



# From governance to government: The strengthened role of state bureaucracies in forest and agricultural certification

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## Abstract

Private institutions for third-party (eco-)labelling of food and wood products has been a lively field of empirical research, peaking in the conception of certification as a “non-state market-driven governance system,” which is gaining rule-making authority domestically and internationally as a private governance institution and a transnational regime. Recent findings, however, suggest that state actors also play a decisive role in private certification governance. Questions relating to *who* within the state, however, so far remain unaddressed. Very recent empirical trends in the fields of timber and palm oil certification in Indonesia suggest that it is *distinct* public bureaucracies who start reclaiming certification authority through state-led mandatory schemes, challenging the private and *transnational* certification institutions in support of government-driven *international* certification regimes. Against this background, the objective of this paper is to substantiate the trend from transnational private to international state-driven governance by analyzing the role of distinct state bureaucracies in the emergence, diffusion, and reshaping of private natural resource governance systems. To achieve these objectives, we develop our propositions by combining insights from political certification studies, regime theory, as well as bureaucratic politics theory. Methodologically, we employ a qualitative case study design on recent developments in forest, timber, and palm oil certification systems in Argentina and Indonesia. Our results substantiate the observation that distinct state actors play a key role in private governance systems and, in the case of Indonesia, even re-claim labelling authority from private institutions by attempting to outcompete them through employing their exclusive regulatory power. The results further indicate a strong, self-interested support from domestic state bureaucracies to state-driven international rather than to transnational certification regimes, supporting the *temporary governance hypothesis*. We discuss and conclude on our results in light of literatures on private governance, policy sectors as well as international relations theory on the emergence of international and transnational regimes.

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## 1. Introduction

The relationship as well as the dynamics among public and private actors and their rule-making authority are major issues in political science research (Knill & Lehmkuhl, 2004; Tosun et al., 2016) and in political research on natural resources in particular (Sikor, 2008). Employing the notion of *governance*, a wide body of recent literature suggests a turn from state-driven interventions towards less hierarchical forms of rule-making, such as regulated self-governance, cooperative network governance, and private self-governance (see Rosenau & Czempiel, 1992; for an overview, see Howlett & Ramesh, 2014; Knill & Tosun, 2012; Tosun et al., 2016). This literature on private governance, however, tends to overstate the magnitude of influence private actors and institutions actually have, while downplaying the role of the state and its constitutive bureaucracies in the competition between public and private actors as well as among public agencies for rule-making authority (in general Peters, 2014, on the case of corporate social responsibility see Favotto et al., 2016; Kinderman, 2016). Following the conflict-based conception of politics as *bellum omnium contra omnes* (the war each against all, Hobbes, 1994) as well as the notion of a constant “struggle for power” among *all* actors in an issue area for more effectively achieving their distinct goals (Morgenthau, 2014), a constant struggle for rule-making authority between state and private actors, as well as among specific state bureaucracies may be assumed, also in natural resources certification politics. At different points in time this continuous struggle results in diverse patterns of power distribution and rule-making authority among the public and private actors concerned, resulting in regulation and competitive counter-regulation by various actors and their coalitions. Yet, in the field of international relations authors argue that common goods and services increasingly are provided through private forms of transnational governance (Dingwerth & Pattberg, 2009; Pattberg, 2007, 2012). What this private governance literature so far leaves open is whether the reported trend from government towards governance by private actors and their institutions is left unanswered by distinct state bureaucracies; Or if not from now on a new wave of state-driven certification initiatives marks a new chapter in the constant struggle for power and influence among public and private actors and their corresponding institutions in certification politics.

Within private governance research, third-party eco-labelling of e.g. food and wood products has been a vivid field of political science research. This programme peaked in the conception of certification as a “non-state market-driven governance system,” which gains rule-making authority as a private institution (Cashore, 2002, similar Auld, Balboa, Bernstein, & Cashore, 2009; Bernstein & Cashore, 2007; Cashore, Auld, Lawson, & Newsom, 2007; McDermott, 2012; Pattberg, 2007).<sup>1</sup> In this context authority refers to the ability of actors to establish institutions and to engage other actors in accepting and following rules relating to these very institutions, such as e.g. standards and procedures under a given certification scheme. The authority of rule-setting actors increases with increasing number and/or significance<sup>2</sup> of actors following the rules. Consequently, any public or private rule-setting actor has authority, as soon as one other actor is adapting his behaviour due to those rules.<sup>3</sup>

Recent findings, however, suggest that state actors also play a decisive role in the emergence, diffusion, and, lately, also the reshaping of seemingly private, non-state certification systems (Bartley, 2014; Bell & Hindmoor, 2012; Burns, Yapura, & Giessen, 2016; Cashore, Auld, & Newsom, 2004; Gulbrandsen, 2014; Hysing, 2009; Maryudi, 2015; McDermott, Irland, & Pacheco, 2015; Sahide, Burns, Wibowo, Nurrochmat, & Giessen, 2015; Sahide, Nurrochmat, & Giessen, 2015; Sargent, 2014; Tysiachniouk & McDermott, 2016). This holds true especially after the recent rise of state-driven schemes for certifying timber legality as well as palm oil production in Indonesia, suggesting that public bureaucracies start reclaiming certification authority through state-led mandatory schemes. In this context reclaiming, as well as any prior claiming, is not to be understood as a formal, deliberative, one-time act of a particular actor, granting or un-granting authority to or from another actor. Our notion of reclaiming rather refers to the abovementioned constant struggle for power among actors as a pulling and hauling, which Evans (1997: 83–85)

<sup>1</sup> The concept of rule-making *authority* used in this article and by other authors mentioned above includes all types of rules, whether formal or informal and does not refer to democratically legitimized public interventions or regulatory policy instruments only. The notion of authority used here, hence, does not resort to public institutions only.

<sup>2</sup> Significance refers to the relative importance such rule-following actors bear relating to the very issue regulated by the rules, e.g. their certified forest area or the quantities of certified agricultural commodities.

<sup>3</sup> This definition of authority does not include cases where rule-conform behaviour occurs due to other factors explaining the following of rules, such as e.g. self-interests.

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