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**Is the FSC losing it's edge? The realities of implementing
innovative governance approaches over time**

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IS THE FSC LOSING IT'S EDGE? THE REALITIES OF IMPLEMENTING INNOVATIVE GOVERNANCE APPROACHES OVER TIME

ABSTRACT

Born out of the failures of neoliberalism, the Forest Stewardship Council (FSC) quickly became a global player in forest governance following its initiation in the early 1990's. Based on deeply entrenched values of supporting marginalised communities and equitable participation in decision-making, the three chamber approach governing the FSC was innovative for its time. By balancing environmental, social and economic interests and values through transparent decision-making processes, the FSC was lauded by environmentalists as being the way forward to achieving sustainable forest management that made a real difference for local communities and the environment. Fast forward 25 years and these glossy narratives are waning, with the real impact of FSC on sustainable forest management questioned. The changing discourse around the FSC provides an interesting longitudinal case of innovative governance, and the potential difficulties in maintaining the effectiveness of such innovation over time and with increasing scale. While the three chamber governance approach remains a mainstay of the FSC, issues of democratic legitimacy as decisions are made with reduced transparency and inclusiveness, and the need for a paradigm shifting change in governance as tensions between chambers rise and threaten the very future of the FSC. Given the focus of FSC on quality and equity of participation, the lessons learnt from the evolution of this innovative governance approach and the changes needed to reinvigorate innovative governance at FSC will help in the design and implementation of innovative governance in other community-driven environments.

Keywords

Fast policy; forest management; governance; forest certification

Please note that this is a paper in progress. Empirical research exploring current FSC decision-making processes has been undertaken and is being finalised. Given this, and following peer review feedback from this conference and elsewhere, this paper may change during the course of its finalisation.

Introduction

Forest management is about more than trees. Forests provide environmental, social, cultural and economic benefits to all of us, whether it be fresh air and clean water, the houses we live in, the books we read or the livelihood that puts food on our families table. Given these diverse and often inequitable benefits of forests, forest management is complex and political. Forest management is more about values than it is about science; it is about balancing risk and justice while keeping a keen eye on global markets. Forest management is about people, not trees.

For many decades there has been increasing concern about the exploitation of forests, particularly tropical forests, and associated deforestation. Despite significant lobbying by environmental non-government organisations (ENGOs) in the 1980's to national governments and international organisations (eg International Tropical Timber Organisation, ITTO) very little action to address deforestation was taken due to barriers of free-trade and neoliberalism (see Bartley 2003; Auld 2014;). Born out of these "institutions of globalisation" and failures of neoliberalism (see Bartley 2003, p. 441), the Forest Stewardship Council (FSC) quickly became a global player in forest governance following its initiation in the early 1993. Based on entrenched values of supporting marginalised communities and equitable participation in decision-making (McDermott 2013), the FSC established a membership based governance process with three equal chambers: a social chamber, an environmental chamber, and an economic chamber. This three chamber approach was innovative for its time (Cashore et al. 2004), with commercial forest management governance predominantly based on rational-technical decision making processes driven by scientific evidence. Using the three chamber approach the FSC was attempting to balance environmental, social and economic interests through transparent member-based decision-making processes. Viewed positively by advocates for forest certification, the FSC was seen as being the way forward in achieving sustainable forest management that made a real difference for local communities and the environment.

Fast forward 25 years and these glossy narratives are waning, with the real impact of FSC on sustainable forest management increasingly questioned. This changing discourse around the effectiveness and legitimacy of the FSC provides an interesting longitudinal case of innovative governance, and the potential difficulties in maintaining such innovation over time and with increasing scale. As the FSC has become more successful a much larger area of forest is certified to its standards. With a 29 per cent increase in FSC certified forest over the past five years, nearly 197 million hectares are FSC certified across 83 countries.¹ This scale and geographic extent brings a diversity of actors, institutions and environmental, social and political contexts into play. The FSC has transitioned from a political environmental advocacy group into a global regulator of forest management (see Meidinger 2011).

While the three chamber governance approach remains a mainstay of FSC governance, there is increasing criticism of the FSC and its legitimacy as a global forest management regulator, with concerns about the real effectiveness of the three chamber system and perceptions of the FSC as being overly sympathetic to economic interests (see Johansson 2012). In an analysis of the crisis of FSC legitimacy in Sweden, Johansson (2012) calls for more research into how to manage accountability and power issues within forest certification. The objective of this paper is to

¹ See <https://ic.fsc.org/en/facts-and-figures>

understand the challenges facing FSC governance and with that explore options for improved FSC governance. In consideration of the focus of FSC on quality and equity of participation and the neoliberal context in which FSC functions, in this paper we look at the duality of fast and slow governance processes to provide insights into improved governance approaches for the FSC. This understanding will help in the design and implementation of innovative governance approaches in other community-driven environments.

This paper is present in four sections. Firstly a description of forest certification is provided, including its origins, objectives, increasing role in global forest management governance and emerging implementation challenges. Fast policy is then described and synthesised with Harmut Rosa's (2005) dimensions of acceleration to enable the consideration of modern society from which to explore FSC processes in action (section 3). The implications of these findings are discussed in section four with recommendations for improved governance processes outlined.

Forest certification and the FSC as global policy makers

Forests cover nearly one third of the world's surface and provide a multitude of economic, social and environmental benefits. However, increasing exploitation of forests for economic and social development has resulted in significant concerns regarding deforestation, degradation of forested environments and inequitable forest management outcomes. Consequently, sustainable forest management (SFM) remains a significant global environmental and governance challenge (Marx and Cuypers 2010). The capacity of states and international organizations to effectively address issues of deforestation is often questioned (Auld 2014). In response several multilateral, national, and private policy initiatives have been developed, including and non-state market governance mechanisms (Cashore 2002; Pattberg 2005) such as third-party certification schemes (Marx and Cuypers 2010). In its capacity to address SFM, forest certification is regarded as "one of the most innovative and startling institutional designs of the past 50 years" (Cashore et al. 2004) and is observed as being at the "centre of the global forest policy system" (Meidinger 2011, p.409).

Described by Meidinger (2003, p265) as "a process through which transnational networks of diverse actors set and enforce standards for the management of forests around the world", forest certification promotes forest management practices that are economically, environmentally, and socially sustainable through the verification of forest practices against a standard (Auld, Gulbrandsen, and McDermott 2008). In addressing institutional barriers through the creation of an alternative governance mechanism that works with the neoliberal hegemony rather than against it, forest certification can improve global social and environmental standards (Conroy 2007; Overdevest 2010) and strengthen global forest regulation (Conroy 2007; Abbott & Snidal 2009).

There are two broadly similar global forest certification schemes, the Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification (PEFC), both federated systems with national affiliates (Meidinger 2011; Auld 2014). The FSC was the first global forest certification scheme, commencing in 1993 in response to the slow progress of formal global discussions on SFM and ultimate failure of national governments and international forestry organisations to adequately regulate the international forestry sector (see Auld 2014 for a full history of the development of forest certification). FSC was developed by a range of NGO and

corporate actors, supported by the prevailing political and market structures and the openness of intergovernmental processes (Auld 2014). In its development there were tensions between sympathetic NGOs due to the somewhat compromised and pragmatic 'business-friendly' FSC approach which some thought was insufficient to fight against continuing deforestation (Bloomfield 2012; Auld 2014). The FSC was not deemed legitimate by some due to the role of environmental groups in its inception, the reduced power provided to economic interests and the severity of criteria and indicators within the standard (Auld et al., 2008, p. 191; Cashore et al., 2004; Gulbrandsen, 2004). As a response, the PEFC was established as an alternative to the FSC in 1999, initially as European scheme and later as a global scheme (Bloomfield 2012).

The FSC is often considered as the most legitimate scheme (Marx and Cuypers 2010), although there is considerable normative values attributed to such claims. In reality there is significant convergence across FSC and PEFC standards (Auld et al., 2008; Cashore et al., 2004; Overdevest, 2004, 2010; Bloomfield 2012; Dare 2011), although the process used to both establish and implement the standards varies considerably. The FSC is considered as being more effective as it endorses performance-based rather than a systems-based standards like PEFC (Cashore et al. 2005; Pattberg 2005). Abbott and Snidal (2009), somewhat unfairly, claim that the FSC is the only genuine multi-stakeholder third-party certification scheme with other schemes (ie. PEFC) fundamentally being self-regulation. The PEFC endorses established standards developed with "balanced representation and decision-making" (PEFC, 2010b, p. 8), however such a standards are typically developed by a consortium of predominantly industry and government actors (see Cadman, 2011) hence the suggested 'self-regulation'.

The governance of the two global schemes also differs. From inception, the FSC was designed to address issues of inequity in forest management and as such has deliberately ceded more power in setting global and regional standards to non-commercial interests than the PEFC (McDermott 2013). Recognising the neoliberal regime within which forest management operates and the consequent dominance of economic interests, the FSC has a governance structure that includes a General Assembly, a board of directors, and an executive director. The member-based General Assembly is includes three chambers representing environmental, social, and economic interests. In addition, each chamber is split into Global North and Global South sub-chambers to ensure global interests are represented. All members with a vested interest in commercial forest management are restricted to the Economic Chamber, with the social and environmental chambers including individuals, environmental NGOs, indigenous and social movement organizations. With each chamber having equal vote this approach attempts to balance the representation and voting power of interests. However there are some concerns over whether such balance has been achieved due to the larger number of economic and global North members² (see Counsell and Loraas, 2002; Higman and Nussbaum, 2002; Marx and Cuypers, 2010). In contrast, the PEFC uses a traditional hierarchy approach with a Board who makes decisions based on consensus with no attention to the representation of a diversity of interests (McDermott 2013).

² To address this within each chamber, votes are weighted to ensure that north and south each hold 50 per cent of the vote. What's more, the votes of organizational members are weighted to reflect the fact that organizational members represent more people than individual members. (<https://ic.fsc.org/en/what-is-fsc/governance>)

There is an extensive body of literature around the emergence and governance structure of forest certification schemes (see, for example, Bartley 2003; Cashore et al. 2004; Auld 2014), their legitimacy (see Bernstein & Cashore 2007; Dingwerth 2007; Johansson 2012), and to a lesser extent their effectiveness (see Cashore et al., 2006; Auld et al 2008; Marx and Cuypers 2010; Kanowski et al., 2011; Dare 2011). However, there is little exploration of evolution of forest certification schemes since their inception, and challenges they face in remaining relevant as global forest governance systems. Through the development of a global market-based approach enacted within the prevailing neoliberal hegemony (see Bloomfield 2012), FSC was deemed legitimate and hence acceptable by many government, business and environmental actors. However, in its attempt to 'reregulate' the global forest industry by a focus on equitable SFM, FSC can be "viewed as a co-optation of neoliberal values by an anti-hegemonic force" (Bloomfield 2012, p.403), 'pushing-back' against neoliberalism (Peck & Tickell, 2002) by "wrestling rule-making authority from national industry and state (de-)regulatory coalitions" (Bloomfield 2012, p. 404). It is here where FSC is becoming increasingly scrutinised by actors sympathetic with the original intent of FSC who are often dismayed with its current implementation. As a 'private governor' the FSC is "an agent with interests in its future" (Auld 2014 p.5). As the scale of FSC increases the scheme is potentially exposed to increased pressure to converge with the entrenched neoliberal political economy. The evolutionary shifts in the FSC approach, risk reinforcing unsustainable practices by shifting concerns to a technical arena (Stringer 2006) and in doing so reduce opportunities to address underlying political and systemic issues and promote positive social and environmental change (Bloomfield 2012). Following Cox's poignant statement "[H]egemony is like a pillow: it absorbs blows and sooner or later the would-be assailant will find it comfortable to rest upon" (Cox, 1983, p. 139 in Bloomfield 2012), while the FSC was initially challenging the hegemonic order of global forest industry providing a forum and innovative approach to promote significant social and environmental change, there is a risk that the FSC can "act to fortify the hegemonic order" (Bloomfield 2012, p. 396) by appeasing powerful interests in an attempt to expand their presence and remain relevant.

Despite these challenges the FSC remains an important global forest regulator, underpinned by an innovative governance structure that provides considerable legitimacy across diverse actor interests. Acknowledging the benefits of this approach and the challenges of implementation in a much larger global organisation, this paper looks to the emerging literature on 'fast' policy to develop a better understanding on the pressures on FSC governance associated with changes in society and provide insights into which 'fast' and 'slow' governance approaches will effectively support the existing governance structure in modern times. A short overview of fast policy is provided in the following section.

FSC certification as 'fast policy'

As a federated governance approach that establishes and endorses forest management standards, forest certification is essentially a mechanism for perpetual policy transfer. Using Dolowitz and Marsh's (2000) policy transfer continuum, forest certification includes elements of lesson-drawing voluntary and coercive transfer at various times in its enactment. For example, lesson-drawing may occur during the setting of technical policies whereby the actions and knowledge of other reputable organisations may be used to inform relevant scheme policies (ie. FSC pesticide policy). Voluntary

transfer is the *modus operandi* of certification, with forest managers voluntarily committing to the schemes and its Principles and Criteria, policies and procedures (institutions). Although, where certification is mandated (eg. by government) certification could be considered as coercive transfer, directly imposed on certificate holders. This perpetual transfer of policies, institutions and ideas drives the FSC system enabling it to be ‘credible, transparent and robust’ (<https://ic.fsc.org>).

With this strong underpinning of policy transfer, it is not surprising that the FSC exhibits many ‘characteristics’ of the fast policy ‘condition’ (see Peck and Theodore 2015). Peck and Theodore (2015, p. 223) describe fast policy as a “policy making condition characterized by the intensified and instantaneous connectivity of sites, channels, arenas, and nodes of policy development, evolution and reproduction”. This translates to a ‘tangle’ of characteristics that when considered individually help to understand the various approaches to implementing fast policy. The fast policy characteristics most relevant to the FSC are provided in Table 1, grouped into two themes reflecting the connections across the ten characteristics described by Peck and Theodore.

Table 1. Characteristics of Fast Policy

Characteristic of Fast Policy	Description
Globalisation of actors & policy discourses	
<ul style="list-style-type: none"> • Increased soft infrastructure • Increased relationality • Increased reflexivity & porosity of policymaking • Pragmatic deference to global ‘best practice’ & models (Isomorphism) 	Policy making occurs within a pragmatic comparative context through connected cross-border networks of actors that defer to existing discourses, working models and codified strategies.
Changes in development of evidence	
<ul style="list-style-type: none"> • Compressed research and development • Manufacture of policy models • Preference for experimental churning • Pragmatic deference to global ‘best practice’ & models (Isomorphism) 	Driven by the increased availability of information and advice, policy R&D is restricted with innovation driven by narrow controlled experimentation and transfer amongst globalised policy networks.

(Adapted from Peck and Theodore 2015)

Fast policy refers to the deep transnational connections between policies, institutions and networks that “invariable loop through centres of power and persuasion” (Peck and Theodore 2015, p.xxxi). Fast policy accelerates policymaking through the rapid transfer of policy ideas that favour technocratic strategies pushed by established interests, inhibiting opportunities for endogenous policy innovations and opportunities for deliberation (Peck and Theodore 2015). This application of fast policy is creating challenges for the FSC with regards to the perceived privileging of economic interests, despite the various chamber balanced processes.

Sawards concept of ‘representation claim’ (2006; 2009) provides some utility in understanding this stakeholder discontent. In understanding that forest certification is a political instrument used within the neoliberal hegemony to exert influence on global forest management practices, certification schemes can be considered as political representation. The FSC makes a ‘representative claim’ through the certification process to represent the interests of sustainable forest management and forest communities with the intended audience including ultimately consumers of forest products, but in the enactment of the claim forest managers, FSC members and interested stakeholders. The FSC provides a compelling non-elective representative claim for its audiences,

providing a mode of representation that gives a voice to affected parties, and due to the governance of the FSC a means of controlling and ensuring accountability of the claim(s). Using Saward's approach, the FSC provides a 'surrogacy for wider interests' with the representative claim based on the incapacity of existing governance and regulatory processes to adequately address global deforestation (see Saward 2009, p. 12). The FSC also invokes 'stakeholding' forms of representative claims through the chamber-based governance approach, where "one stands for or speaks for a group that has a material or other 'stake' in a process or a decision, and therefore has a right to have its interests included in the process" (Saward 2009, p.13).

In line with, and perhaps facilitating the deliberative challenges of fast policy, representative claims may have a silencing effect. By "appropriate[ing] the voice of the represented" and removing them from the political arena, representation claims may "become privileged weapons in the hands of elite minorities with privileged access to technologies and institutions of claim-making" (Saward 2006, p.304). While such silencing is in contradiction with the chamber balanced governance approach of the FSC, the disparate size of chambers and perceived ineffectiveness of FSC standards to make a real difference in commercial forest management has raised questions regarding the legitimacy of FSC as a voice for SFM and marginalised people (see Johansson 2012).

A more nuanced understanding of legitimacy challenges is needed to understand how current FSC governance arrangements contribute to these concerns, and what is needed to effectively address them. In developing this understanding FSC governance processes will be analysed using insights from Peck and Theodore's fast policy characteristics (Table 1) and Rosa's dimensions of acceleration (2005). Legitimacy occurs when constituents agree that an institution has the right to rule (Black 2008). In determining the legitimacy of the FSC Johansson (2012), using Steffek (2009), reminds us that it is important to consider not only what participating actors expect of the FSC, but what the constituents they are accountable to expect (eg. ENGOs are accountable to funders and members, industry is accountable to shareholders). Such expectations adjust over time due to technological and social changes, placing further pressure on the global legitimacy of the FSC. Rosa (2005) provides a detailed explanation of the global acceleration of these changes, depicting three self-propelling dimensions of acceleration: technical acceleration, acceleration of social change and acceleration of the pace of life.

Technological change provides the infrastructure that enables fast policy; through the modernisation of technology we have faster communication, transport and economic production (Rosa 2005). This in turn accelerates the pace of social change, the "transformation of existing forms of knowledge and practice as well as of associational patterns" (Rosa 2005, p. 447). Here, experience becomes irrelevant as our material knowledge of the world quickly loses its validity resulting in a "contraction of the present" (ie. the shrinking of timespans for which social expectation and conditions for action remain stable)" (Rosa 2005, p.451). The acceleration of the pace of life refers to the perceived scarcity of time and need to accelerate to keep up with events, somewhat fuelled by technology changes. This acceleration underpins the implementation of fast policy and its attempt to 'speed-up' political processes often out of step with modern time frames (Rosa 2005). By considering fast policy and acceleration together, the drivers and implications of FSC governance processes will be better understood.

Governance and ‘rule-making’ within the FSC

Over the past 25 years the FSC has grown to become a truly global forest certification scheme with nearly 197 million hectares certified across 83 countries and 1500 ‘certificates’³ – it is no longer political advocacy but big business. The FSC attempts to address issues of deforestation and inequality in the distribution of impacts and benefits of commercial forest management through forest management standards. Each standard sets out the minimum criteria and indicators for sustainable forest management based on the global FSC Principles and Criteria (P&C) and a range of policies and procedures (eg. pesticides policy, interpretations of GMO policy). The P&C, standards and policies are all developed using chamber-balanced approaches, many of which utilise aspects of fast policy. Understanding that each process is varied, the broad process of developing the P&C, standards, policies and procedures is critically analysed here in consideration of the two themes of fast policy; the globalisation of actors and discourses and the changes in the development of evidence. Additionally, the influence of acceleration is considered, particularly with respect to evidence development.

Globalisation of actors & policy discourses

The international standard is adapted for implementation at the regional or national level to reflect the prevailing environmental, social and regulatory conditions through the development of national standard (or the FSC International standard can be used). Such adaptation enables the federated structure of FSC, ‘transferring’ the core FSC Principles and Criteria to its national affiliates. Such transfer is not mimicry, with each region/national developing a standard that is appropriate for their circumstances – highlighting the porosity and relationality characteristics of FSC as a transnational policy discourse.

The development of the FSC Principles and Criteria, FSC International Standard and national standards are key ‘rule-making’ settings and are undertaken within the chamber-balanced governance system:

“We are a democratic, consensus-seeking organization, with a balanced voting structure to ensure that all voices are heard. So when it comes to creating change, each of our three chambers holds 33.3 per cent of the vote on all FSC matters, ensuring that our system remains balanced.” (FSC International)⁴

This innovative approach to balance powerful interests is admirable, yet still flawed. While undoubtedly an open transnational policy community, the efforts required to effectively engage with the FSC system can quickly create a closed policy network (see Howlett and Rayner 1995; Gale and Cadman 2014). The FSC General Assembly (GA) remains the holy-grail of rule-making, held every three years the agenda of the GA is set by members who dictate what is to be discussed through the submission of resolutions (Cadman 2011). Outside of this the FSC uses a number of working groups and committees to develop policies and standards prior to member and stakeholder consultation and subsequent revision. The strategic collaboration required to develop resolutions, the time required to navigate and comprehend the cumbersome FSC structure and documentation all inhibit engagement of stakeholders – particularly social and environmental chamber stakeholders who are typically less resourced than their economic chamber counterparts. The complexity of FSC

³ See June 2017, <https://ic.fsc.org/en/search>

⁴ <https://ic.fsc.org/en/what-is-fsc/governance>

governance was emphasised by one stakeholder in a recent Australian FSC pesticide derogation consultation process who claimed the process was an ‘abuse’ of stakeholders and only serves to emphasise the illegitimacy of the FSC:

“We do not intend to go over the plethora of FSC documents, nor do we support the convoluted web, which the process clearly represents. ... We consider the process to be volunteer and community abuse.” (Stakeholder, in Dare 2016, p. 71)

“...FSC is unwieldy, complicated, not transparent, technical, voluminous and probably difficult for many to engage in participation. The pathways to appeal are also not straightforward or transparent. In our view it is a way of stopping public participation even though on the surface things it looks so reasonable. We consider FSC is merely a promotional tool for forestry corporations.” (Stakeholder, in Dare 2016, p. 95)

Within a fast policy environment, this ‘silencing’ of interests is particularly detrimental. Tight policy networks are created with the ‘usual suspects’, those able to attend meetings, provide timely feedback, facilitate and/or contribute to collaborative negotiations or research activities. In the interest of efficiency, FSC working groups or committees often call for actors with prior knowledge and experience in the FSC system, excluding new actors and their ideas, experiences and norms - further entrenching the already engaged powerful interests. Too often it is the same actors making decisions, driving change which may not always be detrimental due to the benefits of institutional memory, but can create issues of path dependency and inhibit the development of innovative policy solutions and forest management practices. An example of this is the reliance of the FSC on a very small number of technical advisors for the assessment of pesticide derogations for nearly a decade. While technically competent, there was an overt deference to perceived best practice and codified strategies presented by a narrow policy and research network with a European focus. Too little relationality was utilised resulting in at times bizarre recommendations from the FSC regarding pest management. Such recommendations damaged the FSC’s output legitimacy, detrimentally affecting the reputation of the FSC from the standpoint of social, environmental and economic interests. In response to concerns raised about such recommendations, the FSC has improved the capacity for relationality with the appointment of a panel of experts with local and regional expertise to assess pesticide derogation applications.⁵

Of course such ‘cosmopolitanisation’ of policy actors (see Peck and Theodore 2015) can benefit the FSC, creating a strong connected network of FSC advocates that champion the FSC approach and message. The early success of the FSC was heavily based on this fast policy characteristic, encouraged by new and innovative governance approach that was going to improve global forest management practices while simultaneously helping forest companies improve their reputations and access markets. The risk for the FSC now is that such cosmopolitanisation can work to undermine the FSC, as ENGOs withdraw from the FSC due to the perceived lack of real impact and continuation of forest management practices that are in discordance with ENGO values (eg. clear-felling, pesticide use, lack of adequate protection of cultural lands) (see Johansson 2012):

⁵ See <https://ic.fsc.org/en/news-updates/id/1620>

The forest certification scheme FSC is on its way to losing its legitimacy. Rules are weak and as a consequence they are poorly implemented (SSNC, 2010a, in Johansson 2012, p. 431).

This sentiment is also felt at the local stakeholder level:

“FSC has been on the skids in Australia since 2006. I want no part in it. It is beyond reform and fast losing credibility.” (Dare 2016, p.143)

“So many derogations have been issued under FSC certification here and overseas that the very brand [FSC] is a farce. ... It all gets down to the intent for wanting FSC certification - a brand to give consumer confidence -while behind the badge, breaking the spirit of what it is believed to imply to the uninformed consumer. The trees and corporate profits win again. The health of the people, and all other life forms that are collateral damage, are the losers.” (Dare 2016, p.168)

The globalisation of actors and policy discourses is integral to the FSC, enabling its creation, governance approach and potentially its demise. Through the involvement of global actors the FSC could encourage broad dialogue and messaging across interests, although this capacity is restricted to those actors with the capacity to engage. Now 25 years later the commitment of this global network of actors is declining, weakening the FSC message as some become disenchanted with the technical SFM outcomes pushed by powerful economic interests. Implicit in this is the manner in which evidence is produced and included in development of FSC standards and policies, as is discussed in the next section.

Changes in development of evidence

Despite being an innovative approach to SFM in its own right, in the development and implementation of the FSC there is often deference to existing best practices models which can have negative impacts as identified earlier, or positive impacts. In an attempt to balance interests across chambers and reduce the influence of values, there is a strong focus on evidence-based decision-making and hence the use of existing and credible policy solutions. Utilising technical modernisation, compressed research and development activities are sought that best utilise existing knowledge. While efficient, such an approach can work to delegitimise the FSC, or indeed any political system. Firstly, the transfer and manipulation of existing knowledge and policy models typically occurs within a “narrow ideological bandwidth” (Peck and Theodore 2015). The selection (and deliberate non-selection) of knowledge/policy models etc is undertaken by the involved actors in accordance with their experience and interests. As identified by Bloomfield (2012) actors and institutions play vital roles in the maintenance of the hegemonic order, no-one is politically neutral. Here actors work as experts, enabling fast policy through the identification of information, providing access to such information and the resulting interpretation of that information to the policy problem at hand (Vogelphl 2017). Criticisms can quickly rise when such information, and its interpretation, is in conflict with the interests of other actors.

A prime example of this for the FSC was the development of the FSC Pesticides Policy, including the Indicators and Criteria for Highly Hazardous Pesticides in the early 2000's which was based on a review of existing technical approaches. Sustained criticism of the process and outcomes was received, primarily from economic interests. Concerns about the scientific legitimacy of the actors

and the outcomes were raised, with particular reference to the lack of recognition of the operational realities of chemical use (see Tomkins 2004), concerns which continue today:

“If the FSC is so confident that their approach is valid, why do they not submit papers describing the approach to relevant peer reviewed journals? ... Why do they not acknowledge national regulatory systems or lobby them with their approach to regulation? The answer is simple – they would be ridiculed by peer review.” (Stakeholder, in Dare 2016, p.161)

In response to this criticism the FSC commissioned a review by the Pesticides Action Network (PAN) UK office, an active anti-pesticide lobbyist. Highlighting the embedded conflict regarding pesticide management, nearly 15 years later, the issue of pesticide and FSC continues with a chamber-balanced working group developing a new pesticides policy.

This conflict between interests is not uncommon with significant tensions between chambers making it difficult to obtain cross-chamber compromises (Gale 2014). The ‘contraction of the present’ (Rose 2005) also influences the processes used to develop evidence. With the shortening of time within which the expectations of interests remain constant, driven by the acceleration of technology and new information dissemination opportunities, there is increased pressure to implement new forest management practices and very little time afforded to rigorous research that ensures such approaches work in different contexts. This issue is further compounded by the long time-frames over which forestry is conducted and the time frames needed to make significant changes to some forest management practices (eg. development and regulation of new pest management alternatives). However this delay is not acceptable for some stakeholders, especially when it means that FSC P&C and/or policies are not being adhered to, such as pesticide derogations:

“[if] FSC is to maintain any credibility with respect to its claims of environmental responsibility and sustainability, then I fail to see how a system of ‘rolling derogations’ - which allows for the continued use of chemicals classified as ‘Highly Hazardous’, by forestry companies ostensibly engaging in a ‘business as usual practice - can be justified.” (Stakeholder, in Dare 2016, p.98)

The creation of the evidence base to support FSC decisions is challenging due to conflicting values, changing expectations and the time required. A careful balance between interests and efficiency is needed which is difficult given the conflicting values used to assess outcome legitimacy. Where fast policy approaches are used that limit deliberation across chambers, more guidance on the rationale and limitations would help critics understand the constraints influencing the outcomes.

Policy approaches to sustain forest certification

FSC has embraced fast policy elements from the outset. Established by globally connected network of actors the FSC established a clear message and a new policy paradigm for SFM. Through the globalisation of actors and policy discourses the FSC has established and maintained a set of Principles and Criteria and subsequent standards that codifies preferred management practices, albeit adjusted to suit local contexts. However, the prevalence of often closed policy networks has

silenced some actors in the development of policy and evidence, resulting in perceived 'unbalanced' outcomes. With quality interest representation foundational for political systems (Gale 2014), the initial benefits of a globalised network and clear messaging may contribute to the demise of the FSC as disaffected interests reject the FSC as a legitimate regulator of global forest management.

It is therefore important to consider how to address these failings of fast policy. How can the FSC re-open rule-making and evidence generating processes to enable quality interest mediation? The solidification of 'slow' processes will help here. While not wholly absent from FSC decision making, the reinvigoration of opportunities for slow deliberative processes, designed in consideration of the current legitimacy challenges associated with silencing of some interests and privileging of others, will help address some of these issues. Current working group and committee based processes already implement this duality of governance approaches – a mix of fast and slow - highlighting how fast processes slow to “meet every day political reality” (Vogelpl 2017, p.74).

Limited resources restrict some stakeholders from participating in slow working group or committee-based development processes – potentially driving the use of fast processes for brevity purposes. Once outside these processes slowness occurs during periods of consultation. However, the current approaches to consultation are limited, with little to no opportunities for deliberation provided. The FSC stakeholder consultation platform enables one-way consultation, followed up with a comprehensive report that details all the consultation feedback received. While transparent, and accessible (so long as you have internet access), there is little opportunity for stakeholders to develop a more comprehensive understanding of the issues from the point of view of all interests, and subsequently little opportunity to develop the shared norms crucial for the future of the FSC. This duality of fast and slow governance processes would enable the FSC to be dynamic to changes in stakeholder expectations, and be backed up by slow governance processes that overcome the currently destructive value-differences to engender meaningful engagement and create shared understandings and norms. Through this approach the FSC can revitalise the chamber based governance approach, the characteristic that provides its legitimacy, and competitive advantage when compared against the PEFC (Bloomfield 2012).

References

- Abbott, K.W. and Snidal, D., 2009. Strengthening international regulation through transmittal new governance: Overcoming the orchestration deficit. *Vand. J. Transnat'l L.*, 42, p.501.
- Auld, G., 2014. *Constructing private governance: The rise and evolution of forest, coffee, and fisheries certification*. Yale University Press.
- Auld, G., Gulbrandsen, L.H. and McDermott, C.L., 2008. Certification schemes and the impacts on forests and forestry. *Annual review of environment and resources*, 33.
- Bartley, T., 2003. Certifying forests and factories: States, social movements, and the rise of private regulation in the apparel and forest products fields. *Politics & Society*, 31(3), pp.433-464.
- Bernstein, S. and Cashore, B., 2007. Can non-state global governance be legitimate? An analytical framework. *Regulation & Governance*, 1(4), pp.347-371.

- Black, J., 2008. Constructing and contesting legitimacy and accountability in polycentric regulatory regimes. *Regulation & Governance*, 2(2), pp.137-164.
- Bloomfield, M.J., 2012. Is forest certification a hegemonic force? The FSC and its challengers. *The Journal of Environment & Development*, 21(4), pp.391-413.
- Cadman, T., 2011. *Quality and legitimacy of global governance: case lessons from forestry*. Springer.
- Cashore, B., 2002. Legitimacy and the privatization of environmental governance: How non–state market–driven (NSMD) governance systems gain rule–making authority. *Governance*, 15(4), pp.503-529.
- Cashore, B.W., Auld, G. and Newsom, D., 2004. *Governing through markets: Forest certification and the emergence of non-state authority*. Yale University Press.
- Cashore, B., Van Kooten, G.C., Vertinsky, I., Auld, G. and Affolderbach, J., 2005. Private or self-regulation? A comparative study of forest certification choices in Canada, the United States and Germany. *Forest Policy and Economics*, 7(1), pp.53-69.
- Cashore, B., Gale, F., Meidinger, E. and Newsom, D., 2006. *Confronting sustainability: forest certification in developing and transitioning countries*. Yale University Faculty of Environmental Studies Publication Series.
- Conroy, M.E., 2007. *Branded!: how the 'certification revolution' is transforming global corporations*. New Society Publishers.
- Counsell, S. and Loraas, K.T., 2002. Trading in credibility: the myth and reality of the Forest Stewardship Council.
- Dare, M.L., Schirmer, J. and Vanclay, F., 2011. Does forest certification enhance community engagement in Australian plantation management?. *Forest Policy and Economics*, 13(5), pp.328-337.
- Dare, L. (2016) *FSC Highly Hazardous Pesticide Derogations – 2016: Stakeholder Feedback Report*. Report prepared for Pinnacle Consulting. Available at <https://au.fsc.org/en-au/standards/forest-management/pesticide-derogations> (accessed June 2017).
- Dingwerth, K., 2007. *The new transnationalism: Transnational governance and democratic legitimacy*. Springer.
- Dolowitz, D.P. and Marsh, D., 2000. Learning from abroad: The role of policy transfer in contemporary policy-making. *Governance*, 13(1), pp.5-23.
- Gale, F., 2014. Four Models of Interest Mediation in Global Environmental Governance. *Global Policy*, 5(1), pp.10-22.
- Gale, F. and Cadman, T., 2014. Whose norms prevail? Policy networks, international organizations and “Sustainable Forest Management”. *Society & Natural Resources*, 27(2), pp.170-184.
- Gulbrandsen, L.H., 2004. Overlapping public and private governance: Can forest certification fill the gaps in the global forest regime?. *Global Environmental Politics*, 4(2), pp.75-99.

- Higman, S., Nussbaum, R., AGUILAR, F., Nardelli, A. and Scrase, H., 2002. How standards constrain the certification of small forest enterprises.
- Howlett, M. and Rayner, J., 1995. Do ideas matter? Policy network configurations and resistance to policy change in the Canadian forest sector. *Canadian public administration*, 38(3), pp.382-410.
- Johansson, J., 2012. Challenges to the legitimacy of private forest governance—the development of forest certification in Sweden. *Environmental Policy and Governance*, 22(6), pp.424-436.
- Kanowski, P.J., McDermott, C.L. and Cashore, B.W., 2011. Implementing REDD+: lessons from analysis of forest governance. *Environmental Science & Policy*, 14(2), pp.111-117.
- McDermott, C.L., 2013. Certification and equity: Applying an “equity framework” to compare certification schemes across product sectors and scales. *Environmental science & policy*, 33, pp.428-437.
- Marx, A. and Cuypers, D., 2010. Forest certification as a global environmental governance tool: What is the macro-effectiveness of the Forest Stewardship Council? *Regulation & Governance*, 4(4), pp.408-434.
- Meidinger, E., 2011. Forest certification and democracy. *European Journal of Forest Research*, 130(3), pp.407-419.
- Overdeest, C., 2004. Codes of conduct and standard setting in the forest sector: constructing markets for democracy?. *Relations industrielles/industrial relations*, 59(1), pp.172-197.
- Overdeest, C., 2009. Comparing forest certification schemes: the case of ratcheting standards in the forest sector. *Socio-Economic Review*, 8(1), pp.47-76.
- Overdeest, C., Bleicher, A. and Gross, M., 2010. The experimental turn in environmental sociology: pragmatism and new forms of governance. In *Environmental Sociology* (pp. 279-294). Springer Netherlands.
- Pattberg, P.H., 2005. The Forest Stewardship Council: Risk and potential of private forest governance. *The Journal of Environment & Development*, 14(3), pp.356-374.
- Peck, J. and Theodore, N., 2015. *Fast policy: Experimental statecraft at the thresholds of neoliberalism*. University of Minnesota Press.
- Peck, J. and Tickell, A., 2002. Neoliberalizing space. *Antipode*, 34(3), pp.380-404.
- Rosa, H., 2005. The speed of global flows and the pace of democratic politics. *New Political Science*, 27(4), pp.445-459.
- Saward, M., 2006. The representative claim. *Contemporary political theory*, 5(3), pp.297-318.
- Saward, M., 2009. Authorisation and authenticity: Representation and the unelected. *Journal of Political Philosophy*, 17(1), pp.1-22.

Steffek, J., 2009. Discursive legitimation in environmental governance. *Forest Policy and Economics*, 11(5), pp.313-318.

Stringer, C., 2006. Forest certification and changing global commodity chains. *Journal of Economic Geography*, 6(5), pp.701-722.

Tomkins, I.B., 2004. A critique of the Forest Stewardship Council chemicals criteria for certification of plantation forestry. *Australian Forestry*, 67(1), pp.67-72.