

ЛЕГИТИМИРУЯ ПОЛИТИЧЕСКИЙ КОНСЮМЕРИЗМ: СЛУЧАЙ СЕРТИФИКАЦИИ ЛЕСОВ В СЕВЕРНОЙ АМЕРИКЕ И ЕВРОПЕ

Статья посвящена анализу легитимизации политического консюмеризма. Ее главная задача — проанализировать сертификацию лесов как негосударственную систему управления, испытывающую влияние рынка и зависящую от выборов потребителей продуктов лесной промышленности. Институциональное развитие сертификации лесов рассматривается в статье как инструмент улучшения состояния мировых лесов. Авторы анализируют трудности и препятствия на пути легитимации новой системы управления, ориентированной на стимулирование потребительского интереса и одновременно на защиту интересов потребителя. В статье также проведена оценка роли институциональных потребителей и глобального гражданского общества в развитии системы сертификации лесов.

Поскольку в 1980-х — начале 1990-х гг. ни политика национальных государств, ни международная политика были не в состоянии разрешить проблему уничтожения мировых лесов и ухудшения качества окружающей среды, экологические группы и сотрудничающие с ними организации сконцентрировали внимание на рынке, поставив перед собой цель по созданию более рациональных и эффективных институтов управления лесным хозяйством. Ареной политической борьбы за использование лесных ресурсов выступают рыночные цепочки поставок древесины. Экологи поддерживают требование потребителей, согласно которому приобретаемые ими лесоматериалы должны производиться в рамках системы экологически устойчивого лесопользования, то есть с соблюдением экологических и социальных требований к лесопользованию, и сами активно формируют спрос на подобную продукцию. Статья посвящена сертификации лесов, которую авторы определяют как негосударственную продвигаемую рынком систему управления (*non-state market driven [NSMD] governance system*), зависящую от выборов потребителей продуктов лесной промышленности.

Институциональное развитие сертификации лесов рассматривается в статье как инструмент улучшения состояния мировых лесов. Авторы анализируют трудности и препятствия на пути легитимации новой системы управления, ориентированной на стимулирование потребительского интереса и одновременно на защиту интересов потребителя. В их рассуждениях можно выделить четыре основных этапа.

Во-первых, авторы обращаются к истокам формирования глобальной системы сертификации лесов, описывая возникновение Лесного попечительского совета (Forest Stewardship Council — FSC), а также программ сертификации лесов, разработанных промышленными ассоциациями и ассоциациями землевладельцев и призванных составить конкуренцию FSC в борьбе за нормотворческие полномочия. По их мнению, учреждение FSC связано с двумя важнейшими процессами:

(1) в условиях массовой вырубке тропических лесов оптовые и розничные торговцы лесоматериалами оказались заинтересованы в надежных источниках продуктов «устойчивого» лесопользования;

(2) попытки создания общей международной конвенции по лесопользованию окончились провалом, и эта неудача заставила многие экологические группы придти к выводу, что все их усилия по привлечению государственных институтов, а также выступления на разнообразных международных форумах, санкционируемых национальными государствами, не привели к видимым изменениям в сфере политики лесопользования. В результате Всемирный фонд дикой природы (World Wildlife Found — WWF) и ряд других транснациональных объединений и организаций приняли решение использовать преимущественно рыночные механизмы в новых попытках мотивировать владельцев лесных угодий и компании лесной индустрии сертифицировать собственную продукцию, подтверждая ее производство в рамках системы экологически рационального лесопользования. Тем самым, они расширили репертуар практик политического консюмеризма, дополнив традиционный негативный подход (потребительские бойкоты) позитивным рыночным подходом, предполагающим сертификацию и особые схемы маркировки.

Первой организацией, призванной осуществлять политику, которая в значительной мере отличалась от традиционной государственной модели патронажа, стал созданный в 1993 г. и официально зарегистрированный в 1994 г. Лесной попечительский совет (Forest Stewardship Council — FSC). Выступая третьей стороной в процессе принятия социально-экологически значимых решений, FSC ограничивает влияние крупных представителей бизнеса, но одновременно препятствует прямому вмешательству правительственных органов в нормотворчество. Особенностью деятельности данной организации является созданная система оценки результатов, причем спектр критериев сертификации чрезвычайно широк и включает, наряду с экономической эффективностью, соблюдение прав коренных народов на традиционное природопользование, социальные программы взаимодействия лесных компаний с населением и соблюдение прав работников лесного предприятия, воздействие на окружающую среду, внедрение практик устойчивого лесопользования, мониторинг и защиту старовозрастных лесов и лесов высокой природоохранной ценности. Программа FSC также предполагает создание региональных и национальных рабочих групп, ответственных за разработку адаптированных к местным условиям стандартов и систем верификации.

В целом деятельность FSC получила поддержку производителей и потребителей продуктов лесной промышленности. Однако некоторые ассоциации компаний лесной индустрии и владельцев лесных угодий посчитали, что FSC не учитывает интересы индивидуальных промышленников и землевладельцев и предъявляет им завышенные, а порой и нереалистичные требования. В ряде стран были разработаны альтернативные программы сертификации лесов, создатели которых в настоящее время предпринимают попытки по созданию зонтичной координационной программы, которая позволила бы им конкурировать с FSC на международном рынке. К числу новых программ относятся Инициатива экологически рационального лесоводства (Sustainable Forestry Initiative — SFI, США), Программа канадской ассоциации по вопросам стандартизации (Canadian Standards Association — CSA) и Программа поддержки лесной сертификации ра-

нее называлась Панъевропейской системой сертификации лесов (Pan European Forest Certification — PEFC).

Их общими особенностями являются более узкое определение «экологически устойчивого развития» и использование в качестве отправной точки интересов индивидуальных владельцев лесных угодий. При сертификации их требования сводятся к добровольному использованию программ внедрения наиболее удачных практик управления, выполнению правовых обязательств и требований по лесовозобновлению. Все эти программы ориентируются на принципиально иное понимание системы управления типа NSMD. Предполагается, что ведущая роль в нормотворчестве должна принадлежать бизнесу, тогда как сфера компетенции государственных и неправительственных организаций должна ограничиваться совещательными и консультативными полномочиями.

На втором этапе своих рассуждений авторы статьи задаются вопросом о роли институциональных потребителей и глобального гражданского общества в развитии системы сертификации лесов. Они полагают, что существует 4 важнейших отличительных черты, которые позволяют отделить систему управления NSMD от других форм совместного управления, а также инициатив частного сектора экономики, а именно относительная роль правительственных органов, рынков, организованных интересов (бизнес-структур, включенных в цепочки поставок древесины, и отдельных индивидов — потребителей и просто членов гражданского общества) и средств поощрения соответствия стандартам.

Ключевой характеристикой системы управления NSMD является отказ от использования государственных механизмов принуждения (штрафы, тюремное заключение) в попытках заставить предприятия соответствовать транснациональным стандартам. Правительства могут действовать лишь как традиционные группы интересов, которые оказывают влияние на выработку политических решений, реализуя консультативные полномочия, либо как большие организации, которые осуществляют последовательную политику закупок, играют роль крупных владельцев лесных угодий или принимают какие-либо иные экономические меры для изменения динамики рынка. В любом случае организации,

компания, владельцы лесов свободны в своем выборе соответствовать либо не соответствовать существующим стандартам, так что их решение становится результатом комплексной системы оценок.

Вторая особенность заключается в том, что власть органов управления в системе NSMD делегируется и подтверждается «внешними аудиториями», а управление осуществляется компаниями лесной промышленности и владельцами лесных угодий, выступающими целевой группой сертификации, а также экологическими и социальными группами, покупателями лесоматериалов на разных уровнях цепочек поставок и индивидуальными потребителями. Все эти аудитории испытывают влияние третьей характеристики NSMD. Речь идет о делегировании властных полномочий в многоуровневых цепочках поставок. Так, FSC в своей деятельности во многом ориентирован на отрасли промышленности, испытывающие потребность в сырье, и в обязательном порядке на оптовых продавцов и их покупателей.

Наконец последняя отличительная черта системы управления NSMD это наличие разработанных процедур верификации, гарантирующих, что находящаяся под контролем организация или предприятие действительно отвечает заявленным стандартам. Такая проверка чрезвычайно важна для легитимации сертификационных процедур. В FSC и CSA обязательный аудит осуществляется внешними аудиторскими компаниями; в SFI распространен добровольный аудит, производимый третьей стороной. Репутация добропорядочного «корпоративного гражданина» оборачивается преимуществом на рынке сбыта.

На третьем этапе рассуждений авторы рассматривают три основных типа легитимности, к реализации которых стремятся конкурирующие программы сертификации. В своем анализе они используют определение Зухмана (Зухман 1995: 574), согласно которому под легитимностью следует понимать «обобщенное представление или предположение, что действия организации являются желательными, должными или соответствующими ситуации в рамках определенной социально конструируемой системы норм, ценностей, убеждений и дефиниций». Зухман различает (1) *прагматическую легитимность*, основанную на корыст-

ном расчете взаимодействующей с организацией оценивающей аудитории, чье материальное благосостояние растет в результате этого взаимодействия; (2) *моральную легитимность*, отражающую позитивную, нормативную оценку организации и ее деятельности и основанную не на суждениях относительно того, способствует ли определенный род деятельности организации достижению целей оценивающего субъекта, а скорее на представлении, является ли эта деятельность справедливой и правильной; и (3) *когнитивную легитимность*, основанную на «понятности» деятельности организации, воспринимаемой как «нечто само собой разумеющееся». Зухман считает, что прагматическая легитимность является наименее надежной и долговечной, тогда как авторы статьи, ссылаясь на эмпирические данные, утверждают, что и она может быть долговременной в зависимости от поддерживающей ее внешней аудитории.

Проведенное авторами исследование подтверждает гипотезу Зухмана, согласно которой организации, стремящиеся к легитимности, редко остаются пассивными, но, напротив, активно реализуют различные стратегии достижения легитимности. *Манипулятивные стратегии* предполагают попытки организаций изменить предпочтения потенциальной легитимирующей аудитории. Так, FSC активно конструирует новые интересы, организуя институциональные группы покупателей путем создания глобальной сети устойчивого лесопользования и торговли. *Приспособленческие стратегии* позволяют организациям адаптироваться к потребностям внешних аудиторий, однако они представляются менее предпочтительными по сравнению с манипулятивными стратегиями, поскольку предполагают трансформацию сертификационных программ. Конкуренты FSC, к примеру, вынуждены постоянно вводить новые правила сертификации в попытках привлечь оптовых покупателей и розничных продавцов, которые в настоящее время закупают исключительно древесину FSC. Тем самым они рискуют потерять доверие собственной постоянной клиентуры. Наконец, существуют активные *информирующие стратегии*, ориентированные на аудиторию, которая с большой вероятностью может стать легитимирующим субъектом, как только получит достаточную информацию о программе сертификации.

В ходе исследования выяснилось, что моральная легитимность FSC обеспечивалась силами ее постоянной аудитории, состоящей в основном из экологических групп, социальных организаций, оптовых покупателей и розничных продавцов. Одновременно FSC испытывал недостаток легитимации со стороны компаний лесной промышленности и владельцев лесных угодий, которые гарантировали прагматическую и моральную легитимность конкурентам FSC, учрежденным собственными ассоциациями. Благодаря использованию активных стратегий достижения легитимности FSC удалось добиться поддержки семи из десяти крупнейших компаний в Британской Колумбии (провинции Канады). Однако в США большинство предприятий лесной промышленности по-прежнему отказываются от услуг FSC, предпочитая сотрудничать с SFI. В Соединенном Королевстве Великобритании крупные землевладельцы достаточно неохотно поддерживают FSC, а мелкие и частные землевладельцы доверяют PEFC. Эта же программа обеспечила себе поддержку большинства землевладельцев в Германии. В Швеции предпочтения крупных промышленных предприятий оказались на стороне FSC, тогда как мелкие землевладельцы вовсе не доверяют этой организации.

Авторы выделяют 5 факторов, определяющих успех тех или иных стратегий достижения легитимности:

(1) *степень зависимости региона от иностранных рынков*: в регионах, где большая доля лесоматериалов экспортируется на иностранные рынки, лесопромышленные компании и землевладельцы, как правило, более восприимчивы к преимуществам, которые дает добровольная лесная сертификация по системе FSC в том случае, если потребители, находящиеся на нижних уровнях цепочек поставок, располагаются вне региональных границ. Если регион является импортером сырья, то эффективность стратегий FSC на национальном уровне повышается в том случае, когда розничные торговцы требуют подвергать национальные и иностранные поставки лесоматериалов одинаковому мониторингу и контролю. Таким образом, у FSC возникает больше возможностей следовать своим стратегическим целям, когда потребители древесины берут на себя одинаковые обязательства по покупке как иностранной, так и отечественной продукции;

(2) *важность вопросов управления лесным хозяйством в национальных политических программах*: если практики лесопользования являются значимой составляющей государственной политики, лесопромышленные компании и землевладельцы предпринимают самостоятельные шаги по предотвращению потенциальных политических разногласий, зачастую обеспечивая FSC прагматическую легитимность. В том случае, если государственные меры по разрешению острых проблем в этой области оказываются недостаточными или неэффективными, роль прагматической легитимности возрастает еще в большей мере;

(3) *характер собственности преобладающий в секторе лесопользования*: в тех регионах, где преобладают независимые частные собственники лесных угодий (как в США), компании лесной промышленности и владельцы лесных угодий в меньшей степени склонны поддерживать прагматическую легитимность FSC из-за значительных операционных издержек и издержек на реализацию;

(4) *наличие ассоциаций лесопромышленных компаний и владельцев лесных угодий*: в тех регионах, где предприятия и землевладельцы многочисленны и сплочены, представители стороны предложения при прочих равных условиях реже обеспечивают FSC прагматическую легитимность;

(5) *характер и структура конкурирующих с FSC сертификационных программ*: чтобы получить поддержку компаний и землевладельцев, конкурирующие с FSC компании должны балансировать между двумя крайностями, стараясь, с одной стороны, не пугать потенциальных клиентов излишне строгими предписаниями (поскольку в этом случае условия FSC будут казаться не более тяжелыми), но с другой — не быть слишком слабыми (в этом случае они рискуют подвергнуться критике со стороны экологических организаций). Решение аудитории о поддержке FSC также зависит от того, насколько конкурирующим программам удастся сбалансировать издержки и выгоды.

Итак, эффективность системы управления NSMD и степень легитимности этой системы в глазах внешних аудиторий варьируется в зависимости от особенностей изучаемого региона, организаций, выступающих субъектами легитимации, и характера конкуренции между FSC и конкури-

рующими программами сертификации. В ходе сложных динамических процессов формируются общие паттерны легитимности и надежности новой системы управления. Во-первых, и у FSC, и у его конкурентов есть постоянные аудиторы, чья поддержка выступает неотъемлемым условием существования системы управления NSMD. Постоянная аудитория FSC состоит из экологических групп, социальных групп по интересам и небольшого числа оптовых покупателей и розничных продавцов, чьи взгляды и ценности перекликаются с подходом FSC. Постоянная аудитория конкурирующих с FSC программ включает в себя лесопромышленные компании и/или владельцев лесных угодий, активно поддерживающих более гибкие подходы к сертификации, которые оставляют за ними некоторую свободу выбора, причем как из прагматических, так и из моральных соображений. Насколько далеко FSC и его конкуренты готовы зайти в реализации приспособленческих стратегий для привлечения других аудиторий — это чрезвычайно важный вопрос, требующий дополнительного исследования.

В деятельности FSC существует четко выраженная связь между сохранением моральной легитимности со стороны постоянной аудитории и приобретением прагматической легитимности со стороны лесопромышленных компаний и землевладельцев. До настоящего времени FSC удавалось совмещать обе этих задачи лишь с переменным успехом: этой организации удалось добиться прагматической поддержки ряда крупнейших компаний и землевладельцев Британской Колумбии, однако попытки заручиться такой же поддержкой в США, канадском приморье и Германии окончились неудачей. Вопрос о том, конвертируется ли со временем прагматическая легитимность FSC в когнитивную, остается открытым.

Авторы еще раз предостерегают читателя против не критического восприятия гипотезы Зухмана, согласно которой прагматическая легитимность неизменно является наименее надежным и долговременным типом легитимности. Они утверждают, что для предприятий, ориентированных на максимизацию прибыли, прагматическая легитимность может оказаться более надежной и долговечной, чем моральная легитимность, поскольку эти компании стремятся

как можно прочнее закрепиться в бизнесе. Однако прагматическая поддержка такого рода — это палка о двух концах. С одной стороны, компании склонны поддерживать программы сертификации в том случае, если они обещают очевидные рыночные выгоды. Но справедливо и обратное: компании, гарантирующие программам сертификации лишь прагматическую легитимность, могут отказаться от их поддержки, если увидят в сертификации лишь обузу. Таким образом, ключом к успеху представляется сбалансированная политика, обеспечивающая условия для возникновения как моральной, так и прагматической легитимности.

В заключение авторы еще раз обращаются к результатам своего кейс-стади и подводят некоторые итоги. Новая система NSMD оказалась достаточно эффективным инструментом управления лесным хозяйством. Концепция управления, предложенная FSC и принятая в качестве легитимной множеством акторов, действующих на разных уровнях цепочек поставок, по-видимому, может в значительной мере менять отношения власти, сложившиеся в традиционной экологической политике. С одной стороны, она предполагает делегирование значительного объема полномочий акторам, не преследующим коммерческих интересов, что отличает ее от большинства традиционных процессов выработки политических решений. С другой стороны, экологическим организациям становится сложнее критиковать предприятия, которые придерживаются стандартов FSC, за неблагоприятное влияние на окружающую среду. Это, в свою очередь, затрудняет попытки экологических организаций призвать к действию государственные органы, поскольку бизнес теперь заручился легитимностью, гарантируемой ему системой управления NSMD при поддержке негосударственных организаций. Национальные правительства также могут сослаться на систему управления NSMD, объясняя свой отказ от регулятивных акций в поле экологических проблем. Другими словами, новая система управления фактически снимает с национальных правительственных органов политическую ответственность в сферах, имеющих ключевое значение для общего благополучия во всем мире.

Очевидно также, что исход конкуренции сертификационных программ в любом национальном контексте далеко

не predetermined. Он зависит не только от позиций региона в глобальной лесопромышленной экономике, от национальной политики лесопользования или от характера и количества ассоциаций, объединяющих промышленников и землевладельцев, но и от стратегических решений, принимаемых FSC и его конкурентами. А поскольку речь идет о непрерывной борьбе за легитимацию, то, проводя исследование, важно тщательно анализировать характерные для легитимирующих акторов типы оценок и по возможности выяснять, каким образом прагматическая и моральная легитимность может со временем привести к возникновению когнитивной легитимности. Если система управления NSMD действительно приобретет когнитивную легитимность со стороны целого ряда внешних аудиторий, она сможет вывести нормотворческие полномочия из сферы традиционной государственной политики и, тем самым, радикальным образом изменить существующие формы политической борьбы в поле защиты природных ресурсов и охраны окружающей среды. В этом случае потребители, вне зависимости от того, будут ли это правительственные органы, крупные предприятия или отдельные индивиды, смогут играть ключевые роли в преобразовании практик защиты окружающей среды на глобальном уровне.

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LEGITIMIZING POLITICAL CONSUMERISM: THE CASE OF FOREST CERTIFICATION IN NORTH AMERICA AND EUROPE

Introduction

As international and domestic public policy processes made limited efforts in the 1980s and early 1990s to address the problem of ecological deterioration of the world's forests, environmental groups and their allies turned to the marketplace in the hopes of creating more efficient and effective institutions to govern forest management. The market's supply chain is the key arena in this political struggle over forest resource use. Institutional consumers, such as business and government as well as individual consumers along the supply chain, are encouraged and coerced by environmental groups to demand that the wood products they purchase come from sustainably managed sources. This chapter explores forest certification, which can be defined as a non-state market driven (NSMD) governance system (Cashore, 2002) that is dependent on choices made by customers of forest products.

We analyze the institutional development of forest certification as a tool for improving the condition of the world's forests, and examine the difficulties and obstacles in legitimizing NSMD political consumerism in the marketplace. This is done in four steps. First, we trace the development of the origins of the global forest certification system, the Forest Stewardship Council (FSC), and the forest certification programs created by industry and landowner associations designed to compete with the FSC for rulemaking authority. Second, we locate forest certification as the most dominant form of NSMD governance in this area and identify the key features and the role of institutional consumers and global civil society in shaping its development. Third, we conceptualize how the competing NSMD forest certification systems achieve three distinct types of legitimacy. We conclude by discussing the case study results more generally and what they tell us about: the types of legitimacy that create strong institutionalization and the role of consumers and non-governmental organizations in influencing support for NSMD forest certification along the supply chain.

Emergence of Forest Certification: The FSC and Its Competitors

The FSC's origins can be traced to two related events. First, following widespread scrutiny of tropical deforestation, timber retailers and distributors (themselves often the targets of traditional consumer boycott campaigns) began looking for credible sources of sustainably managed forest products (Meidinger, 1999: 4). Second, the failure of the Earth Summit in 1992 to create a global forest convention (Bernstein, Cashore, 2000, 2001) led many environmental groups to feel, that they were expending significant effort and resources on state-sanctioned international forums with no discernible policy gains. As a result of these two related events, the World Wide Fund for Nature (WWF) and other transnational groups decided to use market-based mechanisms to influence forest landowners and forest companies to certify their products as coming from sustainable forests. In doing so they expanded the repertoire of political consumerism from the traditional negative approach, that involved boycotts with positive political consumerism in the form of a certification or labeling scheme.

The FSC was created in 1993 and was legally registered in 1994. It sees forest certification as forcing upward worldwide standards governing sustainable forest management. Its NSMD governance approach diverges considerably from traditional clientelist public policy processes. It institutionalized a tripartite decision-making process, that limits business dominance in policy deliberations (Meidinger, 1997; Meidinger, 2000). The FSC also forbids direct government involvement in rulemaking and has a wide-ranging policy scope that encompasses environmental and social rules.

Sustainable development forms the basis of the FSC principles¹. The principles are performance-based and broad in scope. Included among the criteria for certification are principles involving tenure and user rights, community relations, workers' rights, environmental impact, management plans, and monitoring and preservation of old growth forests (Moffat, 1998: 44; FSC, 1999). The FSC program also requires the creation of regional or national working groups, which are responsible for developing specific indicators and verifiers to apply the principles and criteria more locally.

¹ Originally a two chamber format was created with social and environmental interests together in one chamber with 70 percent of the votes, and an economic chamber with 30 percent of the votes. There are current three equal chambers among these groups with one third of the votes each. Each chamber is further divided equally between North and South.

As support for the FSC certification program increased among forest producers and consumers, industry and forest landowner associations responded with their own versions of forest certification (Cashore et al., 2001). In the United States, the FSC competitor is the American Forest and Paper Associations' (AF & PA) Sustainable Forestry Initiative (SFI) program. In Canada, it is the Canadian Standards Association (CSA) program, initiated by the Canadian Pulp and Paper Association (now the Canadian Forest Products Association). In Europe, there were a number of national FSC competitor programs that developed early in the 1990s. By the late 1990s Programm for the Endorsement of Forest Certification, formerly the Pan European Forest Certification (PEFC) system, created by landowner associations who felt especially excluded from the FSC process, emerged as the key competitor program. These FSC competitors are now attempting to create an umbrella program to coordinate their programs so that they can develop a better international presence that only the FSC enjoys currently.

The SFI, CSA and PEFC programs differ from the FSC in that they apply a narrower view of sustainable development and take forest owners' concerns as their point of departure. Their performance requirements follow existing voluntary best management practices (BMPs) programs, legal obligations, and regeneration requirements. Thus, procedurally AF & PA member companies are required to file a report with the SFI regarding their forest management plans and the objectives they are addressing, but specific company data are not reported. Instead, information is aggregated and given to a panel of experts for review. The CPPA turned to the reputed Canadian Standards Association (CSA)² to develop a certification governance program. Similar to the SFI, the focus began as "a systems based approach to sustainable forest management" (Hansen & Juslin 1999: 20) where individual companies are required to establish internal "environmental management systems (EMS)" (Moffat, 1998: 39).

The PEFC was created in 1999 and was based on criteria identified at the Helsinki and Lisbon Forest Ministers Conferences in 1993 and 1998 (PEFC International, 2001). From the start, the program was explicitly designed to address forest managers' criticisms of the FSC, which was perceived as not taking private landowners' opinions into account, and as putting unrealistic requirements on individual landowners. Landowners

² The CSA program actually contains two standards: one explains how to develop an environmental forest management system, and the other focuses on auditing requirements (Hansen, Juslin, 1999: 20).

have the majority vote on all decisions made by the PEFC. The PEFC national initiatives developed procedures for certifying entire regions, and leaves the development of certification rules and procedures to the discretion of national initiatives. A European Secretariat, which is dominated by landowner and industry representatives, decides whether to accept national initiatives as part of the PEFC recognition scheme (Hansen, Juslin, 1999). However, national initiatives are not required to address the agreed upon criteria and indicators (Ozinga, 2001). Overall, the program offers few prescriptive requirements and leaves forest landowners and forest companies in control of the rulemaking process.

As explained in Figure 1, the FSC competitor programs operate under a different conception of NSMD governance (Cashore, 2002). They believe that business should dominate rulemaking, and non-governmental and governmental organizations should only be involved in advisory, consultative capacities. Underlying these programs is a strongly held view that there is incongruence between existing forest practices and civil society's perception of these practices. Under the SFI, CSA, and PEFC, procedural approaches are ends in themselves, and individual firms retain greater discretion over implementation of program goals and objectives. This conception of governance draws on environmental management systems approaches that have developed at the international regulatory level (Clapp, 1998; Cutler, Haufler, Porter, 1999; Prakash, 1999; Kollman, Prakash, 2001).

Figure 1. Comparison of FSC and Key FSC Competitor Forest Certification Schemes

PROGRAM	FSC	PEFC	SFI	CSA
Origination	Environmental groups, socially concerned retailers	Landowner	Industry	Industry
Performance or Systems based	Performance	Combination	Combination	Combination
Territorial focus	International	Europe Origin, now International	United States North America	Canada
Verification Options	Third party	Third Party	First, second or third	Third Party
Chain of custody	Yes	Yes	No	Limited
Eco-label or logo	Label and Logo	Logo and label	Logo, label emerging	Logo

Source: Adapted from Moffat (1998: 152), Rickenbach, Fletcher & Hansen (2000)

Terms: *Performance or systems based* characteristics distinguish programs from whether they focus primarily in the creation of mandatory on the ground rules, governing forest management, or the development of more flexible and often non-mandatory procedures that address environmental concerns.

Third Party means an outside organization verifies performance, *Second Party* means that a trade association or other industry group verifies performance, *First Party* means that the company verifies its own record of compliance.

Chain of Custody refers to whether the programs track the wood from certified forests all the way to the individual consumer. A *logo* is the symbol that certification programs used to advertise their programs. It can be used by companies making claims about their forest practices. An *eco-label* is used along the supply chain to give institutional consumers the ability to discern whether a specific product comes from a certified source.

Key features of NSMD Governance³

As can be seen in Figure 2, Cashore (2002), using the case of forest certification, has identified four key features that distinguish NSMD governance from other forms of shared governance and private-sector firm level initiatives. They are the role of governments, markets, organized interests (business along the supply chain, and individuals as consumers and value holders), and compliance incentives. Arguably the most important feature of NSMD governance is that there is no use of state sovereignty to force businesses to comply with transnational standards. There are no popular elections under NSMD governance systems, and no one can be incarcerated or fined for failing to comply. This point is important because it means that since the state does not require adherence to its rules, organizations, companies, and landowners must undertake *evaluations* to decide whether they want to comply or not.

This does not mean that governments are not important actors in NSMD governance. They can act as traditional interest groups attempting to influence NSMD policymaking processes by means ranging from offering advice to asking to help write specific rules. They are not, however, a source of authority, an important difference when compared to the eco-labeling schemes discussed in this book. Governments can also act as any

³ This section draws heavily from, and is based on, Cashore (2002).

large organization by making procurement policies and taking other kinds of economic actions that may influence market driven dynamics. In the case of forest certification, governments can act as landowners. Indeed in many countries public land ownership is a key part of forest policy and, to the extent that governments are persuaded to attempt to adopt certification on their lands, they are drawn into an NSMD system as landowners. Governments may also use their policy authority to influence a key target audience of an NSMD governance program, thus creating a hybrid effect in which NSMD logics apply to some audiences but not to others. In such a case, it is crucial to understand whether compliance of a key audience is a result of NSMD dynamics or state authority. For example, a government law requiring that all forestland owners become certified according to the FSC would negate any need to understand landowner evaluations of the FSC, as they are complying as a matter of law rather than of individual calculations.

Figure 2. Key Features of NSMD Governance

Role of the market	Products being regulated are demanded by purchasers further down the supply chain
Role of the state	State does not use its sovereign authority to directly require adherence to rules
Role of stakeholders and broader civil society	Authority is granted through an internal evaluative process
Enforcement	Compliance must be verified

Source: Cashore, 2002.

A second key feature of NSMD governance is that authority is granted to NSMD governance systems by "external audiences" who must undertake their own evaluative decisions about compliance. These evaluations are crucial for understanding whether and how NSMD governance may gain legitimacy to create the rules. External audiences include forest companies and landowners, who are the ultimate target of forest certification as well as environmental and social groups, purchasers of wood products along the supply chain, and individual consumers. These audiences are affected or empowered by the third key feature of NSMD governance, authority granted through the market's supply chain. Much of FSC's efforts to promote and encourage forest owners and managers to apply sustainable forest management (SFM) occur further down the supply and demand chain, i.e., toward those industries that demand the raw products, and ultimately to the retailer and its customers (Bruce, 1998: chap. 2; Moffat, 1998: 42f). To satisfy this demand, the FSC grants not only management

certification but also *chain of custody* certification for those companies wishing to purchase and sell FSC products⁴.

The fourth key feature of NSMD governance is the presence of a verification procedure to ensure that the regulated entity actually meets the stated standards. Verification is important, because it provides a validation necessary for legitimacy to occur, and to distinguish products to be consumed along the supply chain. In the case of the FSC and CSA, external auditing companies conduct the mandatory auditing process. The SFI originally developed looser verification procedures, but voluntary independent third party auditing is now the method of choice for most companies operating under SFI. The desire to be seen as a good corporate citizen is linked to a market advantage.

Forest Certification and Legitimacy

To analyze whether forest certification does or does not gain legitimacy from its relevant audiences, we (Cashore, 2002; Cashore, Auld, Newsom, 2002; Auld, 2001; Newsom, 2001; Lawson, Cashore, 2002) have used Suchman's seminal work in organizational sociology, in which he identifies three different types of legitimacy that audiences may grant an organization. The motivations of those seeking legitimacy and the durability of the legitimacy granted to the organization are key characteristics. Suchman identifies three different types of legitimacy achievement strategies that organizations may pursue in their efforts to obtain legitimacy, which are important for understanding the interactive process between the external audiences and the NSMD governance system. In this section we review these categories and then use them to present and analyze the competition among NSMD governance systems (see Cashore, 2002). Suchman (1995: 574) defines legitimacy as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions." He identifies three types of legitimacy that are central to understanding support for forest certification as an NSMD governance system: (1) *pragmatic legitimacy* rests on the "self-interested calculations of an organization's most immediate audiences", where the material "well-being" of the legitimacy grantor is enhanced (Suchman, 1995: 589), (2) *moral legitimacy* reflects a "positive, normative evaluation of the organization and its

⁴ Likewise, in the case of the Marine Stewardship Council (MSC), sustainable fisheries are promoted by offering market demand that can be accessed by companies adhering to their rules through a chain of custody provision (Simpson, 2001).

activities and rests not on judgments about whether a given activity promotes the goals of the evaluator, but rather on judgments about whether the activity is ‘the right thing to do’” (Suchman, 1995: 579), and (3) *cognitive legitimacy*, which is based on neither interests nor moral motivations, but rather on “comprehensibility” or “taken for grantedness.” In the former case legitimacy is given, because the actions of an organization are understandable, in the latter case legitimacy is given because “for things to be otherwise is literally unthinkable” (Suchman, 1995: 583). Suchman implies that pragmatic legitimacy may be the least durable. Our case studies show that the pragmatic legitimacy can be durable, but it varies and depends on the external audience that grants it. Moreover, as Suchman predicted, cognitive legitimacy is probably the most durable, though we cannot draw this conclusion because forest certification has not been in existence long enough for us to make this assessment.

Suchman noted that organizations seeking legitimacy are rarely passive. They actively employ *legitimacy achievement strategies*. This assumption is confirmed in our research on forest certification. The battle for legitimacy was actively fought by the FSC and its competitors on different fronts. They also used a variety of techniques. Suchman identified three types of achievement strategies, which are important for our review. *Manipulation achievement strategies* refer to those cases in which organizations actively seek to change preferences of those from which it wants legitimacy. Thus, the FSC and its core supporters, such as the WWF, have been actively involved in the creation of new interests by organizing buyers groups (Rametsteiner et al., 1998; Hansen, 1998) as institutional consumers now operating in Europe (Mirbach, 1997; WWF UK, 2001), North America (Certified Forest Products Council, 1999), and globally through the recent creation of a global forest and trade network (The Global Forest and Trade Network, 2000). Manipulation strategies are important because, if successful, they grant legitimacy to forest certification programs and allow them to stay closer to the core conception of certification for which they initially were created.

In addition, forest certification programs can attempt to achieve legitimacy by using *conforming strategies* on external audiences. For example, our cases show that the FSC has changed its rules governing harvesting in old growth forests, added a new rule on forest plantations, and developed small landowner initiatives, all in an attempt to gain pragmatic legitimacy from supply-side interests. Likewise FSC competitor programs are constantly adding new rules and including new stakeholders

in an effort to appeal to retailers, who are currently demanding only FSC wood. Conforming strategies are seen as less desirable by certification programs and stand in contrast to manipulation strategies, because they alter certification programs. They often move the program slightly away from its original conception. Indeed, part of the question is how far FSC, and FSC competitor programs, can go in conforming to gain legitimacy from non-core interests without risking disapproval from their core audiences. Conforming strategies are often undertaken when manipulation strategies have failed to alter significant degrees of support.

Finally, certification programs may attempt to achieve legitimacy by using active *informing strategies* that focus on those audiences likely to grant legitimacy, if they were simply aware of the program. Informing strategies include advertising campaigns or information targeted to like-minded, organized interests. Our research found that informing was used as a strategy in the case of forest certification, though less so than the other two legitimacy achievement ones. Identifying whether a program uses conforming, manipulating, or informing strategies is important, because it directly addresses whether certification programs remain close to their original goals, or whether they must weaken their approach to forest sustainability in an effort to become accepted in the marketplace. Because conforming strategies are less preferred than manipulation ones, identification of conforming strategies helps us establish when a certification program is having difficulty gaining support.

Differences in Legitimacy Granting in Forest Certification

We applied the legitimacy types and legitimacy achievement strategies to our cases and found key differences in terms of support and the ability of FSC to pursue manipulation versus conforming strategies (for a detailed analysis see Cashore, Auld, Newsom, 2002). FSC gained moral legitimacy from its core audience of environmental and social organizations and from key retailers. It gained scant legitimacy from forest companies and landowners, who granted pragmatic and moral legitimacy instead to FSC competitor programs created by their own associations. In British Columbia, Canada, the FSC made significant inroads through active legitimacy achievement strategies, with the result that initial forest company rejections of the FSC gave way to a situation in which seven of the ten largest companies in the province have indicated some support for it (Cashore, Auld, Newsom, 2002). However, in the United States, most large forest companies continue to reject the FSC and have instead strongly supported the AF & PA's Sustainable Forestry Initiative. In the United

Kingdom, state forest owners reluctantly supported the FSC, while small, private landowners now support the PEFC. The PEFC has gained the support of most state and private forest landowners in Germany. The FSC is supported by a minority of state forest landowners, whose German political masters support an environmental agenda (Auld, 2001; Newsom, 2001). In Sweden, large industrial forest companies support the FSC, while small landowners reject it (Cashore, Auld, Newsom, 2002).

Why Different Legitimacy Achievement Patterns?

Five interrelated factors help explain divergence in legitimacy achievement (Cashore, Auld, Newsom, 2002). They are regional dependence on foreign markets, priority given to forest management issues on the political agenda, character of forest sector ownership, associational systems of forest companies and landowners, and nature and structure of FSC's competitor programs. Each factor is discussed in this section.

First, in regard to a region's degree of dependence on foreign markets, our study shows that forest companies and landowners in a region that sells a high proportion of its forest products to foreign markets appear more susceptible to FSC legitimacy manipulation achievement strategies when institutional consumers further down the supply chain are located outside the regional borders. For example in the case of British Columbia, environmental groups pressured demand-side companies in Europe and the U.S. to terminate their contracts with companies operating in the region that did not conform to FSC criteria (Stanbury, 2000; Vertinsky, 1997). We also found that when a region is a net importer of raw materials, domestic FSC legitimacy achievement strategies are enhanced when retailers demand that foreign and domestic supply are subject to the same scrutiny. Thus, the FSC is more able to pursue manipulation strategies, when institutional consumers make purchasing commitments that apply to both domestic and foreign products. For instance, the UK case reveals that, when the supply-side in a region is small and cannot produce the volume of forest products required to meet local demand, it becomes susceptible to competition from FSC imports (Auld, 2001). When the British home improvement retailer B & Q issued an ultimatum to its suppliers that, by the end of 1999, it intended to purchase only FSC certified wood, local processors were cast under the same net, even though they were not the source of original concerns (Stanbury, 2000; National Home Center News, 1998; DIY, 1998). In fact, competition from FSC-certified suppliers in Sweden and the fear that countries in the Baltic States would follow suit (Tickel, WWF, 2000; Hansen, Juslin, 1999), made UK local producers

recognize the need to protect their UK market share by conforming to FSC sustainability requirements.

The second key explanatory factor is the extent to which forest management issues are on the domestic public policy agenda or not. When forest management practices are seen as an issue for the public policy agenda, forest companies and landowners will take independent action to avoid potential political controversy. We found that forest companies are more likely to give the FSC pragmatic legitimacy, when forestry practices are perceived as a major problem in need of government action. Pragmatic legitimacy becomes even more important, when governmental initiatives fail to remove the issue as a perceived problem. For example, despite a decade of governmental efforts in British Columbia, the deep dissatisfaction that existed among many environmental groups and a significant section of the general public forced forest companies to look at the FSC as a way of avoiding constant scrutiny and ongoing consumer boycott and market-based campaigns. In contrast, in Germany, where there was no discernible societal support or years of direct action campaigns against German landowners, the PEFC was successful in its efforts to gain legitimacy from forest landowners (Newsom, 2001).

The third key explanatory factor is the nature of forestland ownership. Our research reveals that forest companies and landowners, in regions where land ownership is fragmented, will be less likely to grant the FSC pragmatic legitimacy because of the high transaction and implementation costs. This is illustrated in the case of the U.S. Southeast where most forestland is owned by non-industrial private forest landowners. Wood processors in the region require a continuous fiber supply in order to feed their highly specialized, capital-intensive mills. Consequently, industrial forest companies consider the logistical problems associated with the FSC chain of custody requirements overwhelming given their large number of small fiber suppliers. Our research also reveals that many forest landowners in this region are ideologically opposed to FSC-style certification (Newsom et al., 2002; Vlosky, 2000), which helped convince many industrial companies to give pragmatic support to the FSC competitor, the SFI (Auld, Cashore, Newsom, 2002). At the same time a small number of large landowners in the region were more easily converted to the FSC, because they enjoyed economies of scale in the costs of implementing FSC certification. The United Kingdom is between British Columbia and the U.S. South with 35 percent of its forestland held by the government (Forest Industry Council of Great Britain, 2000) and the other by non-industrial private forest landowners. These conditions led the FSC to apply a

conforming strategy to meet the actual needs of these companies. It did so by changing the threshold percent requirements for an FSC product to carry a label. The FSC was even able to use successful manipulation strategies by targeting large areas of government lands, which meant that processors had sufficient FSC wood supply even without the certification of any large portion of the private growers. Thus, the presence of one key landowner open to certification has made possible broader acceptance of the FSC in the UK (Auld, 2001).

Our fourth factor is the nature of forest company and landowner associational systems. This characteristic is necessary to understand competition for legitimacy and FSC legitimacy achievement strategies. In particular, members of the supply-side in a region, where companies and landowners are well-represented and unified, are less likely, everything else being equal, to grant the FSC pragmatic legitimacy. For instance, in the United States, a highly centralized associational system under the AF & PA (Cashore, 1997) allowed the FSC competitor program, the SFI, to undertake highly strategic choices to gain its support among large industrial companies and minimize the influence of the FSC. Once support was granted, the SFI turned its legitimacy achievement strategies to the institutional consumers down the supply chain in the hopes of convincing them to support SFI certification in addition to their FSC commitments. The SFI facilitated these efforts by undertaking a number of conforming strategies (e.g., developing tougher standards and third-party procedures) and expanding its decision-making institutions to include conservation and professional organizations. The Canadian forest sector, by contrast, was represented by a fragmented and regionally focused associational system (Coleman, 1987, 1988), which inhibited the adoption of a unified stance on certification issues. This situation explains the pragmatic legitimacy that the supply-side in BC has given to the FSC. When the FSC became a serious issue, no industry association had a clear mandate to develop a response. Once a few companies showed an interest in pursuing FSC, other companies followed suit.

The final key legitimacy mediating factor is the nature and structure of FSC's competitor programs. Our research indicates that, in order for FSC competitor programs to maintain support from companies and landowners (or at least not have to share legitimacy with the FSC), they must develop a program that walks a fine line between being too prescriptive (which means that the costs of FSC do not seem more difficult) and too weak (so that the market will not accept the program). Supply-side members' decisions to support the FSC (or not) are influenced strongly by how well

the competitor program balances costs and benefits. In our Canadian cases, the standards of an FSC competitor program were perceived as being too rigorous to be acceptable by the supply-side. Canadian forest companies initially endorsed the CSA. However, its costs, level of public scrutiny, and time commitments eventually met, or exceeded, those of the FSC. At the same time the program could not offer the potential market benefits of the FSC. Consequently what had been a program that was meant to limit FSC success became one among a number of certification alternatives. In its attempts to gain support from the environmental community by conforming to existing Canadian public policy norms about public consultation, it appears that the program lost some of its pragmatic appeal with the industry.

Legitimacy, Core Audiences, and Durability of NSMD Governance

The emergence of NSMD and legitimacy, it is granted, varies according to the region being studied, the organizations granting legitimacy, and the nature of the competition between the FSC and its competitor programs. General patterns emerge from these complex dynamics that address legitimacy granting and the durability of NSMD institutions. First, both FSC and its competitors have core audiences, whose support is fundamental to the existence of the NSMD governance system. The FSC core audience is composed of environmental groups, likeminded social interests, and a small handful of retailers whose values resonate with the FSC approach. The FSC competitors' core audience is forest companies and/or landowners who strongly support a more flexible, discretionary approach to forest certification for pragmatic and moral reasons. Just how far the FSC and its competitors can go in undertaking conforming strategies in their efforts to woo non-core audience members along the supply chain (forest companies and forest landowners for the FSC and institutional consumers for the FSC competitors), is a very important question in need of further research.

Research in public policy asserts that deep core values held by actors in a policy subsystem are hard to change and provide the key to understanding the potential success of conforming strategies (Sabatier, Jenkins-Smith, 1993). Our research indicates that this factor is an important brake on FSC and FSC competitors' efforts to gain legitimacy. For example, as a member of the FSC core audience, the U.S. Sierra Club's opposition to FSC certification on U.S. federal lands (they wish to see all these lands protected from harvesting) has limited FSC efforts to gain an immediate and quick source of sustainably managed timber (MacCleery, 1999).

Similarly, U.S. forest companies are increasingly concerned that the SFI's new Sustainable Forestry Board, and efforts to accommodate moderate conservation groups as The Nature Conservancy and Conservation International, might eventually result in policies that they view as too prescriptive.

For the FSC, there is a clear relationship between maintaining moral legitimacy from its core audience and achieving pragmatic legitimacy from forest companies and landowners. So far, its success has been mixed, with British Columbia and the UK eventually yielding some degree of pragmatic support from key companies and landowners, while efforts to achieve the same support in the U.S., the Canadian Maritimes, and Germany have been hampered. Whether forest companies granting pragmatic legitimacy to the FSC, results in cognitive legitimacy over time, remains arguably the most important question for future research on NSMD governance.

Yet one should be wary about accepting Suchman's assumption that pragmatic legitimacy is always the least durable type. For profit maximizing companies, pragmatic legitimacy seems more durable than moral legitimacy. Pragmatic evaluations will trump moral ones and are thus potentially more durable because companies want to stay in business. But such support is double-edged. While it may mean that companies will support certification when it offers a clear market advantage, the reverse is also true. Companies granting only pragmatic legitimacy will reconsider their support if they view certification as a liability. Indeed, understanding the conditions that produce *both* moral and practical legitimacy appears to be the key to durability.

Conclusion

Forest certification is, first and foremost, about restructuring power relations among competing interests over use and exploitation of the world's forest resources. Environmental groups, dissatisfied with public policy processes, created their own governance systems and used the marketplace to force or encourage compliance. Their governing institutions created corporatist style, tripartite procedures (though redefined to include business, environmental, and social divisions) that explicitly forbade business domination in the policy process. These institutions directly challenged traditional business-government dominated clientelist policy networks that, until recently, have characterized domestic and international forest policy development. In response, business and landowner associations have created their own NSMD governance systems that offer a more traditional approach to forest resource management.

Competition for legitimacy on forest certification appears to legitimize the idea of forest certification among a wide range of audiences. Competition can at the same time eliminate the original FSC conception of NSMD governance, or result in a compromise that may or may not be supported by either set of core audiences. An FSC-style conception of governance (or even a hybrid conception), accepted as legitimate by an array of actors along the supply chain, can conceivably alter the power relations in traditional environmental governance in two ways. It grants more decision-making authority to non-business interests than many traditional public policymaking processes. It also makes it more difficult for environmental organizations to criticize businesses that abide by FSC rules as environmentally unfriendly. This makes it difficult for environmental organizations to demand government action, as the businesses possess the legitimacy granted to it by the NGO-supported NSMD governance system. Government may also refer to NSMD governance systems to explain why it has decided not to take regulatory action on environmental concerns. Thus, NSMD governance systems allow governments to avoid taking political responsibility in areas important for global common well-being.

What is clear is that domestic legitimacy contests are far from predetermined. They are influenced not only by a region's place in the global forest economy, the nature of public policy problem definition, and land ownership patterns and associational systems, but also by the strategic choices made by the FSC and its competitor programs. What remains to be seen is what kind of role final-end-product consumers will play in the emergence of NSMD governance. It is possible that, if one system emerges as appropriate by institutional consumers further down the supply chain, then individual consumer choices may matter very little for understanding the emergence of NSMD governance. If, however, end-product consumers are able to choose among competing certification programs in the marketplace, they could conceivably be very influential in determining which type of NSMD governance system will be seen as legitimate.

As this is an ongoing struggle for legitimacy, it is important that research carefully analyzes the types of evaluations that occur and explore how pragmatic and moral legitimacy granting might eventually lead to the granting of cognitive legitimacy. If NSMD governance gains cognitive legitimacy from an array of external audiences, it could shift rule-making authority from traditional public policy processes and, thus, radically reshape existing power struggles over resource and environmental protection. Thus, political consumers — be they institutional actors as

government or business in its procurement function, or individual families just wanting to buy new patio furniture — may play a crucial role in reshaping the parameters of environmental practice globally.

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