



## Partnerships in forest governance

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### Abstract

One of the major current global environmental challenges is the conservation of forest biodiversity. Deforestation and forest degradation continue despite international governmental agreements on forest conservation. In recent years private regulation in the international forest governance system has increased. Numerous partnerships between governments, business and/or civil society have been developed. Most of them focus on a single threat to forest biodiversity. This private regulation has had a limited positive impact. The most valuable contribution has been filling the gap of lack of implementation by governments. The forest governance system can become more effective if metagovernance is strengthened.

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### 1. Introduction

One of the major current global environmental challenges is the conservation of forest biodiversity. Almost three billion hectares, half of the original forest cover worldwide, is gone. Much of it has been destroyed during the past three decades. Every year about 16 million hectares are destroyed (Siry et al., 2005). Forests are important for conserving biodiversity, since 50–90% of all terrestrial species live in the world's forests. Many of these species are threatened, mainly because of habitat loss.

Forest biodiversity is being threatened by non-sustainable industrial logging, energy development, mining and new infrastructure, conversion from forest to agricultural land, and excessive vegetation removal, for example for firewood. Important underlying causes for these threats are illegal logging and poverty (Bryant et al., 1997). Another major threat is climate change (Watson et al., 1995).

The last decades, governments have agreed on sustainable use and conservation of forests in several international forums (Humphreys, 1996). The origins of the International Tropical Timber Organisation (ITTO) date back to

the 1970s. In Rio in 1992, the Forest Principles were adopted. Since then, governments have agreed on sustainable use of forests in, among others, the Convention on Biological Diversity (CBD) and the United Nations Forum on Forests (UNFF). If all these commitments made would be realised, solutions to forest biodiversity loss would be closer. However, the problem has been lack of implementation. Also, international negotiations for an international legally binding forest treaty have failed due to fundamental differences in visions on forests (Arts, 2002). Northern countries wanted to conserve forests; southern or developing countries wanted (financial) support to do so (Humphreys, 1996). In other words, countries without large areas of forests want to conserve the world's forests, and countries with large forests want to keep the right to decide themselves how to use their forests.

In recent years we have seen rather fundamental changes in the global institutional framework governing the use of forests. Although the development of public institutional arrangements continues, new political spaces for global forest governance have emerged. Characteristic of these arrangements is the engagement of private actors in authoritative decision-making, which was previously the prerogative of sovereign states. 'Governance without government', as early recognised by Rosenau and others, has become institutionalised as an additional driving force

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in global governance (Rosenau et al., 1992). As new systems of rules, private arrangements circumvent the global public issue arrangements. They fill in what governments are not (yet) willing or able to regulate, sometimes to outplay them and to prevent the governments from taking action, and sometimes to show alternatives for public governance or to challenge it to take up more thorough public action. This private regulation of public affairs has taken four institutional forms:

- Business initiatives;
- Civil society initiatives;
- Private intersectoral partnerships (strategic alliances between civil society and business);
- Public–private intersectoral partnerships (strategic alliances between governments and business and/or civil society).

With the rise of these new political spaces, the ontology of global forest governance is changing rapidly. The state-centric structure seems to be transformed into a complex multi-centric structure of diverse and still relatively autonomous but co-existent public and private rule systems. These systems differ in scales (both in terms of time, space and size), specific goals and means, discourses and architecture. We are still in the midst of this process of change. The outcomes in terms of a new ordering of inter-state, supra-state and trans-state activities—in a kind of hierarchy, complementary to each other, piling up on each other or even replacing each other—are still uncertain. Some authors stress the multi-layered and diffused character of the new global governance (Rosenau et al., 1992). Others assume that the balance between inter-state activities and supra-state plus trans-state activities is appreciably tilting away from the former (Taylor, 2005). Evaluative judgements range from private governance as eroding states, resulting in private capture of what should be a public affair (Cutler et al., 1999; Saurin, 2001), to the idea that these new forms of governance will improve the effectiveness and efficiency of governance (Cashore et al., 2004; Cashore, 2002; Nelissen, 2002), and to the observation of an extremely large but unexplored potential for global governance (Ronit and Schneider, 1999).

In this paper we will take a governance perspective to analyse the changes in the international forest biodiversity governance system. Such a perspective understands the governance system as a “collective”, a shared set of responsibilities of states, market actors and civil society actors. The international forest biodiversity governance system is defined as the total of international initiatives to conserve forest biodiversity and/or use it in a sustainable manner. It includes both the international formal governmental regime and the four types of private regulation described above. It is assumed that the public and private actors shape the governance system through their interactions (Glasbergen and Driessen, 2002; Kooiman, 2003). Improvements of the system depend on the functional

interdependencies the actors are able to shape, the deliberate allocation of tasks and the strategic alliances they are able to forge (Young, 2002). From this perspective we will address the following questions:

1. What are the characteristics of the new intersectoral partnerships and what are their contributions to the forest biodiversity governance system?
2. In what way can the public–private interplay in the forest biodiversity governance system be characterised and what are the implications for the improvement of the system?

The research methodology consists of comparative case studies of partnerships, based on literature and document analysis and complementary interviews with partnership representatives.

First we classify partnerships and other initiatives on forest biodiversity according to their main focus, unsustainable logging, conversion or illegal logging. Some partnerships have more than one focus; they have an integrated approach. In Sections 2–5, we analyse the different partnerships per focus. The analysis includes the following.

First we analyse the institutional form of the partnerships in terms of public–private or private intersectoral partnerships.

The effectiveness of the partnerships is analysed, inspired by the methodology of Underdal, in terms of output and outcome (Underdal, 2002). Examples of output are new policy or a signed agreement; output can be assessed with criteria for the policy stringency and its inclusiveness. Outcome is for example the number of target groups using the new policy.

We also describe the partnerships’ functions. Partnerships can fulfil different functions in the forest biodiversity governance system: they are active in agenda setting, policy development, implementation, metagovernance and ensuring good governance. Agenda setting is starting the discussion on new issues in the governance system. Policy development is for example the development of a standard for sustainable logging. By implementation we mean the implementation of sustainability measures “on the ground”, for example managing a forest area in a sustainable manner. Metagovernance can be defined as strategic steering and coordination in the governance system. Ensuring good governance is ensuring that the basic elements needed for a governance system to function are functioning, for example combating corruption.

In each section we analyse the public–private interplay. Possible forms of public–private interplay are partnerships performing traditional governmental roles, governments using the policies developed by partnerships, government involvement in partnerships and the impact of government policy on partnerships. We pay more detailed attention to the role of governments in the governance system in Section 6.

In the conclusion we will address the question of the contribution of private regulation in forest biodiversity governance and the prerequisites to make partnerships a vital part of the governance strategy.

## 2. Partnerships for sustainable logging

The main threat to forests worldwide is not-sustainable industrial logging for the timber and paper industry (Bryant et al., 1997). Especially developed countries, like the USA, Canada and European countries, produce large amounts of industrial timber. These countries and developing and strongly developing countries with very large forests and/or a strong tradition in the logging industry, like Malaysia, Indonesia, Russia, Brazil and China, use their forests profitably by exporting industrial timber (WRI, 2004). The export of most forest products has expanded considerably over the past 25 years (Bulte and Barbier, 2005).

Partnerships for sustainable industrial logging are older and further developed than partnerships working on other threats to forest biodiversity. The partnerships are voluntary certification schemes for sustainable forestry. They develop standards for sustainable forest management, using principles, criteria and indicators. The best-known schemes are the Forest Stewardship Council (FSC), the Canadian Standards Association (CSA), the Sustainable Forestry Initiative (SFI), the Malaysian Timber Certification Council (MTCC), and the Programme for the Endorsement of Forest Certification Schemes (PEFC).

Founded in 1993, the FSC is a private intersectoral partnership between industry, social groups and environmental groups. It was the first large certification scheme for sustainable forest management. Today, the FSC is a global organisation for certification of sustainable forestry and forest products. There are 39 national FSC initiatives (FSC, 2006). The organisation is unique because of the balance of power between the partners. The three chambers (economic, social and environmental) each have one third of the votes in the General Assembly. Within each chamber, representatives from southern and northern countries each have half of the votes in order to ensure fair representation of both perspectives (FSC, 2005a). The Board of Directors has nine directors, of which two represent economic interests. The others represent social and environmental interests (FSC, 2005b). The FSC standard (FSC, 1996) is a performance based standard; it requires effective, specifically described and verifiable measures to ensure sustainable forest management.

Summarising, the FSC fulfilled and/or fulfils the functions of agenda setting, policy development, implementation, metagovernance and ensuring good governance. The agenda setting function of the FSC should not be underestimated. Because of the FSC, certification of sustainable timber has become normal. The FSC fulfils its metagovernance role by coordinating a global system for sustainable forest management. Because it includes re-

quirements on legality, the FSC ensures good governance. Seventy-three million hectares of forests in more than 72 countries are FSC certified (FSC, 2006).

The Canadian Standards Association (CSA) develops different types of standards, not only for forest management. CSA is a public-private partnership. Most CSA members are businesses; some are governmental organisations. The most recent version of the forestry standard (2002) was developed by the Technical Committee on Sustainable Forest Management. The committee includes representatives from four categories, academia and professionals, general interest (among others consumer and environmental organisations and indigenous representation), government and industry (CSA, 2002a). The CSA forest certification system is therefore a public-private intersectoral partnership between government, business and civil society. However, the decision-making procedures do not require support from all four interest categories in order for the committee to adopt a standard.

The standard (CSA, 2002b) describes issues that should be addressed; these include ecological and social issues. Compliance with legislation and respect of indigenous rights are demanded. The criteria are formulated in a clear and prescriptive manner. Issues that are not discussed are the use of genetically modified organisms (GMOs), chemicals or exotic species. However, the extent to and the manner in which these criteria are realised are up to the forest manager. Managers on public land are required to organise a public participation process in which the ways of implementing the criteria are defined together. Private forestland owners are not required to do so. Since the government owns most of the forestland in Canada, the majority of forest managers will organise a public participation process. The public participation is meant especially for local parties, even though input from regional or national parties is possible. Efforts to let workers, unions and indigenous people participate are required. The participants agree together on content and methodology of the participation process. The forest manager has to demonstrate that all comments have been considered. Because the translation of the criteria is organised per forest area to be certified, civil society groups that operate on a regional or national level will have difficulty delivering input, since the number of participation processes will be high. It is expected that participants will be mainly local and directly impacted people and organisations, who are not specialised in forest issues.

Summarising, the CSA fulfils the functions of policy development and implementation. It is, however, not a true performance based standard. The criteria are defined in a prescriptive manner. However, because the forest manager translates these demands to the local level, and the different interests in forestry issues are not equally represented in this translation process, sustainable forest management is not guaranteed. In 2005, a total of almost 70 million hectares were CSA certified (Abusow, 2005).

The SFI started in 1994 as a business initiative, an initiative of the American Forest and Paper Association (AF & PA). Since 2000, the Sustainable Forestry Board (SFB) is responsible for the SFI standard for sustainable forestry. The SFB has three groups, an industry, civil society and a broader forestry community group, which includes representatives from government and academia. Social issues are not represented in the SFB, since only environmental groups are involved. The decision making process is organised in such a manner that representatives of none of the groups, representing different interests, can be outnumbered (SFB, 2005). The SFI is a public–private partnership between government, business and civil society.

In 2005, the SFI standard was revised (SFI, 2005a; SFI, 2002; SFI, 2004). The requirements ensuring legal and social procurement of timber products from outside North America have been strengthened, but are still not waterproof. Even though the scheme deals with most issues relevant to sustainable forest management, the description of most criteria leaves much room for interpretation and therefore does not guarantee sustainable forest management. For example, the SFI requires forest managers to “manage the quality and distribution of wildlife habitats and contribute to the conservation of biological diversity by developing and implementing .... measures that promote habitat diversity ...” (SFI, 2004), where for example the FSC requires that forest managers “shall conserve biological diversity” (FSC, 1996). Moreover, the SFI allows the use of GMOs and does not require active commitment to stop the use of chemical pesticides. The rights of indigenous peoples are only addressed as a “commitment to comply with social laws”. For forests on public lands, forest managers should communicate with indigenous peoples. This does not guarantee the respect of the legal and customary right of indigenous peoples.

Summarising, the SFI fulfils the functions of policy development, implementation and insuring good governance by developing and implementing a standard for sustainable and legal forest management. It is, however, not a true performance based standard; it requires many measurable activities from the forest manager, without guaranteeing effective measures for sustainable forestry on the ground. In 2005, more than 51 million hectares were certified to the SFI standard, about 29 million in Canada and about 22 million in the United States of America (SFI, 2005b).

The MTCC was created in 1998. It developed out of an earlier initiative by the Malaysian government and timber industry. The MTCC is governed by a Board of Trustees. The board should consist of a chairman, and two representatives each from academic and research institutions, the timber industry, civil society and government agencies. However, in 2004, the board consisted of three government representatives, two research representatives, two business representatives and one union representative (MTCC, 2004a).

In 2002 the Malaysian Criteria and Indicators for Forest Management Certification (MC & I 2002) were revised. At a national-level consultation, held in 2002, the standard was finalised and adopted. There were 106 participants, of which 14 represented social and environmental interest groups (Meng Chuo, 2004). The National Steering Committee (NSC), especially formed for the improvement of the standard, finally adopted the 2002 standard. The NSC consisted of 28 members, of whom 5 left the process. Of the 23 remaining participants, three members represent social organisations (MTCC, 2006). MTCC documents do not clarify the organisation of the decision-making process both in the national-level consultation and in the NSC.

There is a history of critique of the MTCC by civil society. The critique focuses on the insufficient recognition of issues put forward by civil society and the inadequate attention for rights of local communities and indigenous peoples. WWF Malaysia resigned from the Board of Trustees in 2002, because the standards had been developed without balanced stakeholder participation. Since they felt their views on especially indigenous peoples’ rights had not been taken into consideration, 13 NGOs withdrew from the process to develop the 2002 standard (Meng Chuo, 2004).

Because the MTCC mainly uses consultative instead of participatory processes for civil society groups, we have classified the MTCC as a public–private intersectoral partnership between government and business.

The 2002 standard includes some criteria and indicators that were not covered by the earlier standard. However, the indicators are less complete than in other standards, not very specific, and mostly not performance based. The standard often asks for plans or guidelines, instead of concrete measures. Also, the indicators for rights of local communities or indigenous peoples depend on the availability of legal documentation that often cannot be provided by these groups. Also, these indicators rely on existing laws with which there have been problems in the past (Meng Chuo, 2004). GMOs or exotic species are not mentioned (MTCC, 2004b).

Summarising, the MTCC fulfils the functions of policy development, implementation and insuring good governance by developing and implementing a standard for sustainable and legal forest management. However, there are problems with participation of civil society and indigenous peoples’ rights. Also, because the standard depends largely on government policy in its implementation, the standard is only strong where policy is strong. The MTCC can only partly be called performance based. Only the principles and criteria are described in a performance-based manner, but the further translation into concrete verifiable measures does not guarantee sustainable forest management. At the end of 2004, more than of 4.7 million hectares were MTCC-certified according to the 2001 standard (MTCC, 2004a).

Created in 1999 as the Pan European Forest Certification Scheme with only European members, the PEFC

Council has developed into a global umbrella organisation of national forest certification schemes, and has been renamed the Programme for the Endorsement of Forest Certification schemes. Thirty-two national forest certification systems are members of the PEFC, of which 22 have been endorsed by the PEFC (PEFC, 2005a). The CSA, SFI and MTCC are PEFC members; the CSA and SFI have been endorsed as PEFC certification schemes. We have categorised the PEFC as a public–private intersectoral partnership between governments and business for the following reasons. The PEFC General Assembly, the highest decision making body, includes both representatives of national certification schemes and extraordinary members. All extraordinary members are forest owners or industry representatives. Only “national forest owners’ organisations or national forestry sector organisations having the support of the major forest owners’ organisations in that country”, can take the initiative to set up a PEFC national governing body and apply for PEFC membership (PEFC, 2005b). Even though these organisations should invite relevant interested parties to become involved, these national bodies are clearly meant to be business initiatives.

In order to be endorsed as a PEFC scheme, national schemes should be based on the inter-governmental processes for the promotion of sustainable forest management (PEFC, 2005b). These processes, however, were meant for assessment and monitoring. They lack a description of performance standards at the local level, and were not intended for forest management certification (Ozinga, 2004). The PEFC does demand that national forest certification schemes respect relevant legislation. Also the core ILO conventions should be respected (PEFC, 2005b).

Summarising, the PEFC fulfils the functions of policy development, metagovernance and ensuring good governance. Especially its metagovernance role, coordinating the cooperation of different national certification schemes, has had a significant impact on the forest governance system. Because the PEFC has taken the initiative to coordinate national schemes into a global system, there are now two competing global certification schemes, the FSC and the PEFC. The effectiveness of the PEFC can only be assessed at the national level, since the member schemes vary in their stringency and inclusiveness. Over 187 million hectares of forests are PEFC certified (this includes the large areas of forest certified under CSA and SFI). The PEFC is the world’s largest certification scheme (PEFC, 2005a).

When analysing the characteristics of the partnerships for sustainable logging, the composition of actors involved shows remarkable differences. The FSC is the only private intersectoral partnership. We have classified CSA and SFI as partnerships between government, business and civil society, and the MTCC and PEFC as partnerships between government and business representatives. The FSC is the only partnership in which social and environmental

interests have their own formal place in the organisation. In other partnerships, the civil society “chamber” includes environmental, indigenous peoples’, workers’ and consumer interests. Also, these partnerships have more interest groups, for example governments and academia. This means the relative influence of civil society is smaller. It could even mean that standards are adopted without the support of specific interest groups in civil society, for example social groups that are involved in these partnerships. These organisational differences can be explained by the historical development of the partnerships and their relationships. The FSC was set up by civil society and willing businesses, in reaction to the lack of progress in the international intergovernmental processes for forest conservation and sustainable forest use (Falkner, 2003). The logging industry, supported by their governments, set up their own certification schemes as a reaction to the success of FSC. The SFI and CSA have increased the participation of civil society in the course of time in reaction to civil society critique.

The effectiveness of the different certification schemes also differs. The FSC is the most stringent and inclusive. The FSC clearly specifies the level of performance or results that must be achieved in a forest; it is a performance based system. It also addresses issues that the others do not. The public–private partnerships originally were set up as system standards; they hardly specified any minimum levels of performance, but instead required the forest manager to set his own targets and to show, by setting up a management system, that these self-determined goals were being met (cf. (Gulbrandsen, 2005), and that the forest manager continuously improved his sustainability performance. These partnerships have included performance based criteria in the later versions of their standards in order to answer to critique. Especially the implementation of these criteria into concrete measures for verifiable sustainable forest management remains problematic in the public–private partnerships. They still are not able to guarantee sustainable forest management.

The partnerships for sustainable logging have contributed to the global forest governance system and interacted with governments in several ways.

In 2004, more than 153 million hectares of forests and plantations were certified (Ozinga, 2004). In this manner, the partnerships have played a major role in the implementation of sustainable forest management; they have taken over this role from governments. In some countries, being certified has become a regular aspect of being in the logging industry. In recent research in the USA, for example, 87% of the logging companies researched was certified (Dyke et al., 2005). This large area of certified forest has had major effects on the international timber trade. The trade has become more transparent, since the origin of certified timber is known. However, certified timber is still a niche market; most of the timber traded worldwide is not certified (Gulbrandsen, 2005) and worldwide deforestation and forest degradation

have not been stopped (Rametsteiner, 2002). Moreover, most of the certified forests are located in the north. For example, almost 80% of the FSC-certified forests are located in the north, and about 20% in the south (Pattberg, 2005); certification is not yet a global solution. Also, most certified forests are certified using less rigorous standards. Therefore it cannot be guaranteed that these certified forests are actually managed sustainably.

Some governments have used the standards in their own procurement policy, and Mexico has developed a forestry law that closely mirrors the FSC standard (Pattberg, 2005). Privately developed policy is finding its way into the formal governmental regime.

The public-private partnerships with less rigorous standards are active in countries with large areas of forest and/or where the timber industry is an important economic sector. It seems countries that have tried to defend their forestry sectors in the international governmental regime, are trying to achieve their political goals through private initiatives. Forest certification has become politicised. This competition between the different types of certification schemes can be seen as a battle between the different approaches to certification, the performance standards and the system standards; it can also be seen as competition between domination of certification by business or civil society (Cashore, 2002). The degree to which forest certification will contribute to the forest biodiversity governance system will depend on what approach to certification prevails in the long term, the performance standard or the system standard approach.

### 3. Partnerships to control conversion

A major threat that has become increasingly important over the last few years is conversion from forest to agricultural land. In Southeast Asia and South America, forests are being destroyed to make room for oil palm or soy plantations. Malaysia and Indonesia are the main producer countries for palm oil. The area planted with oil palm in Indonesia has expanded from 600.000 ha in 1985 to over three million hectares in 2000. Conservative figures show that nearly half of plantations planted by 2002 involved some form of forest destruction. The demand for palm oil is expected to grow intensely (FoE, 2003; Wakker, 2005; Glastra et al., 2002). The area cultivated for soybean in Argentina, Bolivia, Brazil and Paraguay has also increased rapidly.

Initiatives to control conversion are only a few years old. There is a partnership for sustainable oil palm production, the Roundtable on Sustainable Palm Oil (RSPO), and a partnership for responsible soy production, the Roundtable on Responsible Soy (RTRS).

The RSPO is a private intersectoral partnership. Most of the members of the RSPO are business representatives. Civil society groups have four out of 16 seats in the Executive Board. Main goal of the RSPO has been to establish principles and criteria for sustainable palm oil.

These were adopted in 2005 (RSPO, 2005). In the principles and criteria, the most crucial issues are tackled. Sustainable palm oil production should be legal and does not diminish legal or customary rights of other users. New plantations may not replace primary or otherwise valuable forest. New plantations cannot be established on local peoples' land without their free, prior and informed consent as expressed through their own representative institutions. One major issue, the use of GMOs, is not addressed. The RSPO has decided that because there are no GMO oil palm plantations at the moment, no guidance is needed on this issue. However, the decision not to address the issue could have major effects in the future, not only for palm oil, but also for the definition of sustainability of other agricultural crops. Also, demands for some other issues, for example biodiversity conservation in and around existing plantations, are not described strongly and some criteria are not performance based.

The RTRS is also a private intersectoral partnership. The first roundtable conference of the RTRS took place in 2005, the second in 2006. The organising committee includes soy producers, users, investors and environmental and social NGOs, and coordinates the roundtable until a more formal structure is in place. In the 2005 roundtable, all relevant stakeholder groups were represented. The roundtable conference did not result in the acknowledgement of specific problems and ways to address these, and in that sense the roundtable conclusions were disappointing. The opinions of the different participants were too far apart in order to reach consensus (Dros, personal communication, 2005). The second roundtable discussed a draft declaration with principles for responsible soy (RTRS, 2005, 2006). The draft principles are not rigorous, especially on the issues of conversion and protection of biodiversity and rights of indigenous peoples. It is the intention of the RTRS to develop the principles into globally applicable criteria for responsible soy. One of the main problematic issues in the RTRS is the use of GMOs. Both NGOs that want to exclude GMO soy from the definition of responsible soy and companies that are already involved in the large-scale production of GMO soy are involved in the roundtable. The organising committee has stated that "The Round Table process will not promote the production, processing or trading of either genetically modified or non-genetically modified soy" (RTRS, 2005).

As seen on the issue of sustainable logging, the partnerships to control conversion are filling the gaps when governments are not willing and/or able to meet sustainability goals. Both partnerships fulfil the functions of agenda setting and policy development. No plantations are certified according to the RSPO standard yet, since it has only recently been adopted. It is also still too early to assess the effectiveness of the RTRS. The partnerships to combat conversion would not be necessary if governments had developed a sustainable land use planning system, with protected areas and areas for sustainable forest use. In the major palm oil and soy producing countries, however, this

is not the case. If a sustainable land use planning exists, it is often not adequately enforced. Important future government legislation will be the implementation of the agreement of the Convention on Biological Diversity (CBD) to have a worldwide representative network of terrestrial protected areas in place by 2010. This legislation should contribute to halting conversion of forests for agricultural plantations.

#### 4. Partnerships to control illegal logging

Important underlying causes for all threats on forest biodiversity are illegal logging and corruption and the trade in illegal timber. In some producer countries, the amount of illegally produced timber exceeds the legally produced amount. In these countries forest laws are not properly enforced and corruption is endemic. Examples are Brazil, where 80% of the logging is illegal, Indonesia, with 70% illegal logging, Cameroon, with 50–60% illegal logging, and Russia, where an estimated 30–60% of the logging is illegal (Richert, 2003). Of the 44 countries with the largest area of natural forest, 33 score extremely low on the international corruption index (cf. Graf Lambsdorff, 2004; WRI, 2004). The EU is an important market for timber. It is estimated that 50% of the tropical hardwood on the European market is illegal (Richert, 2003).

Most initiatives on the issue of illegal logging are relatively new. At the moment, the most important initiatives are bilateral or multilateral governmental agreements, in which governments agree on ways to tackle illegal logging and the trade in illegal timber together. The main political processes are the Forest Law Enforcement and Governance (FLEG) initiatives. There is the East Asia FLEG, the African AFLEG, and the FLEGT (Forest Law Enforcement, Governance and Trade) of the European Union. The Europe and North Asia (ENA) FLEG and a process for South America are being developed. In the FLEGT initiative, the EU wants to develop voluntary agreements with the producer countries that provide the largest amounts of timber for the European market. In these agreements, the partner countries will develop a common definition of legality. Timber products from the partner producer country will only be allowed on the European market if it has a legality license. The partner countries will set up a control system for legality (Commission, 2003). Business and civil society are consulted in these political processes. Since the initial development of the FLEG processes, their further development and implementation have been extremely slow. In a resolution in July 2005, the European Parliament called on the European Commission and the Member States to “make strong and rapid progress on the implementation of the FLEGT action plan” (EP, 2005).

Besides government initiatives, existing partnerships that originally only worked on sustainable logging have developed instruments to tackle illegal logging and the trade in illegal timber. The FSC, for example, has

strengthened its demands for timber products using the FSC-logo that do not come from FSC-certified forests. (The FSC allows products carrying the FSC-label to partly contain not certified timber if this is clearly indicated on the label.) Under the new rules, suppliers of timber products from not-certified forests have to prove that the timber was produced legally. Also, the less rigorous certification schemes for sustainable forestry see the debate on legality as an opportunity to become more accepted in the marketplace. They promote their certified timber as “almost sustainable, and guaranteed legal”. The MTCC, for example, is very successful in communicating this message. NGOs have raised serious questions on the reliability of the MTCC as proof of legality (Greenpeace, 2005). Because legal but not sustainable timber is cheaper than legal and sustainable timber, the not sustainable timber could create problems for the already small niche market for sustainable timber. In order to prevent that these two positive developments, sustainable forest use and legal forest use, undermine each other, labelling legal timber as such for final consumers should be avoided. Instead, governments should take legal measures against the trade in illegal timber, for example through the FLEG processes. In this manner, legal and sustainable timber will not compete for the small market for sustainable timber.

There are numerous other initiatives on illegal logging, some of which are partnerships. NGOs are guarding protected areas in order to protect them from illegal logging, and timber traders are marketing timber as guaranteed legal. European timber importers and their business partners in exporting countries are trying to find ways to guarantee legality. The Dutch timber trade federation (NTTA), for example, has developed a mandatory code of conduct that demands 100% legal business from its members. For the code of conduct, the NTTA members have asked their timber suppliers for a guarantee of legality (NTTA, 2002). NGOs find especially the implementation of the code of conduct much too weak.

There is a strong debate on the definition of legal logging and legal timber. There are two main issues. The first one is the scope of the laws that a logging company has to abide by in order to be a legal forestry operation. The question is whether a logging operation should only abide by for forestry relevant laws, or whether it should take all national and international laws into account. The second major question is indigenous peoples' rights. Sometimes the law in a producer country does not respect all indigenous rights. The question is whether timber that is produced according to the law, but in contradiction with indigenous rights, is legal. If the definition of legal logging would exclude the legal and/or customary rights of indigenous peoples, this would have major implications for them. In some forest regions, indigenous peoples have been fighting for their rights to use the forests they live in for generations. Two major approaches towards legal timber can be distinguished. The less rigorous approach,

mostly found in the timber industry, uses a narrow definition of legal logging, using only for logging relevant laws and excluding indigenous rights. The more rigorous approach, used mostly by civil society, uses the broad definition of legal logging. The different approaches towards sustainable logging, the less rigorous system standard and the more rigorous performance standard, are finding their way into the legality debate.

The issue of illegal logging emerged on the political agenda in the traditional way: civil society groups pushed governments to create legislation. This is logical, since law enforcement is a classical government role. Governments responded by actively taking up the issue, however, their speed has slowed down. Private initiatives have become active in this gap; they are taking over governments' classical role. Partnerships fulfil the function of policy development, implementation and ensuring good governance.

Governments are starting to use the policies produced by partnerships. The Danish and UK governments have both accepted the MTCC as proof of legality for their procurement policies (Denmark, 2003; UK, 2004). The UK government also accepts the FSC, CSA and SFI as proof of legality and sustainability. The UK accepts MTCC only as proof for legality for products with 100% certified timber, since the UK government finds the MTCC requirements for control of uncertified timber in mixed products not adequate to ensure legality. The Danish government only accepts MTCC as proof of legality when a traceability certificate accompanies the certificate for forest management. These are very strong examples of how partnership policy becomes formal government legislation: the private sector is defining the terms of the procurement policies of governments.

## 5. Partnerships with an integrated approach

Partnerships with an integrated approach focus on several threats to forest biodiversity.

The World Bank–WWF Alliance for Forest Conservation and Sustainable Use is a public–private intersectoral partnership with an integrated approach. Since its establishment in 1998, the alliance works on, among others, creating protected areas, improving the management of protected areas, increasing the area of certified forest and combating illegal logging. Its activities are global (WWF, 2005). The Alliance combines the functions of policy development, implementing projects on the ground and ensuring good governance.

Another public–private intersectoral partnership with an integrated approach is the Congo Basin Forest Partnership (CBFP). It is a consortium of 29 governments, international organisations, nongovernmental organisations and the private sector that works to improve communication and coordination among its member organisations on their projects, programs and policies. Goals of the partnership are to provide people with sustainable means of livelihood,

improve forest and natural resource governance and develop a network of effectively managed protected areas. The CBFP is closely linked to the Central Africa Forests Commission, COMIFAC. COMIFAC was designed as the implementing body of the Yaoundé Declaration, which was signed during the Yaoundé summit in 1999. Ministers agreed on a framework document for all conservation and sustainable use of forests in Central Africa. In February 2005, 10 countries signed the COMIFAC treaty (COMIFAC, 2005).

According to critics, local civil society is barely involved in the CBFP. The partnership also does not put enough effort into developing African civil society and does not address some of the core issues, like corruption and illegal logging. At the moment, international organisations in the partnership are taking over basic tasks of African governments, like managing protected areas, instead of investing in processes that will enable African governments to do these tasks themselves. Also, the CBFP consolidates the existing land use planning, in which the majority of the forest is designated as production forest (Verbelen, personal communication, 2005). WWF, a founding member of the CBFP, recognises some of these issues. Even though several CBFP members are working on strengthening local civil society, there is a gap between what is being done and what needs to be done. The same is true for the issue of illegal logging. WWF stresses, however, that the strength of the partnership is the facilitation of the communication between the partners. The CBFP has the merit of bringing together partners that have a strong will to address common goals and find common solutions. Moreover, the CBFP has been successful in engaging its partners more in their commitments to increase the flow of funds to the region, and creating more coordinated interventions and more synergy in their efforts towards providing necessary support to the people and governments of the central African region (Somé, personal communication, 2005).

The public–private intersectoral Asia Forest Partnership (AFP) is also a regional partnership with an integrated approach. Members are governments, inter-governmental organisations, civil society groups, the private sector and intersectoral partnerships. The AFP promotes sustainable forest management in Asia through addressing the issues of illegal logging and its associated trade, forest fires, and rehabilitation and reforestation of degraded forests and land (AFP, 2005). The fact that the MTCC, an intersectoral partnership, is a member of the AFP, another intersectoral partnership, is a good example of the increasing complexity of the forest biodiversity governance system.

The main functions of the CBFP and the AFP are metagovernance; partners exchange information and coordinate activities in order to increase efficiency and effectiveness. Another important function is creating additional funding for forest conservation in the region. It is interesting to note that governments or governmental

organisations are involved in all these partnerships with an integrated approach.

## 6. The role of governments in forest governance

Many authors have discussed the implications of private regulation for the role of governments in forest governance. Most authors recognise that governments have a large effect on the success of private initiatives (Cashore et al., 2004; Ostrom, 1990). All authors acknowledge the new roles of governments in a multi-centric governance structure. Some are of the opinion that governments have lost their top-down steering capacity, and only have a mediator role in governance (Jessop, 1998; Stoker, 1998). Others see a dual role for governments. Traditional top-down steering is still attractive in some circumstances; in others governments have a metagovernance role (Cashore et al., 2004; Kooiman, 1993). Our analysis supports the latter vision. We distinguish “classical” government policy and metagovernance by governments that can both contribute to the effectiveness of the forest biodiversity governance system.

With “classical” government policy, governments contribute themselves to sustainable development and create the conditions in society needed for partnerships and other private initiatives to be successful. Examples of classical government policy that are important for forest governance are diplomacy amongst sovereign states, for example in (the implementation of) international agreements, like the CBD. Also, governments are buyers of forest products, for example, for large infrastructure and public housing projects. In Europe, government procurement accounts for 11% of the EU gross domestic product (Rametsteiner, 2002). If governments implement green procurement policies, the market share of sustainably produced products would increase automatically. Last but not least, governments are the largest forest owners: governments own about 87% of the forests worldwide. A large part of the deforestation takes place in government-owned forests (Siry et al., 2005). Governments should ensure that the forests they own themselves are protected and/or used sustainably.

In their metagovernance roles, governments play a proactive role in the governance system, trying to attain their own (sustainability) goals. They are trying to build and manage the governance system needed to reach these goals. Governments can support important partnerships, initiate partnerships, promote information exchange and bring actors together. They should ensure that governance systems for different problems support each other's efforts. For example, initiatives for forest biodiversity conservation sometimes do not take the issue of poverty alleviation into consideration, and vice versa, even though millions of peoples are dependent on forests for their every day survival.

The developments in the governance system on the issue of illegal logging need a proactive attitude of governments.

The classical role of governments is especially crucial, since the solution to most threats to forest biodiversity is largely dependent on land use planning and law enforcement, which are exclusive responsibilities of governments. In many forest regions, working towards sustainability is severely challenging because of widespread corruption and large-scale illegal logging. Both governments in forest regions and countries with large markets for timber products can take specific measures against these threats. Together they should take legal measures against the trade in illegal timber. A proactive role by governments is also needed in the debate on the definition of legal logging and legal timber. All these measures could take place through the FLEG processes.

The competition of certification schemes also requires a proactive role by governments. In the marketplace, rigorous certification schemes compete with less rigorous schemes and government supported partnerships compete with private partnerships. Rhone and others describe this competition between public and private rule-making bodies as a “blurring of public and private spheres” (Rhone et al., 2004). This is very confusing for buyers. Clarity on the differences is necessary for buyers to trust these certificates in the longer term (cf. Gulbrandsen, 2005). Governments can play a role in two ways. They can ensure fair competition between different forest certification schemes by informing buyers about the differences between the certification schemes, or they can assess the different schemes, like the UK government has done (see Section 4). In a recent discussion on the role of governments in certification of sustainable forest management, governments themselves concluded that their best role is to remain neutral between competing schemes (UNECE and FAO, 2005). In practice, however, most governments have chosen to be involved in the less rigorous initiatives.

Until today, governments have not been very successful in both their classical government policy and in their metagovernance roles in the forest biodiversity governance system. In their classical government policy, governments have not used their exclusive responsibilities, like land use planning and law enforcement, which are crucial in forest biodiversity conservation. Some governments have been more successful than others in ensuring that their own forests are managed sustainably, and in implementing a sustainable procurement policy for timber products. Some initiatives, like the FLEG processes are promising. In their metagovernance responsibilities, governments have not ensured fair competition between the different certification schemes for sustainable forestry products.

Overall, governments have not taken a proactive role to conserve forest biodiversity or to improve the forest biodiversity governance system. Reasons for this behaviour are numerous. In timber producing and buying countries, the logging industry and/or the timber trade is an important sector for the national economy. Also, the construction sector is dependent on timber as a raw material, and the global economy is dependent on paper.

Therefore, it is difficult for governments to drastically reform the forestry sector. Also, the industry and government often have good relations. Countries with large forest areas and biodiversity of worldwide importance want the world community to help pay for conserving this biodiversity. Developed countries are often not willing to pay more than they already do for conservation.

## 7. Conclusions

There are a large number of partnerships active in the field of forest biodiversity conservation; the ontology of global forest biodiversity governance has indeed changed from a single-centric structure, with states regulating forest biodiversity, to a more complex structure in which governance is both a public and private affair. An important feature of this structure is the overall lack of strategic links between the various partnerships and between the partnerships and public initiatives. Allocation of tasks between actors hardly takes place; only a few partnerships fulfil a metagovernance role in the governance system. Functional interdependencies are hampered because there are almost too many private initiatives. Also, they differ greatly in their goals and composition, hardly communicate with each other and compete against each other. Often partnerships develop ad hoc and ad random, to solve a specific problem or one threat to forest biodiversity. One of the main negative aspects known in market steering, sub-optimisation is taking place in forest biodiversity governance: both the public and private actors involved have strategies of their own, without taking the governance system as a whole into account. A coordinating and integrating mechanism is lacking.

However, in the instances when actors are able to create functional interdependencies and strategic alliances, this indeed has a relatively large impact on the governance system. For example, the moment that the former adversaries, members of the logging industry and civil society, started the FSC, can be seen as the start of the process “from government to governance” in the international forest biodiversity governance system. In another example, when the PEFC became a global organisation for the coordination of national forest certification schemes, this group of certification schemes gained momentum vis-à-vis the FSC. As a third example, the MTCC has gained momentum since it has become recognised as proof of legal timber by some European governments.

Based on our analysis, private regulation of public affairs is not the one and only solution to forest biodiversity conservation. Although there are some positive effects of the partnerships active today, which would not have been realised by formal government regimes, these effects are still limited. Contributions are the large area of certified forests, the creation of a market for sustainably produced timber and more transparency in the timber sector. The most valuable contribution of partnerships for forest biodiversity conservation has been filling

the gap when governments were not willing and/or able to regulate. The movement in the forest biodiversity policy issue, the emergence of sustainable logging, the putting on the agenda of the issues of conversion and illegal logging, is largely due to private initiatives. The partnerships on conversion also fill the gap of lack of law enforcement of land use planning policy. On the issue of illegal logging, government and private initiatives are evolving at the same time. It seems, however, that private partnerships are faster in implementing this new policy; government diplomacy is slower. The successes have their limits, however. Most of the certified forests are managed using less stringent schemes, the market for sustainable timber is still a niche market and the exact origin of the majority of the timber and paper traded in the international market is still unknown.

In conclusion, public and private regulation can enhance each other in the field of forest biodiversity governance. Governments’ “classical” competence in international negotiations, land use planning and law enforcement can be complemented by private initiatives that use informal influence and market power. However, there are several prerequisites to develop a more forceful governance system for forest biodiversity conservation.

- There seems to be a trend for partnerships to choose for less stringent and less inclusive approaches towards sustainability. The FSC and RSPO are the only exceptions (although it may be too early for definite conclusions about the RSPO). If this trend continues, the added value of partnerships in the forest biodiversity governance system will remain limited. It seems the most powerful actors in all three sectors of society (government, business and civil society) are able to create strategic alliances in which they find a common approach to sustainability. Often, the more difficult issues, like indigenous peoples’ rights or the use of GMOs, are not (thoroughly) addressed. The less powerful actors, that favour the more stringent and inclusive approaches, are either excluded from the partnership, or decide to leave the partnership themselves. This utilisation of the phenomenon partnership will not solve the more fundamental sustainability issues, and will only develop piecemeal improvements. In order for the forest governance system to become more effective, true commitment for sustainability is needed from the most powerful actors in all three sectors of society.
- Partnerships are dependent on effective government policy for their success. Especially “classical” government policy on illegal logging, corruption and the trade in illegal timber are prerequisites for large-scale sustainable forest use. Governments also need to ensure fair competition in the governance system. Until today governments have mostly had a negative effect on the success of private regulation, both through their “classical” government policy and in their metagovernance roles. Governments have to understand that

forest law enforcement is in the long term interest of their forestry and/or timber trade industry.

- The trend of the partnerships in forest governance to develop certification schemes has had a broader impact on the whole sustainable development discourse. Certification schemes are being developed for many commodities and other internationally traded products. However, this may not always be the most effective way to tackle a sustainable development problem. Also, since these partnerships work on marketing sustainably produced products, they have made their success largely dependent on the will and ability of buyers to pay extra for a sustainable product. This makes them very vulnerable. Until today, the market for sustainable timber is still a small niche market. Thus, even though these partnerships have had a successful complementary role to formal government legislation, the main question for the future is how to enlarge the current niche contribution of these certification schemes to the forest governance system.
- Another current trend of partnerships focusing on one threat to forest biodiversity is not the most effective or efficient way to contribute to forest governance. A more integral approach, taking into account the different threats for forest biodiversity and the interrelationships between them, should be more effective. In this approach, the different public and private actors can allocate tasks according to their different strengths and the instruments needed to conserve forest biodiversity, and develop a more strategic and reserved policy towards creating more new initiatives. The best level for this metagovernance could be the regional or ecosystem level. In this context, the Asia Forest Partnership, the Congo Basin Forest Partnership and the FLEG processes are interesting developments.

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