Learning through Disclosure: The Evolving Importance of Transparency in the Practice of Non-state Certification

Graeme Auld[1] and Lars H. Gulbrandsen[2]

June 19, 2012

[1] Assistant Professor, Carleton University, email: graeme_auld@carleton.ca
[2] Senior Research Fellow, Fridtjof Nansen Institute, email: lars.gulbrandsen@fni.no

1. Introduction

Certification programs—organized and coordinated by non-state actors to address social and environmental challenges in numerous economic sectors—exemplify efforts to govern by disclosure. Some hope certification will be a tool for NGOs, investors, governments, and consumers to, via labeled products, identify and support high performers, and hence, place upward pressure on sector-wide practices. Beyond this simple appraisal, however, unanswered questions remain concerning the practice and consequences of transparency by non-state certification.

Using a comparative, programmatic analysis, this chapter presents a critical analysis of transparency in non-state certification in two ways. First, we compare certification initiatives in the forest and fisheries sectors, primarily focusing on the Forest Stewardship Council (FSC) and the Marine Stewardship Council (MSC), to assess the *transparency of* and *for* private governance and its consequences for legitimacy and accountability.[3] To do so, we assess not only what information is disclosed but also, via rules for participation, which actors define, control, and have access to it. Through this lens, important differences across programs emerge. As a membership organization, the FSC allows direct participation in rule-making processes through, for instance, National Initiatives charged with localizing the program's global standard. The MSC, by contrast, formed as a partnership initiative of the World Wide Fund for Nature (WWF) and Unilever that sought to create an FSC-type organization for seafood.[4] Other stakeholders were quickly included via workshops and outreach seeking feedback on standards development.

---

[3] See Mitchell 2011 for further discussion on "transparency of governance" and "transparency for governance".
[4] Fowler and Heap 2000.

Yet, the partners purposefully avoided copying the FSC's approach to membership and its national affiliates for localizing global standards.[5]

The contrasting paths of the FSC and MSC shed light on the relationships between, on the one hand, transparency and participation and, on the other, legitimacy and accountability. The MSC's pursuit of legitimacy involves a more instrumental use of transparency and participation; they are used to inform stakeholders of the program's activities and to solicit advice to make fisheries assessments credible. The FSC, by contrast, treats transparency and participation more as ends unto themselves. With accountability, the programs are more similar, both treating transparency as a tool for accountability. They have each continually increased the checks on and openness of auditing practices by introducing new requirements for certifiers and methodologies for ensuring consistency across assessments.

Our second comparative focus examines how the transparency provisions of individual non-state certification programs interact to affect the learning potential of the private regulatory field. We find uneven diffusion of leading disclosure practices undertaken by the MSC and FSC, particularly the disclosure of auditing reports. Carbon-offset verifiers such as the American Carbon Registry, Verified Carbon Standard and Climate Action Reserve have adopted this practice. However, other programs within the forestry and fishery sector have not done so nor has the joint initiative of the Rainforest Alliance and the Sustainable Agriculture Network, a program active in certifying many agricultural commodities.

This inconsistency has implications for the learning capacity of non-state certification programs. Later programs can benefit from the transparency of early programs, but then not disclose their own lessons to inform future developments of the certification field as a whole. A key challenge we therefore stress is how the marketization of information—in this case

---

[5] Auld 2009.

knowledge about the operation of non-state certification becoming privately controlled and exchanged—requires careful attention if the transformative potential of certification is likely to be realized.[6]

Our analysis proceeds in four parts. First, drawing an analytic distinction between outcome and procedural transparency, we review the links between transparency and (1) programmatic legitimacy and accountability and (2) learning within and across non-state certification initiatives. Second, we examine the transparency requirements of the MSC and FSC. Third, we explore the effects of procedural and outcome transparency for goals of legitimacy and accountability and then assess links between outcome transparency and the field-level learning capacity of non-state certification program.

2. Embracing transparency and disclosure

The information provided by an eco-label is only one reason and—in our assessment—not the most important reason why certification is an example of governance by disclosure.[7] First, eco-labels provide limited information; consumers that buy labeled products essentially have to *trust* the label. Absent public outreach and marketing, most consumers cannot be expected to critically assess labeling requirements and then make informed choices about whether or not to buy a labeled product. Though some labels provide extensive on-product information— nutritional labels for instance—this approach is rare among non-state certification programs. Second, research shows that NGO targeting of major buyers that then demand certified products from their supply chains has contributed more to the growth and spread of non-state certification programs than has consumer demand.[8] Third, eco-labels are only one small piece of information

---

[6] Mol this volume
[7] Gupta 2008.
[8] Cashore, Auld, and Newsom 2004; Sasser 2003; Gulbrandsen 2006.

non-state certification programs disclose; information about the procedures and outcomes of rulemaking and auditing—that is the *transparency of* and *for* governance[9]—reveals a lot more about the consequences of transparency in certification programs than does the label itself.

This chapter, then, focuses on procedural and outcome transparency and their implications for the accountability and legitimacy of certification programs, and for the learning capacity of private regulatory fields.[10] By procedural transparency we mean the openness of governance processes, such as decision-making or adjudication.[11] Transparency of this type is often used to improve the legitimacy of global governance arrangements; open procedures are postulated to legitimate governors not supported by norms of popular sovereignty.[12] Outcome transparency involves information about regulated or unregulated behaviors; for instance, a law might require disclosure of the environmental or health risks of a product or manufacturing process.[13] It deals directly with a policy's substantive ends and has consequences for identifying and managing environmental and social problems by providing information to concerned actors with the aim of affecting behavior and/or increasing accountability.[14] Although outcome and procedural transparency can occur simultaneously, they may not. A process with no procedural transparency could establish a rule requiring extensive outcome transparency for some regulated party. Hence they are useful to disentangle.

With certification, the focal actors for procedural transparency are decision-makers. Information about decision-making processes made public can be a means to meet all the above-mentioned policy goals. First, accountability may improve, as information about decision-making

---

[9] Mitchell 2011.
[10] Auld and Gulbrandsen 2010
[11] Vermeule 2007, 187.
[12] Mitchell 2011; Esty 2006, 1514; Gupta 2008.
[13] Mitchell 2011.
[14] Vermeule 2007, 187; Mitchell 1998.

processes enables program members and the public to ask relevant questions and demand answers. Second, by appealing to shared norms of openness and fairness, it can help increase support of certification by producers, NGOs, local communities and other relevant audiences, thus enhancing legitimacy.[15] Finally, information about decision-making processes can facilitate buy-in from a broad base of participants to ensure effective implementation of policy choices. Because participation is voluntary, procedural transparency can help convince participants that decision-making is conducted in an open, balanced, and fair manner.

With outcome transparency, the focal actors are those being regulated. Information about their activities disclosed to the public and stakeholders can enhance accountability and legitimacy. First, better accountability can result because NGOs use audit reports to hold certified companies to account for their practices and performance.[16] Second, improved legitimacy can result if information about auditing and monitoring convinces relevant audiences that assessments are credible and that the system for monitoring practices, verifying compliance, and responding to noncompliance can be trusted.[17] Finally, by generating information about the practices and performance of certified companies, outcome transparency can influence behavior and ultimately may facilitate better environmental and working conditions, or other relevant improvements.[18]

Procedural and outcome transparency do not act in isolation; other policies and the environment into which information is disclosed condition their consequences. First, procedural transparency may not empower all stakeholders equally.[19] Who gets selected as participants, what form of information is exchanged and through what means, and who holds decision-making

---

[15] Bernstein 2004; Bernstein and Cashore 2007.
[16] Meidinger 2006, 82.
[17] O'Rourke 2006; Raynolds, Murray, and Heller 2007.
[18] O'Rourke 2003.
[19] Langley 2001; Vermeule 2007, 192.

power are important questions. How they are answered matters for how transparency affects accountability and legitimacy.[20]

Second, the outcome and procedural transparency practices of individual certification programs interact to affect the learning capacity of the broader field of private regulators. There are two competing incentives at play. On the one hand, individual programs have incentives to control their information disclosures; they confront market norms about information such as commercial confidentiality and intellectual property rights, which favor private, restricted, or paid-for access to information. On the other, the collective-learning and -innovation capacity relies on open access. Without information on what does and does not work, learning across programs will be limited.

Various scholars interested in the aggregate effects of self-organized governance or policy experiments underscore this point.[21] In Overdevest and colleagues words: "Experimentalism seeks to encourage local jurisdictions or communities to experiment with ways of achieving standards for environmental quality (air quality, water quality, adequate participation), while it calls for the broader pooling and sharing of information across experiments to help improve public understanding and accountability (p286)."[22] The key point for us is the "pooling and sharing of information", which relies on the transparency.

These insights highlight a key challenge. Non-state certification programs are innovating new governance arrangements, mechanisms and norms with broad value for collective efforts to manage earth systems. Tracking systems developed in forestry, for instance, have become critical for advancing efforts to fight illegal timber trade.[23] However, incomplete or uneven transparency

---

[20] Fung 2006.
[21] Victor, House, and Joy 2005; Keohane and Victor 2011
[22] Overdevest, Bleicher, and Gross 2010
[23] Auld et al. 2010

across the field of non-state certification programs presents problems for this collective model of innovation. It may mean certain programs gain from the experiences of others, without reciprocating with information about their own successes and failures. Hence, we suggest that open-source governance models—from computer software in particular—provide important lessons for the future evolution of non-state certification programs.[24]

This second part of our analysis is, then, a plausibility probe for the argument that without disclosure about the effects of non-state certification, collective learning to advance effectiveness will be difficult. Absent disclosure requirements, later programs can copy aspects of early programs without having to disclose their own lessons learned, thus hampering learning and innovation. Though many design characteristics may be copied,[25] we focus on outcome transparency since it is arguably critical for learning about programmatic effects.

3. Institutionalizing transparency and disclosure: Comparing the MSC and FSC

This section reviews procedural and outcome transparency provisions in the FSC's and MSC's rule-making and auditing processes (Table 1).[26]

3.1 Rule-making

Ultimate decision-making authority resides with different bodies in the two programs. With the FSC, it is held by the organization's membership, over 840 in May 2012. Member organizations and individuals are separated into three interest-based chambers (environment, social, and economic) each of which now control one third of the total voting rights. Parity between northern and southern interests is also required within each chamber. The secretariat is

---

[24] Braithwaite 2008; Boyle 2008
[25] See Dingwerth and Pattberg 2009; Gulbrandsen 2010.
[26] We draw from Auld and Gulbrandsen 2010

the FSC's central organizational body. Led by the Executive Director, it manages operational issues, carrying out the membership's motions and the Board of Director's strategic plans.[27]

By contrast, with the MSC, ultimate decision-making authority is held by a Board of Trustees, which also acts as the organization's public face. Initially, the MSC was run by a secretariat that coordinated the activities of a Standards Council, Advisory Board, and National Working Groups.[28] The Advisory Board was partitioned into three chambers: one for economic interests, a second for environmental groups and government bodies (domestic and international), and a third for educational, social, and consumer interests.[29] It was the closest analogue to FSC's membership, being "open to any individual with an interest in fisheries and their certification irrespective of their own background."[30] Following a review in 2001, the MSC expanded its Board of Trustees and replaced the Standards Council with a Technical Advisory Board designed to give advice on standards, chain of custody, and logo licensing. Finally, the Advisory Board was replaced by a Stakeholder Council comprising 30 to 50 members who annually met to provide the Board guidance. Two members from the Council and one member of the Technical Advisory Board hold seats on the Board of Trustees, which continues to hold rule-making authority.[31]

The core rules the FSC and MSC establish are those governing the practices of audited operations in the respective sectors. Both programs took similar approaches to establishing global standards, but differed in how they made these standards appropriate for different local fisheries and forestry contexts. The FSC decentralized the process. After four years spent drafting the international Principles and Criteria (P&C), which involved worldwide consultation, groups of

---

[27] Forest Stewardship Council 1995.
[28] Fowler and Heap 2000, 141.
[29] Marine Stewardship Council 2000; Fowler and Heap 2000, 141.
[30] Marine Stewardship Council 1999.
[31] Marine Stewardship Council 2001b.

interested stakeholders in a specific country—or region within a country—were given official status and charged with developing locally appropriate indicators and verifiers for the P&C.[32] The FSC set stringent requirements for transparency of these initiatives: "In order for the FSC as a whole to maintain its credibility and transparency, the organization and its National Initiatives must act in an open and participatory fashion."[33] Likewise, with the National Initiatives' standards development work, the FSC requires procedural transparency for standards it will endorse. This means: "The consultative process [has to] be transparent and accountable, both to working group members, and to the wider public. Minutes of all meetings and draft standards [are to] be made available to any interested party."[34]

Meeting these procedural requirements has been time and resource intensive, and as a result, endorsed standards lag behind the spread of forest management certificates.[35] By 2010, FSC-certified forests existed in 82 countries, nearly four times the number of endorsed standards (given some countries, particularly the US, have several sub-national standards endorsed).[36] Since certifiers were operating before the FSC launched and in order not to restrict participation in areas where standards remain incomplete, FSC-accredited certifiers may assess operations against locally-adapted "generic" standards.[37] Here, too, FSC requires stakeholder consultation, including soliciting input from: any FSC National Initiative operational in the country or region; relevant government bodies; interested domestic and international NGOs; representatives of relevant indigenous peoples and forest dwelling or using communities affected by the operations; labor

---

[32] There are now 57 National Initiatives: 15 in Africa, two in North America, nine in Latin and Central America, 23 in Europe (including Russia), and eight in Asia and Oceania. [Check these numbers]
[33] Evison 1998, 29.
[34] Evison 1998, 61.
[35] For fuller discussion of time standards have taken to receive endorsement see Auld and Gulbrandsen 2010.
[36] Forest Stewardship Council 2007a
[37] Forest Stewardship Council 2004d.

unions; contractors; and representatives of forest industry and forest owners.[38] In a language readily understood in the region, the certifier must contact stakeholders about the assessment and indicate that their input will inform the localization of the "generic" standard for the assessment. The standard must also be made available on the certifier's website.[39]

The MSC, while emulating the FSC's approach to setting global principles and criteria, the role of localization was given to certifiers.[40] As with the FSC, applicants can undergo a confidential pre-assessment that identifies steps the operation will need to take prior to a full assessment.[41] Public notice is required prior to the full assessment, which is when work similar to that done by FSC National Initiatives begins. Initially, expert assessment teams were given discretion to develop performance indicators and scoring guideposts for evaluating the candidate fishery. Although guided by previous assessments, the aim was to have operation-specific measures. Since 2001, however, the MSC has been working on the consistency and reliability of assessments. In July 2008, it introduced a new fisheries assessment methodology that provides a default assessment tree, from which certifiers must now build performance indicators and scoring guideposts.[42]

During the assessment, the applicant fishery is required to provide information that will allow the assessment team to score the fishery; the assessment team interviews relevant stakeholders and takes account of concerns relating to management and sustainability of the fishery. Procedural transparency is facilitated by a comment period, where interested stakeholders

---

[38] Forest Stewardship Council 2004e; Forest Stewardship Council 2004d, clause 3.1.3.
[39] Forest Stewardship Council 2004d.
[40] Murphy and Bendell 1997.
[41] Chaffee, Phillips, and Ward 2003, 64.
[42] Marine Stewardship Council 2008a, 2008b; Gulbrandsen 2010, 126.

get 30 days to make suggestions about performance indicators and scoring guideposts. The final versions must incorporate this feedback and be made public before the assessment begins.[43]

3.2 Auditing

Independent certification bodies (certifiers) conduct the certification assessments—or audits—for both programs. Both programs also use the same external organization—Accreditation Services International—to conduct the assessments. ASI was originally set up by the FSC in March 2006.

For the FSC, the basic rules for what auditors must disclose have been the same since late 2004; however, ASI now posts public summaries of the accreditation reports on its website. The requirements for procedural transparency are extensive. Each accredited certifier must maintain seven years of records on a wide range of issues, and all this information must be made available to the FSC, upon request. The records must cover, *inter alia*, information on the certifier's staff including their qualifications, potential conflicts of interest and training records; information on its decision-making processes and operations including committee work, evaluation and certification contracts, reporting, and approvals for use of the FSC Trademark; details on all certificate holders and their products; and meeting minutes or notes from all committees overseeing certification and dispute-resolution decisions.[44] Additionally, the rules require that certifiers provide interested stakeholders information on the names and qualifications of those responsible for, *inter alia*, the certifier's overall performance, decision-making and dispute resolution.[45]

---

[43] Chaffee, Phillips, and Ward 2003, 70.
[44] Forest Stewardship Council 2004c, clause 9.
[45] Forest Stewardship Council 2004c, clause 3.3.

A first step for applicants is typically a confidential pre-assessment. During the full assessment, stakeholders are to be consulted to aid in determining whether the operation is in "compliance with the environmental, legal, social, and economic requirements of the Forest Stewardship Standard."[46] With the exception of small forest owners (operations eligible for FSC's small and low intensity managed forests program), FSC defines stakeholders as noted above. The FSC also requires that certifiers document all input, with explanations for how these comments affected the certification outcome. Should the certificate be awarded, the certifier must contact stakeholders to inform them of the outcome and explain how the stakeholders' specific concerns were addressed. These details are sometimes present in the public summary report, but none of the opinions of stakeholders are made public without prior written consent.[47]

Both when assessments use a "generic" or an endorsed standard, the results are summarized and posted on the certifier's website. At minimum, the report must include: a description of the forest and its land-use history; details on the forest management systems in use; summary of the operation's management plan in terms of FSC's requirements (Criterion 7.1); details of the operation's monitoring and assessment procedures consistent with FSC requirements (Criterion 8.2); and a description of the audit's scope and justification for any areas not assessed. The report must also note the assessment standard, details of the evaluation process, general observations taken to make the certification decision, and a clear statement of the certification outcome, including any conditions or pre-conditions.[48] This is in addition to a longer report detailing the operation's full assessment, which is provided to the FSC.[49] Discussion of the evaluation process typically explains how and with whom the team consulted.

---

[46] Forest Stewardship Council 2004e, clause 1.1.
[47] Forest Stewardship Council 2004e.
[48] Forest Stewardship Council 2004a.
[49] Forest Stewardship Council 2004b.

For the MSC, recall that a pre-assessment is a necessary first step. The pre-assessment is fully confidential, but sometimes clients publicize the outcome on the web to show stakeholders identified areas for improvements.[50] If an applicant fishery wants to undergo a full assessment, this must be publicized—in a local newspaper, for example—and all relevant stakeholders need to be notified. By 2004, less than half of the fisheries that had undergone pre-assessments proceeded to a full assessment.[51] Still, as of December 2011, there were 135 fisheries in some stage of full assessment and 109 already certified. An average full assessment takes one and half years from announcement to the final decision.[52]

The certifier appoints the full-assessment team that comprises experts in fishery stock assessments, ecosystem management, and fishery management. The assessment involves significant stakeholder engagement. Some assessments have even provided opportunities to comment on potential expert assessors.[53] Any stakeholder can comment on the process, and the team must demonstrate that these comments have been considered in their final report. The assessment team also arranges meetings with stakeholders throughout the process, and groups they have met with are listed in the public summary report. The reports also list comments considered by the team. With the Western Australian rock lobster fishery, conservation groups expressed concern about by-catch; consequently, the fishery was required to create, within 12 months, a better system for tracking by-catch and documenting the fishery's interactions with marine life.[54]

In the end, the assessment team makes the certification decision. The team members score the fishery according to the assessment tree and issue a preliminary report for peer review and

---

[50] Gulbrandsen 2010, 125.
[51] Bridgespan Group 2004, 4.
[52] Auld and Gulbrandsen 2010
[53] Scientific Certification Systems 2000.
[54] Scientific Certification Systems 2000, 26.

public comment. Stakeholders may also object to the final certification decision, which activates an objections procedure. All relevant assessment documents are posted on the MSC webpage. These documents include a number of stakeholder notifications, a public comment draft report, final report and determination, a public certification report, and annual surveillance reports. When relevant, a summary report of the objections panel and other relevant documents from the objections procedure are also posted on the website.[55]

4. Effects of transparency and disclosure

Procedural and outcome transparency do not act in isolation. Which actors are considered legitimate stakeholders and which actors have decision-making authority affect how transparency influences a program's accountability and legitimacy. An assessment of transparency alone may miss these important interactive effects. With this point in mind, this section focuses on the connections between transparency and participation, on the one hand, and accountability and legitimacy on the other. Our assessment then probes how outcome transparency affects the learning capacity of the field of non-state certification programs.

<u>4.1 Legitimacy</u>

The MSC and FSC have pursued divergent paths in connecting transparency and participation to programmatic legitimacy. The comparison makes clear that the MSC's decision to avoid membership affected how transparency policies functioned in legitimating the program. Early concerns about the MSC centered on its governance. These came even though it was also being championed for its transparent consultation process.[56] Still, a series of articles in *Samudra* (a periodical of the International Collective in Support of Fishworkers) between 1996 and 1998

---

[55] Marine Stewardship Council 2009a.
[56] For an illustration of this perspective, see O'Riordan 1997, 10.

raised numerous criticisms of the MSC, including the concern that it would marginalize small-scale fishers, particularly in the South. In this respect, it was not a matter of whether consultations were transparent, but rather whether stakeholders were adequately involved in discussions about MSC's goals.

The MSC was responsive to these concerns. Indeed, a MSC founder contributing to the *Samudra* debates noted that membership had been discussed during the standards-development workshops and was still under consideration.[57] It was then addressed in the 2001 governance review, which considered membership a possible way to increase the active engagement and investment of NGOs and retailers in the MSC.[58] Yet, instead of promoting membership, the review re-affirmed the value of a streamlined governance organization. At the time, the MSC explained:

> Many funders and NGOs in particular raised the question of a 'democratic deficit' in the organisation's structure. Comparisons were made with the seemingly more open Forest Stewardship Council (FSC). Some felt that in order for the MSC to be truly accountable to all its stakeholders, the organisation should be membership based. This was, rightly in the view of many, rejected and some argue that the FSC's experience has vindicated that decision.[59]

Consistent with our argument, this exemplifies the different approach the MSC has taken to garnering support as a governance organization.

Turning to the FSC, the choice to devolve some authority to National Initiatives and to base the program's legitimacy more completely on the support of members is an alternative approach. One implication has been that stakeholders supporting the FSC have had an easier time

---

[57] Sutton 1998.
[58] Marine Stewardship Council 2001a.
[59] Marine Stewardship Council 2001a.

using the language of transparency and participation as a point of contrast with competing, producer-backed certification initiatives. The themes identified by Overdevest in her analysis of reports comparing the FSC and competitors are informative.[60] A report by the Certified Forest Products Council (a group of North American companies committed to buying third-party certified forest products) for instance, emphasized openness and transparency of standards development as a key measure of comparison. A more recent Greenpeace report explains: "Key strengths of the FSC network and organization have been its transparency and its ability to pioneer approaches and adaptations of certification. (…) It is in effect an elaborate conflict resolution mechanism for reconciling many differing views and values in relation to forests and some plantations."[61] Guidelines established to separate credible from non-credible certification initiatives, such as those of the World Bank / WWF Global Forest Alliance, also consider procedural transparency in rule-making and auditing as critical.[62] The point for our assessment concerns how transparency relates to other governance issues, such as who eligible stakeholders are and who gets decision-making power. Perceptions that the FSC was transparent stemmed, arguably, from its openness to stakeholder involvement, the power of membership provisions, and the devolution of authority to National Initiatives, not, by contrast, from any specific efforts to disclose information on how decisions were being made.

This divergence is ostensible in the practice of localizing standards, where global standards are made appropriate to local social and environmental conditions.[63] The purpose this process serves for each program differs in a subtle but important way. With the MSC, localization has been more a means to an end: experts with knowledge about a fishery's ecology and biology

---

[60] Overdevest 2005.
[61] Rosoman, Rodrigues, and Jenkins 2008, 3.
[62] WWF / World Bank Global Forest Alliance 2006, 16.
[63] Localization also raises concerns about consistency across the rules and requirements of non-state certification. On this concern, the MSC and FSC have charted a similar course. For more discussion see Auld and Gulbrandsen 2010.

are used to help the assessment team build a credible standard. Drawing on expert knowledge is a central aim of the MSC. As a recent document entitled "A Stakeholder's Guide to the Marine Stewardship Council" explains: stakeholders are a critical "source of information needed to conduct a meaningful assessment." It is particularly important that they ensure that stakeholder issues are considered in the assessment; the assessment "is well-informed and comprehensive"; and that the assessment's outcome "is consistent with the rigorous MSC standard."[64] This aim is also apparent in audit reports. For instance, the public report for the Alaska salmon fishery noted concerns voiced by Canadian academics, NGOs, and commercial interests about stocks impacted by Alaska's interception fishery. The report notes:

> One of the key components of the stakeholder consultation process is to help extend the evaluation team's discovery capabilities. This helps ensure that the evaluation team gets access to all available data/information about a fishery. (…) Unfortunately, while the Canadians we were able to speak to were quick to voice concern, none of the Canadian stakeholders presented evidence that the often identified suspicions about problems in Alaska's interception fisheries were correct or founded.[65]

This is a legitimate criterion for evaluating input, and as the previous section noted, auditors are required to state how they account for stakeholder input. Still, it exemplifies an instrumental view of the consultation process and illustrates how MSC processes envision consultation more as a means to legitimate assessment outcomes.

This is also true for the FSC. But in addition, the process of developing local standards via National Initiatives is an end unto itself. Empowering stakeholders to take ownership of local-standard development appropriate to their forests has been central to the FSC and its claims to

---

[64] Marine Stewardship Council 2009a, 4.
[65] Scientific Certification Systems 2000, 56.

legitimacy.[66] However, the time taken for National Initiatives to submit standards to the FSC for approval constitutes a problem. Recall that the FSC grants considerable authority to certifiers to apply "generic" standards in situations where endorsed-national standards are not yet in place. This discretionary power has been criticized because it purportedly undermines the credibility of the FSC given lack of effective control mechanisms.[67] Additionally, it relates to a broader concern that too much power for auditors undermines the authority given to National Initiatives. The two different approaches to standard setting offered by the FSC have meant that in certain cases, stakeholder involvement has been extensive and rich, whereas in other cases standard setting has been much less visible and participatory. This is tricky for the FSC. The National Initiatives and their extensive engagement with national stakeholders are partly the basis for its legitimacy. Yet, the National Initiatives have often been hard to coordinate, they are resource-intensive to maintain, and slow at getting standards drafted.[68] In response, the FSC has been reaffirming its commitment to its global network and focusing on ensuring "integrity, credibility and transparency of the FSC system."[69] This has included introducing some flexibility by permitting standards work to occur in countries without National Initiatives.[70] The new standard for FSC accreditation that became operational in January 2010 also increases provisions for stakeholder engagement in the adaptation of a certifier's generic standard for a given assessment.[71]

---

[66] Tollefson, Gale, and Haley 2008; Cashore, Auld, and Newsom 2004.
[67] Counsell and Loraas 2002.
[68] Interview, FSC Staff, December 2007.
[69] Forest Stewardship Council 2007b, 10.
[70] Forest Stewardship Council 2009.
[71] Shelter 2009.

In sum, the MSC and FSC pursued different means of legitimation, one that uses procedural transparency and stakeholder consultation instrumentally and the other where these provisions are ends unto themselves.

4.2 Accountability

The MSC and FSC both treat auditing as a means for accountability (Table 1). But early experiences with scrutiny from concerned stakeholders quickly instructed that transparency and participation were required to ensure the program and its image remained intact.

For the MSC, the Western Australian rock lobster fishery (certified in March 2000) and the New Zealand hoki fishery (certified in March 2001) each inspired concern. Participants of the just-formed Stakeholder Council aired these concerns, noting the arms-length, opaque relationship between the MSC and the certifiers. One issue was the confidentiality of pre-assessments. A June 2002 meeting of the Stakeholder Council pushed the MSC to exert greater control over the pre-assessments, viewing these as a credibility issue for the organization. The meeting gave four recommendations to the Board, including: that certifiers be required to "notify the MSC of all formal applications for pre-assessment" and ensure clients know if they are considered controversial; and that MSC ought to work with certifiers on pre-assessments, including helping identify relevant stakeholders, and have confidential access to pre-assessment reports for those fisheries undergoing a full assessment.[72] The Council's August 2003 meeting then discussed possible forms of oversight and transparency for accredited certifiers, including the possible publication of the accreditation reports or, at least, information on non-conformities with MSC requirements. The meeting notes outlined an action point to "discuss options" on how

---

[72] Marine Stewardship Council 2002, 9.

to improve transparency.[73] Likewise, a report commissioned by the Homeland Foundation, Oak Foundation and Pew Charitable Trust released in 2004 urged the MSC to address several issues, with some focused specifically on the accreditation and certification processes, including: "Ensure transparency in all documents and decision-making as much as possible."[74]

The FSC faced similar early criticism. One of the first was SmartWood's certification of Flor y Fauna in 1995.[75] The issues surrounded pre-existing scrutiny of the company in the Netherlands; links between the WWF Netherlands, a Dutch insurance and banking group, and the FSC, all of whom were endorsing Flor y Fauna; and questions about the company's growth-and-yield and pricing expectations.[76] Though the assessment began in 1993—before the FSC accredited SmartWood—it still raised concerns about the credibility of the assessment processes. This was followed in 1996 and 1997 by disquiet over an SGS assessment of Leroy Gabon, particularly due to the company's operations near a forest reserve, and as some groups asserted, the limited stakeholder consultations and insufficient management plan.[77] In this case, the FSC eventually suspended SGS's forest-management accreditation pending certain changes to its procedures, and it requested that all accredited certifiers respect a six-month moratorium on certifying primary forests.[78]

Responding to these concerns, the MSC and FSC have modified their accreditation processes, increasing procedural and outcome transparency such as requiring the disclosure of the public summary reports for certification assessments. This advances accountability as skeptical groups and individuals are able to trace the corrective action requirements imposed on companies

---

[73] Marine Stewardship Council 2003.
[74] Highleyman, Amos, and Cauley 2004, 31.
[75] Donovan 1996.
[76] Centeno 1996.
[77] "Gabon-Environment: NGOs Want Eco-Label Stripped from German Firm," IPS-Inter Press Service, 26 January 1997.
[78] Tickell, Oliver. "FSC Cracks Down on Certifier Despite 'Approval'," Timber Trades Journal, 25 October 1997.

and see how they are eventually resolved. Moreover, the summary reports facilitate the work of outside critics since they can access information previously unavailable and raise their concerns more forcibly. For example, data for a report critical of FSC's accreditation and auditing practices, issued by the Rainforest Foundation, would have been difficult to compile had the public summary reports not been available.[79]

The MSC and FSC have not perfectly converged in their approach to using transparency for accountability. Unlike the FSC, the MSC does not make accreditation reports available on its website. Still, both programs have been consistently increasing checks on and openness of their auditing processes through new stakeholder engagement requirements during the assessment process.[80] This underscores the general connection within non-state certification between transparency and participation, on the one hand, and accountability on the other.

4.3 Learning Capacity

Turning the lens to the field-level effects of transparency, here we examine other programs in the forest and fishery sectors. Considerable work has documented how later-emerging programs have learned from first-movers, both within issue areas and across them. Dingwerth and Pattberg, for instance, show that membership in the International Social and Environmental Accreditation and Labelling (ISEAL) Alliance affects the transparency of certification programs, particularly with regard to rule-making procedures.[81] ISEAL has worked to improve the operations of lead non-state certification programs, and now includes 13

---

[79] Counsell and Loraas 2002.
[80] Auld and Gulbrandsen 2010.
[81] Dingwerth and Pattberg 2009

22

members.[82] Each instance of emulation has significance. Here, however, we focus only on the diffusion of outcome transparency given its connection to learning and innovation.

Table 2 details the disclosure practices of forest and fishery certification programs. Three key points emerge. First, across all the programs, procedural transparency for auditing has become a norm. Although the practice varies, all the programs disclose on their websites the specific steps an audit will involve and information on when consultation and stakeholder engagement are to occur. The PEFC, for instance, requires that "the audit evidence to determine the conformity with the forest management standards shall include relevant information from external parties (e.g., government agencies, community groups, conservation organizations, etc.) as appropriate," though it leaves open who these groups should be and what information must be provided to them by the certifier.[83] There is also variability between different PEFC-endorsed schemes.[84] Second, there are differences in the extent to which outcome transparency is diffusing within the fishery and forestry sectors. Aquaculture programs are not disclosing audit reports, whereas ocean-capture programs are. Certain agriculture programs are not disclosing audit reports, whereas forestry programs are. Third, for those schemes requiring outcome disclosure, the quality of information varies. With the PEFC, for instance, a public summary report is required, but the specifics of the report are determined by individual schemes.[85]

What do these differences mean? First, as noted above, outcome transparency provides information to stakeholders for assessing the performance of the certification process, holding to account the program or the operator when practice falls short of the rules. Numerous studies

---

[82] See http://www.isealalliance.org/organisation/full_members for a current list of members.
[83] PEFC 2007.
[84] For instance, on the inclusion of information from external parties, the Austrian scheme notes that the evaluation will comprise, "consideration of relevant information from external interest groups (government bodies, associations, environmental groups, etc.), in as far as *sensible* and appropriate" (emphasis added) PEFC Austria 2006.
[85] PEFC 2007.

assess the FSC's public summary reports to elucidate where improvements have and have not been made.[86] In contrast, studies of rule compliance for aquaculture programs are notably absent, and evaluations of programs with lower quality public reports are equally thin. Without this information, it is very difficult to assess whether the choices certification programs are making are advancing rule compliance in the management practices. This issue is even more important when one considers that even when disclosed information is somewhat detailed, as with the FSC, the challenge of connecting rule-compliance with actual improvements in performance persists.

An evolving understanding of this challenge appears to be emerging. ISEAL has recently developed an impact code for its members, which aims to improve, *inter alia*, the ability of certification programs to track performance. As the code notes, programs should assess their impacts to "enhance societal learning by feeding results into the standards landscape to understand the cumulative impacts of voluntary standards systems."[87] If we take the insights of open-source governance models and those from experimental governance seriously, ISEAL would do well to require members disclose like information.

5. Conclusion

Procedural and outcome transparency are crucial program elements for non-state certification, even if they serve different ends for individual programs. We have argued that MSC's choice to avoid membership affected how transparency policies functioned in legitimating the program. Facing criticism for giving stakeholders less decision-making power than the FSC, the MSC continues to base its legitimacy on efficient and transparent procedures, balance, and expertise. It has bolstered stakeholder outreach, but remains committed to its leaner governance

---

[86] Auld, Gulbrandsen, and McDermott 2008
[87] ISEAL Alliance 2010

model. Rather than bringing all relevant stakeholders under its umbrella, it has chosen to inform stakeholders of its activities and draw on their expertise and concerns when needed to make individual assessments credible.

The FSC, by contrast, bases its legitimacy on a broader sense of stakeholder engagement and inclusiveness, as illustrated by two program features. First, the choice to develop transparent procedures that devolved considerable rule-making authority to national stakeholders influenced how stakeholders viewed the organization. As well, it meant that political controversy over acceptable practices centered on a different aspect of the certification procedure than occurred in fisheries. Developing national (sometimes sub-national) FSC standards has been one of the most prolonged and arduous aspects of its work. Second, the choice to grant ultimate decision-making authority to FSC members influenced perceptions of the program's transparency. The view of FSC as transparent emerged as much from its openness to stakeholders, the power of membership provisions, and the devolution of decision-making power to National Initiatives as from its specific requirements for procedural and outcome transparency.

Both programs have sought to improve accountability by using procedural and outcome transparency, such as publicizing summarized assessment reports and increasing online disclosure of audit outcomes. Whereas this increased disclosure may boost credibility of forest and fisheries certification to some while reinforcing the skepticism of others, with few exceptions it has been a critical tool for furthering MSC and FSC accountability. Our claim is that although increased disclosure might not have convinced skeptical stakeholders of the merits of certification, most stakeholders would agree that it has enhanced their ability to scrutinize accreditation and certification practices. Procedural and outcome transparency have improved the conditions for holding both certifiers and companies to account for their practices.

This final point is crucial when we turn to assessing the diffusion of disclosure among a broader set of non-state certification programs. In this comparator group, the MSC and FSC emerge as leaders, as few other initiatives disclose audit reports with similar detail. This incomplete disclosure presents challenges for fostering learning within this private governance field, as only certain lessons are being fed back into the system to inform future reforms. In the open-source software model, the licensing agreements stipulate that parties may openly use and modify software, but that subsequent innovations need to be fed back into the commons to facilitate future innovation and growth. Devising ways to emulate this practice appears to be an important challenge non-state certification programs face in ensuring market norms of private and paid-for access to information do not take away from the transformative learning that fields of private regulatory may be able to inspire.

Table 1: Transparency used by the FSC and MSC

Types of transparency	Focal actors	Use and consequences for FSC		Use and consequences for MSC	
		Means	**Ends**	**Means**	**Ends**
Procedural	National Initiatives	-Broad participation in standards development -Stakeholder and public meetings -Comment periods on draft standards	-Standards accountable to members and public -Legitimate standard, congruent with local conditions -Buy-in from participants to ensure legitimacy and implementation		
	Certifier / assessment team	-Seven years of records available to FSC -Assessment records available to stakeholders -Documenting and responding to stakeholder comments, keeping identities anonymous	-Certifiers accountable to stakeholders and FSC -Credible assessments and legitimacy of program	-Public notice for operations entering full assessment -30-day comment period on assessment standard -Documenting and responding to stakeholder comments	-Standards accountable to public -Legitimate standard, congruent with local conditions, based on expert knowledge and stakeholder consultation
Outcome	Fishery / forestry operation	-Disclose information to certifier for evaluation against P&C -Assessment summarized and publicized on certifier's web-site; full report provided to FSC	-Certifiers and operation accountable to stakeholders and FSC -Credible assessment and legitimacy of program -Compliance with standard	- Disclose information to certifier for evaluation against P&C -Assessment summarized and publicized on MSC web-site	-Certifier and company accountable to stakeholders and MSC -Credible assessment and legitimacy of program -Compliance with standard

Table 2: Transparency provisions for the audits of forest and fishery certification programs

Programs	Sector	Est.	Transparency provisions	
			Auditing procedures public	Audit outcomes public
Forest Stewardship Council*	Forestry	1993	Yes	Yes
Marine Stewardship Council*	Fisheries	1997	Yes	Yes
Program for the Endorsement of Forest Certification	Forestry	1999	Yes	Yes
Global Aquaculture Alliance	Fisheries	1997	Yes	No
Rainforest Alliance / Sustainable Agriculture Network*	Forestry	1989 / 1993	Yes	Yes (forestry & carbon) / No (agriculture)
Friend of the Sea	Fisheries	2006	Yes	Yes (capture fishery) / No (aquaculture)
Naturland	Fisheries	1982	Yes	Yes (capture fishery) / No (aquaculture)
Aquaculture Stewardship Council**	Fisheries	2009	Yes	To be determined
ISO 12877	Fisheries	2007	Partially; available, but at cost	To be determined

Notes: Data for the table is obtained from the organizations' websites. * Indicates that the program is a member of the ISEAL Alliance. ** Associate member in ISEAL Alliance.

6. References

Auld, G., B. Cashore, Cristina Balboa, L. Bozzi, and S. Renckens. 2010. Can Technological Innovations Improve Private Regulations in the Global Economy? *Business and Politics* 12 (3):Article 9.

Auld, Graeme. 2009. Reversal of Fortune: How Early Choices Can Alter the Logic of Market-Based Authority. Ph.D. Dissertation, Yale University, New Haven.

Auld, Graeme, and Lars H. Gulbrandsen. 2010. Transparency in Nonstate Certification: Consequences for Accountability and Legitimacy. *Global Environmental Politics* 10 (3):97-119.

Auld, Graeme, Lars H. Gulbrandsen, and Constance McDermott. 2008. Certification Schemes and the Impact on Forests and Forestry. *Annual Review of Environment and Resources* 33 (1):187-211.

Bernstein, Steven. 2004. Legitimacy in Global Environmental Governance. *Journal of International Law and International Relations* 1 (1-2):139-166.

Bernstein, Steven, and Benjamin Cashore. 2007. Can Non-State Global Governance Be Legitimate? An Analytical Framework. *Regulation & Governance* 1 (4):347-371.

Boyle, James. 2008. *The Public Domain : Enclosing the Commons of the Mind*. New Haven, Conn. ; London: Yale University Press.

Braithwaite, John. 2008. *Regulatory Capitalism : How It Works, Ideas for Making It Work Better*. Cheltenham, UK ; Northampton, MA: Edward Elgar.

Bridgespan Group. 2004. Fishery Certification: Summary of Analysis and Recommendations. Boston: The Bridgespan Group.

Cashore, Benjamin, Graeme Auld, and Deanna Newsom. 2004. *Governing through Markets: Forest Certification and the Emergence of Non-State Authority*. New Haven: Yale University Press.

Centeno, Julio Cesar. 1996. *Forest Certification as a Tool for Greenwashing*. Treemail, November 4. Available from http://www.treemail.nl/teakscan.dal/files/greenwas.htm, accessed October 1 2007.

Chaffee, Chet, Bruce Phillips, and Trevor Ward. 2003. Implementing the MSC Programme Process. In *Eco-Labelling in Fisheries: What Is It All About?*, edited by Bruce Phillips, Trevor Ward and Chet Chaffee, 63-79. Oxford: Blackwell Publishing.

Counsell, Simon, and Kim Terje Loraas. 2002. Trading in Credibility: The Myth and Reality of the Forest Stewardship Council. London, UK: Rainforest Foundation.

Dingwerth, K., and P. Pattberg. 2009. World Politics and Organizational Fields: The Case of Transnational Sustainability Governance. *European Journal of International Relations* 15 (4):707-743.

Donovan, Richard. 1996. *Smart Wood Statement on Flor Y Fauna.* Posted comment. Forest List Archive, March 12. Available from http://www.metla.fi/archive/forest/1996/03/msg00060.html, accessed March 30 2008.

Esty, Daniel C. 2006. Good Governance at the Supranational Scale: Globalizing Administrative Law. *Yale Law Journal* 115 (7):1490-1563.

Evison, Irene J. 1998. FSC National Initiatives Manual. Oaxaca, Mexico: Forest Stewardship Council.

Forest Stewardship Council. 1995. *FSC Statutes.* Document 1.3. Forest Stewardship Council. Available from http://web.archive.org/web/19991009014300/fscoax.org/html/noframes/1-3.htm, accessed July 28 2008.

———. 2004a. Forest Certification Public Summary Reports -- FSC-Std-20-009 (V2-1) En. Bonn: Forest Stewardship Council.

———. 2004b. Forest Certification Reports -- FSC-Std-20-008 (V2-1) En. Bonn: Forest Stewardship Council.

———. 2004c. General Requirements for FSC Accredited Certification Bodies: Application of ISO / IEC Guide 65: 1996 (E) -- FSC-Std-20-001 (V2-1) En. Bonn: Forest Stewardship Council.

———. 2004d. Local Adaptation of Certification Body Generic Forest Stewardship Standards -- FSC-Std-20-003 (V2-1) En. Bonn: Forest Stewardship Council.

———. 2004e. Stakeholder Consultation for Forest Evaluation -- FSC-Std-20-006 (V2-1) En. Bonn: Forest Stewardship Council.

———. 2007a. *FSC Accredited Forest Stewardship Standards.* Forest Stewardship Council, March 30. Available from http://www.fsc.org/fileadmin/web-data/public/document_center/accreditation_documents/national_standards/2007_03_30_FSC_Accredited_Standards.pdf, accessed July 27 2008.

———. 2007b. Strengthening Forest Conservation, Communities and Markets: The Global Strategy of the Forest Stewardship Council. Bonn, Germany: Forest Stewardship Council.

———. 2009. Process Requirements for the Development and Maintenance of National Forest Stewardship Standards. Bonn, Germany: Forest Stewardship Council.

Fowler, Penny, and Simon Heap. 2000. Bridging Troubled Waters: The Marine Stewardship Council. In *Terms of Endearment: Business, NGOs, and Sustainable Development*, edited by Jem Bendell, 135-148. Sheffield, UK: Greenleaf Publishing.

Fung, Archon. 2006. Varieties of Participation in Complex Governance. *Public Administration Review* 66 (1):66-75.

Gulbrandsen, Lars H. 2006. Creating Markets for Eco-Labelling: Are Consumers Insignificant? *International Journal of Consumer Studies* 30 (5):477-489.

———. 2010. *Transnational Environmental Governance: The Emergence and Effects of the Certification of Forests and Fisheries*. Cheltenham and Northampton: Edward Elgar.

Gupta, Aarti. 2008. Transparency under Scrutiny: Information Disclosure in Global Environmental Governance. *Global Environmental Politics* 8 (2):1-7.

Highleyman, Scott, Amy Mathews Amos, and Hank Cauley. 2004. An Independent Assessment of the Marine Stewardship Council. Wildhavens.

ISEAL Alliance. 2010. Assessing the Impacts of Social and Environmental Standards Systems V1.0: Iseal Code of Good Practices. London, UK: International Social and Environmental Accreditation and Labeling (ISEAL) Alliance

Keohane, Robert O., and David G. Victor. 2011. The Regime Complex for Climate Change. *Perspectives on Politics* 9 (1):7-23.

Langley, Paul. 2001. Transparency in the Making of Global Environmental Governance. *Global Society* 15 (1):73-92.

Marine Stewardship Council. 1999. *MSC Structures: The Marine Stewardship Council Structure and Governance.* Archived web-page. Marine Stewardship Council, January Available from http://web.archive.org/web/19990125101405/http://www.msc.org/, accessed May 15 2007.

———. 2000. *World's First Sustainable Seafood Products Launched.* Press release. Marine Stewardship Council, March 3. Available from http://www.msc.org/html/ni_55.htm, accessed October 2 2006.

———. 2001a. *Governance Review Commission.* Marine Stewardship Council, January 18. Available from http://web.archive.org/web/20010118151300/http://www.msc.org/, accessed August 14 2008.

———. 2001b. *MSC Announces New Governance Structure.* Press release. Marine Stewardship Council, July 27. Available from http://www.msc.org/html/ni_36.htm, accessed October 2 2006.

———. 2002. MSC Stakeholder Council Meeting. London, UK: Marine Stewardship Council

———. 2003. Minutes from 3rd Stakeholder Council Meeting. London, UK: Marine Stewardship Council

———. 2008a. Marine Stewardship Council Fisheries Assessment Methodology and Guidance to Certification Bodies. London, UK: Marine Stewardship Council.

———. 2008b. *Simpler Faster and More Consistent: MSC Launches New Fishery Assessment Methodology.* Press release. Marine Stewardship Council, July 20. Available from http://www.msc.org/newsroom/msc-news/archive-2008/2018simpler-faster-and-more-consistent2019, accessed April 14 2008.

———. 2009. A Stakeholder's Guide to the Marine Stewardship Council. London, UK: Marine Stewardship Council.

Meidinger, Errol. 2006. The Administrative Law of Global Private-Public Regulation: The Case of Forestry. *European Journal of International Law* 17 (1):47-87.

Mitchell, Ronald B. 1998. Sources of Transparency: Information Systems in International Regimes. *International Studies Quarterly* 42 (1):109-130.

———. 2011. Transparency for Governance: The Mechanisms and Effectiveness of Disclosure-Based and Education-Based Transparency Policies. *Ecological Economics* 70 (11):1882-1890.

Murphy, David F., and Jem Bendell. 1997. *In the Company of Partners : Business, Environmental Groups and Sustainable Development Post-Rio*. Bristol, [England]: Policy Press.

O'Riordan, Brian. 1997. Marine Stewardship Council: Who's Being Seduced? *Samudra* (18).

O'Rourke, Dara. 2003. Outsourcing Regulation: Analyzing Nongovernmental Systems of Labor Standards and Monitoring. *Policy Studies Journal* 31 (1):1-29.

Overdevest, Christine. 2005. Treadmill Politics, Information Politics and Public Policy - toward a Political Economy of Information. *Organization & Environment* 18 (1):72-90.

Overdevest, Christine, Alena Bleicher, and Matthias Gross. 2010. The Experimental Turn in Environmental Sociology: Pragmatism and New Forms of Governance. In *Environmental Sociology: European Perspectives and Interdisciplinary Challenges*, edited by Matthias. Gross and Harald Heinrichs. New York: Springer.

PEFC. 2007. Certification and Accreditation Procedures -- Annex 6. Geneva: Program for the Endorsement of Forest Certification.

PEFC Austria. 2006. Austrian Forest Certification Scheme -- System Description. Vienna: PEFC Austria.

Rosoman, Grant, Judy Rodrigues, and Anna Jenkins. 2008. Holding the Line with the FSC. Amsterdam: Greenpeace International.

Sasser, Erika N. 2003. Gaining Leverage: NGO Influence on Certification Institutions in the Forest Products Sector. In *Forest Policy for Private Forestry*, edited by Larry Teeter, Benjamin Cashore and Daowei Zhang, 229-244. Oxon, UK: CAB International.

Scientific Certification Systems. 2000. *Public Summary for the MSC Certification Of: The Western Rock Lobster Fishery, Western Australia.* Public Summary. Scientific Certification Systems Marine Fisheries Certification Program, April. Available from www.msc.org, accessed August 13 2008.

Shelter. 2009. *New Accreditation Standards to Strengthen FSC Certification System.* Shelter: Comprehensive Info About the Building Products you Sell, October 13. Available from http://www.sheltermagazine.com/index.php/2009/10/13/new-accreditation-standards-to-strengthen-fsc-certification-system/, accessed December 1 2009.

Sutton, Michael. 1998. Marine Stewardship Council: An Appeal for Co-Operation. *Samudra* (19).

Tollefson, Chris, Fred P. Gale, and David Haley. 2008. *Setting the Standard : Certification, Governance, and the Forest Stewardship Council*. Vancouver: UBC Press.

Vermeule, Adrian. 2007. *Mechanisms of Democracy: Institutional Design Writ Large*. New York: Oxford University Press.

Victor, D. G., J. C. House, and S. Joy. 2005. A Madisonian Approach to Climate Policy. *Science* 309 (5742):1820-1821.

WWF / World Bank Global Forest Alliance. 2006. Forest Certification Assessment Guide (FCAG): A Framework for Assessing Credible Forest Certification Systems / Schemes. Washington, D.C.: World Bank and World Wide Fund for Nature.