The effectiveness of private food governance for sustainability

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Abstract:

This paper aims to evaluate the effectiveness of private food governance in addressing the environmental challenges facing the global food system, today. Greenhouse gas emissions, decline of biodiversity, water pollution, pesticide use and the generation of waster are considered the new agrarian questions of this century. Crucially, the governance of such environmental strains is a rapidly emerging issue for private actors, who have become key players in global food governance. Yet, few studies have tried to understand the actual impact of private rule-setting, in general, and retail governance, in particular, in detail. Drawing on global governance literature and organisational theory, this paper evaluates the effectiveness of private food governance institutions for sustainability, in terms of their comprehensiveness, stringency, compliance and coverage. Next to this quite narrow understanding of effectiveness the paper also identifies the broader political and soci-economic influence of private food governance in terms of structural, cognitive and normative effects. The paper illustrates its arguments in two cases, namely GlobalGAP and the Marine Stewardship Council. As such, the paper advances our theoretical knowledge on private rule-setting institutions and contributes empirically to political science research by making available new data on a currently understudied case of private governance.

Keywords: private food governance, effectiveness, sustainability

1. Introduction

The environmental sustainability of the food sector is an essential precondition for the well-being of societies worldwide. Global environmental challenges, in particular climate change, as well as pollution and water shortages, are expected to pose severe threats to the provision of adequate amounts of nutritious and safe food (High Representative and EU Commission 2008). Likewise, biodiversity decline and the associated reduced agricultural productivity and ecosystem resilience significantly affect food security and rural livelihoods. At the same time, hazardous environmental practices also have negative health repercussions. In agriculture, pesticide poisoning by farmers and rural workers, for instance, is a frequent phenomenon particularly in developing countries, while legal provisions for workers' health and safety are almost non-existent.

In addition to the agricultural sector, fisheries are also under considerable environmental stress. Currently, over 70 percent of the world‘s commercially important marine fish stocks are over-exploited, fully exploited, depleted or recovering from over exploitation (FAO 2007) due to overfishing and by-catch. These trends have led to catastrophic declines in fisheries that have sustained coastal communities for generations. As fish consumption represents the main intake of protein for about one billion people globally, most of them in developing countries, the undermining of fisheries also carries important food security implications (DFID 2006).

Crucially, the governance of such environmental strains is a rapidly emerging issue not only for governments but also for private actors (Lang and Barling 2007). Private actors, in particular transnational corporations and civil society organisations, increasingly design, implement and monitor rules and standards that guide and prescribe sustainable behaviour in food supply chains. Even though the involvement of private actors in global politics is not a new phenomenon, the creation of cooperative arrangements - in the form of organisations- that lead to private rule, thus complementing traditional ways of political influence, is relatively novel (see Pattberg 2004).

A number of private governance organisations promising to address sustainability concerns of the food sector can be currently identified at the global level. In agriculture and fisheries, these include the International Federation of Organic Movements (IFOAM), the Sustainable

Agriculture Network and GlobalGAP, the Marine Stewardship Council (MSC), and the Aquaculture Certification Council (ACC), to name a few. Such organisations are set up either by business actors alone, such as GlobalGAP, or in the context of private-private, such as MSC and ACC, and public-private partnerships, such as SAN. For the sake of time and space, this paper focuses on two of those organisations that have acquired prominence in global food governance, in particular GlobalGAP and the MSC.

Particularly, the paper aims to evaluate the effectiveness of these organisations in addressing sustainability concerns in agriculture and fisheries. Drawing on global governance literature and organisational theory, this paper evaluates their effectiveness in terms of the comprehensiveness, stringency, compliance and coverage of their rules and standards. However, next to this quite narrow understanding of effectiveness the paper also identifies their broader political influence in terms of structural, cognitive and normative effects. The paper is structured as follows. Section 2 presents a conceptualisation of effectiveness and briefly introduces a framework for its analysis. Section 3 empirically pursues its arguments, in two cases of private food governance, namely the MSC and GlobalGAP. Finally, section 4 concludes the paper and provides some recommendations for improved sustainability performance.

2. Conceptualisation of Effectiveness

This paper aims to evaluate the effectiveness of the activities of transnational private rule-setting organisations in food governance. These are institutions that are set up by non-state actors of more than two countries with the aim of regulating a distinct policy area, in this case food sustainability, through rules and standards. Analytically, effectiveness can be studied following Easton's three-dimensional concept, as output, outcome and impact (Easton 1965; Fuchs 2006). The policy or standard is the output. The behavioural change achieved in the course of a standard's implementation represents the outcome. The general change resulting from the interaction with additional economic, social and political externalities is the impact. This paper, however, goes beyond this rather narrow conceptualisation of effectiveness and points out the need to take into account the broader political and socio-economic effects resulting from the development and exercise of private rule, as well.

Output

The output is the result of the formation of the institution in question (e.g. a standard, a code of conduct, a set of principles or guidelines, etc.). Output can be determined in terms of stringency, comprehensiveness and visibility. Stringency refers to the degree to which a scheme requires actors to implement behavioural changes (Auld et al. 2008)**.** It differs according to whether management-system-based or performance standards are adopted, and the ambition of performance standards (Fuchs 2006). Comprehensiveness refers to whether a standard has a broad or a narrow sustainability focus. Finally, visibility refers to whether the standard is business-to-business or communicated to consumers through a label.

Outcome

Outcome refers to behavioural changes achieved in the course of the implementation of the agreed output. In practice we are interested in the extent to which the rules set by the organisation have been met in practice, i.e. compliance. Compliance is, to some extent, a function of the output itself (see also Fuchs 2006). Thus, very stringent and comprehensive standards are probable to induce higher levels of compliance in relation to flexible standards. Stringency and comprehensiveness, however, might also lead to less participation and/or induce actors to join competitive, less strict standards. Moreover, a very stringent standard might only be met by those actors who are environmentally and/or socially responsible already. In this case participation in the standard might primarily serve as a marketing tool without requiring noteworthy behavioural shifts. On the other hand, commitment to a scheme might improve the chances of sustainably desirable behaviour in the long run by "locking" actors in particular behavioural patterns. In any case, an examination of compliance has to be complemented with information about the characteristics of actors adopting the scheme (i.e. the group whose compliant behaviour can bring associated sustainability benefits).

Impact

Impact refers here to environmental improvements resulting from compliance with certain standards. Certification schemes, for instance, could result in practices that alleviate pressure on high conservation-valued resources or reduce pressures for destructive activities. Sometimes, however, the reverse phenomenon is also observed. Research on the effects of the Forest

Stewardship Council (FSC), for instance, reveals that contrary to the scheme's objectives, deforestation is in fact increasing due to higher pressure in non-certified lands (Gullison 2003). Although impact is a crucial indicator of effectiveness, scholars observe that it is often difficult to disentangle the role of particular institutions from exogenous factors, such as governmental regulation and the broader political and economic context (Biermann et al. 2009; Pattberg 2005). Moreover, there is often a lack of impact reporting both from the organisations themselves as well as from external studies. Ultimately, however, who complies with what standards can indirectly determine the environmental improvements to be expected by the standard implementation. Impact is easier to identify and measure in cases where the majority of relevant stakeholders participate in the governance scheme and the policy area of interest is restricted and well-defined (Biermann et al. 2007).

Political and socio-economic effects

Finally, the paper also evaluates the broader political and socio-economic changes associated with private regulation. Three broad categories of politico-economic effects can be identified (Dingwerth and Pattberg 2007): (i) material and structural effects, such as shifts in markets or power relations that go beyond mere compliance and implementation of rules. Indeed, while voluntary in nature, many private rules have become *de facto* compulsory, defining entry rights to markets and resulting in significant restructuring of global supply chains; (ii) cognitive effects, such as becoming a reference point for other private and public rules. In that context, scholars observe that while a number of private rules and principles originate in intergovernmental agreements and decisions (e.g. corporate labour standards are anchored in ILO conventions), today, the opposite phenomenon is also observed: private governance institutions increasingly influence governmental regulation (Clapp 2001); (iii) normative effects that result from the concrete rules and standards once they become socially binding in a larger context. In sustainability governance, in particular, private institutions foster new interpretations of problems and their solutions, thus also creating the context within which their sustainability performance can be seen as successful and beneficiary for society (Fuchs and Kalfagianni 2009).

Analysing the Effectiveness of Transnational Private Rule-setting Organisations

The previous part commented on the effectiveness of private rule in four dimensions, namely output, outcome and impact, and their broader political and socio-economic effects. This part inquires into potential explanatory factors for effectiveness. We draw our arguments from two literature strands. First, the global governance literature, particularly from a critical perspective, draws our attention to the importance of power and authority as key determinants for the effectiveness of private rule (Cutler et al. 2009; Hall and Biersteker 2002). Second, organisational theory draws our attention to institutional design as important factor in explaining effectiveness (Breitmeier et al. 2006; Biermann et al. 2009). This paper combines the two literature strands by examining aspects of institutional design in their interaction with facets of power and authority. Specifically, we argue that a focus on elements of institutional design can help us better understand the sources of power and authority organisations draw from in their effort to design, implement and monitor private rule. A variation in such sources, in turn, can lead to different expectations about the effectiveness of private food governance for sustainability.

Power

The power to govern results from the ability of the rule-setting organisation to constrain actors' choices and their behaviour. It is discerned in its internal and external dimension. The internal power of the organisation to govern depends on the presence of institutional structures attributing rights to actors to participate in decision-making processes while excluding others, the autonomy of the organization from external influences, as well as the presence of mechanisms that allow it to enforce its decisions. More specifically, organisations that have relatively open and participatory governance structures are more open to influence from diverse audiences. In turn, different participation patterns can induce different output characteristics by allowing the introduction of diverse preferences. Thus, multi-stakeholder organisations are likely to produce more stringent environmental standards in relation to organisations dominated by business actors, due to the inclusion of civil society actors, proponents of prescriptive measures (Auld 2007). Likewise, organisations that incorporate environmental as well as social interest groups and have broad geographic representation are likely to produce more comprehensive sustainability standards.

Autonomy from external influences is determined to a large extent by the sources of organisational funding. Organisations that are dependent on external funding are more likely to be susceptible to outside preferences in relation to organisations that depend on membership fees, for instance. Although it is difficult to empirically demonstrate the extent to which donors influence organisations' output decisions and/or their performance we consider it an important indicator of organisational vulnerability to external evaluation criteria and preferences, to at least comment upon.

Next, instruments that allow the organisation to ensure that the target group conforms to the behavioural and performance standards set by the organisation is another determinant of power. Such instruments include, in particular, enforcement, monitoring and control mechanisms. The latter introduce penalties and rewards providing incentives for adjusting behaviour in accordance with the organisation's objectives, thus affecting outcome, i.e. compliance. The presence of such mechanisms is particularly important in cases of large and heterogenous target groups where cheating becomes an attractive option (Fuchs 2006) as well as in cases where actors complying with the standard do not participate in the setting of the standard, hence legitimacy is not a source of compliance (Breitmeier et al. 2006). Importantly, certification processes can also define conditions for access in markets and supply chains, thus they play a market structuring role, as well.

Finally, in its external dimension, the power of the organisation to govern depends on the level of its embededness in broader material structures, i.e. structures that foster and prohibit access to and transaction of key material resources (e.g. the market). The depth of embededness in material structures determines the extent of the organisation's structural effects. Embededness is facilitated, for instance, with the participation of big corporate actors in the governance scheme dominating a vast range of market segments, and their ability thereby to limit the choices available to actors who desire entry.

Authority

The power to govern would remain fragile and potentially ineffective, if it was not paired with legitimacy, however (Fuchs and Kalfagianni forthcoming). It is the aspect of legitimacy which turns private regulation into private authority. Authority consists of two dimensions: a constitutive dimension that reflects dominant norms and mindsets; and a strategic dimension trying to achieve certain ends by attempting to influence these norms and mindsets (ibid.). Indeed, legitimacy is granted to actors when they are seen as operating within the limits of what is considered “appropriate” or “right” (see also Hansen and Salskov-Iversen 2008). In that context, the audience also creates the boundaries of actors’ authority. Legitimacy is also malleable, however. Rather than simply carrying out their actions in the context of generally accepted norms and beliefs, organisations can also try to shape them.

A first source of constitutive legitimacy stems from the organisation’s immediate audience’s self-interest calculations, what Cashore calls “pragmatic” legitimacy (Cashore 2002; Schuman 1995). Actors belonging to the immediate audience comprise of the target group as well as actors participating in the governance structures that have a direct interest in the policies and procedures of the organisations they legitimate. An organisation gains pragmatic legitimacy when what it offers corresponds to stakeholders’ expectations about their benefits from adopting the organisation’s scheme. Such benefits can be commercial and/or reputational for business actors while civil society organisations tend to focus more on goal attainment, even if the latter is narrowly defined and does not address their fundamental critiques or concerns (see also Cashore 2002). [1]

Constitutive legitimacy also stems from the acceptance of the organisation by a broader audience, including governments, the broader civil society and the public at large. In that context, the organisation gains legitimacy when it links activities to external definitions of authority and competence (cognitive legitimacy), and addresses fundamental principles and ideas of value to that audience (normative legitimacy) (Cashore 2002).

The strategic dimension, in contrast, points out that actors can shape social cognitions and facilitate and/or create the conditions for the acceptance of the ideas and norms expressed through communicative and knowledge producing channels (see also Hansen and Salskov-

[1] A more detailed and comprehensive analysis would have to pay closer attention to the characteristics of the stakeholders determining their decision to adopt private governance mechanisms. For the sake of space and time, however, a focus on these attributes is excluded from this paper.

Iversen 2008). Examples of such strategies include a focus on achievement and “success stories” and the creation of new interests that facilitate the uptake of certification programs by reluctant actors or actors whose absence from the scheme causes legitimacy concerns. Likewise, organisations can try to shape the image of governments and competing private schemes, and popularise themselves to create a notion of “taken-for-grantedness” for their actions (Fuchs 2005; Schuman 1995). In addition, learning and education, and advertisement campaigns that can shape meanings, emphasise certain values over others and create the conditions for the acceptance of the message in the public mind constitute important legitimation strategies as well, and determine the organisation’s normative effects.

In that context, organisations’ resources in terms of money, knowledge and personnel might explain the success and failure of organisations in drawing on the sources of legitimacy identified above. Specifically, the ability of organisations to finance advertisement and information campaigns is important in their ability to mould constituents’ tastes as well as attract the interest of non-core actors, thus strategically creating pragmatic legitimacy. Likewise, the ability of organisations to convince a broader audience that the organisation’s values match their societal concerns is important in creating normative legitimacy. The possession of knowledge and expertise -perceived as having an objective quality and political neutrality- is a fundamental resource in that respect (see also Haas 2004; Porter 2005; Thirkell-White 2006). In turn, well-functioning systems of collecting, generating, processing and distributing knowledge (Biermann et al. 2009) fosters a greater spillover of the organisations’ normative perspectives in society. The following table summarizes the central hypothesised relationships between effectiveness and organizational attributes.

Table 1. Organizational characteristics determining effectiveness

	Power ⟷	**Authority**
Effectiveness		
Stringency/ comprehensiveness/visibility	Governance structure Funding	
Standard uptake (coverage)		Pragmatic legitimacy derived from reflection and creation of interest for the organization’s immediate audience

Compliance	Enforcement mechanisms	
Environmental Impact[2]		
Structural effects	Material embededness	
Cognitive effects		Cognitive legitimacy derived from embeddedness in broader legal structures Image shaping and popularisation
Normative effects		Normative legitimacy derived from reflection of generally accepted norms and ideas and their strategic creation on the basis advertisement campaigns, knowledge and expertise and ties to learning and ideational networks

3. The Effectiveness of Private Food Governance

The previous section presented a conceptualisation of effectiveness and introduced an analytical framework for its assessment. This section empirically evaluates the conceptual and theoretical arguments presented above on the basis of two prominent examples from private food governance, the Marine Stewardship Council and GlobalGAP.

The Marine Stewardship Council

The Marine Stewardship Council (MSC) is a label for sustainable fishery, created in 1997 as a result of an agreement between Unilever and the WWF. The idea behind MSC is to address world-wide decline in fish stocks by awarding sustainably managed fisheries with a certification and a label that could be affixed to retail products (Ponte 2007:161). The standard is based on 3 principles (maintenance of the target fish stock, minimal environmental impact and effective management) and 31 performance indicators. It can be applied to a wide range of fisheries found across the world coasts, oceans and freshwater bodies (Leadbitter et al. 2006). In terms of output, therefore, it is relatively stringent and visible to consumers. Its comprehensiveness is limited, however, from a sustainability perspective. Specifically, MSC excludes social evaluations from its performance criteria. Moreover, at the moment, it aims at specific fisheries rather than species that could come from multiple fisheries and does not cover aquaculture (Iles 2007).

[2] Environmental impact is a function of output and outcome.

Compliance with the MSC standard is relatively high but its geographic coverage limited. Specifically, 69 fisheries are presently MSC certified and only ten of them are situated in a developing country. The situation is unlikely to change in the future as only eleven out of 124 fisheries currently under assessment for participation in the MSC program, come from a developing country. Critical commentators note that these fisheries are not necessarily those that are more environmentally threatened, but rather the ones that provide for interesting markets where the additional price for labelled fish can be paid (Osterveer 2008). This also affects the standard's less than modest environmental impact. Indeed, a 2006 self-study of the MSC in collaboration with a UK based fisheries research consultancy revealed that despite a number of managerial improvements only 1 major ecological improvement related to MSC certification process could be identified. The latter concerned the reduction in endangered seabird by-catch in the South Georgia Patagonian toothfish fishery- which was achieved in preparation for the assessment process (Gulbrandsen 2008).

Despite its rather weak environmental impact, MSC has significant political and economic effects. Specifically, certification with MSC has caused concern that labelling may restrict market access of non-labelled products from developing countries, with potentially severe consequences for their producers. Moreover, it is shown to constrain governmental policy choices and prevent public regulation from developing. In that context, Sutton describes how fishery managers in Western Australia's rock lobster fishery used the achievement of MSC certification to prevent the introduction of marine reserves in Western Australia waters, rejecting the need for fishing sanctuaries on the grounds that the fishery was certified (Sutton 2003).

Likewise, MSC has major cognitive and normative effects. More specifically, it is attracting significant public and commercial interest as a vehicle for promoting sustainability in fish provision (Osterveer 2008). For example, the Dutch Association of Food Retail decided in December 2007 that from 2011 onwards, all wild-caught fish and seafood at every of the 4500 food retail shops in the Netherlands will come from sustainable fisheries that are certified to the MSC's environmental standard. Similar commitments are made from Wal-Mart, the world's largest retailer, and its UK partner Asda, and other major retailers, e.g. Carrefour. Also, the MSC is now supported by at least 100 corporate, environmental and consumer organizations in more than 20 nations, all of whom have a stake in the future of the global seafood supply (Osterveer 2008).

GlobalGAP

GlobalGAP is a private sector body that sets voluntary standards for the certification of agricultural products around the globe. It aims to establish one standard for Good Agricultural Practice (GAP) with different product applications capable of fitting to the whole range of global conventional agricultural products. GlobalGAP is a pre-farm-gate standard, which means that the certificate covers the processing of the certified product from farm inputs like feed or seedlings and all the farming activities until the product leaves the farm. Moreover, it is a business-to-business label not directly visible to consumers.

GlobalGAP consists of a set of normative documents including the General Regulations, the Control Points and Compliance Criteria (CPCC) Protocol and the Checklist. The general regulations set out the rules by which the standard is administered. This document describes the basic steps and considerations involved for the applicant to obtain and maintain GlobalGAP certification, as well as the role of producers, GlobalGAP and certification bodies. The CPCC Protocol is the standard with which farmers must comply and which are audited to verify compliance. This document is divided into modules, listing for each scope and sub-scope the control points, compliance criteria and the level of compliance required. The levels can be Major Must, Minor Must or Recommendation. Completion and verification of a checklist consisting of 254 questions is required in order to acquire GlobalGAP certification. Control Points include the following: record keeping and internal self-assessment/internal inspection, site history and site management, workers' health safety and welfare, waste and pollution management, recycling and re-use, environment and conservation, complaints, and traceability. Checklists are used by farmers to fulfil the annual internal audit requirement and also form the basis of the farmers' external audit. They replicate the Control Points in the CPCC, and are therefore also composed of modular sections.

GlobalGAP started as a relatively comprehensive standard covering food safety and sustainability requirements in conventional agriculture chains. Tracing developments in the standard, however, reveals the shift in the weights among the different criteria represented in GlobalGAP from its inception until today.[3] More specifically, issues related to record keeping and internal self-inspection have been reinforced between 2001 and today. Likewise, hygiene requirements have also been strengthened. Issues related to environmental well-being, however, have been weakened. Specifically, quality of irrigation water (except for sewage water which is a major must in both versions), recycling and re-use, impact of farming on the environment and wildlife and conservation policies, while constituted minor musts in 2001, are mere recommendations in 2004 and remain so today.

Despite its lowering the sustainability emphasis (or because of that) GlobalGAP has extensive coverage. In 2008, it had 94,000 certified producers, up from 18,000 in 2004, representing an increase of approximately 80 percent. More than 20 countries joined in 2008. In total, over 85 countries are represented. There is significant growth within European countries, particularly due to French and German supermarkets managing to reach out to more producers (GlobalGAP 2009, 21.09.09). Significant growth is also seen within countries that hold a (major) global supply position in produce, mainly South Africa and Chile. Smaller growth is observed in Central and Eastern Europe, Central America and some African countries (ibid.).

GlobalGAP is particularly notorious about its impact as it carries potentially highly damaging consequences for food security in developing countries by altering the market opportunities for farmers in significant ways (Fuchs et al. 2009). The high costs of implementation and certification of the standard prevents small farmers in developing countries, in particular, from joining (FAO 2006; Hatanaka et al. 2005). Without such certification, however, these smaller farmers have little chance of selling their products in the global market, as the global food retail market is highly oligopolistic and most major retail chains demand GlobalGAP certification (or similar standards). The consequences of GlobalGAP for food security, the most fundamental development issue, are very problematic then (Fuchs et al. 2009).

[3] GlobalGAP publishes a new version of the standard every three years to account for technological and market developments. The most recent one is the 2007 version, which replaces those of 2004 and 2001.

To sum up, MSC is a stringent, narrow and visible environmental standard. It has limited geographical uptake and environmental impact at the moment, but great structural, cognitive and normative effects. GlobalGAP is a stringent food safety standard with flexible sustainability requirements. It has broader geographic coverage in relation to MSC and stronger structural effects, but its cognitive and normative effects are not as well documented. Moreover, no effort to measure its impact has been made to date. Below, we explain the differences observed between the two organisations on the basis of variations in their sources of power and authority.

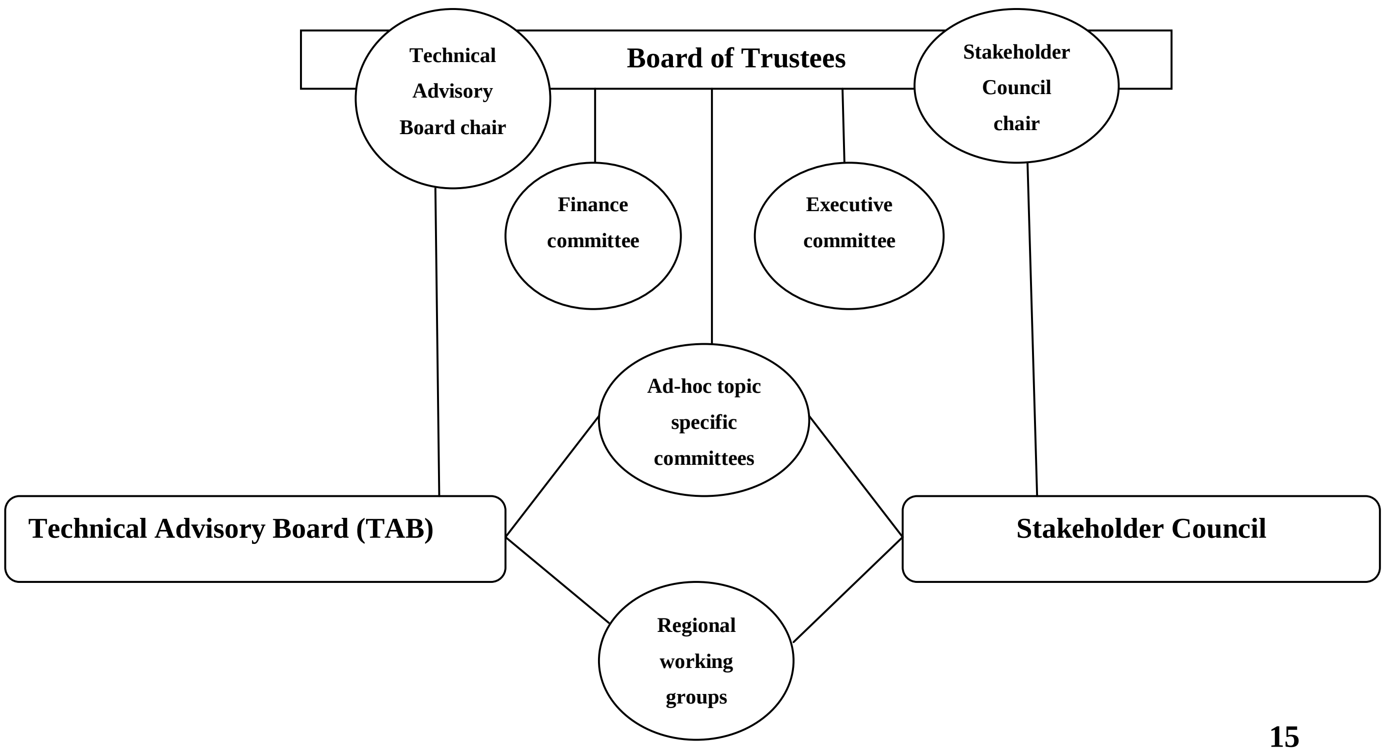
Power

MSC has a more horizontal and open governance structure in relation to GlobalGAP. Specifically, its highest decision-making body, the Board of Trustees, is comprised of a diverse group of global fisheries experts who approve plans, targets, strategies, financial accountability, and appoint chief board and committee members (Owens 2007). In April 2009, there were four trustees from the fishing industry, three from environmental NGOs (WWF), three from science, two from retail, one miscellaneous (www. msc.org/ about-us/governance/structure/board-of-trustees/whos-on-the-msc-board, 19.04.2009). The Board of Trustees is assisted by the MSC Technical Advisory Board advising on technical and scientific matters and the Stakeholder Council representing a broad range of sectors including fishing organizations, NGOs, consumer groups, retailers and others. The Stakeholder Council has two Co-chairs, representing the Public Interest category and the Commercial and Socio-Economic category. Both of the Co-chairs have a seat on the MSC Board so they are involved, on behalf of Stakeholder Council members, in all Board decisions.

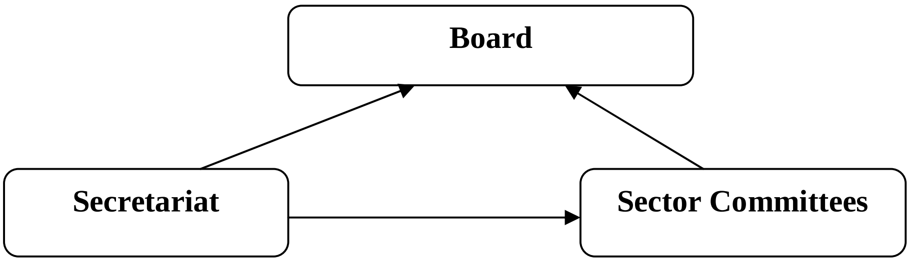
In contrast, GlobalGAP has a more restrictive structure. Its governance is conducted by a Board constituting of an equal number of elected producer and retailer representatives and chaired by an independent chairperson. In March 2006, a number of Sector Committees (SCs) were established which discuss and decide upon product and sector specific issues. All three committees (crops, livestock and aquaculture) have 50 percent retailer and 50 percent producer/supplier representation. The SCs mostly work independent from the Board but within the policy framework created by the Board. SCs are responsible for technical decision-making relevant to their sector while supported and guided by the GlobalGAP Secretariat to aid consistency and harmonization. The Board finally adopts standards developed or revised by the SCs. While Board decisions are supposed to take place in a dialectic manner with the involvement of civil society, in practice, only retailers and large suppliers have a say while smaller producers, as well as social and environmental NGOs only play a consultative role (van der Grijp 2008).

In accordance with our expectations MSC's multistakeholder structure produces more stringent environmental standards in relation to business dominated GlobalGAP. Both organizations, however, display a dominance of Northern interests. In GlobalGAP out of the ten Board members, seven come from Europe, two from the USA while only one comes from a developing country (Equador). This observation extends to participation in GlobalGAP sector committees. Likewise, in MSC, almost all trustees are from the USA, Europe or Australia (1 from Latin America), although some of them are focusing on fisheries in Africa or the Southern Ocean. The exclusion of Southern interests, in turn, could account for the absence of social sustainability criteria from the MSC standard.

Graph 1. MSC Governance Structure (adopted by www.msc.org)



Graph 2. GlobalGAP Governance Structure (adopted by www.globalgap.org)



Regarding funding, MSC's income comes from a variety of sources. Specifically, 49 percent comes from charitable grants, 38 percent from logo licensing, 6 percent from revaluation gain on foreign assets hold in the UK, 4 percent from companies, 2 percent from government agencies and 1 percent from investments. GlobalGAP, in contrast, is largely financed from membership fees and certification body licence fees (Van der Grijp 2008). As such, GlobalGAP appears more autonomous from external influences in relation to MSC, and therefore also less vulnerable to external definitions of output and performance.[4]

Both organisations have enforcement mechanisms allowing them to ensure compliance with their goals. Compliance by the participating companies is certified through independent auditors while auditing takes place normally once a year. If suppliers are found not to comply with the standards, they are first issued a warning, in a second step they temporarily lose their licence, and finally they are dropped out of the standard. GlobalGAP, however, does not provide information on non-compliant behaviour and it is difficult to assess how strictly the system is operating in practice (Van der Grijp 2008). In the case of MSC, commentators have noted the inconsistency of fisheries evaluations by different auditors with some attributing always positive scores. To MSC's credit, however, it publicly provides information on such objections and the associated status of corrective measures. At the moment, one of its certified fisheries and the respective certifier are investigated for a breach of Principles 2 and 3 of the MSC standard.

[4] That being said, we do not want to imply that dependence on external funding is always going to lead to more effective sustainability governance

Both organisations are embedded in material structures that, together with the strictness of the certification processes, explain the structural effects reported above. In the case of MSC, embededness is provided by its endorsement by major corporate food companies and retailers. More specifically, Unilever, one the standard co-founders, is one of the largest consumer product companies and the world's largest buyer of frozen fish and the manufacturer of the world's best-known frozen fish products, such as Iglo. Moreover, MSC is adopted by major retailers controlling a large segment of the fish market. In the UK, for instance, figures for 2005 indicate that over 85 percent of retail sales of chilled and frozen seafood occurred through supermarkets. Combined, Tesco and Sainsbury account for over 40 percent and 30 percent of the UK chilled and frozen seafood market (Auld 2007; Greenpeace 2005). Retail markets in other developed world countries follow similar patterns.

GlobalGAP is a retail-driven organisation and therefore deeply embedded in the global retail market. Retailers adopting the scheme have significant market power as concentration is very high in this market segment (Burch and Lawrence 2005; Konefal et al. 2005). Indicatively, in Australia, over 75 percent of the food retail distribution is controlled by three firms (FAO 2003). In Europe and the United States, retail concentration is high as well and has increased notably over the past decade (Konefal et al. 2005). Concentration is also high in developing countries, and particularly in Latin America where the top five chains per country control 65 percent of the supermarket sector (Reardon et al. 2004). In the emerging market of the Asia Pacific, in contrast, overall retail concentration is still considered more moderate. Compared to the highly consolidated industries seen in many European countries, individual country markets in this region are fragmented. In places with lower retail concentration, such as India and Japan, participation in GlobalGAP is also less evident. Nevertheless, pro-market reforms in the Asian continent are likely to change this situation in the future.

In sum, MSC has less powerful governance structure allowing the participation of commercial as well as environmental interests in its decision-making processes which also reflects on its output. It depends for more than half of its income on external sources of funding which also makes it more vulnerable to external evaluations of its role and performance. GlobalGAP, in contrast, has more restrictive governance structure and is completely independent from external sources of funding. Both organisations have in place enforcement mechanisms allowing them to ensure compliance with their standards. Moreover, both organisations are deeply embedded in material structures. As GlobalGAP covers more than one product chains, however, its embededness is also more extensive thus having broader structural effects.

Authority

MSC's pragmatic legitimacy depends on offering access to high value markets to fisheries, on the one hand, and achieving its sustainability goals on the other (due to the presence of environmental groups in its immediate audience). Both sources can be contested, however. While many seafood buyers now give 'preferred supplier' status to companies offering MSC-certified fish and some of the world's leading retailers have committed to sourcing 100 percent MSC-certified fish and seafood, these are limited to a Northern public, as noted above. Simultaneously, the absence of concrete environmental benefits from the implementation of the MSC program in combination with the adverse structural impacts for small developing-country fishers could further erode its legitimacy in the long term. For this reason, MSC strategically creates interest for developing country audiences via the creation of the World Development Fisheries Program. In particular, the program aims to ensure that developing countries can access the conservation and economic benefits of MSC certification, and help to safeguard fisheries as a reliable, long term source of food security.

Its cognitive legitimacy is provided by its embededness in a broader legal framework which allows it to anchor itself in already accepted norms and regulations. Specifically, it is consistent with a number of international norms and standards: The Code of Conduct for Responsible Fishing (UN FAO), Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries (UN FAO), the Code of Good Practice for Setting Social and Environmental Standards (ISEAL), and the World Trade Organisation Technical Barriers to Trade Agreement. Importantly, with the exception of ISEAL the rest are public standards which could also explain its appeal to governments noted above.

Democratic norms and values, such as access, transparency and accountability are considered important by the organisation, thus constituting fundamental sources of normative legitimacy. Specifically, MSC is a fairly transparent organisation with plenty of information on its website about a variety of issues and access to seminars and conferences upon registration as well as access to minutes of conferences, round tables and short video archives. As access to this type of information is technologically dependent (communicated via the MSC website) it does not reach the public in developing countries. This aspect in combination with the discriminatory participation patterns noted earlier could reduce its legitimacy, however**.** Accountability is partly provided by the third-party certification system and openness about its inefficiencies and corrective measures. Yet, as noted elsewhere this is a narrow interpretation of accountability where the global public affected by MSC's actions is not included in the latter's evaluation (Fuchs and Kalfagianni 2009). This problematic observation extends to all private organisations, of course.

Finally, MSC strategically engages in efforts to raise awareness about its standard with consumers. In that context, it provides recipes and information on where to buy MSC products on its website and creates programs such as the MSC Sustainable Seafood lunch and Global Sustainable Seafood Lunch. It also tries to reach school catering organisations by emphasizing the environmental and health benefits of consuming MSC products. This strategy, in turn, may also alter the market, shifting consumer and societal expectations, and possibly generating a greater consumer demand for certified products. Importantly, the knowledge about MSC standards disseminated via marketing activities is also supported by a body of fisheries experts participating in MSC's Technical Advisory Board, thus providing independence to its claims, to a certain extent.

GlobalGAP's pragmatic legitimacy is fostered by the provision of a number of commercial and informational benefits to its immediate audience. Again, and similar to MSC, this source of legitimacy can be contested by the Southern public. To avoid criticism, GlobalGAP has recently initiated a project to foster group certification for smallholders with the aim is to reduce external certification costs. Based on this possibility of suppliers to obtain group certification, GlobalGAP increasingly emphasizes its relevance particularly for smallholders.

In addition, GlobalGAP has institutionalized a number of additional organisational measures for improving the situation of smallholders, such as the Smallholder Ambassador/Africa observer project funded by the Gesellschaft fuer Technische Zusammenarbeit (GTZ) and the Department for International Development (DFID). Moreover, since February 2008, a Smallholder Task-Force has been established and is calling for constructive proposals regarding improvements of the certification rules for smallholders. To corroborate these efforts, GlobalGAP holds a series of "success stories" where it presents its social and market impact including the launching of new certificates, pilot projects, and corporate social responsibility initiatives. Such reporting is voluntary, however, and has not undergone external evaluations. Finally, GlobalGAP creates incentives for farmers complying with other on-farm assurance systems that have been in place for some time prior to the existence of GlobalGAP, to adopt the standard. Specifically, existing national or regional farm assurance schemes that have successfully completed their benchmarking process are now recognized as an equivalent to GlobalGAP.

GlobalGAP's cognitive legitimacy is provided by its embededness within other private global food safety standards, in particular, the Global Food Safety Initiative. The Global Food Safety Initiative (GFSI) was initiated in 2000 by a group of international retailers in order to agree on globally accepted food safety standards. The initiative sets requirements for food safety and intends to improve efficiency costs throughout the food chain. Most leading international food retailers use one or more of the GFSI benchmarked standards; their aim is to have all products sold meet this standard. In 2006 two-thirds of the world's leading supermarkets stated that 75-99 percent of food supplies are certified against a GFSI benchmarked standard (Fulponi 2006). The formal recognition of GlobalGAP food safety elements by GFSI is a major source of cognitive legitimacy thus increasing its reputation among leading retailers.

Finally, its normative legitimacy is provided and created through a number of educational and learning activities about the standard in a series of international conferences open to the public upon registration. Most of the people involved in such events are other food professionals and journalists, reflecting GlobalGAP's predominately business culture. Importantly, GlobalGAP's expertise is also drawn primarily from its members participating in the sector committees instead of independent technocrats. As such, knowledge production and distribution is also more politically tainted. Regarding its accountability (in the narrow sense) even though no inconsistencies have been reported in GlobalGAP's certification process as in the MSC, we cannot conclude with certainty that this is an indication of smoother operation than an indication of secrecy.

To sum up, the two organisations' sources of authority differ to some extent. With respect to pragmatic legitimacy, MSC relies both on business actors' and environmental NGOs' interests being satisfied by its performance. In contrast, GlobalGAP relies only on business actors' self-interest calculations. Both organisations suffer from a lack of pragmatic legitimacy to their Southern stakeholders which also explain their efforts to create interest for that group. MSC and GlobalGAP also differ in their sources of cognitive legitimacy. While MSC is more embedded in public norms and standards, GlobalGAP is embedded in other recognised private norms and standards. Finally, both organisations rely on transparency and third sources of accountability for their normative legitimacy and they both try to diffuse their norms and ideas on the basis of knowledge and educational networks. MSC's efforts, however, try to reach a wider public, while GlobalGAP is mostly interested in food professionals and journalists.

4. Concluding remarks

This paper presented some ideas on how to study the effects of private governance and their determinants. It argued that outputs, outcomes, impacts and political and socio-economic effects can be explained on the basis of organisational characteristics in their interaction with facets of power and authority. It provided two examples from the food sector to illustrate its arguments. Although the analysis is currently not comprehensive, it supports the main hypothesised relationships and provides some interesting insights.

Specifically, MSC's stringent environmental standard can be explained by its multistakehodler governance structure allowing the introduction of environmental NGOs' preferences. The predominance of Northern interests in the Board can account for its limited comprehensiveness, specifically the absence of social criteria from the standard. Compliance with MSC is reportedly high. Relatively strict enforcement mechanisms in combination with the uptake of the standard by major retailers also constitute entry barriers to small fisheries in the South, however. As is evident by its limited geographic coverage, the benefits of MSC certification accrue only to a subset of its immediate audience, which could erode its legitimacy in the long-term, both on the grounds of limited environmental impact and questions of fairness and justice. Regardless, its cognitive and normative effects are significant, fostered by the embededness of the standard within public standards and the creation of diffusion of knowledge and expertise in consumer and educational networks.

GlobalGAP's flexible sustainability standard can be understood by the predominance of business interests in its governance structure and sectoral committees. Similar to MSC, the standard is predominately endorsed by Northern actors. Because GlobalGAP covers a wider variety of product chains and is endorsed by major global retailers, its structural effects are more extensive in relation to MSC. In contrast to MSC, however, its cognitive and normative effects are limited to the business community. GlobalGAP reflects and creates interest primarily within its target group and is relatively insulated from public sources of authority.

The above discussion illustrates that private food governance organisations differ in their sources of power and authority which also impinge on their effectiveness. Despite their differences, however, both organizations are currently more successful in fostering broader politico-economic effects instead of providing visible sustainability benefits. This observation creates concerns about the desirability of private rule in the pursuance of public policy objectives particularly in the absence of mechanisms allowing the affected actors to have a say in the rule-setting process.

Some strategies for improved sustainability performance can be identified, however. Specifically, private institutions could try to improve the attractiveness of their schemes to actors crucial for their objectives. Both organisations in this paper are trying to create interests for the wider involvement of developing country producers through pilot projects that could lower the costs of certification. However, it is unclear whether these projects are enough to attract sufficient participation from critical actors. On the other hand, the inclusion of a more diverse group of actors could reduce the stringency of respective standards. This is particularly evident in GlobalGAP whose appeal increased rapidly as soon as the attention to sustainability lowered.

Moreover, anchoring organisations to public sources of legitimacy could make them more responsive to criticism, thus prompting them to introduce corrective measures. This is evident in

MSC, for instance, which at least makes an effort to identify and measure its environmental impact. Finally, raising awareness and fostering associated public pressure could also induce improved performance. As was emphasised above, the audience creates the limits to organisations' authority. An educated, informed and alert audience would challenge the march of any scheme without evidence of sufficient public benefits. Moreover, it would demand more democratic norms and procedures and would urge organisations to consider their social as well as environmental impact, and address their broader political and socio-economic effects.

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