



The Effectiveness of Transnational Rule-Setting Organisations in Global Sustainability Politics: An Analytical Framework

Agni Kalfagianni and Philipp Pattberg

Global Governance Working Paper

No 43 - February 2011

The Global Governance Project is a joint research programme of eleven European research institutions. It seeks to advance understanding of the new actors, institutions and mechanisms of global governance, especially in the field of sustainable development.

Co-ordinator VU University Amsterdam, Institute for Environmental Studies (IVM)

Partners Bremen University
Freie Universität Berlin, Environmental Policy Research Centre
Fridtjof Nansen Institute Oslo
German Development Institute (DIE)
Graduate Institute for International and Development Studies, Geneva
London School of Economics and Political Science
Lund University
Oldenburg University
Potsdam Institute for Climate Impact Research
Sciences Po Bordeaux

Endorsed by Vrije Universiteit Brussel, Institute for European Studies
Wageningen University, Environmental Policy Group
International Human Dimensions Programme on Global Environmental Change (IHDP)

Abstract

The aim of this paper is to present an analytical framework to study the effectiveness of transnational rule-setting organisations in global sustainability politics. We argue in favour of a two-dimensional understanding of effectiveness that includes the uptake of and compliance with the relevant rules and standards, as well as the broader structural, cognitive and regulatory effects associated with the development and exercise of transnational rules. In identifying determinants of effectiveness the proposed framework focuses specifically on the organisational level as the most relevant level in which interventions can be made. We contextualise our expectations drawing on broader debates of IR including rational institutionalism, critical global governance studies and sociological perspectives. Accordingly, we identify three core mechanisms which allow organisations to produce certain types of effects: the extent to which they reflect and create interests, power and legitimacy. Drawing on this broader context, we identify organisational structure, policy design, informational strategies and external institutional context as key elements through which transnational organisations reflect and create interests, power and legitimacy and the varying effects produced accordingly. To account for possible variation in the effects of similar organisations we also consider the nature and characteristics of problems organisations try to address as a control variable in our framework.

Citation

This paper can be cited as: Kalfagianni A. and Pattberg P. (2011). *The Effectiveness of Transnational Rule-Setting Organisations in Global Sustainability Politics: An Analytical Framework*. Global Governance Working Paper No 43. Amsterdam et al.: The Global Governance Project. Available at www.glogov.org. All rights remain with the authors.

Contact: Agni Kalfagianni, Institute for Environmental Studies (IVM), VU University Amsterdam, De Boelelaan 1087, 1081HV Amsterdam, The Netherlands. E-mail: agni.kalfagianni@ivm.vu.nl.

Managing Series Editor

Ayşem Mert, Department of Environmental Policy Analysis, Institute for Environmental Studies (IVM), VU University Amsterdam, and Global Governance Project. Contact: aysem.mert@ivm.vu.nl.

Foreword

This working paper was written as part of the Global Governance Project, a joint research programme of eleven European research institutions that seeks to advance understanding of the new actors, institutions and mechanisms of global governance. While we address the phenomenon of global governance in general, most research projects focus on global environmental change and governance for sustainable development. The Project is co-ordinated by the Institute for Environmental Studies (IVM) of the Vrije Universiteit Amsterdam and includes associate faculty members and research fellows from eleven European institutions: Science Po Bordeaux, Bremen University, Freie Universität Berlin (Environmental Policy Research Centre), The Fridtjof Nansen Institute Oslo, London School of Economics and Political Science, Oldenburg University, Potsdam Institute for Climate Impact Research, Vrije Universiteit Amsterdam, Vrije Universiteit Brussel (Institute for European Studies) and Wageningen University.

Analytically, we define global governance by three criteria, which also shape the research groups within the Project. First, we see global governance as characterised by the increasing participation of actors other than states, ranging from private actors such as multinational corporations and (networks of) scientists and environmentalists to public non-state actors such as intergovernmental organisations ('multiactor governance'). These new actors of global governance are the focus of our research group MANUS—Managers of Global Change.

Second, we see global governance as marked by new mechanisms of organisation such as public-private and private-private rule-making and implementation partnerships, alongside the traditional system of legal treaties negotiated by states. This is the focus of our research group MECGLO—New Mechanisms of Global Governance.

Third, we see global governance as characterised by different layers and clusters of rule-making and rule-implementation, both vertically between supranational, international, national and subnational layers of authority ('multilevel governance') and horizontally between different parallel rule-making systems. This stands at the centre of our research group MOSAIC—'Multiple Options, Solutions and Approaches: Institutional Interplay and Conflict'.

Comments on this working paper, as well as on the other activities of the Global Governance Project, are highly welcome. We believe that understanding global governance is only feasible through joint effort of colleagues from various backgrounds and from all regions of the world. We look forward to your response.

Frank Biermann

Director, Global Governance Project
Head, Department of Environmental Policy Analysis, Institute for Environmental Studies,
VU University Amsterdam

Philipp Pattberg

Research Coordinator, Global Governance Project
Department of Environmental Policy Analysis, Institute for Environmental Studies,
VU University Amsterdam

Acknowledgement

We would like to thank Doris Fuchs and Klaus Dingwerth for their valuable comments and suggestions in earlier drafts of this paper.

Content

Introduction	1
Conceptualisation: Transnational Rule-setting Organisations as Agents in Global Governance	2
Framework of Analysis	3
The effectiveness of transnational rule-setting organisations	3
<i>First-order Effects</i>	3
<i>Second-order Effects</i>	4
<i>Environmental and Socio-Economic Impacts</i>	6
Determinants of effectiveness	7
<i>Problem Structure</i>	8
<i>Organisational Structure</i>	9
<i>Policy Design</i>	11
<i>Information Strategies and Transparency</i>	15
<i>External Institutional Context</i>	15
Conclusions	16
References	17

Introduction

Transnational governance – the institutional arrangements emerging from the interaction among private actors or between private actors, civil society and state actors, that structure and direct actors' behaviour in an issue-specific area – (Falkner 2003), has proliferated in recent years. Quality assurance schemes, certification and labelling programs, private standards and codes of conduct have spread in different domains, including politically sensitive ones, such as security (Fuchs et al. 2011; Lock 2001; Muthien and Taylor 2002). Examples include the technical standards devised by the Internet Corporation for Assigned Names and Numbers (ICANN), financial accounting and labour standards, as well as the principles of the Kimberley process for diamond mining. Such activities by non-state actors signify their new political role as rule-setters in global governance that goes beyond well-established activities such as lobbying and awareness-raising.

A key focus of transnational rule-setting activities is sustainability. Following the Brundlandt report (WCED 1987), sustainability is defined along its environmental, social, and economic dimensions, acknowledging that the economic and social dimensions, in particular, are often closely related. Transnational rule-setting organisations addressing important environmental and socio-economic challenges have multiplied in recent years (Fuchs and Kalfagianni 2009, 2010; Pattberg 2005a, b). Prominent examples include the Forest Stewardship Council (FSC) aiming to foster sustainable forestry practices worldwide, the Marine Stewardship Council (MSC) seeking to promote sustainable fisheries and the International Organisation for Standardization's (ISO) 14000 series of environmental management standards, to name a few.

The emergence of transnational rule-setting organisations in sustainability governance has been met with enthusiasm as well as critique. Supporters underline the contribution of transnational initiatives to public policy objectives particularly in areas where governments may be unwilling and/or unable to regulate (Bernstein and Cashore 2007). The creation of the Forest Stewardship Council in the aftermath of the deadlocked negotiations for a binding forestry agreement in Rio de Janeiro in 1992, for example, demonstrated for many a commitment to sustainable forestry that governments lacked. In contrast, critics argue that transnational institutions may circumvent or undermine public national and international law (Haufler 1999; O' Rourke 2003) and stress the potentially pre-emptive character of their standards, especially in the absence of effective monitoring mechanisms (Fuchs et al. 2011; Greven 2004).

Despite the proliferation of transnational organisations and initiatives in sustainability governance, a systematic research that examines in more detail the range of their effects is currently lacking (see also Blowfield 2005; Margolis and Welsh 2003). From a sustainability perspective, we need to know to what extent transnational rule-setting organisations foster observable environmental and social improvements in society. From a political perspective, we are interested in the broader regulatory and socio-economic effects such organisations have as they gain prominence in global sustainability governance and beyond. From an analytical perspective, we need to be able to explain variation of the effects of transnational rule-setting organisations operating in

different areas of sustainability governance. Accordingly, this paper provides the conceptual basis for such analysis and provides ideas for further research.

The paper is structured as follows. First, we conceptualize the object of analysis, i.e. transnational rule-setting organisations. Then, we present the analytical framework identifying dependent and independent variables and formulating expectations derived from major theoretical debates in International Relations (IR) and beyond. Finally, we conclude the paper and reflect on the strengths and weaknesses of the proposed framework.

Conceptualisation: Transnational Rule-setting Organisations as Agents in Global Governance

The objects of this analysis are transnational rule-setting organisations, i.e. institutions that are set up by non-state actors of two or more countries with the aim of regulating a distinct policy area through rules and standards. Specifically, our analysis derives from an understanding of transnational organisations as agents that have acquired the power and authority to govern on the basis of own rules and standards (see Avant et al. 2010; Cutler et al. 1999; Hall and Biersteker 2002; Pattberg et al. 2011). The power to govern results from the ability of organisations to constrain actors' choices and their behaviour, while the authority to govern results from their perceived legitimacy. Importantly, power and authority play a complementary rather than contradictory role. Even though power to govern and authority to govern do not always co-exist, they reinforce one another when operating simultaneously: private rules can work because little choice is left to subjects but to obey, they remain unchallenged because they are perceived as legitimate (Fuchs and Kalfagianni 2010).

Organisations are part of one or more transnational regime complex, i.e. "sets of implicit or explicit norms, rules and decision-making procedures around which actors' expectations converge in a given issue-area" (Krasner 1983: 2; see also Raustiala and Victor 2004). The Forest Stewardship Council (FSC), for example, is part of the forestry regime complex consisting of norms and rules regarding sustainable forestry practices. The Marine Stewardship Council (MSC) is part of the fisheries as well as the broader food regime. At the same time, regimes can encompass one or more organisations. In the aforementioned examples, the transnational forestry regime also includes the Program for the Endorsement of Forest Certification (PEFC), for instance. Likewise, in addition to the MSC, the transnational fisheries regime also includes ISO, the Global Aquaculture Alliance (GAA) and Naturland, while a number of organisations can be identified to be part of the broader food regime complex (Fuchs et al. 2011).

Organisations are considered crucial for the regime's success/failure as they are responsible for the implementation of rules, but also because of their ability to create (new) norms, thus potentially altering the regime. Rule-setting organisations can be developed and operated in the context of public-private and private-private partnerships (PPPs) or be entirely developed by corporate actors in the context of self-regulation. This paper focuses on transnational rule-setting organisations that can be identified specifically in the global governance of sustainability.

Framework of Analysis

Below we present the framework of analysis discussing first the dependent variable, i.e. the effectiveness of transnational rule-setting organisations, and, subsequently, the independent variables, i.e. the determinants of effectiveness.

The effectiveness of transnational rule-setting organisations

The dependent variable in our study is the effectiveness of the transnational rule-setting organisations. We conceptualise effectiveness as a two-dimensional concept and distinguish between first- and second-order effects. While the proposed numerical ordering denotes a sequence, the effects that we describe below can also take place simultaneously and mutually reinforce or even negate one another to some extent. While researchers agree that the ultimate goal is to measure environmental and socio-economic impact, i.e. the overall environmental and socio-economic changes associated with the implementation of transnational rules, this is inherently difficult, because many other “signals” are influencing environmental and economic indicators. As a consequence, we limit our analysis to effects that can be directly linked to transnational rule-setting organisations.

First-order effects are those intended by the organisation, such as the change in conduct achieved in the course of a standard’s implementation. These effects are limited to the organisation’s immediate audience, specifically the actors who are expected to comply with the relevant transnational rules. Second-order effects are broader, and include regulatory and socio-economic effects that extend beyond the organisation’s immediate audience. Examples of such effects include the restructuring of global supply chains, the blurring of boundaries between public and private rules as well as the influence on fundamental norms and ideas, such as neoliberalism and eco-efficiency discourses. These heuristic categories are explained in more detail below.

FIRST-ORDER EFFECTS

First-order effects refer to the contribution of the rules set by the transnational organisation (e.g. standard, guidelines, etc.) to problem-solving as a result of their implementation. We are primarily interested in the extent to which the rules set by the organisation have been met in practice, i.e. compliance. We treat compliance not as a dichotomous variable but as a scale ranging from “non-compliance” to “exceeding compliance” (see Breitmeier et al. 2006). This allows us to capture a greater range of actors’ behaviour than a simple distinction between compliant and non-compliant conduct would. Intermediate levels can include indicators such as “compliance with some requirements some of the time”, “compliance with some requirements” and “compliance with all requirements”, for instance (ibid.). As such detailed information is rarely available on the organisations’ websites, a systematic collection of data on the basis of expert interviews is required.

Data on compliance needs to be complemented with information about actors adopting the particular rules set by the organisation, i.e. uptake. Indeed, as participation is voluntary, it is possible that the biggest “polluters” will choose to opt out (see

also Gulbrandsen 2008; Muradian and Pelupessy 2005). Moreover, actors adopting the transnational rules in question may already behave in an environmentally and socially responsible way. In this case, participation in the organisation might primarily serve as a marketing tool without requiring substantive behavioural shifts. Furthermore, the organisation might fail to attract a sufficiently large number of rule-takers or fail to realize an appropriate geographic coverage in order to achieve its goals. Such limitations, in turn, may also raise questions about the presumable functional and, therefore, apolitical character of private organisations (see also Graz and Nölke 2008). Indeed, numerous examples indicate strong territorial components within transnational organisations, such as the national networks of the Global Compact or the dominant role of some national chemical associations in Responsible Care (Conzelmann and Wolf 2008). On the other hand, commitment to a scheme, even with imperfect adoption patterns, might improve the chances of sustainable behaviour in the long run by “locking” actors in particular behavioural patterns. Consequently, this discussion indicates that an examination of compliance has to be complemented with information about the standard uptake and associated characteristics of actors adopting the scheme (i.e. the group whose compliant behaviour can bring associated sustainability benefits).

A relevant debate in this context is the extent to which the uptake of transnational rules and standards by big transnational corporations (TNCs) is a desirable phenomenon in sustainability governance. Research shows that such uptake can foster a greater “demand” for standard adoption in the respective supply chains. In the forestry and fisheries sectors, for instance, the participation of TNCs such as Unilever, Tesco and IKEA in transnational certification programs stimulated the uptake of the relevant standards by companies along the supply chain (Gulbrandsen 2010). Similar observations have been made for the broader food sector; the adoption of collectively set food safety standards by corporate food retailers has induced participation of suppliers along the chain (Fuchs et al. 2011).

Simultaneously, however, TNCs impose not only quality but also quantity, price and time delivery demands that create additional costs for suppliers. A consequence of the mainstreaming success of many environmental certification programs, in turn, has been the associated negative social effects particularly for economically weak groups and the related erosion of the small farmer base of some of these programs in the Global South (Gulbrandsen 2010; Reynolds and Murray 2007). Likewise, studies show that while the adoption of social standards by TNCs can improve labour conditions, raise wages and increase workers’ security in developing countries (Pearson 2007; Schaller 2007), they also increase inequality between formal and informal labour, thus reinforcing already existing economic imbalances (Barrientos et al. 2001). Such (un)intended consequences – conceptualized in our study as “structural effects” – are explained in more detail in the next section.

SECOND-ORDER EFFECTS

The paper also evaluates the broader political and socio-economic effects associated with transnational rule-setting activities, referred to here as second-order effects. Three broad categories of such effects have been identified (Dingwerth and Pattberg 2007): (i) material and structural effects, such as shifts in markets or power relations that go beyond mere compliance and implementation of rules; (ii) cognitive effects, such as the invention, diffusion and/or promotion of particular discursive frames; (iii)

regulatory effects, such as the influence of transnational rules and standards on public regulatory processes making the former socially binding in a larger context.

More specifically, structural effects derive from the establishment of standards and property rights to methods of production, management processes and types of behaviour that create spatial boundaries between markets and supply chains (Guthman 2007). The organic market, for instance, requires compliance with a set of criteria that separate it from conventional markets, such as the maintenance of soil productivity and ecosystem health at the farm level. Only actors who demonstrably meet the relevant criteria have the right to access the particular market. Similar observations apply to the range of different standards and certification schemes that can be identified in sustainability governance (and beyond).

The creation of new markets and/or division of already existing ones on the basis of transnational rules and standards has a number of effects that vary for different socio-economic groups. Positive effects, particularly for marginal producer groups, include their protection from competition through the creation of niche markets. This is especially evident with fairtrade standards which apply specifically to vulnerable producers in developing countries who, through their participation in the fairtrade program, acquire higher price premiums for their products in relation to market prices. Transnational rules that lack such a redistributive focus, however, often create entry barriers for actors who lack the resources of their implementation (Auld et al. 2008; Klooster 2005). Indeed, standards often demand costly shifts and upgrades in production methods while many include lengthy and expensive certification processes. Accordingly, the economic ability to demonstrate commitment with transnational standards becomes scarce even though the practical ability might not be (Guthman 2007). Simultaneously, as certified products are typically more expensive than conventional ones, market boundaries are created not only among market actors but also among consumers.

Next to structural effects, transnational rule-setting activities also have cognitive and regulatory effects. Important cognitive effects include the function of different rule-setting organisations as forums for knowledge creation and distribution, the recognisability of themselves and associated labelling schemes by relevant stakeholders, as well as their role as benchmarks for the development of standards and procedures in other organisations (see Pattberg 2005). A prominent example in this regard is the Forest Stewardship Council (FSC), which served as an organisational model (even if not mirrored exactly) for the Marine Stewardship Council (Dingwerth and Pattberg 2009). Simultaneously, the opposite phenomenon, i.e. the emergence of rival organisations can also be recognised as a cognitive effect. In the fisheries governance, for instance, the emergence of the ISO standard setting process for sustainable ocean-caught and aquaculture fish (ISO 2007) can be considered a cognitive effect of the MSC. Likewise, in the forestry governance, the Program for the Endorsement of Forest Certification (PEFC), the Sustainable Forestry Initiative (SFI) of the American Forest and Paper Association, and the Canadian Standards Association (CSA) by the Canadian Forest and Paper Association, are organisations developed in reaction to the FSC. At times, competing schemes converge in a common code and/or recognise each other as equivalent. The harmonisation of transnational rules and standards then, can also be considered a cognitive effect. An example in this context includes the convergence of different certi-

fication schemes for sustainable coffee production into a single Common Code for the Coffee Community (4C) (Muradian and Pelupessy 2005).

In terms of regulatory effects, we generally observe a growing link between transnational standards and intergovernmental processes. Indeed, while a number of private rules and principles originate in intergovernmental agreements and decisions (e.g. corporate labour standards are anchored in ILO conventions), today, the opposite phenomenon is also observable: transnational governance institutions increasingly influence governmental regulation (Clapp 2001; Dingwerth and Pattberg 2007). Importantly, in some cases, certification processes have also shown to constrain governmental policy choices and prevent public regulation from developing. Sutton (2003), for instance, describes how fishery managers in Western Australia's rock lobster fishery used the achievement of MSC certification to prevent the introduction of marine reserves in Western Australia waters, rejecting the need for fishing sanctuaries on the grounds that the fishery was certified. Simultaneously, however, transnational rules and standards can also make transparent corporate vulnerabilities that governments can exploit and intervene accordingly with regulatory and other instruments (see also Guthman 2007).

ENVIRONMENTAL AND SOCIO-ECONOMIC IMPACTS

Finally, we are interested in -but do not attempt to explain- the resulting impact associated with the implementation of transnational rules. We perceive impact as the combined outcome of first and second-order effects and a number of external factors, such as the broader political and economic context (Biermann et al. 2009; Pattberg 2005a,b), e.g. the financial crisis. The evaluation of impact is generally considered problematic, but it can be easier identified and measured when the majority of relevant stakeholders participate in the governance scheme and the policy area of interest is restricted and well-defined (Biermann et al. 2007). In this context, both positive and negative impacts can be identified. One form of positive impact is the environmental and/or social improvements resulting from compliance with certain standards or guidelines. Certification schemes, for instance, could foster practices that alleviate pressure on high conservation-valued resources or reduce pressures for destructive activities by offering an economically viable alternative. Likewise, labour conditions can improve as a result of the implementation of social codes of conduct. Simultaneously, however, negative externalities related to the particular transnational regime can also be observed. Research on the environmental impact associated with forestry certification schemes, for instance, reveals that contrary to the schemes' objectives, deforestation is in fact increasing in some places due to higher pressure in non-certified lands (Gullison 2003).

In sum, we propose an understanding of effectiveness that includes the uptake of and compliance with the relevant transnational rule-setting organisation (first-order effects), the broader cognitive, regulatory and structural effects associated with the development and exercise of transnational rule (second-order effects), as well as the resulting sustainability impacts. It is, however, important to note that in our attempt to explain variation in the overall effectiveness of transnational rule-setting organisations, we only explain variation in first- and second-order effects. Table 1 provides an overview of the indicators used in this study.

Table 1: Indicators of effectiveness

Indicator	
First order	
Uptake	Number of actors currently adopting/endorsing the scheme Type of actors (Business, civil society, public) Geographic origin Collective market share
Compliance	Non-compliance Compliance with some requirements some of the time (low) Compliance with some requirements (medium) Compliance with all requirements (high) Exceeding compliance
Second order	
Structural effects	Access rights limitations to particular markets Division of markets Price shifts of particular commodities Changes in inter-regional and/or global competition patterns and intensity Redistribution effects among different socio-economic and geographically defined groups
Cognitive effects	Recognisability of the organisation and its labelling scheme Serving as a forum for intra and inter-organisational learning Serving as a forum for discussion and deliberation among a wide range of stakeholders Becoming a benchmark for other standards and procedures Rise of competitive standards Harmonisation of standards and development of common codes
Regulatory effects	Growing link to intergovernmental processes Rendering public regulation “unnecessary” Prompting governmental interventions in specific policy domains
Impact	
Environmental and/or socio-economic impact	Observable environmental and socio-economic change (including no change, and positive as well as negative changes)

Determinants of effectiveness

In exploring determinants of effectiveness, we focus on the level of the organisation as the most relevant level in which interventions can be made, and ask which characteristics and/or combinations of characteristics allow organisations to produce varying types of effects. We contextualise our expectations drawing on broader debates of IR including rational institutionalism, critical global governance studies and sociological perspectives. Accordingly, we identify three core mechanisms which allow organisations to produce certain types of effects: the extent to which they reflect and create interests, power and legitimacy.

More specifically, rational institutionalist approaches draw our attention to self-interest calculations as key determinants of effectiveness (Cashore 2002; Hurd 1999; Jönsson and Tallberg 1998; Scharpf 1997). Focusing primarily on first-order effects rational perspectives emphasize the reduction of transaction costs and the provision of commercial and reputational gains as primary drivers for the uptake of transnational rules and standards and associated compliance. More specifically, three types of transaction costs are considered relevant for rational actors: costs associated with information and uncertainty, costs of negotiations and costs of compliance (Cutler, Haufler and Porter 1999: 339). Transnational organisations can reduce these costs e.g. by

standardizing and certifying the reliability of information exchanged in supply chains, by establishing recognized and widely accepted parameters and sites of interaction as well as by establishing recognized norms of behaviour for which compliance is expected (*ibid.*). Next to cost reduction, the uptake of and compliance with transnational rules and standards also depends on commercial and reputational benefits, such as access to high value markets through businesses' demonstrated environmental and social responsibility to consumers and other relevant stakeholders.

Further, critical global governance studies underline power relationships as crucial elements in understanding the effectiveness of transnational governance. Power, particularly in its structural dimension, derives from the ability of actors to constrain policy choices by making alternatives more or less desirable (Cox 1987). The dominance of a few corporations in a vast range of market segments, for instance, fosters their ability to limit the choices available to actors, specifically suppliers and labour, who desire entry (Fuchs and Kalfagianni 2010). In this context, transnational organisations can be used by actors to control markets and exclude new entrants (see also Cutler, Haufler and Porter 1999). Simultaneously, power perspectives emphasize the strategic use of transnational rules and standards to influence intergovernmental processes and prevent public regulation from developing. Power perspectives, then, are especially relevant in providing explanations for the generation of second-order effects.

Moreover, as private rules are voluntary, at least in principle, the aspect of legitimacy gains significance next to power. Legitimacy is granted to actors and institutions when they are seen as operating within the limits of what is considered "appropriate" or "right" behaviour (see also Hansen and Salskov-Iversen 2008). It is fundamental in gaining acceptance both from the "immediate audience" of transnational organisations as well as a broader audience, including consumers, public actors and civil society (Cashore 2002; Schuman 1995). However, legitimacy also has a strategic focus (Fuchs and Kalfagianni 2010). Rather than simply carrying out their actions in the context of generally accepted norms and beliefs, organisations can also try to shape them. The strategic dimension points out that actors can shape social cognitions and facilitate and/or create the conditions for the acceptance of the ideas and norms expressed through communicative and knowledge producing channels. Such information and ideational strategies also make possible the reframing of issues (see also Hansen and Salskov-Iversen 2008). Accordingly, on the basis of their (perceived) legitimacy organisations can project the desirability of their rules and standards to their target group as well as produce broader cognitive and regulatory effects for society at large.

Drawing on this broader context, we below identify the following organisational characteristics as key elements through which transnational organisations realize their effects: organisational structure, policy design, informational strategies and the external institutional context. To account for possible variation in the effects of similar organisations, we also consider the nature and characteristics of the problems organisations try to address as a control variable in our analysis. We will start with a brief discussion of the "problem structure" variable.

PROBLEM STRUCTURE

We define problem structure as the combination of factors intrinsic to a particular problem that may have an influence on first and second-order effects independent of organisational attributes. We argue that the following characteristics of problem

structure can explain effectiveness: the nature of problems organisations try to address, the salience of problems for political actors, the level of awareness in society, the establishment of knowledge associated with the causes and consequences of the problem at hand, and the prior existence of public regulation (Biermann et al. 2009; Breitmeier et al. 2006; Chasek et al. 2006; Mitchell 2002).

The nature of the problem refers to the scale of its temporal and spatial effects within a geophysical system (e.g. the earth). Accordingly, problems can be systemic or cumulative. Systemic problems are those that occur within and affect the entire geophysical system. A prominent systemic environmental problem is climate change. Cumulative problems, in contrast, are characterized by the temporal and spatial accumulation of change in an additive or interactive manner (Spaling and Smit 1995). Examples of cumulative environmental problems include atmospheric pollution, drainage, resource extraction etc. Due to their holistic nature, systemic problems are often considered more complex and difficult to address in relation to cumulative ones.

Salience can be understood as the importance actors attach to particular issues. The salience of problems for political actors as well as the level of awareness in society determine the political and societal pressure associated with identifying and adopting relevant measures and courses of action. In the European Union (EU), for example, where environmental awareness is high, the pressure for the adoption of sustainability standards is, accordingly, high. Indicatively, according to Eurobarometer, 96 percent of the EU population attaches significant importance to environmental protection, and 78 percent views environmental problems as an important factor in their daily lives (Eurobarometer 2008). It is not surprising, in this regard, that the majority of transnational organisations in sustainability governance originate and are active in Europe.

The state of knowledge about the causes and consequences of particular problems is also a relevant element of problem structure. In the context of underdeveloped and/or conflicting knowledge consensus about desirable courses of action is difficult to achieve (Young 1999). The lack of scientific knowledge regarding the reproductive biology and life history characteristics of coral reef species as well as the absence of scientific baseline assessment and monitoring of collection areas, for example, is considered one of the main reasons eco-labelling schemes for the marine aquarium trade have been unsuccessful to date (Schuman et al. 2004).

Further, the prior existence of public regulation is a decisive component of problem structure. Specifically, public regulation can sometimes create synergy with non-state rule thus increasing the latter's effectiveness in dealing with certain issues. Transnational regulation, however, can also antagonise public regulation and prevent it from developing further. Finally, the national context where transnational standards are implemented matters as well. Studies show that domestic configurations of power, particularly in developing countries with less stable and more contentious political systems, create barriers to the effective implementation of private rule that may go beyond issues of policy design (or other attributes) of the standard-setting organisation (Bartley 2010).

ORGANISATIONAL STRUCTURE

Organisational structures are the formalised internal rules and procedures that assign tasks and responsibilities in an organisation (Biermann et al. 2009). We are specifically interested in the rules of participation, decision-making and funding structures

and will examine the extent to which variation in these attributes produces (or not) variation in first- and second-order effects.

Participation inquires into the types of actors included in the organisation's decision-making processes. Three broad categories of actors can be involved in principle: state actors, business actors and civil society organisations (see Fuchs et al. 2011). Importantly, these represent the actors directly or indirectly affected by the relevant rules and standards. Business and the general public, or civil society organisations as the representatives of the latter, are those actors directly affected by rules and standards set by transnational organisations. State actors are indirectly affected (except for the case of co-regulation in the form of public–private partnerships) as private regulation always interacts and sometimes interferes with public regulation and in so far as the private regulation has consequences for the need of state intervention. With respect to business actors, one needs to differentiate between those business actors providing services to the industry such as certification and auditing companies. With regards to civil society, environmental and development NGOs as well as labour organisations are typical representatives. Next to the type of actors involved, attention needs to be paid with respect to their region of origin. Specifically, one needs to consider patterns of participation and the distribution in decision-making power between representatives of the South and those of the North.

Decision-rules stipulate conditions that must be met in order to arrive at valid collective decisions or social choices relating to issues falling within the competences of specific institutional arrangements (Breitmeier et al. 2009: 114). A distinction can be made between majority, unanimity and consensus rules. Majority (simple or qualified) requires more than 50 percent of those eligible to participate in decision-making in order to grant legitimacy to the decisions taken. Unanimity requires the explicit agreement on the part of all those eligible to participate in order to arrive to legitimate collective choices. Finally, consensus can be achieved when no participant feels strongly enough about a particular measure that they are prepared to publicly record their objection.

Organisations also differ in terms of the size and, importantly, structure of *funding*. Here we can distinguish between membership and non-membership organisations, the size and allocation of membership fees, as well as the share of income attributed to own investments and logo licensing, as well as contributions from governments, businesses and other donors.

How do these characteristics determine the varying effects of transnational organisations? First, the types of actors participating in a particular private governance institution are expected to influence the legitimacy and credibility of the particular governance institution among relevant stakeholders. In this context, the presence of civil society organisations is likely to enhance the legitimacy of transnational rules and standards due to the “moral authority” of these organisations in sustainability governance (Hall and Biersteker 2002).

Second, theories of deliberative democracy argue that organisations embodying norms of inclusiveness and unanimity (or consensus) could improve compliance because those who have to comply with the relevant rules and standards have participated in their creation (see also Breitmeier et al. 2006). In this context, scholars note that procedural legitimacy could lead to the “empirical acceptance of the governance scheme as rightful”, thus increasing the likelihood that the targets of regulation would adapt

their behaviour accordingly (Beisheim and Dingwerth 2008: 11). At the same time, however, these characteristics could also result in very lengthy processes of consultation reducing the capacity for effective action, which could erode legitimacy in the long-term. Moreover, in the context of unequal distribution of power among the actors, inclusiveness and deliberation would neither guarantee fair representation nor would it produce acceptable outcomes for all.

Third, organisational structures institutionalise power relationships among the actors within the organisation as well as in relation to actors outside (e.g. by defining conditions for access), thus reinforcing broader structural effects. Southern interests in the MSC, for instance, are excluded from its otherwise horizontal structure, further disempowering these groups in relation to their Northern counterparts. Specifically, MSC's highest decision-making body, the Board of Trustees, is comprised almost entirely from trustees originating in the USA, Europe or Australia (only 1 from Latin America), although some of them are focusing on fisheries in Africa or the Southern Ocean. In contrast, more participatory structures could foster greater reflexivity regarding demands from different socio-economic groups. In turn, this could alleviate, to some extent, negative structural effects for these groups by allowing them to voice their concerns and introduce some of their preferences.

Fourth, we expect the size of and freedom to allocate financial and human resources to increase the scope of organisational effects (see Biermann et al. 2009). The capacity to buy media time and spend resources in advertisement and public relations (PR) campaigns, for instance, improves the chances of reaching a broader audience (e.g. consumers). Moreover, the success and longevity of communicated messages depends to a considerable extent on the ability to send repeated messages, which is greatly facilitated by financial resources (see Fuchs and Kalfagianni 2009). Simultaneously, the sources of organisational funding can create tensions between organisations' ability to pursue their stated objectives (sustainability in the context of this study) and private interests. Such tensions have the potential to undermine organisational legitimacy. Membership organisations, for instance, have been criticised for operating as clubs primarily promoting the interest of their (largest) members (Hallström 2004). In contrast, non-membership organisations are less controversial in that respect due to their (perceived) accountability to a broader (public) group (ibid.; see also Dingwerth and Pattberg 2009).

POLICY DESIGN

Policy design is understood in this study as the set of policy instruments selected by the particular organisation to address a particular problem (see also Dryzek 1983). Three elements of policy design are of interest in this context: the comprehensiveness and stringency of standards, the strictness of compliance methods and the costs of compliance.

Comprehensiveness and stringency of standards

The standards adopted by an organisation can be differentiated in terms of their comprehensiveness and stringency of targets. Comprehensiveness refers to whether the standards have a broad or a narrow sustainability focus. Stringency refers to the degree to which the standards require actors to implement behavioural changes (Auld et al.

2008). It differs according to whether management-based systems or performance standards are adopted and the ambition of the performance standard in question. Ambition is evaluated on the basis of the clarity and measurability of targets (McDermott et al. 2008) as well as according to whether the standard requires a change in practice or preservation of current practices (Guthman 2007).

We expect stringent and comprehensive standards to foster greater environmental and/or social improvements in relation to standards that lack these characteristics. However, we also expect them to be associated with lower uptake in relation to competitive, less strict standards. Indeed, as explained earlier, a key mechanism that determines the support of different standards is the self-interest calculations of the respected target group. In the forestry sector, for instance, the less stringent standards of producer-backed programs, such as the PEFC have attracted, on average, higher participation on the side of the industry in relation to the FSC. More specifically, while the PEFC was established in 1998, five years later than the FSC, in 2002 it overtook FSC in total certified area whereas by the end of 2009, PEFC-endorsed schemes had certified about twice as much forestland as that certified by FSC (Gulbrandsen 2010; Rametsteiner and Simula 2003). Likewise, in the agriculture sector the uptake of GlobalGAP, a worldwide private sector certification scheme for agricultural products, has increased considerably as stringency of environmental targets lowered (Van der Grijp 2008).

Comprehensiveness and, particularly, stringency also determine the strength and permeability of market boundaries, thus fostering structural effects. Very stringent and comprehensive standards demanding significant and often costly changes of conduct can be more easily implemented by large businesses whose economies of scale are advantaged over smaller ones. In turn, this could lead to (further) economic concentration in the particular market segment and reinforce social justice concerns (see Neilson and Pritchard 2007). Stringency, however, can also generate positive structural effects when access rights are clearly defined in favour of marginal and economically weak groups and/or when strong economic actors are explicitly excluded.

In the light of these observations, it is not surprising that some organisations introduce different levels of stringency in their standards aiming to appeal to different groups. In such cases, the adoption of a basic standard is the minimum requirement, while higher levels of performance can be introduced subsequently. Moreover, organisations with comprehensive standards (e.g. the GlobalGAP), tend to prescribe varying levels of stringency for different problems. The introduction of diverse “tiers of sustainability”, however, could also make issues of general public interest, such as environmental protection, a matter of market affordability (see Busch 2011). The undesirable effect of this trend would be that places where economic actors can only afford to invest in laxer sustainability standards would have to endure inferior environmental (and/or social) quality.

Furthermore, stringency is also associated with cognitive and regulatory effects by creating legitimacy for an organisation. The performance-based standards of the FSC, for instance, are considered more stringent in relation to the management-based standards of other forestry initiatives. In turn, this reputation has allowed the FSC to play an important role as a forum for knowledge creation, learning, and deliberation among a variety of stakeholders (see Pattberg 2005). Moreover, stringency can prompt the creation of rival schemes. Both the fisheries and forestry sectors represent policy

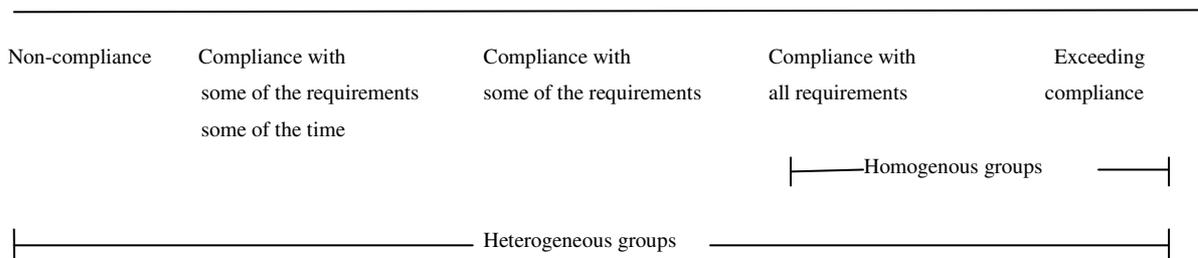
domains where the initiation of one standard-setting organisation with relatively stringent standards has gradually led to the development of others with more flexible standards. Yet, unlike rival standards, the FSC has enjoyed wide support by governments, particularly in Europe, as well as Japan, in their public procurement policies and has been recognised by some, specifically Denmark, Japan and New Zealand, as a credible instrument for the identification of sustainable and legally logged timber (Gulbrandsen 2010; Pattberg 2005).

Strictness of compliance methods

Very stringent and comprehensive standards might only be met by those actors who are environmentally and/or socially responsible already. Thus, instruments that allow the organisation to ensure that the target group conforms to the behavioural and performance standards set by the organisation is a fundamental requirement. Such instruments include monitoring and enforcement mechanisms, which introduce penalties and rewards providing incentives for adjusting behaviour in accordance with the organisation’s objectives. The presence of such mechanisms is particularly important in cases where actors complying with a particular private governance institution do not participate in the day-to-day operation of the respective organisation, hence legitimacy is not a source of compliance (Breitmeier et al. 2006). Moreover, enforcement mechanisms become essential in the context of large and heterogeneous groups of actors, where cheating becomes a more attractive option due to collective action problems (see also Breitmeier et al. 2006; Fuchs 2006).¹

In the context of our multi-scale definition of compliance, we expect organisations with homogenous groups of actors to display compliant behaviour situated in the upper scale (with a quite narrow deviation from the mean), while organisations with heterogeneous groups to display a wider range of compliant behaviour. Fuchs’s conceptualisation of “performance bands” is a useful construct in that case (Fuchs 2006). Performance bands cover the range of compliant behaviour around the agreed standard. In line with the above discussion, performance bands are tight in homogenous groups of actors while they tend to be broad in heterogeneous groups. Tight performance bands are not necessarily associated with stringent environmental standards, however. Actors could exhibit high levels of compliance in minimum standards, in which case they also have the incentive to outperform them. Graph 1 illustrates a simplified version of these alternatives.

Graph 1: Expectations about compliant behaviour in organisations with homogenous and heterogeneous groups of actors



Similar to stringency of targets, strict methods of compliance also foster regulatory effects. Strict monitoring practices, for instance, have effectively prompted South Africa to outsource its forest surveillance to the FSC (Pattberg 2005). Similar observations can be made for other developing countries with limited resources to undertake costly and, potentially, less rigorous monitoring practices, such as Bolivia and China.²

Costs of compliance

Finally, we expect the costs of compliance to have an influence, particularly on uptake, compliance and structural effects. Costs of compliance include both the costs associated with necessary transformations as well as the costs of the certification process. Transformations associated with the implementation of sustainability standards include the upgrading of production methods, the establishment of traceability systems, the development of new monitoring and management plans, etc. While transformations are not always costly in relation to the expected benefits, in the event that they are they can either deter actors from adopting the scheme or lead to low compliance rates. GlobalGAP's pesticide rules, for instance, have been repeatedly violated by farmers who cannot afford the shift to more expensive alternatives.³

The costs of the certification process include the annual membership payment, in case of membership organisations, as well as the auditing of standards including the expenses of the auditors (e.g. travel and stay). Organisations have different rules in terms of who bears the costs of certification and, accordingly, potential structural effects are expected to differ. For many organisations, certification costs are the responsibility of the producers. The high costs of implementation and certification of standards are often difficult to afford particularly for actors in developing countries, however, thus fostering negative structural effects for this group (FAO 2006; Hatanaka et al. 2005). Thousands of farmers in Africa, for instance, have reportedly lost their licence to produce as a result of the costs associated with the implementation of GlobalGAP standards (ActionAid 2005). To address smallholder concerns, GlobalGAP -and other transnational organisations- has initiated a project to foster group certification for smallholders with the aim is to reduce external certification costs.

Likewise, in an effort to improve their societal relevance for smallholders, some organisations undertake the costs of certification themselves. Examples include the Fairtrade International (previously known as Fairtrade Labelling Organisations) and the 4C Association, a public-private partnership initiated by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH and the German Coffee Association (DKV) in 2002, with social and environmental objectives.

¹ Note that homogeneity and heterogeneity refer here to actors' preferences rather than different stakeholder types (although the two often co-vary).

² http://www.fsc.org/fileadmin/webdata/public/document_center/publications/FSC_Policy_Series/Impacts_lit_review_summary_EN.PDF (17.02.2011).

³ <http://www.biocontrol.ca/pdf/Bio13EN-FinalRev.pdf> (20.12.2010)

INFORMATION STRATEGIES AND TRANSPARENCY

Transparency refers to the provision of timely, reliable and comprehensible information on the governance and performance characteristics of the organisation (see also Fuchs et al. 2009). It enhances public scrutiny and visibility in complex environments, thereby also strengthening organisations' legitimacy. Transparency can be internal and external, i.e. information available only to members and information available to the general public. The internal dimension of transparency covers information sharing processes within the organisation. An important element in this respect is the presence or not of benchmarking processes which allows the organisation to compare its own standards and certification processes with those of other organisations in order to learn and adapt accordingly. The external dimension of transparency concerns information sharing processes between organisations and those directly or indirectly affected by them, such as the "governed", other relevant organisations and the general public. External transparency can improve the legitimacy and accountability of transnational organisations to relevant stakeholders and society at large through provision of information to actors not directly participating in organisational structures and procedures (Gupta 2010). In this context, transparency has an empowerment potential by satisfying stakeholders' "right to know" and creating opportunities for intervention and change. In many cases, however, transparency tends to be selective and/or provided after important decisions have been made. The MSC has been criticised, in this context, for not providing any details on catch patterns, patterns of industry adoption of practices, by-catch and habitat damage problems and individual producer activities (Iles 2007). Moreover, the reliability of information is not always guaranteed. Many organisations tend to rely on self-reporting while few are willing to undergo external evaluation of their performance. At the same time, external transparency is also associated with a strategic element in that it generates knowledge that can be used to redefine concepts and ideas. Sustainability, a fundamental multi-dimensional concern in global governance, is often merely presented as eco-efficiency and good environmental management by private actors, for example (Bebbington 2001; Springett 2003). In turn, well-functioning systems of collecting, generating, processing and distributing knowledge (Biermann et al. 2009) also foster a spill over of the organisations' normative perspectives in society.

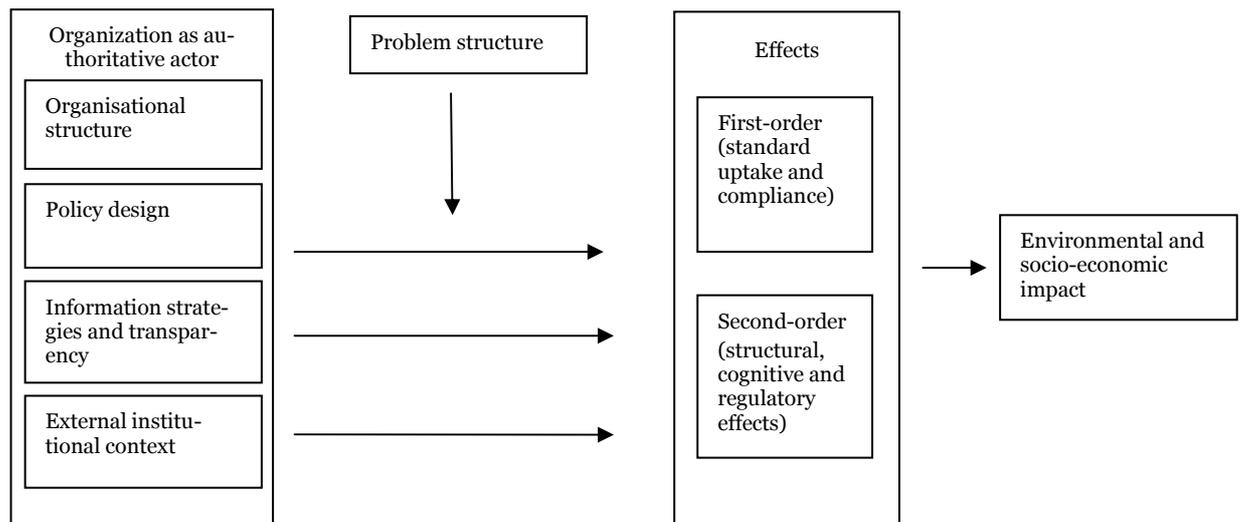
EXTERNAL INSTITUTIONAL CONTEXT

Developing the external institutional context of an organisation can strengthen the scope and extent of its rules. More specifically, informal and formal links with other public and private organisations performing similar roles and the establishment of a close working relationship with them bestow organisations with additional institutional authority and added legitimacy (Büthe 2010; Cashore 2002). The following example illustrates this argument. The Agreement on Technical Barriers to Trade (TBT) is an integral part of the treaty establishing the World Trade Organisation (WTO) and hence is binding on all WTO members. TBT commits member-states to use *international* standards (emphasis in original) as the technical basis for laws and regulations whenever international standards exist and can achieve the legitimate objectives of such laws and regulations, such as health, safety, or consumer protection (Büthe 2010: 304). Importantly, two transnational organisations both with close links to WTO, the International Standardisation Organisation (ISO) and the International Electrotechnical

Commission (IEC), are currently the only standard setting organisations explicitly recognised in the context of the TBT-Agreement as sources of such standards (ibid.).

In sum, focusing on the level of the organisation and contextualising our framework in a broader IR context, we identify problem structure, policy design, organisational structure, information strategies and external institutional context as pivotal variables in explaining variation in the effects of transnational rule-setting organisations. Figure 1 summarizes the key variables elaborated in this paper and their relation.

Figure 1: Effects of transnational rule-setting organisations and their determinants



Conclusions

This paper presented an analytical framework to study the effectiveness of transnational rule-setting organisations. We argued in favour of an understanding of effectiveness that includes the uptake of and compliance with the relevant rules and standards (first-order effects), the broader structural, cognitive and regulatory effects associated with the development and exercise of transnational rules (second-order effects), as well as the resulting sustainability impact. It is, however, important to note that in our attempt to explain variation in the overall effectiveness of transnational rule-setting organisations, we only explain variation in first- and second-order effects. In identifying determinants of effectiveness the proposed framework focused specifically on the organisational level as the most relevant level in which interventions can be made. We contextualised our expectations drawing on broader debates of IR including rational institutionalism, critical global governance studies and sociological perspectives. Accordingly, we identified three core mechanisms which allow organisations to produce certain types of effects: the extent to which they reflect and create interests, power and legitimacy. Drawing on this broader context, we identified organisational structure, policy design, informational strategies and external institutional context as key elements through which transnational organisations reflect and create interests, power and legitimacy and the varying effects produced accordingly. To account for possible variation in the effects of similar organisations we also considered the nature and

characteristics of problems organisations try to address as a control variable in our framework.

On the basis of this framework we were able to demonstrate that organisational form needs to be taken into account if we are to understand effectiveness. Although the empirical evidence presented is non-exhaustive it supports our theoretical expectations and provides some interesting insights. Specifically, our analysis reveals not only the variety of issues organisations have to consider in their effort to become effective agents in sustainability governance but also, more fundamentally, the tensions and dilemmas they unavoidably have to face when effectiveness is evaluated across multiple and, potentially conflictive, criteria. Moreover, it becomes clear that in a global governance context a narrow problem-solving focus is insufficient to issue a clear verdict on organisational effectiveness. Accordingly, the framework elaborated in this paper provides the impetus for further research that will foster a more comprehensive and detailed understanding of the varying effects of transnational organisations and their determinants in the global politics of sustainability.

References

- Auld, G., L. H. Gulbrandsen and C. L. McDermott. 2008. Certification Schemes and the Impacts on Forests and Forestry. *Annual Review of Environment and Resources* 33: 187-211.
- Auld, G. 2007. The Origins and Growth of Social and Environmental Certification Programs in the Fisheries Sector. Paper prepared for the 11th Annual Conference of the International Society for New Institutional Economics, Reykjavik, Iceland, June 21-23, 2007.
- Avant, D., M. Finnemore and S. K. Sell (eds). 2010. *Who Governs the Globe?* Cambridge: Cambridge University Press.
- Barrientos, S., C. Dolan and A. Tallontire. 2001. *The Gender Dilemma in Ethical Trade*. NRI Working Paper No. 2624, Natural Resources Institute, Chatham.
- Bartley, T. 2010. Transnational Private Regulation in Practice: The Uneven Implementation of Labor and Environmental Standards in Indonesia. *Business and Politics* 12(3): article 7.
- Bebbington, J. 2001. Sustainable Development: A Review of the International Development, Business and Accounting Literature. *Accounting Forum* 25(2): 128-57.
- Beisheim, M. and K. Dingwerth. 2008. Procedural Legitimacy and Private Transnational Governance. Are the Good Ones Doing Better? SFB-Governance Working Paper Series Nr. 14.
- Bernstein, S. and B. Cashore. 2007. Can Non-State Global Governance be Legitimate? An Analytical Framework. *Regulation and Governance* 1(4): 347-371.
- Biermann, F. et al. 2009. Studying the Influence of International Bureaucracies: A Conceptual Framework, In: F. Biermann and B. Siebenhüner (eds.). *Managers of Global Change*, 37-74.
- Biermann F, P. Pattberg, S. Chan and M. Mert. 2007. Partnerships for Sustainable Development: An Appraisal Framework Global Governance. Working Paper Series. Amsterdam: The Global Governance Project, URL: <http://www.glogov.org/images/doc/wp31.1.pdf>
- Blowfield, M. 2005. Corporate Social Responsibility: Reinventing the Meaning of Development? *International Affairs* 81(3): 515-524.
- Breitmeier, H., O. R. Young and M. Zürn. 2006. *Analyzing International Environmental Regimes*. Cambridge, Massachusetts: MIT Press.
- Burch, D. and G. Lawrence (eds.). 2007. *Supermarkets and Agri-food Supply Chains*. Cheltenham/Norhampton: Edward Elgar.
- Busch, L. 2011. The Private Governance of Food: Equitable Exchange or Bizarre Bazaar? *Agriculture and Human Values*.28(3) <http://www.springerlink.com/content/vnw5397888tpl7u1/>
- Busch, L. 2000. The Moral Economy of Grades and Standards. *Journal of Rural Studies* 16: 273-283.

- Bütthe, T. 2010. The Power of Norms; The Norms of Power: Who Governs International Electrical and Electronic Technology? In: Avant, D., M. Finnemore and S. K. Sell (eds). 2010. *Who Governs the Globe?* Cambridge: Cambridge University Press, pp. 292-332.
- Cashore, B. 2002. Legitimacy and the Privatisation of Environmental Governance: How Non-State Market-Driven (NSMD) Governance Systems Gain Rule-Making Authority. *Governance* 15(4): 503-529.
- Chasek, P., D. L. Downie and J.W. Brown 2006: Effective environmental regimes, obstacles and opportunities, , in: *Global environmental politics*, 4th edition, Westview Press, 197-232.
- Clapp, J. 2001. *Toxic Exports. The Transfer of Hazardous Wastes from Rich to Poor Countries*, Ithaca: Cornell University Press.
- Conzelmann T. and K.D. Wolf. 2008. The Potential and Limits of Governance by Private Codes of Conduct. In: J-C Graz and A. Nölke. (eds). *Transnational Private Governance and its Limits*. London: Routledge, pp. 98-114.
- Cox, R. 1987. *Production, Power and World Order*. New York: Columbia University Press.
- Cutler, C., V. Haufler and T. Porter. 1999. *Private Authority and International Affairs*. New York: SUNY.
- Dingwerth, K. and P. Pattberg. 2009. World Politics and Organisational Field: The Case of Transnational Sustainability Governance. *European Journal of International Relations* 15: 707-743.
- Dingwerth, K. and P. Pattberg. 2007. Wirkungen Transnationaler Umweltregime. In: K. Jacob, F. Biermann, P.O. Busch and P.H. Feindt (Eds.). *Politik und Umwelt*. Wiesbaden: VS Verlag für Sozialwissenschaften, pp. 133-156.
- Eurobarometer. 2008. Attitudes of European Citizens towards the Environment. March 2008. http://ec.europa.eu/public_opinion/archives/ebs/ebs_295_en.pdf (15.02.2011)
- Fairclough, N. 1992. *Discourse and Social Change*. Cambridge: Polity Press.
- Falkner, R. 2003. Private Environmental Governance and International Relations: Exploring the Links. *Global Environmental Politics* 3(2): 72-87.
- FAO. 2006. *Food Safety Certification: Report*. Rome: FAO.
- Fuchs, D., A. Kalfagianni, J. Clapp and L. Busch. 2011, forthcoming. Introduction to Symposium- Private Food Governance: Values, Shortcomings and Alternatives. *Agriculture and Human Values* 28(3).
- Fuchs, D., A. Kalfagianni, and T. Havinga. 2011. Actors in Private Food Governance: The Legitimacy of Retail Standards and Multistakeholder Initiatives with Civil Society Participation. *Agriculture and Human Values* 28(3) <http://springerlink.com/content/m237228605223463/>
- Fuchs, D. and A. Kalfagianni. 2010. The Causes and Consequences of Private Food Governance. *Business and Politics* 12(3): article 5.
- Fuchs, D. and A. Kalfagianni. 2009. Discursive Power as Source of Legitimation in Food Retail Governance. *International Review of Retail, Distribution and Consumer Research*, 19(5): 553-570.
- Fuchs, D. 2006. Transnational Corporations and Global Governance: The Effectiveness of Private Governance. In Stefan Schirm (ed.), *Globalization. State of the Art of Research and Perspectives*. London: Routledge.
- Graz J-C and A. Nölke. 2008. *Transnational Private Governance and its Limits*. London: Routledge.
- Greven, T. 2004. Private, Staatliche und Überstaatliche Interventionen zur Verankerung von Arbeitnehmerrechten. In: Hans Bass and Steffen Melchers (eds.): *Neue Instrumente zur Sozialen und Ökologischen Gestaltung der Globalisierung: Codes of Conduct, Sozialklauseln, nachhaltige Investmentfonds*, Münster/Hamburg/Berlin: 139-171.
- Gulbrandsen, L. H. 2010. *Transnational Environmental Governance. The Emergence and Effects of the Certification of Forests and Fisheries*. Cheltenham UK: Edward Elgar.
- Gulbrandsen, L. H. 2008. The Emergence and Effectiveness of the Marine Stewardship Council. *Marine Policy* 33: 654-660.
- Gullison, RE. 2003. Does Forest Certification Conserve Biodiversity? *Oryx* 37: 153-165.
- Gupta, A. 2010. Transparency in Global Environmental Governance: A Coming of Age? *Global Environmental Politics* 10(3): 1-9.
- Guthman, J. 2007. The Polanyian Way? Voluntary Food Labels as Neoliberal Governance. *Antipode* 39(3): 456-478.
- Hall, R.B. and T. J. Biersteker (eds.). 2002. *The Emergence of Private Authority in Global Governance*. Cambridge University Press: Cambridge.

- Hallström, K.T. 2004. *Organizing International Standardization. ISO and the IASC in Quest of Authority*. Cheltenham: Edward Elgar.
- Hansen, H. Krause and D. Salskov-Iversen. 2008. *Critical Perspectives on Private Authority in Global Politics*. Palgrave MacMillan, New York.
- Hatanaka, M., C. Bain and L. Busch. 2005. Third Party Certification in the Global Agrifood System. *Food Policy*, Vol. 30, pp. 354–69.
- Haufler, V. 1999. Private Sector International Regimes. In: Richard A. Higgott et al. (eds.) *Non-State Actors and Authority in the Global System*. London/New York: 121-137.
- Hedberg, C-J and F. von Malmborg. 2003. The Global Reporting Initiative and Corporate Sustainability Reporting in Swedish Companies. *Corporate Social Responsibility and Environmental Management* 10: 153-164.
- Hurd, I. 1999. Legitimacy and Authority in International Politics. *International Organisation* 53(2): 379-408.
- Iles, A. 2007. Making the Seafood industry more Sustainable: Creating Production Chain Transparency and Accountability. *Journal of Cleaner Production* 15: 577-589.
- ISO. 2007. *ISO Standards Will Promote Sustainable Development of Fisheries and Aquaculture* [Press release]. International Organization for Standardization, May 30 2007 [cited June 9 2007]. Available from <http://www.iso.org/iso/en/commcentre/pressreleases/2007/Ref1057.html>.
- Jacobson, H.K. and E. Brown Weiss. 1998. A Framework for Analysis. In: and E. Brown Weiss and H.K. Jacobson (eds.). *Engaging Countries. Strengthening Compliance with International Environmental Accords*. Cambridge MA: MIT Press, pp. 1-18.
- Jaffee S. and S. Henson. 2004. *Standards and Agro-Food Exports from Developing Countries: Rebalancing the Debate*, Policy Research Paper No 3348, World Bank, Washington D.C.
- Jönsson, C. and J. Tallberg. 1998. Compliance and Post-Agreement Bargaining. *European Journal of International Relations* 4(4): 371-408.
- Konefal, J., M. Mascarenhas and M. Hatanaka. 2005. Governance in the Global Agro-Food System. Backlighting the Role of Transnational Supermarket Chains. *Agriculture and Human Values* 22(3): 291-302.
- Klooster, D. 2005. Environmental Certification of Forests in Mexico: the Political Ecology of Nongovernmental Market Intervention. *Annals of American Geographers* 96: 541-565.
- Krasner, S. 1983. *International Regimes*. Ithaca, NY: Cornell University Press.
- Leadbitter, D., G. Gomez, and F. McGilvray. 2006. Sustainable Fisheries and the East Asian Seas: Can the Private Sector Play a Role? *Ocean and Coastal Management* 49: 662-675.
- Lock, P. 2001. Sicherheit à la carte? Entstaatlichung, Gewaltmärkte und die Privatisierung des staatlichen Gewaltmonopols, In: Tanja Brühl, Tobias Debiel, Brigitte Hamm, Hartwig Hummel und Jens Martens (Hg.). *Die Privatisierung der Weltpolitik*, Verlag J.H.W. Dietz Nachfolger: Bonn, S. 200-231.
- Margolis, J. D. and J. P. Welsh. 2003. Misery Loves Companies: Rethinking Social Initiatives by Business. *Administrative Science Quarterly* 48(2): 268-305.
- McDermott, C. L., E. Noah and B. Cashore. 2008. Differences that 'Matter'? A Framework for Comparing Environmental Certification Standards and Government Policies. *Journal of Environmental Policy & Planning* 10(1): 47-70.
- McMichael, P. 2004. Global Development and the Corporate Food Regime. Paper presented at the Symposium on New Directions in the Sociology of Global Development. XI World Congress of Rural Sociology. July 25-30, 2004.
- Meidinger, E. 2009. Private Import Safety Regulation and Transnational New Governance. In: C. Coglianese, A. Finkel and D. Zaring (eds.). *Import Safety: Regulatory Governance in the Global Economy*. Philadelphia: University of Pennsylvania Press, pp. 233-253.
- Mitchell, R.B. 2006. Problem Structure, Institutional Design and the Relative Effectiveness of International Environmental Agreements. *Global Environmental Politics* 6(3): 72-89.
- Mitchell, R. B. 2002. A Quantitative Approach to Evaluating International Environmental Regimes. *Global Environmental Politics*. 2(4): 58-83

- Muthien, B. and I. Taylor. 2002. The Return of Dogs of War? The Privatisation of Security in Africa. In: Rodney Bruce Hall and Thomas J. Biersteker. *The Emergence of Private Authority in Global Governance*. Cambridge University Press: Cambridge, pp. 183-202.
- Muradian, R. and W. Pelupessy. 2005. Governing the Coffee Chain: the Role of Voluntary Regulatory Systems. *World Development* 33(12): 2029-2044.
- Neilson, J. and B. Pritchard. 2007. Green Coffee? The Contradictions of Global Sustainability Initiatives from an Indian Perspective. *Development Policy Review* 25(3): 311-331.
- O'Rourke, D. 2003. Outsourcing Regulation: Analysing Nongovernmental Systems of Labour Standards and Monitoring. *Policy Studies Journal* 31(1): 1-29.
- Oosterveer, P. 2010. Authority in Governing Global Food. Paper presented at the ECPR Conference on Regulation in the Age of Crisis, Dublin 17-19 June.
- Oosterveer, P. 2008. Governing Global Fish Provisioning: Ownership and Management of Marine Resources. *Ocean and Coastal Management* 51: 797-805.
- Owens, C. M. 2007. Sustainable Seafood Labelling: An Analysis of the Marine Stewardship Council. Graduate School of International Relations and Pacific Studies. University of California, San Diego, IR/PS Case # 07-02 <http://irps.ucsd.edu/assets/021/8419.pdf> Accessed 10 November 2008.
- Pattberg, P., E. Dellas and M. Betsill, eds. 2011, forthcoming. Agency in Earth System Governance: Refining a Research Agenda. Special Issue of *International Environmental Agreements: Politics, Law and Economics* 11 (1).
- Pattberg, P. 2005a. The Forest Stewardship Council: Risk and Potential of Private Forestry Governance. *The Journal of Environment and Development* 14(3): 356-374.
- Pattberg, P. 2005b. What Role for Private Rule-Making in Global Environmental Governance? Analysing the Forest Stewardship Council. *International Environmental Agreements: Politics, Law and Economics* 5(2): 175-189.
- Pattberg, P. 2004. The Institutionalisation of Private Governance: Conceptualising an Emerging Trend in Global Environmental Politics. Global Governance Working Paper No 9. Potsdam, Amsterdam, Berlin, Oldenburg: The Global Governance Project. Available at <http://www.glogov.org>.
- Pearson, R. 2007. Beyond Women Workers: Gendering CSR. *Third World Quarterly* Vol. 28, No. 4, pp. 731-49.
- Ponte, S. 2007. Greener than Thou: The Political Economy of Fish Ecolabelling and its Local Manifestations in South Africa. *World Development* 36(1): 159-175.
- Rametsteiner, J. and M. Simula. 2003. Forest Certification-An Instrument to Promote Sustainable Forest Management. *Journal of Environmental Management* 67(1): 87-98.
- Raustiala, K. and D. Victor. 2004. The Regime Complex for Plant Genetic Resources. *International Organization* 58 (2), 277-309.
- Raynolds, L. and D. Murray. 2007. *Fair Trade: The Challenges of Transforming Globalization*. London: Routledge.
- Reardon Th, P. Timmer and J. Berdegue. 2004. The Rapid Rise of Supermarkets in Developing Countries: Induced Organisational, Institutional and Technological Change in Agrifood Systems. Paper presented at the Meetings of the International Society for New Institutional Economics, Tucson, Arizona, September 2004.
- Schaller, S. 2007. *The Democratic Legitimacy of Private Governance: An Analysis of the Ethical Trading Initiative*. INEF Report 91/2007, Institute for Development and Peace, University of Duisburg-Essen.
- Scharpf, W.F. 1997. *Games Real Actors Play*. Colorado: Westview Press.
- Schuman, M.C. 1995. Managing Legitimacy: Strategic and Institutional Approaches. *Academy of Management Review* 20: 571-610.
- Sinclair, A. 1993. Approaches to Organisational Culture and Ethics. *Journal of Business Ethics* 12: 63-73.
- Spaling, H. and B. Smit. 1995. A Conceptual Model of Cumulative Environmental Effects of Agricultural Land Drainage. *Agriculture, Ecosystems and Environment* 53(2): 99-108.
- Springett, D. 2003. Business Conceptions of Sustainable Development: A Perspective from Critical Theory. *Business Strategy and the Environment* 12: 71-86.
- Sutton, D. 2003. An Unsatisfactory Encounter with the MSC- A Conservation Perspective. In Phillips B, Ward T. and Chaffee C. (eds). *Ecolabeling in Fisheries: What Is It All About?* Oxford: Blackwell, 114-119.

- Thirkell-White, B. 2006. Private Authority and Legitimacy in the International System. *International Relations* 20 (3): 335-342.
- Van der Grijp, N. 2008. *Regulating Pesticide Risk Reduction: The Practice and Dynamic of Legal Pluralism*. Amsterdam: Vrije University of Amsterdam.
- WCED (World Commission on Environment and Development). 1987. *Our Common Future*. Oxford: Oxford University Press.
- Young, O.R. 1999. *The Effectiveness of International Environmental Regimes*. Boston: MIT Press.

The Global Governance Working Paper Series

All working papers are available at www.glogov.org.

- 42 *Technology Transfer through Water Partnerships: A Radical Framework of Assessment for Legitimacy*. By Ayşem Mert and Eleni Dellas. Global Governance Working Paper 42. 2011.
- 41 *Global Democracy without Global Justice?* By Klaus Dingwerth. Global Governance Working Paper 41. 2010
- 40 *Towards a World Environment Organization: Identifying the Barriers to International Environmental Governance Reform*. By Marjanneke J. Vijge. Global Governance Working Paper 40. 2010
- 39 *The Good, the Bad, and the Even Worse: Explaining Variation in the Performance of Energy Partnerships*. By Kacper Szulecki, Philipp Pattberg and Frank Biermann. Global Governance Working Paper 39. 2009.
- 38 *Transparency To The Rescue? Assessing Effectiveness of 'Governance by Disclosure'*. By Aarti Gupta. Global Governance Working Paper 38. 2009.
- 37 *A Tale of Two Crises - What the Global Financial Crisis means for the Global Environmental Crisis*. By Kyla Tienhaara. Global Governance Working Paper 37. 2009.
- 36 *Regime Conflicts in Global Environmental Governance - A Framework for Analysis*. By Fariborz Zelli. Global Governance Working Paper No 36. 2008.
- 35 *Science and policy in the global governance of desertification - An analysis of institutional interplay under the United Nations Convention to Combat Desertification*. By Steffen Bauer and Lindsay C. Stringer. Global Governance Working Paper No 35. 2008.
- Appeared revised in *The Journal of Environment and Development* 2009, 18 (3): 248-267.
- 34 *Fragmentation of Global Governance Architectures - The Case of Climate Policy*. By Frank Biermann, Philipp Pattberg, Harro van Asselt, and Fariborz Zelli. Global Governance Working Paper No 34. 2007.
- Appeared revised in *Global Environmental Politics*, 9: 4 (2009), 13-40.

- 33 *Preparing for a Warmer World. Towards a Global Governance System to Protect Climate Refugees.* By Frank Biermann and Ingrid Boas. Global Governance Working Paper No 33. 2007.
- 32 *Remapping Global Climate Governance: Fragmentation beyond the public/private divide.* By Philipp Pattberg and Johannes Stripple. Global Governance Working Paper No 32. 2007.
Appeared revised in *International Environmental Agreements*, 8: 4 (2004): 367-388.
- 31 *Partnerships for Sustainable Development: An Appraisal Framework.* By Frank Biermann, Philipp Pattberg, Man-san Chan, and Ayşem Mert. Global Governance Working Paper No 31. 2007.
- 30 *Dealing with the Fragmentation of Global Climate Governance: Legal and Political Approaches in Interplay Management.* By Harro van Asselt. Global Governance Working Paper No 30. 2007.
- 29 *Administering International Governance: What Role for Treaty Secretariats?* By Steffen Bauer, Per-Olof Busch, and Bernd Siebenhüner. Global Governance Working Paper No 29. 2007.
Published in *International Organizations in Global Environmental Governance*, edited by F. Biermann, B. Siebenhüner and A. Schreyögg. Oxford: Routledge, 2009.
- 28 *The Ozone Secretariat: Administering the Vienna Convention and the Montreal Protocol on Substances that Deplete the Ozone Layer.* By Steffen Bauer. Global Governance Working Paper No 28. 2007.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 27 *The Catalyst Conscience: UNEP's Environment Secretariat and International Environmental Governance.* By Steffen Bauer. Global Governance Working Paper No 27. 2007.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 26 *The Influence of International Bureaucracies in Global Environmental Politics: Results from an Expert Survey.* By Mireia Tarradell. Global Governance Working Paper No 26. 2007.

- 25 *Managers of Global Change: The Core Findings of the MANUS Project*. By Frank Biermann and Bernd Siebenhüner. Global Governance Working Paper No 25. 2007.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 24 *The Secretariat of the Global Environment Facility*. By Lydia Andler. Global Governance Working Paper No 24. 2007.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 23 *A Tanker for the Tankers? The Secretariat of the International Maritime Organization*. By Sabine Campe. Global Governance Working Paper No 23. 2007.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 22 *How to Make a Living in a Straitjacket: Explaining Influences of the Secretariat to the United Nations Framework Convention on Climate Change*. By Per-Olof Busch. Global Governance Working Paper No 22. 2006.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 21 *The World Bank: Making the Business Case for the Environment*. By Robert Maschinski and Steffen Behrle. Global Governance Working Paper No 21. 2006.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 20 *The OECD Environment Directorate: The Art of Persuasion and its Limitations*. By Per-Olof Busch. Global Governance Working Paper No 20. 2006.
Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 19 *Earth System Governance. The Challenge for Social Science*. By Frank Biermann. Global Governance Working Paper No 19. 2006.
Appeared in parts and revised in *Global Environmental Change: Human and Policy Dimensions* 17: 3–4 (2007), 326–337.

- 18 *The Transformation of Global Business Regulation*. By Philipp Pattberg. Global Governance Working Paper No 18. 2006.
 Appeared revised in *Business and Society Review* 111: 3 (2006): 241-268.
- 17 *Between the United States and the South. Strategic Choices for European Climate Policy*. By Frank Biermann. Global Governance Working Paper No 17. 2005.
 Appeared revised in *Climate Policy* 5 (2005), 273–290.
- 16 *Transatlantic Interdependence in US Climate Change Policy. Cross-Border State-Business Relations Challenging State Autonomy*. By Jonas Meckling. Global Governance Working Paper No 16. 2005.
- 15 *Managers of Global Governance. Assessing and Explaining the Influence of International Bureaucracies*. By Frank Biermann and Steffen Bauer. Global Governance Working Paper No 15. 2005.
 Published in *Managers of Global Change: The Influence of International Environmental Bureaucracies*, edited by F. Biermann and B. Siebenhüner. Boston: MIT Press, 2009.
- 14 *Democratic Governance Beyond the State: Operationalising an Idea*. By Klaus Dingwerth. Global Governance Working Paper No 14. 2004.
 Appeared revised as Chapter 2 of the monograph *The New Transnationalism: Transnational Governance and Democratic Legitimacy*. Basingstoke: Palgrave Macmillan, 2007.
- 13 *Does Effective International Environmental Governance Require a World Environment Organization? The State of the Debate Prior to the Report of the High-Level Panel on Reforming the United Nations*. By Steffen Bauer and Frank Biermann. Global Governance Working Paper No 13. 2004.
 Reprinted excerpts from Frank Biermann and Steffen Bauer, editors. 2005. *A World Environment Organization: Solution or Threat for Effective International Environmental Governance?* Aldershot (UK): Ashgate.
- 12 *Global Environmental Governance. Conceptualisation and Examples*. By Frank Biermann. Global Governance Working Paper No 12. 2004.
 Appeared revised in *International Environmental Politics*, edited by M. M. Betsill, K. Hochstetler and D. Stevis. Basingstoke: Palgrave Macmillan, 2006, 237–261.
- 11 *Proceedings of the 2002 Berlin Conference on the Human Dimensions of Global Environmental Change: 'Knowledge for the Sustainability Transition. The Challenge for Social Science'*. Edited by Frank Biermann, Sabine Campe and Klaus Jacob. 2004. ISBN 3-00-014956-2.

- 10 *Europe and Multipolar Global Governance. India and East Asia as New Partners?* By Frank Biermann and Hans-Dieter Sohn. Global Governance Working Paper No 10. 2004.
- 9 *The Institutionalisation of Private Governance: Conceptualising an Emerging Trend in Global Environmental Politics.* By Philipp Pattberg. Global Governance Working Paper No 9. 2004.
 Appeared revised in *Governance. An International Journal of Policy, Administration, and Institutions* 18: 4 (2005), 589–610.
- 8 *International Organisations as Learning Agents in the Emerging System of Global Governance. A Conceptual Framework.* By Bernd Siebenhüner. Global Governance Working Paper No 8. 2003.
- 7 *The Changing Role of Nation States in International Environmental Assessments.* By Bernd Siebenhüner. Global Governance Working Paper No 7. 2003.
 Appeared revised in *Global Environmental Change* 13 (2003), 113–123.
- 6 *Globale Politiknetzwerke und ihre demokratische Legitimation* [The democratic legitimacy of global public policy networks]. By Klaus Dingwerth. Global Governance Working Paper No 6 (German version). 2003.
 Appeared in *Zeitschrift für Internationale Beziehungen* 10: 1 (2003), 69–109.
- The Democratic Legitimacy of Global Public Policy Networks. Analysing the World Commission on Dams.* By Klaus Dingwerth. Global Governance Working Paper No 6 (English version). 2003.
 Appeared revised in *Global Governance* 11: 1 (2005), 65–83.
- 5 *Implementing the Kyoto Protocol Without the United States: The Strategic Role of Energy Tax Adjustments at the Border.* By Frank Biermann and Rainer Brohm. Global Governance Working Paper No 5. 2003.
 Appeared shortened and revised in *Climate Policy* 4: 3 (2005), 289–302.
- 4 *Global Environmental Change and the Nation State: Proceedings of the 2001 Berlin Conference on the Human Dimensions of Global Environmental Change.* Edited by Frank Biermann, Rainer Brohm and Klaus Dingwerth. PIK Report No 80. 2002.
 Selected articles appeared as special issue of *Global Environmental Politics* 4: 1 (2004), 1–114 (edited by Frank Biermann and Klaus Dingwerth).

- 3 *Strengthening Green Global Governance in a Disparate World Society: Would a World Environment Organization Benefit the South?* By Frank Biermann. Global Governance Working Paper No 3. 2002.
 Appeared revised in *International Environmental Agreements* 2:4 (2002), 297–315.

- 2 *Weltumweltpolitik: Global Change als Herausforderung für die deutsche Politikwissenschaft* [World environmental policy: Global change as a challenge for German political science]. By Frank Biermann and Klaus Dingwerth. PIK Report No 74. 2001.
 Appeared revised and shortened in *Zeitschrift für Umweltpolitik und Umweltrecht* 4 (2004), 505–29.

- 1 *The Rising Tide of Green Unilateralism in World Trade Law: Options for Reconciling the Emerging North-South Conflict.* By Frank Biermann. PIK Report no 66. 2000.
 Appeared revised in *Journal of World Trade* 35: 3 (2001), 421–48.