitoring mechanism has to be implemented. The most extensive

diffusion of standards of this kind in the field of forest protection has been realized by the *Forest Stewardship Council (FSC)* and the *Programme for the Endorsement of Forest Certification Schemes (PEFC)*.³ Management system standards are used to evaluate, if management systems exist which allow corporations, public authorities or other organizations to reach their stated objectives. They focus on certain responsibilities and processes in the management systems, which should help in monitoring the influence of organizational activities on the environment and support it along a continuous process of improvement. Prominent for such standards is the ISO 14001 environmental management standard of the International Organization for Standardization (ISO). The use of the planning and control capacities of a forest management organization with the goal of a continuous improvement of their environmental performance may achieve better results in a dynamic and uncertain environment than would reliance on fixed performance standards, so it is argued. In fact, it is observable that the differing certification programs in the field of forest protection (FSC, PEFC, ISO)⁴ apply to different levels, as well as show elements of both kinds of standards, although in differing mix ratios. Furthermore, the standards differ in their thematic (ecology; social justice; protection of employees, indigenous people and local communities) and geographical scope, as well as in relation to the participating stakeholders. Against this background, CEPI states a great demand for information in relation to the different standards: „In spite of several efforts to benchmark or compare forest certification schemes, there is still insufficient information on their substantive differences” (CEPI 2001: 2). Appeals for the mutual adjustment of standards are observably sporadic but have yet to produce appropriate results. The comparative analysis of the three certification schemes aims to show why this is so.

International Governance Arrangements for Standards of Forestation (PEFC)

The Programme for the Endorsement of Forest Certification Schemes (PEFC) was called into being between 1998 and 1999 and was first restricted to Europe alone. The establishment of the PEFC was a direct response of European governments, forest owners and medium-sized forest enterprises from various European countries to the FSC, which were seen as too dominated by NGOs and not suitable for the needs of small and medium-sized enterprises. Particularly the costs of certification by FSC-standards were estimated as being too high. PEFC International aims at the advancement of sustainable forest cultivation by establishing an international credible frame for national, regional and other sub-state certification schemes and initiatives for the protection of European forests; enabling the mutual recognition of national schemes. The responsibility of the PEFC thereby is to check and ensure the conformity of the participating national certification schemes with the standards of the PEFC. The national certification schemes show a wide variety of different standards; in both performance as well as management system standards. The Technical Document of the PEFC defines the common elements and requirements, which the national schemes have to comply with in order to be allowed to use the PEFC-label. The criteria and indicators of sustainable forest cultivation, adopted by the na-

³ In addition, there are numerous national standards, respectively standard-setting organizations, for example: the American Forest Paper Association's Sustainable Forest Initiative (SFI), the Canadian Standards Association's Sustainable Forest Management System (CSA), the Lembaga Ekolabel Indonesia, the Finnish Forest Certification System (FFCS), the United Kingdom Woodland Assurance Scheme (UKWAS) or the Malaysian National Timber Certification (MNTC) (cp. Gale 2002: 282).

⁴ The report of the Confederation of European Paper Industries (CEPI) from 2001 lists 20 certification schemes, most of them admittedly exhibiting only a national frame of reference; exceptions being FSC International and PEFC International).

tional PEFC-programmes, have been developed since 1993 by up to 40 European environmental ministries in the context of the Pan-European-Process (Helsinki-criteria and indicators).⁵

The PEFC-System is national, although there is an international secretariat in Luxemburg, including a small, professional administrative unit. The international PEFC-Council coordinates the development and implementation of the PEFC treaties on the international level. The Council consisted of 31 members in 2006 (24 of them from Europe), who are represented in the Board of Directors und work in close relationship with the independent PEFC National Governing Bodies. Beside the PEFC-Board of Directors, there is also a General Assembly, an Executive Committee and a Secretary-General.

On the international level, the PEFC certifies whole regions. These certifications are based on regional forest status reports; issued by public authorities without detailed on-site inspections (only spot tests). The PEFC National Governing Bodies apply for a license with the international PEFC-Council, which entitles them, under contractually fixed terms, the allocation of the PEFC-label on the national level. For this purpose, national standards and certification schemes are submitted to the PEFC-Council, which decides, by using transparent and publicly accessible criteria, if the national body meets these criteria and is, therefore, authorized to issue the PEFC-logo. Until now, 22 national certification schemes have been accepted by the PEFC-Council (cp. www.pefc.org). Only in Sweden is the certification of single forests a code of practice.

Transnational Governance Arrangements for Standards of Forestation (ISO 14000)

The ISO is a global federation of national standardization agencies aiming, since the foundation in 1947, at the worldwide diffusion of standards in different fields to foster international trade.⁶ The de facto implementation of the standards by national governments or authorities has been done on a voluntary basis. The standards have no binding effect and are adopted by corporations only if appropriate market incentives are in place. Corporations are free to decide whether or not they apply for ISO 14001-certification for their whole company, a division of their company or a production facility. National governments can accept standards, either by accordant processes or by building a national consensus.

In 1994, the Technical Committee on Environmental Management Systems (TC207) started with the creation of ISO-standards of the 14000 series. The standard for environmental management systems, ISO 14001, is that part of a superior management system which comprises of the organizational structure, planning activities, responsibilities, practices, procedures and resources for the development, implementation, fulfilment, evaluation and maintenance of the environment-oriented achievements of an organization ending with certification. The ISO 14001-standard of 1996 was last revised in 2004. This standard does not prescribe certain environmental standards for the activities of a corporation, but aims at the continuous alleviation of harmful effects on the environment by a company (waste-production, pollution, energy consumption, noise exposure, destruction of natural resources, etc.); respectively, the improvement of conservation at the operational level by an adequate environmental management system. These “typically include arrangements for (1) ascertaining the organiza-

⁵ At a founding meeting in late autumn 1998 in Helsinki, six criteria and nine core principles were adopted, which are non-binding and so flexible with regards to content that diverse national cultures of forestation, as well as differing goals, are compatible with it (cp. Meidinger/Elliott/Oesten 2003: 19).

⁶ The ISO has developed 16,077 standards until now (http://www.iso.ch/iso/en/prods-services/otherpubs/pdf/isoainbrief_2006-en.pdf).

tion's environmental effects; (2) planning how to increase the positive effects and/or decrease the negative ones; (3) achieving continuous improvement; (4) monitoring, reporting on and correcting performance; and (5) allocating responsibilities for carrying out all these functions" (Meidinger 2006: 65/66). ISO 14001 set no targets at all for the addressees, but only evaluates management systems in relation to their capability to guarantee a continuous improvement of forest cultivation. It describes how a corporation or an organization has to manage and evaluate itself so that the ecological aspects of the organization's activities can be measured, evaluated and continually improved. On the transnational level, ISO 14001 does not certify forests or woodlands, but forest-related environmental management systems. ISO 14001 is the only standard in the ISO 14000 series which allows organizations a certification of their environmental management systems by third parties respectively self-evaluation. It is up to the organization itself as to whether it applies for certification through independent certification agencies or not. This certification agency has to be authorized by an accredited national accreditation body. A label, referring to the ISO 14001-certification is not allowed (cp. ISO 14001: www.tc207.org).

Private Governance Arrangements for Standards of Forestation (FSC)

The Forest Stewardship Council (FSC) was founded in 1993 in Toronto as a global membership organization at the initiative of WWF and the MacArthur Foundation. Involved were 130 participants from 25 countries, most of them representatives of NGOs.⁷ In 1994, the secretary in Oaxaca (Mexico) was established and the by-laws, as well as a list of nine principles of forest cultivation, were adopted; a tenth principle added in 1996. The FSC established a certification scheme which comprised of: core standard-setting elements (in form of principles, criteria and indicators), the accreditation of certification agencies, the certification of forest management organizations (on plant level) and a chain of custodies, as well as the allocation of labels; respectively, certificates. The FSC aims at the promotion of an environmentally appropriate, socially-beneficial and economically-viable forest management worldwide. The forest management standards established by the FSC serve as a basis for the development of more differentiated national and regional standards, as well as for the chain of custody standards (CoC). Chain-of-custody is the path taken by raw materials from the forest to the consumer, including all successive stages of processing, transformation, manufacturing and distribution.

Standards are set by the General Assembly; the highest decision-making body of the FSC, consisting of around 600 members. To adapt the FSCs principles and criteria to local conditions, additional national and regional work units were established in the following years which, together with stakeholders on site, drew up national and regional standards. Out of these, further work units have emerged and in a further step national and regional FSC-branches. There is also a Board of Directors, an international secretariat in Bonn, as well as an Executive Director.

Alongside standard setting, the FSC has established a certification scheme to foster the implementation of standards. The certification occurs on a voluntary basis, i.e. forest owners and forest enterprises interested in FSC certification file an application and authorize a certification agency, accredited by the FSC, with the execution of the certification process. The certification is carried out by independ-

⁷ Participating in this founding meeting were representatives of international environmental institutions, environmental NGOs, forest owners, forest enterprises, indigenous people, local communities and certification agencies. Delegates from the North and the South were almost equally represented. (cp. Meridian Institute 2001: 3).

ent third party organizations, which carries out on-site inspections and includes scrutiny of forest management according to environmental, social and economic standards, as well as of the chain of custody. The FSC-logo is allocated by accredited certification agencies as a programme label, as well as a product label.

Legitimacy of Governance Arrangements

The following analysis and interpretation of data is restricted due to the fact that a comprehensive conceptual, methodological and contentual discussion would go beyond the scope of this paper.

In Accordance with universal principles

As a first indicator of input-legitimacy, the need to be in accordance with universal principles is to be taken for granted (cp. Franck 1990). In this context, the assumption is, that the legitimacy of global arrangements is enhanced as far as the goals, principles and norms of the arrangement are conformable to universal principles; respectively demonstrating a direct correlation to them) (cp. Kratochwil 2006: 303). In the case of the protection of forests, established norms of global environmental governance and forest use; as well as conservation norms, including emerging norms on sustainable forestry, as embodied in international environmental treaties (UNCHE 1972, UNCED 1992, Agenda 21) and declarations (Forest Principles, Rio 1992); have to be considered (cp. Bernstein/Cashore 2004: 8).

The Principle of Sustainability as defined in Agenda 21 is most thoroughly implemented and differentiated out by the FSC. The PEFC leaves the concretion of its sustainability principles almost completely to the PEFC National Governing Bodies; accentuating economic concerns to the disadvantage of environmental and social concerns. Finally, the ISO focuses primarily on a free and fair world trade and does not even mention existing international environmental treaties.

FSC

In establishing its principles, the FSC orientated itself towards the debate on sustainable development beginning in the early 1990s (The starting point being the Brundtland-Report "Our Common Future", in 1987, followed by Agenda 21 at UNCED in Rio 1992). FSC-principle 1.3 calls upon the rule addressees to respect "the provisions of all binding international agreements such as CITES, ILO Conventions, ITTA, and Convention on Biological Diversity", as well as the ILO-conventions No. 29, 87, 97, 100, 105, 111, 131, 138, 141, 142, 143, 155, 169, 182 and the ILO Code of Practice on Safety and Health in Forestry Work.

PEFC

The PEFC is oriented primarily towards the indicators and criteria developed in the Pan-European processes. The indicators and criteria are based on the six Helsinki-criteria for sustainable forest management, the Pan-European indicators for sustainable forest management and the Pan-European recommendations for the operational level. The PEFC-Council leaves their concretion almost completely to the appropriate national authorities. Hereby, the interests of the forest owners and the timber and paper industry dominate. In the definition of standards, environmental and social concerns are

considered largely irrelevant. In April 2003, forty European countries and the European Community signed the Vienna Declaration, “European Forests, Common Benefits, Shared Responsibilities” and adopted Vienna Resolution 1-5. The Vienna Declaration emphasizes the multiple benefits of forests for rural developing and urban societies, as well as the importance of strong partnerships between the forest sector and other sectors. The Vienna resolutions deal with cross-sectoral and national forest programmes, the strengthening of synergies for sustainable forest management, the enhancement of economic viability, preservation of and the enhancement of the social and cultural dimensions of sustainable forest management, biological diversity and climate change. In Vienna, it was the first time that a multi-stakeholder dialogue was initiated as an integral part of the Ministerial Conference, resulting in a new action programme which insists on the implementation of all currently adopted commitments.

ISO

ISO is the only organization whose standards are classified by the WTO as not being a hindrance to free trade. Rather, the ISO, together with the IEC (International Electrotechnical Commission) and the ITU (International Telecommunication Union), is committed to a strategic partnership with the WTO. This partnership aims at the promotion of a free and fair world trade system. In contrast, there are almost no statements relating to their environmental goals: „The ISO 14000 standards do not even mention existing international environmental treaties as being a concern for firms“ (Clapp 1998: 308).

Representativeness of the Governance Arrangements

To claim legitimacy for oneself, it is assumed here that sector-specific governance arrangements have to include all relevant stakeholders in the decision-making process (matching principle). Only through this, can a broad consensus, a high quality of political results and a high degree of acceptance of the results be generated (cp. Chayes/Chayes 1995; Gbikpi/Grote 2002: 62; Risse 2004: 15/16). For practical reasons, it is obvious that not all rule addressees can be included in the decision-making process. Therefore, one has to ask which criteria is suitable for the selection of stakeholders and the composition of the selecting body (cp. Abromeit/Schmidt 1998: 297). To measure to what extent the matching principle is accomplished, the openness of the arrangements for the equal participation of rule addressees in the decision-making process has to be shown.

Whereas the FSC has a tripartite membership structure (economic, social and environmental chamber), further differentiated as northern and southern chambers, the ISO accepts solely national standardization bodies as members. Individuals, enterprises or NGOs can obtain a liaison-status in Technical Committees only. In the PEFC ministerial conferences, private and civil society actors have merely an observer status. Beyond that, all governance arrangements have established consultation processes at the national level for the definition of particular standards.

FSC

Membership in the FSC is open to individuals and organizations which promote the work of the FSC.⁸ Depending on the area of interest and the regional provenance, they are allocated to one of the three chambers in which the General Assembly is subdivided. To become a member of the FSC, an individual or an organization has to apply for membership with the Membership Committee. In addition, a statement of support for the application/applicant is needed from two FSC members. Applicants for the Economic Chamber must have demonstrated active commitment to implementing “FSC Principles and Criteria”. This is proven by the implementation of these principles and criteria on the operational level and/or by the purchase of certified wood. Furthermore, these candidates have to provide: detailed information on their commercial activities; details of forest operations; and the identities of directors, parent company and other relevant commercial relationships.⁹ All non-profit organizations applying for the Social and Environmental Chamber have to submit: their statutes; annual reports, information about funding and activities; any publicly available accounts of the organization; as well as a list of their members. Furthermore, they have to give evidence of a charitable or not-for-profit status having been granted by the government of the state where the seats are located (cp. FSC By-Laws, Para. 28-34).

The General Assembly is made up of three chambers: a social chamber, an environmental chamber and an economic interest chamber. Each chamber has 33.3 % of the voting power in the General Assembly.¹⁰ The social chamber comprises of indigenous organizations,¹¹ trade unions, professional associations, social movements, and assigned individuals. The environmental chamber is composed of environmental NGOs, professional, and hunting associations. The members of both chambers have to be active in promoting environmentally appropriate, socially beneficial, and economically viable forest management. The economic interest chamber consists of “organizations and individuals with a commercial vested interest in commercial forest product organizations, including employees, consultants or representatives of forest product companies, Certification Bodies, industry Associations (whether for profit or not-for-profit), wholesales, retailers, traders, end-users, and consulting companies as well as government owned or controlled companies” (FSC-By-Laws, Para. 28).¹² The three chambers have a northern and a southern sub-chamber each with 50% of the voting power. However, the factual membership does not come up to the proposed balanced representation. For example, in 2001, only 27% of the members were from the south, most of them representatives of economic interests. In addition, the social chamber exhibits the lowest number of members (cp. Thornber 2003: 76).

⁸ Exempt are public authorities and office bearer which, through this qualification, generally disposes of the lion's share of worldwide forests are public domain. In response to criticism concerning this matter, the FSC has incorporated representatives of public forests in the economic chamber since 2003.

⁹ At the request of the prospective member, the Board may treat financial information from the prospective member as confidential.

¹⁰ The FSC General Assembly enacted a new balance of voting rights in 1996. Till then, the social and the environmental chamber held 75 per cent of the voting rights. After the decision, the voting rights were redistributed equally among the three chambers. „The early promoters and founders of the FSC thus found themselves needing to enlist the support of commercial interests as much as the commercial interests needed certification as a way to placate consumer protesters“ (Counsell/Loraas 2002: 12).

¹¹ The inclusion of indigenous people distinguishes the FSC from most of the other governance arrangements in this sector. The FSC regulates in its statutes explicit that „the legal and customary rights of indigenous people to own, use and manage their lands, territories, and resources shall be recognized and respected“ (principle No. 2). Furthermore, principle No. 4 states that “forest management operations shall maintain or enhance the long-term social and economic well-being of forest workers and local communities”.

¹² This widely diversified composition of the economic chamber was heavy criticized by forest owners and the timber manufacturing industry (Cashore/Auld/Newsom 2004:12; Schlyter/Stjernquis/Bäckstrand 2007: 29).

In 2005, 209 members of the General Assembly came from Europe and 162 from North America, altogether 371 representatives from the north. In contrast, only 246 members from the south were represented at the General Assembly (151 from Latin America and the Caribbean, 37 from Asia and the Middle East, 36 from Africa and 22 from Oceania) (cp. Dingwerth 2005: 15). That means that the goal to recruit half of the membership from the south is not yet achieved. The increase in membership from the south from 24% to 42.7% in the last years is attributable to the growth in membership in the economic interest and the environmental chamber. But only in the environmental chamber the southern members have a majority. Furthermore, the northern membership is dominated by organizations whereas the southern membership is dominated by individuals, which indicates that the north is much better organized than the south. The FSC strives for open participation in the processes of standard-setting. Therefore non-member stakeholder groups and other public organizations can attend as observers at the General Assembly. The Board of Directors is organized in a similar way (FSC By-Laws, Para. 18, 51 and 52). Of the nine Directors four were from Latin America, three from Europe, one from Africa and one from Oceania in 2005. Thus the south occupied two-thirds of the seats (cp. Dingwerth 2005: 14). In addition, the selection of technical advisors, the members of the secretariat and of the dispute settlement committee should also be balanced regional and issue-specific (cp. FSC-Statutes, Para. 31, FSC By-Laws, Para 64 and 72).

In an attempt to further improve FSCs' representativeness, the organization encourages the establishment of national and regional branches in order to translate the FSC Principles and Criteria by national multi-stakeholder processes in national standards. The bylaws envision, that members and stakeholders as well as communities and the public shall be incorporated in the design of these national standards. Again the multi-stakeholder character of the FSC is accentuated in the Principles and Criteria, which mention the inclusion of environmental, social and economic interest groups. Principles 2 and 3 aim at the protection of legal and customary rights of indigenous peoples to use and manage their lands, territories, and resources. Principle 4 protects the rights of forest workers (ILO-Conventions 87 and 98) and local communities. Additionally it assures opportunities for employment, training and other services. Furthermore Principle 4.4 states that management, planning, and operations shall incorporate the results of evaluations of social impact. Consultations shall be maintained with people and groups directly affected by management operations. Because of the under-representation of social groups and local communities in particular, these goals are at risk. In contrast, even the critical Rainforest Foundation states in its annual report 2002 that „[i]n general, and especially during FSCs' initial years, the national initiatives, working groups, and standard setting processes have contributed significantly to establishing dialogue between different interest groups at the national level. As such, the FSC has served to bring together disparate and conflicting interests to agree, by consensus, national standards of forest management on the basis of Principles and Criteria. Social (including indigenous) groups have tended to be under-represented in national processes but, generally, National FSC Working Groups appear to have been inclusive, and not dominated by particular interests. Consultation has often been broadbased, inclusive and effective” (Counsell/Loraas 2002: 32).

PEFC

The certification criteria applied by the national PEFC-programmes were developed in numerous governmental conferences for the protection of forests (e.g. the Pan-European-process) referring to the Rio-conference. These conferences were attended by private (commercial) and civil society actors, who initially had observer status. Starting with the Fourth Ministerial Conference on the Protection of Forests in Europe (2003 in Vienna), a "multi-stakeholder"-dialogue was initiated as an integral part of a Ministerial conference for the first time allowing forest-owners, forestry, societal, and environmental NGOs, and scientists to participate.

The composition of the Executive Board members have to comprise the most important stakeholders supporting the PEFC and to mirror the geographical allocation of members, the diversity of their annual felling-rates and an adequate percentage of women. The national umbrella organizations are members of the PEFC-Council and each nominate a national delegate with voting right and two observers without a vote for the General Assembly.¹³ The voting power of a member in the General Assembly is weighted according to their felling-rates. A member can claim up to four votes.

National certification schemes applying for the PEFC, have to inform all interested groups immediately after the beginning of admission proceedings and have to advise them of the possibility of annotation.¹⁴ The stakeholders invited for annotation shall mirror in their composition different aspects of sustainable forestry and comprise forest-owners, forestry, societal, and environmental NGOs, trade unions, commercial enterprises, and other relevant national and sub-national organizations. The forum has to provide for a balanced representation of interest groups. The consultation process has to last for 60 days at least (cp. Technical Document, Annex 7, 6.2.1).¹⁵ Although all participating stakeholders shall have a permanent, fair and adequate opportunity to influence the decision-making processes of the PEFC National Governing Bodies,¹⁶ de facto the forest owners have a comfortable majority in the national decision-making bodies. Non-Economic interests constitute the minority and are included rather late in the decision-making process. Public authorities are indirectly included in these processes, because in many European countries the state or communities are major forest owners.¹⁷

ISO

The membership of ISO is composed by the national standardization bodies which shall be „most representative of standardization in [their] country“ (<http://www.iso.ch/>). These bodies can be public authorities (1998: 53%), private associations (1998: 13%), public-private-partnerships or other forms of representation (1998: 34%) (cp. Clapp 1998: 301). The majority of the national members is represented by governmental bodies or institutions in close connection to public authorities.

Negotiations about the definition of particular standards have to be supplemented by consultations with producers, retailers, buyers, consumer organizations, test laboratories, governments, relevant

¹³ International Organizations with an issue-related interest can acquire the status of an „extraordinary member“ with no voting rights. The admission of extraordinary members is decided by the General Assembly.

¹⁴ „The national forest owners' organisations are responsible for inviting national organisations representing all relevant interested parties to constitute such a national governing body“ (PEFC-Statutes, Art. 3).

¹⁵ How to deal with the collected comments of the stakeholders or rather which role they play in the further procedures is not regulated in detail.

¹⁶ „All relevant interested parties shall be invited to participate in the standard setting and the PEFC principles on transparency and consultations shall be respected“ (PEFC, Technical Document: 9).

¹⁷ According to the FAO, in 2005 84 per cent of the forests worldwide are publicly owned. Though the fraction of private owned forests rises continuously (FAO 2005).

professional associations, and research facilities. Admittedly, it has to be noticed, that representatives of non-industrial interest groups and those from developing countries are included in the negotiation process to a minor degree than representatives of the industry and technical experts from developed countries (Haufler 2002: 6). Individuals, enterprises or NGOs cannot gain membership in the ISO. Nevertheless, representatives of the private sector, of national authorities, of international organizations as well as of research facilities, consumer organizations and environmental NGOs have a multitude of possibilities to participate in the work of the ISO or to take part in the definition of standards at the level of national standardization bodies. Representatives of these institutions can 1. participate as a member of the Technical Committees; 2. exert influence in the context of consensus-finding processes on national level: „National bodies have the responsibility to organize their national input in an efficient and timely manner, taking account of all relevant interests at their national level“ (ISO/IEC Directives, Part 1, 1.7.1). Admittedly, not all national standardization bodies possess rules which guarantee compensation between different interests within the agency. Thus, each member organization has a different procedure for the inclusion of stakeholders, determined by the available resources; or 3. obtain a Liaison Status at the Technical Committees or specialised subcommittees. Furthermore, civil society and private sector organizations can apply for Liaison Status at a Technical Committee where they have no voting right but the chance to participate in the debates on the definition of standards. Organizations with Liaison-Status can submit resolutions or recommend reformulations by contributing to the work of resolution drafting committees. Organisations with external Liaison-Status are NGOs, enterprises and BINGOs as well as auditors, consulting firms, and accountants, who see standards as new, profitable markets for their services. Additionally, international organizations like the OECD, UNCTAD and UNEP are participating in the work of these committees. Furthermore, relations to international stakeholders like the World Business Council on Sustainable Development (WBCSD) or the International Federation of Standard Users (IFAN) does exist.

It is up to the certified organizations to decide in how far they co-operate with stakeholders. They are bound to communication only (DIN EN ISO 14001: 2005, 4.4.3).

Level of equality

Another central problem on the input-side of legitimate governance is the asymmetrical allocation of power, resources and communicative capabilities of the different stakeholders which can undermine the effective claim of formally equal participation rights and imply the risk of systematic underrepresentation of particular stakeholder groups (cp. Schmitter 2002: 65/66). This danger is encountered by institutional provisions which help to balance - where appropriate - these imbalances. The degree of political equality in a governance arrangement is measurable, for example, by asking in how far all actors possess an equal status as member, are enabled to a free exchange of views, have equal access to information, equal voting rights as well as the capability to check and modify decisions in a fixed space of time (cp. Saward 1994). In doing so, it is to be considered in how far governance arrangements guarantee these freedoms and rights in practice. It is assumed here that institutional mechanisms for the adjustment of power, resources, and information asymmetries increase the legitimacy of governance arrangements.

The FSC aims at the equal inclusion of all stakeholders in its bodies and practices by ensuring equal rights, including active and passive voting rights. In the PEFC, representatives of the economic interests can always overrule the representatives of the ecological and social interests. In the General Assembly, the voting rights of National Governance Bodies are weighted, according to their respective felling rates. The ISO holds three forms of membership in store: full members, correspondent members and subscribe members. Only full members have equal (voting-) rights, independent of their size or the strength of its economy.

FSC

The FSC demonstrated its commitment to foster the equality of its members in several ways. Thus, the structure changed manifold to ensure a more adequate balance of interests and influence. The membership structure, the constitution of the Executive Board, and the voting procedures each aim at the equal inclusion of all stakeholders in democratic practices of standard-setting and decision-making. So, members are entitled to participate actively in the General Assembly, exercise their voting rights, strive for an office at the FSC, become member of the Executive Board, and submit initiatives which aim at the organizational activities of the FSC or its goals. Moreover, members of the FSC enjoy preferential access to all information relating to the organization.

If a member of the FSC is not able to participate in a meeting of the General Assembly because of financial reasons this member can apply for financial support from the Executive Director. By awarding financial aid members of the south are to be privileged. The work of the social chamber is supported by the Executive Board, whereas the secretariat helps the social working groups in fundraising. For the further strengthening of social concerns in the FSC, the organization has worked out a Social Agenda in a consultative process including the suggestions and objections of different stakeholders¹⁸ which in particular sustain the interests of local communities, indigenous people and forest workers as well as people who make their living by forestry. The official languages of the FSC are English and Spanish (cp. FSC Geschäftsordnung, Paragraf 77), enabling a huge amount of stakeholders (in particular in Latin America) to inform about and participate in processes of standard-setting, accreditation, and certification.

All certification agencies accredited by the FSC are seated in developed countries, which enhance problems of costs and access for enterprises from developing countries. The costs vary according to the size of the area to be certified, the geographical location, as well as the complexity of the general conditions. The costs increase reciprocally proportional to the size so that owners of small forests and small and medium forest enterprises are disadvantaged respectively (cp. Meridian Institute 2001: 61). To arrange for more equality within the FSC, a range of mechanisms make provisions for containing the discrimination of small enterprises: 1. small entities are allowed to form groups for a so called group certification; 2. audit services are provided to small enterprises at lower costs; 3. small enterprises are offered services funded by donations; 4. small enterprises can resort to simplified certification schemes (cp. FSC 2004: SLIMF Eligibility Criteria (FSC-STD-01-003), Bonn and FSC 2003:

¹⁸ In this consultation process, members of the FSC, staff of national initiatives, forest workers, indigenous people, forest-dependent communities, inhabitants of forests, scientists and consumers were included. National initiatives in southern countries were offered financial aid by the FSC, enabling them to carry out national consultation processes. 10 national initiatives took up this offer and held workshops, informal meetings and online discussions (cp. FSC Social Strategy 2003, Appendix V).

SLIMF Streamlined Certification Procedures: Summary (FSC-POL-20-101), Bonn). Already in 2001 FERN came to the conclusion that „[a]lthough it is often said the FSC system is not suitable for small private forest owners, we could not find significant evidence that this is, in fact, still the case“ (FERN 2001: 40).

PEFC

According to PEFC-regulations, national government bodies obtain all the more voting rights in the General Assembly, the higher the felling rate in a country is. The decision-making processes in the PEFC-sections in Germany, France and Sweden are designed in such a way, that the representatives of the economic interests can always overrule the representatives of the ecological and social interests (FERN 2001: 25). The evolution of the PEFC-standards in Finland happened at first with the collaboration of NGOs, which later on distanced themselves from this process. Particularly the indigenous people (Samen) do not feel adequately represented in the process of standard-setting.

The official language of the PEFC-Council is English, which also holds for the General Assembly. All official documents and correspondence of the PEFC-Council are provided by the secretariat in English (cp. PEFC Statutes, Art. 8).

ISO

Each national standardization agency with full ISO-membership has the right to participate in the definition of the standards which are considered as relevant for the countries interests. Each member has a vote, independent of its size or the strength of its economy. So, all members with full membership status have equal opportunities to influence the strategic work of the ISO and the design of their standards. The ISO makes three forms of membership available: 1. full members (99 in 2006); 2. correspondent members (35 in 2006); 3. subscribe members (12 in 2006) (cp. Prakash/Potoski 2006: 83/84). Only full members have complete voting rights. The other two categories applies for those countries which have not yet developed standard-setting activities on their own or which cannot afford a full membership. These countries are less directly incorporated and pay less membership fees. Correspondent members have observer status but no voting right; subscribe members are institutions from countries with small economies which nevertheless want to stay in contact with international standardization. While all developed countries have organizations with full membership status, only half of the developing countries are represented in one of the three membership categories. Almost all corresponding or subscribing members emanate from developing countries which rarely possess enough resources to gain status as full member (cp. Clapp 1998: 301). By now, more than 70 national membership organizations and about 40 organizations with liaison-status participate in TC 207 (ISO/TC 207/NGO TG, N25). The allocation of TC 207 subcommittees and working groups was dominated by representatives of transnational enterprises and consultant firms based in industrialized countries (cp. Krut/Gleckman 1998: 55).

To counter discrimination ISO supports broad participation in the process of standardization through grants for travel expenses, training programmes, and other mechanisms (cp. Haufler 2002: 22). The ISO Committee on Developing Country Matters (DEVCO) has founded a Programme for Developing Countries (DEVPRO) that aims at the needs of developing countries for training programmes, coordi-

nation and documentation (cp. Haufler 2002: 22). Besides DEVCO there are a range of further task forces, which are dedicated to the particular concerns of certain interest groups and special challenges respectively, for example the *NGO Task Group* or the *NGO-CAG (Chair's Advisory Group)*, the *Spanish Translation Task Force*, and the *Future Visions Task Force*. The ISO has three official languages: English, French and Russian. The international standards are published in english and french.

Consens-orientation of the negotiations

An additional possibility to raise the input-legitimacy of a governance arrangement is the orientation of policy formulation and standardization processes at the principle of consensus. The thesis here is, the more stakeholders agree to a certain policy the more it will be accepted as legitimate from outside. At the same time, the commitment of actors participating in decision-making and standardization processes to respect these rules will rise.

All three analyzed governance arrangements are oriented at consensus-building. Whereas the FSC allows for ballots in cases unanimity is not in reach, the PEFC accentuate the deliberative character of its standard-setting processes and regards consensus as an objective, but not a precondition. The ISO, in turn, defines consensus as general agreement, characterized by the absence of sustained opposition. By this it can happen that the concerns of under-represented stakeholders are not clearly identifiable in the outcomes of the deliberative processes.

FSC

The decisions of the General Assembly are passed by consensus. Consensus is defined in the By-laws as the absence of ongoing opposition but is not to equate with unanimity (Para 15 of the FSC By-laws). In case of a vote, decisions achieve validity if they are supported by a simple majority of the members of each chamber and 66,6 per cent of the votes. The Executive Board also decides in consensus as far as possible. If a consensus is out of reach, votes can be arranged. A decision of the Executive Board needs attendance of at least seven of the nine members and the approval of six votes to attain validity. Furthermore, at least one representative of each chamber has to accede (FSC By-laws, Para 56). For national and regional initiatives also applies that standardization has to occur in consensus. So the decisions of these initiatives have to find the backing of all three chambers. Additionally, the same applies for the decision-making process on regional and local level as for the General Assembly level (cp. above or Para 15 of the FSC By-laws).

PEFC

Till now, the PEFC relied on deliberative processes like the Helsinki-process in combination with national working groups (consisting of representatives of the industry and governments, recently supplemented by private forest owners) to provide for alternatives to the FSC certification scheme. In the checklist of the PEFC-Council for the appliance of certification schemes it is determined that „[c]onsensus shall be the objective, but not a precondition, to decide on the certification criteria“ (Part 1, checklist for the development process on the national, regional or other subnational levels).

ISO

In the context of the ISO, the consensus principle is attached accentuated importance: „Consensus, which requires the resolution of substantial objections, is an essential procedural principle and a necessary condition for the preparation of International Standards that will be accepted and widely used. Although it is necessary for the technical work to progress speedily, sufficient time is required before the approval stage for the discussion, negotiation, and resolution of significant technical disagreements” (ISO/IEC Directives, Part 1, 5). Decisions on the definition of ISO standards are reached according to the consensus principle. However, the definition of consensus is more broadly than in common language use. The ISO defines consensus as a „[g]eneral agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile and conflicting arguments. Note: Consensus need not imply unanimity” (ISO Directives, Part 1: 23). International standardization results from participation of national delegates representing all affected economic stakeholders: producers, user, national regulatory authorities, consumers and other interest groups.

The Technical Committees dealing with the design of standards aim at the submission of a draft standard, mirroring the consensus of all participating actors. Because in Technical Committees only those standardization agencies are represented which have a particular interest in the development of certain standards, such a consensus between the participating actors is not unlikely. In summary, by their consensus orientation procedures for standardization in the TC 207 pay noteworthy attention to the concerns of minorities in most phases. But in practice the concerns of under-represented national stakeholders may no longer be recognized on the international level (cp. ISO/TC 207/NGO TG, N25: 11).

Transparency of the Decision-making Processes

In the throughput-dimension, the accountability of decision-makers is the main characteristic of legitimate governance. As a precondition to ensure accountability, the chance of (public) control of decision-making processes by stakeholders is essential. The most important litmus test here is the transparency of decision-making processes at all stages. The assumption is, that only an actor who is informed about all stages of the decision-making process is able to put forth his concerns, to comprehend their integration in the decision-making process and to exert his monitoring-function and if necessary his veto-rights.

The criterion of transparency is fulfilled most convincingly by the FSC, whose bodies are committed to an open and participatory policy. Documentation is also quite exemplary. This does not apply to the PEFC, whose website withholds some information especially with regard to certification summaries. In the ISO, the transparency of decision-making processes is restricted whereas procedures for the definition of standards are rather transparent.

FSC

The FSC makes numerous documents on its principles, norms, rules and procedures as well as its goals and organizational structure available on its website. In its handbook for National Initiatives the

FSC requests that „[i]n order for FSC as a whole to maintain its credibility and transparency, the organisation and its National Initiatives must act in an open and participatory fashion“ (FSC National Initiative Manual 1998: xxix). For this reason, stakeholders who are not members of the FSC are also allowed to participate in consultations and meetings as observers and to comment on drafts. Concerning review processes (e.g. principle, No. 10 or the Social Agenda), the FSC enhanced its transparency further, not least by establishing consultation fora (cp. Dingwerth 2005: 205). Additionally, all minutes of meetings on the international and national level are available on request.

According to FERN, environmental NGOs still complain about insufficient information and the deficient communication between FSC-members and the secretariat. Every now and then the website of the FSC and its newsletter (FSC Notes) are criticized for a lack of information impeding the traceability of accreditation, certification and monitoring procedures. Numerous documents are available on request only.

The secretariat of the FSC has to make publicly available a summary of the accreditation reports of all accredited certification agencies and add a yearly report about these agencies to its annual report. In document 3.1, FSC accreditation handbook, art. 3, part 2.1, it is listed what the accreditation report must contain. In contrast, no inspection is allowed in the accreditation treaties which the FSC concludes with the certification agencies as well as in the FSC audit reports of the accredited certification agencies. But the secretariat of the FSC commits the certification agencies to make certain information about their activities available to the public on request. Furthermore, the FSC demands the accredited certification agencies to give the identified stakeholders notice of upcoming certifications thirty days in advance of the corresponding test procedure. Finally, the awarding of a certificate is contingent upon the publication of a certification summary and a test report by the certifier. The FSC has defined, what the test report has to comprise (Forest Certification Public Summary Reports, FSC Std 20-009, Version 2.1). The report must be available on a website and must be in the main local language and in one of the official languages of the FSC (cp. Meidinger 2006: 73). Upon request, the applicant for a certification can remove certain information concerning his competitiveness from the report if they are of no relevance for the certification. All conditions associated with the certification have to be included in the publicly available certification report but this does not apply for the pre-conditions which were imposed on an applicant before he received his certification. Whether these pre-conditions and the related corrective measures are mentioned in the publicly available certification report is up to the certification agency and the applicant (cp. document 3.6, FSC Guidelines for Certification Agencies, Topic 2.16, Part 2).

The FSC grants its label only to products whose chain of custody is completely audited and regularly monitored. Each labelled product bears a certification number which enables the consumer to trace back the chain of custody to its origin.

PEFC

The PEFC also relies on standardized mechanisms to make the chain of custody of certified timber transparent (Chain of Custody of Forest Based Products – Requirements, Annex 4, 17.06.2005).¹⁹

¹⁹ The requirements for the certification of chains of custody were defined by the Chain of Custody and Labelling Working Group of the PEFC-Council in an open and transparent process in cooperation with interested parties.

Only if the timber used originates from certified areas and is separated during the manufacturing process from other stocks or is identifiable during the whole manufacturing and marketing process, the label “from sustainably managed forest“ is assigned. To guarantee the complete monitoring of the whole chain of custody, corporations are requested to establish a management system according to the PEFC-standards (cp. Annex 4, Section 4: Minimum management system requirements).

Although the PEFC asks for the publication of certification summaries in its By-laws,²⁰ almost none are to be found on the website. The reports have to document form and number of the infringements which were discovered during certification. Both the certifier and the applicant have to agree on the content of the report before it can be made available to the public.²¹

ISO

Transparency of decision-making processes in the ISO respectively TC 207 and its subcommittees and working groups is restricted. Indeed all ISO-standards are listed in a catalogue which is available online. But the documents describing the standards in detail are available only for a fee, which impedes public monitoring of the companies' compliance with the standards. With ISONET, ISO offers a worldwide network of national standard information centres, in whose context a system was developed which makes a fast access to general information on standards, technical regulations as well as test- and monitoring processes available.

In contrast, procedures for the definition of standards are rather transparent and offer interested parties and the broad public the chance to comment on standards during their development process in a multilevel procedure via their national standardization body. But not each standardization body provides for such a review process. For NGOs with a liaison status at the TC 207 or one of its subcommittees decision-making processes becomes more transparent. They receive all relevant information, including drafts of standards, minutes of all meetings etc. The information is available at the appropriate websites (access only for members or organizations with liaison-status) or directly conveyed.

What happens inside the ISO 14001 certificated companies is not transparent. The collected data and reports have to be made available only to the business management. An obligation to inform the public does not exist. The public has merely to be informed about the environmental goals of the company that is its environmental policy.

Monitoring mechanisms

The throughput-dimension of legitimate global governance is also improved by mechanisms which ensure the control of the practical implementation of rules and standards. These mechanisms have to be clearly structured, adopted to the local circumstances, and provided with the necessary resources to fulfil their functions in an adequate manner. It is assumed, that the acceptance of voluntary self-commitments rises with the degree of independence and recognition of the monitoring actors. In addition, monitoring should include unheralded on-site inspections in all factories falling in the scope of the

²⁰ „An executive summary of assessments containing important results shall be made available to the public“ (PEFC Technical Document, Common Elements and Requirements of PEFC, clause 4.3 Certification Procedures, Reporting). Though, Vallejo and Hauselmann point out that this statement is to be found under the heading „after assessment, the following steps are typically applied“ (Vallejo/Hauselmann 2001: 24).

²¹ „The PEFC recently announced that it has changed its policy to require that a summary of each certification audit be made available to the public (Press release, 12 April 2005)“ (Meidinger 2006: 73).

codex. Furthermore, a certain regularity of controls has to be guaranteed. The accredited inspectors have to be authorized to interview employees confidentially. They should report on their inspections and these written reports should be available to all actors participating in the monitoring process.

The FSC has established formal and informal monitoring mechanisms, which make sure that decision-making processes are traceable and so decision-makers can be held accountable. Only in regard to certification, problems with monitoring endure. In contrast, monitoring of certification in the PEFC is conducted by independent certifiers and practices vary from country to country. Although the PEFC is principally committed to monitoring by independent third parties, not all addressees are monitored. The ISO also mandates external certifiers with the conformity assessment according to the guidelines and standards developed by its Conformity Assessment Committee in cooperation with the IEC. But what is monitored is not the performance of the certificate-holder but its environmental management-system.

FSC

By now, the FSC has a whole array of formal and informal monitoring mechanisms at its disposal, which allow members, external stakeholders, and the public to different degrees to hold the various bodies of the FSC, its accredited certifiers as well as certificate holders accountable in case of rule infringements. So, the Executive Council is accountable to its membership and the single members of the Council can be called to account individually in case of breach of the rules. Furthermore, an array of additional procedures make sure that decision-making processes are traceable and so decision-makers can be held to account. These procedures include (a) a dispute resolution process, as codified in the Dispute Resolution Protocol, (b) the separation of responsibilities of different bodies, for example in relation to standard setting, accreditation and certification, and (c) well-defined, transparent procedures both for accreditation of national and regional standards and certification agencies and for the awarding of certifications. Problems with monitoring are caused by certification of timber on a percental basis, the certification of chains of custody as well as the practice of admission of other certification schemes. Informal procedures to foster accountability include primarily the monitoring activities of NGOs and commercial enterprises, but also the public. Additionally, the FSC is accountable to its supporters and lenders.

PEFC

The PEFC has not determined unitary standards for the definition of certification procedures. It resorts to independent certifiers, which gained recognition in other branches. The certification procedures are determined in most cases by the PEFC-certifier in cooperation with the national accreditation body, which is why there is an array of national differences. While forests in Germany and France can obtain a certification without ever been entered by a certifier, this is not possible in Finland or Sweden. Yet, the PEFC demands monitoring on a regular basis as soon as a certification was issued. Accordingly, in Germany, Sweden and Finland random on-site inspections are conducted yearly. The certification and monitoring procedures implemented in the framework of PEFC are based on international product and management standards. The procedures of the participating (national) certification schemes are documented and made available to applicants. The PEFC is principally committed to monitoring by

independent third parties but not all addressees are monitored. Rather, only a selection is made by a process which is still in development. The PEFC, too, adopted the practice of group certification, introduced by the FSC.

ISO

The ISO surveys the compliance with its standards not by itself but, through its Conformity Assessment Committee (CASCO) in cooperation with the IEC, develops specific ISO/IEC guidelines and standards which have to be applied by the organizations commissioned with conformity assessment. The criteria of these guidelines and standards mirror an international consensus on the most adequate monitoring procedure. Its application has to foster the consistency and coherence of the worldwide implemented monitoring procedures (www.iso.ch/). For this reason, the ISO approves an accreditation body in each country which is on its part allowed to issue licenses to institutions which carry out certifications according to the ISO 14001 standard. The accreditation bodies on the national level use ISO-guidelines for the evaluation and accreditation of certification agencies in their jurisdiction. Certifications are carried out independently of the ISO by more than 720 certification agencies which are active on the national and international level (cp. Prakash/Potoski 2006: 92, ISO 2005). The guidelines allow for certifications which comprise different locations, provided that each location belonging to the certified area is audited either individually by the certification agency or included in a random review process (DAR-7-EM-02: IAF-Guideline for Implementation of the ISO/IEC Guide 6, G.5.3.6). The monitoring of the environmental management system of an organization has to be carried out on a regular basis, normally at least once a year (DAR-7-EM-02: IAF-Guideline for Implementation of the ISO/IEC Guide 6, G.5.6.4). In the framework of this environmental management system, each organisation or company is committed to guarantee by an independent audit that it meets its own standards and goals. An audit has to be carried out regularly. The environmental management system has to be evaluated in fixed intervals by the ISO 14001 certified organization to ensure its continuous appropriateness, adequacy and effectiveness.

Sanctioning Mechanisms

Global governance arrangements should not only contain mechanisms for authoritative rule interpretation (e.g. independent arbitration courts) and the detection of infringements but also institutionalised procedures for the handling of rule-breakers (Zürn 2001). In this context it is of importance that the identification of infringements is carried out by independent instances, without being influenced by affected actors (Abbott et al. 2000: 415). Additionally, sanctioning mechanisms should be initiated by non-contract parties, too (Keohane/Moravcsik/Slaughter 2000). Therefore, the design of sanctioning mechanisms (denunciation of infringements, suability of rule-compliance, authorization of symmetrical compensatory measures, imposition of sanctions) has to be taken into account and evaluated. In this regard, the number of initiated proceedings as well as their outcomes and the resulting changes in behaviour might be instructive.

Both, the FSC and the PEFC have established rather detailed complaints procedures, but they differ in their design. In the case of the FSC, infringements can also be unveiled by non-members and are dealt with by the Corrective Action Request and the Dispute Resolution Protocol. But the duration and

complexity of dispute resolution procedures are criticized as well as the restrictions for complaining parties. The national certification schemes of the PEFC have to establish independent dispute resolution bodies on their own. Third parties have no access to these complaints procedures. For complaints concerning national PEFC-Standards, no formal procedures are established. The ISO has no legal authority to enforce the implementation of its standards which therefore has to take place voluntarily. For the diffusion of its standards, the ISO has only the certification and accreditation procedures at its disposal. Within the ISO there are institutionalized complaints procedures on different levels but access to these procedures is restricted to so called p-members (liaison-members have no right of appeal). Additional complaints procedures exist on the level of the certification agencies and on the level of certified organizations.

FSC

Sanctions are applicable against members of the FSC, against decisions of FSC bodies and against decisions of certification agencies accredited by the FSC. Cases of infringement can be unveiled by members of the FSC as well as by non-members, the accredited certifiers, the FSC-secretariat and its staff.²² Infringements can be of diverse quality, depending if they pertain to principles of the FSC, its criteria, national or regional standards or the standards of the certification agencies. Violations of FSC-principles are most severe (FSC statutes, Para 13, FSC By-laws, Para 41-47) whereas violations of FSC criteria are obviously less severe (Document 1.2, FSC Principles and Criteria, Introduction). National, regional and local standards accepted by the secretariat come next in the hierarchy. Whether a violation of these standards leads to a condition which is to be complied within a certain timeframe or only to a recommendation, is discretionary to the assigned certification agency (cp. document 4.5, FSC accreditation handbook, chapter 2; FSC By-laws: 9-10).

For sanctioning of accredited certifiers guilty of infringements the FSC has established the instrument of Corrective Action Request (CAR). This formal procedure for the punishment of infringements against obligations of the FSC remains below disciplinary measures. CARs are claimed as a result of inspections, complaints against certification-decisions or certification-holder and other infringements (cp. document 3.1, FSC accreditation handbook, section 5, part 2.4). They shall prompt the addressed certification agencies to take action in a certain timeframe to permanently eliminate the criticized infringements. If the measures taken turn out to be insufficient to meet the obligations of the FSC, the secretariat can call on the Executive Board to take disciplinary measures which can take the form of penalties, suspensions or even the revocation of an accreditation (cp. document 3.1, FSC accreditation handbook, section 5, part 2.4). The instrument of CAR can also be applied by accredited certifiers against corporations certified by them if infringements were detected by monitoring or by any other means or if stakeholders have voiced complaints. In case a suspension or a revocation of a certificate proves necessary, there are the FSC Accreditation Requirements (section 9, part 3.1 of the accreditation handbook) available, which contain a detailed procedure which govern the execution of suspen-

²² "The FSC has a procedure for handling complaints about certification decisions, but it is relatively cumbersome and constrained. Only FSC members are allowed to lodge complaints; thus non-members must bring complaints to the FSC through members. Decisions by the Board may be appealed to the Committee, but there is no appeal from decisions of the Committee" (Meidinger 2006: 72).

sions and revocations. However it is not specified under which circumstances a serious or substantial infringement exists and the number of the actual conducted sanctions is low.

On the international level the FSC has established a detailed procedure for dispute resolution which defines how to deal with complaints about infringements of FSC-standards (FSC Dispute Resolution Protocol). Part of this procedure is the Dispute Resolution and Accreditation Appeals Committee established by the FSC Executive Council which serves to handle clashes and complaints of members as well as to review accreditation decisions. If the appellant does not agree with the solutions proposed by the dispute resolution committee, the case is referred to the General Assembly (cp. FSC-Statutes, Para 30-34 and FSC Interim Dispute Resolution Protocol, Document 1.4.3: 1-3). If decisions on accreditation are object of the dispute and the appellant does not accept the decision of the dispute resolution committee (in this case the FSC Accreditation Appeals Committee), the option remains to resort to national civil courts.

The Rainforest Foundation criticizes the duration and complexity of dispute resolution procedures, the time limits the complaining parties have to meet and the fact that complaints procedures can only be implemented by FSC members so that local stakeholders are forced to find a FSC member which is willing to bring forward their complaint. Furthermore, local communities as well as small NGOs are restricted by the demand to pay a service charge of 1.000 USD for the commencement of an action in advance (cp. Counsell/Loraas 2002: 45).

PEFC

The PEFC demands its national certification schemes to establish independent dispute resolution bodies which have to deal with all complaints about decisions in relation to the awarding of certifications which are not solved by the certifier and the applicant themselves (PEFC Technical Document, Common Elements and Requirements of PEFC, clause 4.3 Certification Procedures, Reporting). For third parties like environmental NGOs or other civil society groups, the PEFC provides no complaints procedures. Likewise, no formal procedures are established for complaints concerning national PEFC-Standards and processes of their development.

The PEFC Council commits its national governing bodies to establish independent, permanent or ad hoc dispute resolution procedures for cases in which disputes about the adequate implementation of standards cannot be resolved by the dispute resolution mechanisms of the relevant certification or accreditation agencies. "For the PEFC, it is up to the national certification programme to decide how to handle complaints and disputes, although none of the various national programme approaches studied to date seem very rigorous or transparent" (Meidinger 2006: 72).

Members infringing upon the statutes of the international PEFC-Council or upon the rules and procedures of the PEFC certification scheme, are admonished by the Council. If no adequate reaction follows, the membership can be suspended or terminated altogether by a two-thirds majority of the General Assembly after the affected member was listened to.

ISO

As a non-governmental organization, the ISO has no legal authority to enforce the implementation of its standards. The adoption of standards in national laws and rules of certain institutions takes place

voluntarily. Thus, adoption is a sovereign decision or an autonomous act of the relevant institution respectively. With regard to the diffusion of its standards, the ISO has only the certification and accreditation procedures at its disposal. Within the ISO, there are institutionalized complaints procedures on different levels. Thus, national bodies have the right of appeal a) to the parent technical committee on a decision of a subcommittee; b) to the technical management board on a decision of a technical committee; c) to the council board on a decision of the technical management board, within three months of the decision in question. The decision of the council board on any case of appeal is final (ISO/IEC Directives, Part 1, 5.1.1). According to article 5.1.2 of the ISO/IEC Directives, a p-member of a technical committee or subcommittee may appeal against any action, or inaction, on the part of the technical committee or subcommittee, when the p-member considers that such action or inaction is a) not in accordance with the Statutes and Rules of Procedure or the ISO/IEC Directives; or b) not in the best interests of international trade and commerce, or public goods such as safety, health or environment. Appeals on decisions concerning new work item proposals, committee drafts, enquiry drafts, and final draft International Standards are only eligible for consideration if questions of principle are involved, or the contents of a draft may be detrimental to the reputation of ISO or IEC (ISO/IEC Directives, Part 1, 5.1.3). This right does not apply to organizations with liaison-status.

An additional complaints procedure exists on the level of the certification agencies. The review process of certification agencies for environmental management systems on the occasion of their first accreditation or re-accreditation according to ISO/IEC Guide 66 have to guarantee, that all cases and complaints are dealt with in a constructive and efficient way. If adequate procedures do not lead to acceptable solutions or the recommended procedure is not acceptable to the complainant or other participating parties, the certification agency has to provide for a complaints procedure. Such a complaints procedure has to ensure (1) an opportunity for the appellant to bring forward his case formally, (2) the complaints procedures' impartiality, and (3) a written notification of the appellant on the outcome of the complaint, including the reasons for the decision made. The certification agency furthermore has to guarantee that all participating parties will be informed about the existence of the complaints procedure and its rules in an adequate and timely manner (cp. ISO/IEC Guide 66: 1999). Additionally, it has to be ensured that the certification agency (1) keeps records of complaints, objections and disputes, (2) takes corrective measures and (3) documents the instituted measures and reviews their effectiveness (cp. ISO/IEC Guide 66: 1999).

Finally, on the level of certified organizations and organizations seeking a certification, mechanisms for the generation of compliance have to be set up: an ISO 14001 certified organization has to establish, realize and maintain a procedure for handling cases of factual and potential non-compliance and for taking corrective and preventive measures. The procedures have to meet a set of requirements (DIN EN ISO 14001: 2005: 4.5.3). Additionally, explicit responsibilities have to be defined for all activities associated with the above-mentioned procedures. If a company continually fails to accomplish its own goals and the management is not aware of it or does not take appropriate corrective measures, this can be considered as evidence for lack of or absence of an effective environmental management system and the certification can be withdrawn by the certifier (cp. Cascio/Woodside/Mitchell 1996: 149).

Conclusion:

Altogether, the results can roughly be summarized in the following way:

| | PEFC | ISO 14000 | FSC |
|------------------------------|--|--|--|
| Universal Principles | Helsinki-criteria, Vienna declaration | WTO principles of free trade | Agenda 21, CITES, ILO Conventions, ITTA, Convention on Biological Diversity |
| Representativeness | Ministerial conferences with private and civil society actors having an observer status; multi-stakeholder processes on international level; consultation processes on the national level with the possibility of annotation for all stakeholders. | Only national standardization bodies as members; individuals, enterprises or NGOs can obtain a liaison-status in Technical Committees; consultation processes for the definition of particular standards on the national level; discrimination of representatives of non-industrial interest groups and those from developing countries; | Three chambers (economic, environmental and social), each further divided in a southern and a northern chamber (but the factual membership does not match the proposed balanced representation); national and regional branches translate the FSC Principles and Criteria into national standards by national multi-stakeholder processes. |
| Political Equality | Representatives of the ecological and social interests are discriminated vis-à-vis representatives of the economic interests; weighted voting rights in the General Assembly, according to their respective felling rates; one official language. | Three forms of membership with only one having voting-rights; most developing countries fall in the two other categories; support of participation by grants and other mechanisms (DEVCO); three official languages. | Equal rights for all stakeholders, including active and passive voting rights; grants financial aid to members of the south; Social Agenda; but all certification agencies accredited by the FSC are seated in developed countries; two official languages. |
| Consensus-orientation | Consensus as an objective, not a precondition; deliberative character of standard-setting processes | Broad definition of consensus; minorities' concerns get lost sometimes | Broad definition of consensus; ballots as a supplement if unanimity is not in reach. |
| Transparency | The documents on certification have to include certain information and must be published online; in practice, only some documents are available on the PEFC-website. | Transparency of decision-making processes is restricted - many documents are available only for a fee; in contrast, procedures for the definition of standards are rather transparent. | All FSC-bodies are committed to an open and participatory policy; all processes are documented and all relevant documents are available online; Labelling only when the chain of custody is completely audited. |
| Monitoring | Monitoring by independent certifiers; practices vary from country to country; not all addressees are monitored. | Monitoring not of the performance but of the environmental management systems of certificate-holders by external certifiers. | Formal and informal monitoring mechanisms; problems with the monitoring of certification-related processes. |
| Sanctioning | Detailed complaints procedures with no access for third parties; independent dispute resolution bodies. | No legal authority to enforce the implementation of its standards; complaints procedures on different levels with restricted access. | Detailed complaints procedure with indirect access for non-members; no independent dispute resolution body; long and complex dispute resolution procedures. |

In summary, all categories taken together, the FSC shows the best performance. This applies especially to the accordance with universal principles, the representativeness and the transparency of the FSC-certification scheme. This preliminary result, applying only to the conformity with the chosen normative standards, is reinforced by related studies in the same sector. For example, Gulbrandsen also compares different certification schemes, including the FSC, the PEFC, ISO 14001 as well as SFI and CSA. Yet, his criteria are their inclusiveness, the strengths of their environmental and social standards, the quality of their audit-procedures and their effects on the supply side and the demand side of certified timber products (cp. Gulbrandsen 2004). Thereby he arrives at the conclusion that „[i]n sum, the FSC program is clearly the most inclusive of the certification schemes with regard to the participation and decision-making power of a broad range of civil society stakeholders” (Gulbrandsen 2004: 85). A further conclusion is: “...that the FSC in a number of regions appears to have more stringent environmental and social standards than competing schemes” (Gulbrandsen 2004: 88). “Through its incorporation of a broad range of stakeholders in standards development, the promotion of stringent and wide-ranging standards and trade in products from well-managed forests, the FSC initially showed it had the greatest potential of the certification schemes to fill the gaps in the forest regime” (Gulbrandsen 2004: 94). At the same time, Gulbrandsen calls attention to the fact, that such an appraisal has to be taken with a pinch of salt, because certification schemes are subject to a continuous change and the implementation of standards on the national and the regional level are varying in all certification schemes. „In sum, FSC certification had from its inception the potential to address the forest regime's failures to ensure the interests of various stakeholders; promote strong environmental and social regulations in forestry; and establish effective control and compliance mechanisms” (Gulbrandsen 2004: 94). Taking that for granted, it would be desirable, that other certification schemes adopt the FSC-structure. What is in fact observable is, that scores of industry-dominated standards (like the PEFC and ISO 14001) which compete with the FSC and are put under pressure by environmental NGOs move towards the FSC standards, whereas the FSC itself becomes more open and flexible towards the concerns of the industry (cp. Gulbrandsen 2004: 88; Cashore/Auld/Newsom 2004). Meidinger observes the same: „(...), while there are still considerable and important differences between the industry-oriented programmes and the FSC, there has been a significant convergence, more in the direction of the FSC standards than vice versa. Forest certification rule-making processes have thus been a central domain for both contesting and defining the meaning of sustainable forest management. (...) One important emerging tendency is that forestry firms seeking certification are beginning to take responsibility for fostering local civic and democratic institutions in developing and transitioning societies” (Meidinger 2006: 63). In contrast, it is assumed here, that such far-reaching conclusions can be drawn only on the basis of further research, focusing on surveys of the rule addressees respectively the stakeholders regarding their de facto acceptance of the different governance arrangements. This will be done in the next month. To be continued.

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