

Emerging Trans-Sectoral Regulatory Structures in Global Civil Society: The Case of ISEAL (the International Social and Environmental Accreditation and Labelling Alliance)*

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Introduction

The late 1990s brought enormous growth in non-governmental programs devoted to setting standards for the social and environmental performance of business firms. Most such programs focus on a particular industrial sector (e.g., chemicals, forestry) or type of issue (e.g., labor conditions). In addition to setting standards for business behavior, the programs often establish mechanisms for assessing and signifying compliance with the standards. While many such programs are outgrowths of industry organizations, some have been spawned by advocacy NGOs. On the whole, the business-based programs have enjoyed great organizational advantages, due to both their superior financial resources

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[†] Professor of Law and Adjunct Professor of Sociology, State University of New York at Buffalo, 14260.

Email: eemeid@buffalo.edu; Website: www.law.buffalo.edu/eemeid

and their preexisting transnational networks. Those advantages are considerably bolstered by the existence of the International Organization for Standardization (ISO), a global federation of national, business-based standard setting organizations.

Recently, however, several NGO-based programs established a global alliance -- the International Social and Environmental Accreditation and Labelling Alliance (ISEAL). ISEAL presently consists of (1) the Conservation and Agriculture Network, (2) Fairtrade Labelling Organizations International, (3) the Forest Stewardship Council, (4) the International Federation of Organic Agriculture Movements, (5) the International Organic Agriculture System, (6) the Marine Stewardship Council, and (7) Social Accountability International. The purposes of the alliance include:

- Improving their systems through information exchange and peer review
- Establishing consistent and mutually reinforcing systems
- Achieving international recognition
- Defending the interests of international accreditation organizations

That such diverse organizations, pursuing large agendas with very limited resources, should find it in their interest to establish an alliance is interesting at least, perhaps portentous. This paper seeks to analyze ISEAL as a step in the institutionalization of global civil society regulation and to outline its potential implications for social and environmental regulation generally. In particular, it explores the possibility that ISEAL and organizations like it may increase the comparative advantages of global civil society in formulating and enforcing new standards. It is a preliminary paper, and is intended more to surface issues than to provide answers.

ISEAL

The International Social and Environmental Accreditation and Labelling Alliance (ISEAL) was formed in 1999 by six (now seven) loosely related and even more loosely comparable organizations. They had grown up in the previous decades with the purpose of establishing standards and publicly recognizable labels for products from socially and environmentally responsible operations. Before going into more detail about ISEAL it is helpful to know something about the member organizations.

Members

Conservation Agriculture Network

The Conservation Agriculture Network (CAN), ISEAL's newest member, is a coalition of nonprofit conservation and environmental organizations based in different parts of the western Hemisphere, including Ecuador, Guatemala, Brazil, Honduras, Colombia, Mexico, and the U.S. The senior partner is the U.S. based Rainforest Alliance. CAN's

purpose is “to transform the social and environmental conditions of tropical agriculture.”¹ Its basic strategy is to conduct research into the environmental impacts of a particular type of commodity production in a given region, and then to draft standards for environmentally friendly production. It describes the process of standards development as a “participatory process with input from industry and government, as well as from social activists, scientists and environmentalists,”² but appears not to have developed uniform procedures or definitions of necessary participants. CAN also seeks to continually revise its standards with stakeholder input to adjust to changing information and practice.

CAN certifies tropical farms that meet criteria related to wildlife habitat conservation, appropriate cultivation practices, and farm worker and community well-being based on yearly audits by CAN-approved auditors.³ CAN has not published criteria and procedures for accrediting auditors. Products from certified farms carry CAN’s “ECO-O.K.” label, contained in Figure 1. CAN’s first major initiative focused on banana farming, leading to its of 25% percent of the banana production in Costa Rica and 41% in Panama. Recently CAN has focused on coffee (see the poster below), citrus, cocoa and flowers. Less than 20 percent of CAN’s revenues come from certified enterprises, and it offers help in finding funding to producers who cannot pay its fees.⁴

¹ Conservation Agriculture Network Website, <http://www.rainforest-alliance.org/programs/cap/index.html>, last visited 6/26/2001. Unless noted otherwise, most of the other information in this section is also based on the CAN Website.

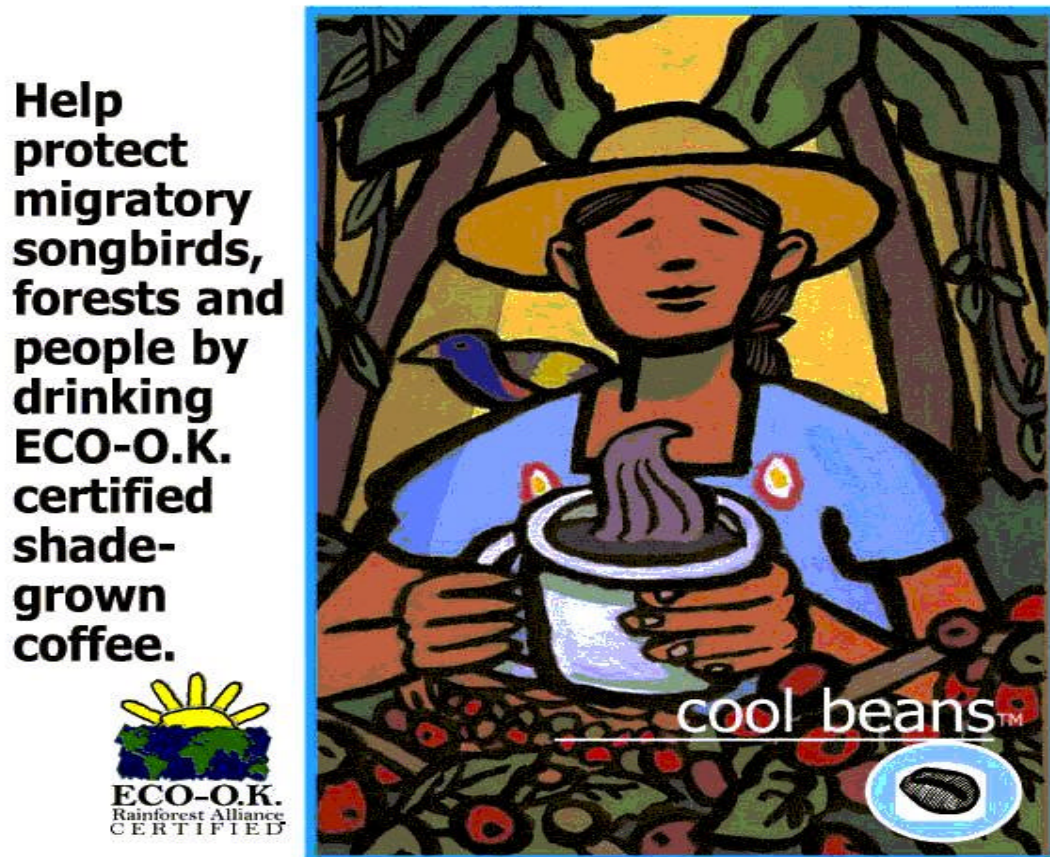
² CAN Website, <http://www.rainforest-alliance.org/programs/cap/program-description.html>, last visited 6/26/01.

³ Its guiding principles are reprinted below. They are to implemented by a somewhat more detailed set of generic standards (<http://www.rainforest-alliance.org/programs/cap/socios/generic.pdf>).

1. **Ecosystem Conservation:** Agriculturists should promote the conservation and recuperation of ecosystems on and near the farm.
2. **Wildlife Conservation:** Concrete and constant measures must be taken to protect biodiversity, especially threatened and endangered species and their habitats.
3. **Fair Treatment and Good Conditions for Workers:** Agriculture should improve the well-being and standard of living for farmers, workers and their families.
4. **Community Relations:** Farms must be "good neighbors" to nearby communities and a part of the economic and social development.
5. **Integrated Pest Management:** Farmers must employ Integrated Pest Management and strictly control the use of any agrochemicals to protect the health and safety of workers, communities and the environment.
6. **Complete, Integrated Management of Wastes:** Farmers must have a waste management plan to Reduce, Reuse and Recycle wherever possible and properly manage all wastes.
7. **Conservation of Water Resources:** All pollution and contamination must be controlled and waterways must be protected with vegetative barriers.
8. **Soil Conservation:** Erosion must be controlled and soil health and fertility should be maintained and enriched where possible.
9. **Environmental Planning and Monitoring:** Agricultural activities should be planned, monitored and evaluated, considering economic, social and environmental aspects.

⁴ CAN Website: <http://www.rainforest-alliance.org/programs/cap/get-certified.html#criteria>, visited 10/17/01.

CAN also provides various educational and consulting services to help implement the practices it promotes. Finally, it has a fairly extensive program for promoting products produced by certified enterprises, which are readily available at a variety of retailers and on the Internet.⁵ Figure 1 indicates some of the advertising that CAN undertakes, and the image of tropical society that it promotes.



Americans have a long-standing love affair with coffee. For most of us, it's the drink that jump starts our mornings. With demand for mochachinos, low-fat lattes and the like, coffee has become a hot commodity.

Coffee can be grown in harmony with tropical forests. It evolved in the forests of eastern Africa and flourishes in the shade of Central and South American forests, providing habitat for monkeys, toucans, neotropical migrants and much more.

Unfortunately, many growers -- in their quest for increased production -- are removing these coffee forests and replacing them with full-sun coffee farms, barren deserts for wildlife. These farms also require high inputs of dangerous pesticides and fertilizers.

To be sure that your coffee was grown under a diverse canopy of shade trees and has met strict standards on worker well-being and environmental protection, look for the **ECO-O.K.**® seal of approval. It's your guarantee of Cool Beans™.

Figure 1. Conservation Agriculture Network Poster and Logo

⁵ See, e.g., <http://www.rainforest-alliance.org/marketplace/eco-ok/index.html>, last visited 6/26/01.

Fairtrade Labelling Organizations (FLO)

Fair Trade Labelling Organizations (FLO) is itself a network of pre-existing “alternative trade organizations,” some of which date back to the 1960s. Examples include Transfair Germany, Max Havelaar France, and the Fair Trade Foundation of Britain.⁶ The members originally organized in terms of 17 of national jurisdictions, mostly in Europe but also including Japan, Canada, and the US,⁷ then joined in this transnational network in 1997. FLO’s primary purpose is to improve the conditions of workers in third-world countries. For direct producers it seeks to guarantee a price that covers the full costs of production, together with partial advance payments and contracts that create sufficient security to allow for planning. For laborers it seeks to provide living wages and decent working conditions, together with the right to organize and to participate in decision making.⁸

FLO seeks to regulate the structure of the entire product chain, setting standards for producers, traders, and retailers, and attempting to assure “fair” margins. It currently has standards for seven products: coffee, tea, sugar, honey, bananas, cocoa, and orange juice. While the standards vary, they are relatively general and seem to give great discretion to certifiers. Like CAN, FLO has not published standards or procedures for accrediting certifiers. Nor has it defined criteria or procedures for standard setting. More recent standards, such as those on Bananas and Orange Juice seem to be growing more detailed, incorporating ILO conventions, environmental standards, and the like. FLO also performs auditing and certification of members of the product chains, although public details are very sketchy. FLO’s literature and website indicate that the organization is currently

⁶ FLO Website: <http://www.fairtrade.net/members.html>, visited 11/17/2001.

⁷ The National Initiatives are all non-profit organizations that own or partly own a fair-trade label. They advertise fair trade products, run education campaigns, negotiate with importers and retailers, as well as lobby their governments for support. FLO website, “How Does FLO Work,” http://www.fairtrade.net/docs/how_does_flo_work.html, last visited 6/28/2001.

⁸ FLO summarizes its standards as follows:

Fair trading relations, including:

- a price that covers the cost of production
- social premium for development purposes
- partial payment in advance to avoid small producer organisations falling into debt
- contracts that allow long term production planning
- long term trade relations that allow proper planning and sustainable production practises

Fair Production Conditions, including

- for small farmers’ cooperatives a democratic, participative structure
- for plantations/factories, the workers should have:
 - decent wages (at least the legal minimum)
 - good housing, where appropriate
 - minimum health and safety standards
 - the right to join trade unions
 - no child or forced labour
 - minimum environmental requirements

Fairtrade Labelling Organizations Website, <http://www.fairtrade.net/criteria.html>, last visited June 26, 2001.

undertaking a broad restructuring aimed increasing its transparency, credibility, and efficiency.⁹



Figure 2. Fairtrade Labelling Organizations Logo

Like CAN, FLO seeks not only to set standards and certify producers, but also to improve their access to markets. This involves efforts to inform and mobilize consumers. One can see from the product overlaps alone that FLO inevitably will have some shared interests with CAN. Moreover, they face a joint problem in coordinating their programs in a way that does not create unnecessary confusion or other problems. Indeed, one of the earliest discussions in ISEAL concerned the harmonization of standards for coffee and bananas.¹⁰

Forest Stewardship Council

The Forest Stewardship Council (FSC) is probably the most organizationally and legally elaborate of the ISEAL programs. It was founded in 1993 after several years of discussion “to promote environmentally responsible, socially beneficial and economically viable management of the world’s forests, by establishing a worldwide standard of recognized and respected Principles of Forest Management.”¹¹ The highly ambitious

⁹ FLO Website http://www.fairtrade.net/docs/how_does_flo_work.html, visited 10/17/01.

¹⁰ Summary of ISEAL Meeting - April 2000, London, England, <http://www.isealalliance.net/London.htm> visited June 28, 2001.

¹¹ The principles are as follows:

1. Forest management shall respect all applicable laws of the country in which they occur, and international treaties and agreements to which the country is a signatory, and comply with all FSC Principles and Criteria.
2. Long-term tenure and use rights to the land and forest resources shall be clearly defined, documented and legally established.
3. The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.
4. Forest management operations shall maintain or enhance the long-term social and economic well-being of forest workers and local communities.
5. Forest management operations shall encourage the efficient use of the forest's multiple products and services to ensure economic viability and a wide range of environmental and social benefits.
6. Forest management shall conserve biological diversity and its associated values, water resources, soils, and unique and fragile ecosystems and landscapes, and, by so doing, maintain the ecological functions and the integrity of the forest.

mission seeks not only to combine environmental, social and economic criteria in the same standard, but also to do so world-wide, for very different tropical, temperate, and boreal forests and the people who live in and near them.¹² Products from certified forests are entitled to carry the FSC logo, a somewhat deciduous conifer growing out of a check mark (Figure 3).



Figure 3. Forest Stewardship Council Logo

The FSC is governed by an international “general assembly” organized in three chambers -- environmental, economic, and social -- each with equal voting power. The chambers are further sub-divided into northern and southern sections, again with equal voting power. The FSC also has a system of national and regional working groups, which establish relatively detailed standards and indicators for their geographic regions, subject to approval by the international organization. Among the major challenges of the FSC

7. A management plan -- appropriate to the scale and intensity of the operations -- shall be written, implemented, and kept up to date. The long term objectives of management, and the means of achieving them, shall be clearly stated.
8. Monitoring shall be conducted -- appropriate to the scale and intensity of forest management -- to assess the condition of the forest, yields of forest products, chain of custody, management activities and their social and environmental impacts.
9. Management activities in high conservation value forests shall maintain or enhance the attributes which define such forests. Decisions regarding high conservation value forests shall always be considered in the context of a precautionary approach.
10. Plantations shall be planned and managed in accordance with Principles and Criteria 1 - 9, and Principle 10 and its Criteria. While plantations can provide an array of social and economic benefits, and can contribute to satisfying the world's needs for forest products, they should complement the management of, reduce pressures on, and promote the restoration and conservation of natural forests.

Forest Stewardship Council Principles and Criteria for Forest Management.

<http://www.fscoax.org/principal.htm>

¹² When the FSC was founded its mission included certifying “sustainably managed forests.” The FSC has since retreated from the proposition that it can certify sustainable management on grounds that it might suffer a loss of credibility if some certified forests in fact turned out over time not to be sustainable. It has therefore adopted the term “well-managed forest,” with the intent of applying it so as to achieve sustainable management.

program are defining workable tradeoffs among economic, environmental, and social criteria and harmonizing criteria across vastly different natural and social landscapes.

The advertisement features a black and white photograph of Pierce Brosnan on the left side, looking directly at the camera with a serious expression. He is wearing a dark, button-down shirt. The background is dark. On the right side, the text is arranged in three paragraphs. At the bottom right, there is the FSC logo, which consists of a stylized tree icon above the letters 'FSC' and the text 'Forest Stewardship Council' and 'Global Leaders in Responsible Forestry'. Below the main text, there is a small vertical text 'FSC-COC-11-100'.

words are
not enough

Everyone knows that actions speak louder than words. And conserving the world's forests requires action. Yours. Mine. Everyone's. Now there's something new that we can do. We can look for the Forest Stewardship Council label when we buy garden furniture, paper, flooring, timber and other products made from wood.

The FSC label guarantees that the forests where the wood came from are being managed responsibly, so they'll be around for future generations to enjoy. That's why WWF, Friends of the Earth, Greenpeace and The Woodland Trust are all proud and active supporters of the nonprofit Forest Stewardship Council.

You don't have to be a movie star to be an action hero. Help conserve the world's forests. Look for and purchase products carrying the FSC label. For more information visit www.fsc-uk.demon.co.uk or call 01686 413 916

Pierce Brosnan photo donated by Greg Gorman.

FSC
Forest Stewardship Council
Global Leaders in Responsible Forestry

FSC-COC-11-100

Figure 4. Forest Stewardship Council Advertisement

The FSC's other major function is to accredit certifiers, who in turn are responsible for certifying the compliance of forested lands and the "chains of custody" tracing products from them. Certification organizations, which currently number less than a dozen and include large and small consulting firms. They are the organizational lynchpin of the FSC

system, and play an important role in its claims to credibility. Although the FSC has developed procedures and guidelines for accreditation, its practices seem to have varied substantially in the past. The FSC has about 450 members, about two-thirds of them organizations. About 22 million hectares of forested land have been certified under the FSC system.

Finally, like FLO and CAN, the FSC devotes considerable effort to developing and promoting markets for its certified products. In addition to holding trade fairs the FSC has taken out advertisements in prominent periodicals such as the one with Pierce Brosnan depicted in Figure 4, and has plans to introduce a new campaign involving pop star Jennifer Lopez.

International Federation of Organic Agriculture Movements

Founded in 1972, the International Federation of Organic Agriculture Movements (IFOAM) is the oldest and possibly the most diverse of the ISEAL organizations. Many of its founding groups were European farmer organizations that had developed their own standards for certifying organic products. By 1980 IFOAM had published a set of “Basic Standards” in an attempt to standardize criteria within existing certification programs. The standards have been revised a number of times, and are currently undergoing a major revision.¹³ They have frequently been used as the basis for government-enforced organic food standards.¹⁴

¹³ See IFOAM, Basic Standards for Organic Production and Processing, 2002, http://www.ifoam.org/standard/ibs_draft2_2002_b.html

¹⁴ The current guiding principles of the standards are as follows:

- To produce food of high quality in sufficient quantity.
- To interact in a constructive and life-enhancing way with natural systems and cycles.
- To consider the wider social and ecological impact of the organic production and processing system.
- To encourage and enhance biological cycles within the farming system, involving micro-organisms, soil flora and fauna, plants and animals.
- To develop a valuable and sustainable aquatic ecosystem.
- To maintain and increase long term fertility of soils.
- To maintain the genetic diversity of the production system and its surroundings, including the protection of plant and wildlife habitats.
- To promote the healthy use and proper care of water, water resources and all life therein.
- To use, as far as possible, renewable resources in locally organised production systems.
- To create a harmonious balance between crop production and animal husbandry.
- To give all livestock conditions of life with due consideration for the basic aspects of their innate behaviour.
- To minimise all forms of pollution.
- To process organic products using renewable resources.
- To produce fully biodegradable organic products.
- To produce textiles which are long-lasting and of good quality.
- To allow everyone involved in organic production and processing a quality of life which meets their basic needs and allows an adequate return and satisfaction from their work, including a safe working environment.
- To progress toward an entire production, processing and distribution chain which is both socially just and ecologically responsible.

Like the FSC, IFOAM has devoted increased attention in the past decade to the accreditation of independent certifiers, who assess the compliance of organizations claiming adherence to IFOAM standards. It recently created a separate organization, the International Organic Accreditation Service (IOAS) discussed below, to perform this function. IFOAM is listed as an international standard setting body by International Organization for Standardization (ISO), thus enjoying significant credibility with the traditional, industry-based, government-endorsed standards community. Although membership in IFOAM is open, voting rights are restricted to organizations that qualify as ‘predominantly organic.’ The IFOAM logo is reproduced in Figure 5.



Figure 5. International Federation of Organic Agriculture Movements Logo

International Organic Accreditation Service

The International Organic Accreditation Service (IOAS) is essentially a spin-off of IFOAM. Its job is to accredit organic certification bodies as meeting the IFOAM Criteria for Certification and the IFOAM Basic Standards. IOAS’s Board of Directors is appointed by IFOAM, but it is expected to operate independently from other IFOAM programs. To date IOAS has accredited about fourteen certification bodies, with seven more in the pipeline.¹⁵

IOAS’s operation does not seem to be quite as public as IFOAM’s. It does not have its own website, for example, but rather occupies a small part of IFOAM’s. Essentially, IOAS administers a licensing program comparable to that of any other bureaucracy, with an initial paper application, a site visit following a satisfactory paper application, and eventual approval by the Board of Directors. Certifiers can be approved in any of five categories: crop production, livestock husbandry, processing, wild products; and transference (reciprocity).

The implementing standards reject genetically modified foods and treat many different kinds of farming issues in considerable detail. IFOAM website: <http://www.ifoam.org/standard/basics.html#6>, last visited 6/15/2001.

¹⁵ ISEAL Website, IOAS page, <http://www.isealalliance.net/IFOAM.htm>, visited 6/28/01. See also IFOAM website, http://www.ifoam.org/accredit/0110acb_list.pdf, visited 10/17/01.

Marine Stewardship Council

Modeled on the FSC, the Marine Stewardship Council (MSC) is an independent, nonprofit organization seeking to promote sustainable fisheries and fishing practices worldwide. It was founded in 1997 as a joint initiative between the World-Wide Fund for Nature (WWF) and Unilever (owner of the Birdseye brand among others, and one of the world's largest buyers of fish). Like the FSC, the MSC has a broad set of principles and criteria,¹⁶ although these are largely biological and operational, and do not extend to social issues. The MSC has also relied on stakeholder processes, but they are not as formalized as the FSC ones.

The principles and criteria are implemented through a certification scheme administered by independent, accredited certification bodies, of which there are presently eight.¹⁷ The MSC has certified five fisheries: Western Australian rock lobster, Thames Blackwater herring, Alaskan salmon, New Zealand hoki and Burry Inlet cockles. Between 20 and 30 more fisheries are at some stage of the certification process.¹⁸ The MSC also provides for chain of custody certification. Its fisheries certification processes, however, seem somewhat less transparent, and perhaps less uniform, than those of the FSC, although this question requires further research. Like the FSC, the MSC has attempted to use prominent supporters such as the Prince of Wales to promote its program.



Figure 6. Marine Stewardship Council Logo

¹⁶ These include:

- Non-depletion of fisheries
- Recovery of depleted fisheries
- Maintenance of ecosystem structure, productivity, function, and diversity
- Establishment of an effective management system to comply with applicable laws and achieve fisheries goals

MSC Website, <http://www.msc.org/templates/downloads/p%2Bc%27s.doc>, visited 6/28/01.

¹⁷ MSC Website, <http://www.msc.org/templates/MSCcertifiers.asp>, visited 6/28/01.

¹⁸ MSC Website, http://www.msc.org/templates/news_release_view.asp?id=21, visited 6/28/01. It is also worth noting that a new organization concerned with non-food species, the Marine Aquarium Council, is developing, evidently along the same lines as the MSC and the other organizations discussed above. See generally, <http://www.aquariumcouncil.org>, visited 6/26/01.

Social Accountability International

Like IOAS, Social Accountability International (SAI),¹⁹ is a late-90s spin-off from a larger organization, in this case the 30-year-old Council on Economic Priorities (CEP), one of the oldest “corporate watch-dog” research groups in the U.S. CEP, however, is not a member of ISEAL. SAI was created to develop uniform standards for evaluating corporate codes of conduct and their implementation. This step was deemed necessary because CEP research found many corporate codes of conduct unclear, inconsistent, insensitive to local laws and customs, and consequently very difficult to monitor.

SAI’s first function was to develop a standard, Social Accountability 8000 (SA8000), for workplace conditions and a system for independently verifying compliance. Corporations meeting the standard are entitled to display the SA8000 logo reproduced in Figure 7. Like some of the other ISEAL organizations, SAI drew freely on conventional business strategies for quality assurance, such as those used by the International Standards Organization for ISO 9000, and in fact sought to piggy-back on ISO 9000 “total quality management” processes, which are used by over 300,000 companies globally.

SAI’s primary purpose, however, was to add performance standards for labor protection to the mix. It convened a carefully selected advisory group consisting of employers, unions and interested NGOs²⁰ with expertise in human rights, child labor, and labor rights, and socially responsible investment firms, as well as, auditing techniques and the management of large supply chains. It then proceeded to develop a standard roughly parallel to ISO 9000. For the most part SA8000 focuses on incorporating recognized labor and human rights norms.²¹ Following ISO tradition, SAI claims to pursue

¹⁹ SAI was originally founded in founded in 1997, as the Council on Economic Priorities Accreditation Agency (CEPAA). See generally, <http://www.cepaa.org/introduction.htm>, visited 6/27/01.

²⁰ The current Advisory Board is listed on the SAI website at http://www.cepaa.org/advisory_board.htm, visited 6/27/01.

²¹ The standard is based primarily on principles from International Labour Organisation Conventions, the United Nations Convention on the Rights of the Child, and the Universal Declaration of Human Rights. It has nine core areas:

1. child labor
2. forced labor
3. health and safety
4. compensation
5. working hours
6. discrimination
7. discipline
8. free association and collective bargaining
9. management systems

See the standard itself at <http://www.cepaa.org/sa8000.htm>, visited 6/27/01. SAI sees one of primary contributions to be “clear, auditable language.” Quoted from SAI Website, <http://www.cepaa.org/introduction.htm>, visited 6/27/01. It goes beyond some standards in that:

- auditors are required to consult with and learn from interested parties, such as NGOs, trade unions and workers,
- it provides a complaints and appeals mechanism allowing individual workers, organizations, and other interested parties to raise claims of noncompliance at certified facilities. *Id.*

“continuous improvement” and to consult regularly with stakeholder groups adapted to the particular problems at issue.

SAI’s primary function at present seems to be accreditation and supervision of the organizations that verify compliance with the SA8000 standard (what many of the other systems would call certifiers or certification organizations). The accreditation criteria are very general and fill less than two written pages,²² suggesting that much of SAI’s accreditation process is highly discretionary and not very transparent.



Figure 7. Social Accountability International SAI 8000 Logo

Like the other ISEAL accrediting agencies, but perhaps even more so, SAI relies heavily on the importance of reputation to major corporations. “Many major corporations know that their reputation for social accountability is a competitive asset, and they are beginning to see it as an issue of risk management.”²³ CEP apparently performs the primary role in publicizing findings regarding corporate behavior and compliance.

Goals and Strategies

A unifying goal of the ISEAL members is to add a moral dimension to the routine definitions of product quality. Moreover, in banding together they are attempting to link and “bundle” social and environmental goals. This is a tendency that many of them had already displayed individually. My preliminary finding is that bundling reflects two premises. First, several interviewees have said that social and environmental concerns

²² See http://www.cepaa.org/Accreditation_Criteria.htm, visited 6/24/01.

²³ Quoted from SAI Website, <http://www.cepaa.org/introduction.htm>, visited 6/27/01.

simply “go together” as a matter of principle. Second, they seem to assume that the two types of concerns will be mutually reinforcing -- i.e., that environmental interests can add social interests to their support, and vice versa.

- Together, can be seen as seeking to institutionalize the Rio “sustainable society” agenda: environment-economy-society
- Combine substantive standards and organizational methods
- Partly driven by efficiency concerns
 - Cost sharing
 - program development
 - professional services (e.g., lawyers’ services)
 - Standardized procedures and methods
 - Standards development
 - accreditation
 - Joint training
 - Possibility of joint certifications or mutual recognition
- Efficacy
 - Direct implementation
 - Influence government policy
 - Avoid self-destruction
 - Interdependence
 - Risk of confusion -- weak “hostages of each other” situation
 - Joint legitimacy function
 - Possibility of alliances on positions and publicity

- Methods:
 - 1) Rulemaking
 - a) Stakeholder oriented policy-making and legitimation
 - 2) Adjudication
 - a) Third-party auditing
 - b) Expert agency-type procedures
 - c) “neutral forum”
 - 3) Accreditation
 - a) “peer review”
 - b) procedural focus
 - 4) Institutionalization in organizations
 - a) Management systems
 - b) Reporting structures
 - i) roles are less developed and differentiated in some than in others.
 - 5) Heavy use of public relations and marketing methods
 - 6) Codification
 - a) Formal principles
 - b) Increasingly law-like codes and regulations
 - 7) Inter-program collaboration

- a) Cost-sharing
- b) Clearly a considerable amount of inter-program learning,
- 8) Simultaneous reliance on and veiling of professional discretion
 - a) Accreditation and certification processes are highly discretionary
 - b) Currently depend on the political legitimacy of the accrediting organizations
 - c) Secondarily on professionalism of certifiers
- 9) Shaming
- 10) Standards and accreditation mechanisms for standard setters and accreditors
 - ISEAL is now working on creating a “framework for how accreditation systems should be set up” and setting standards for membership
- 11)

Non-Members and Competitors

- 1) Government Agencies
 - Sound like a bunch of government bureaucracies
 - Original documents are not terribly different from the “memoranda of understanding” which regulatory bureaucracies negotiate to define coordinated working arrangements and divisions of labor
 - Government agencies and policies are an important focus of many of the organizations, but do not seem to have many ties to ISEAL members
- 2) Government-Backed Organizations
 - a) ISO
 - b) EOTC
 - c) WTO
 - Create an alternative to the ISO guide series and the WTO (TBT) code of good practice
 - d) International Accreditation Federation (coalition of nationally based accreditation groups)
- 3) NGO Based Groups
 - a) Global Ecolabelling Network
 - NGO Based
 - Solely environmental
 - Not really doing standardization and accreditation
 - ISEAL apparently following ISO lead
- 4) Core Self-Definition
 - a) Transnational
 - b) Civil society
 - c) Social-Environmental
 - i) “ecological responsibility and right livelihoods for workers”
 - May in fact be efficient and helpful for states
 - Gorilla in the closet function
 - Stakeholder processes clarify political and practical issues

- May be bolstered by the sense that there is a larger “global civil society” movement
 - Administrative agencies for GCS?

Global Civil Society

ISEAL describes its members as “civil society” organizations.²⁴ In the past two decades the term has been taken up by both activists and academics to describe an arena of policy formation and debate which is outside the government, but which is not really private either. This section briefly characterizes global civil society and its methods.

History and Structure

Like “sovereignty,” the term “civil society” is an outgrowth of western thought whose meaning has varied in different times and places. In modern academic discussions the term is generally taken to refer to a sphere of social life that is public, and therefore outside the realm of intimate associations such as the family, but also distinct from the nation state and relations among states.²⁵ In addition, with the exception of neo-liberals, most commentators treat civil society as distinct from typical market relationships, which focus on prices and quantities in the exchange of goods and services (e.g., Cohen and Arrato 1992). Diamond offers a relatively conventional definition:

[Civil Society] is distinct from “society” in general in that it involves citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. Civil society is an intermediary entity, standing between the private sphere and the state. Thus, it excludes individual and family life, inward-looking group activity (e.g. recreation, entertainment, or spirituality), the for-profit-making enterprise of individual business firms, and political efforts to take control of the state (1996: 228).

Most theorists stress the voluntary, uncoerced nature of civil society relationships (e.g., Walzer 1995). Despite their voluntary character, civil society organizations have long been viewed as playing a large role in steering the course of society. Gramsci, for example, depicted civil society organizations as achieving a high level of social influence by exercising cultural leadership (“hegemony”) despite their general lack of state power (Gramsci 1971).

²⁴ ISEAL Alliance Public Statement, “Safeguarding Environmental and Social Issues in Trade,” December 20, 1999. ISEAL website, <http://www.isealalliance.net/pub.htm>, last visited 6/26/2001.

²⁵ By assuming that it makes sense to conceive society as consisting of different spheres, the term might be difficult to apply to “simple” or “traditional” societies.

There are many types of civil society organizations. Walzer's examples (drawn from recent Eastern European experience) include "unions, churches, political parties and movements, cooperatives, neighborhoods, schools of thought, societies for promoting or preventing this and that" (1995:8). Mertus adds "non-governmental advocacy organizations, humanitarian service organizations, . . . information and news media, educational associations, and certain forms of economic organization," leaving the specific nature of the last to be filled in (1999:133).

Like all of the ISEAL members, civil society organizations generally are involved "promoting or preventing this or that" (Walzer *id*). They can be characterized by a commitment to particular substantive values, or visions of good society, and their purpose is to promote those visions. Thus they regularly engage in moral evaluation, often using the "mobilization of shame" to achieve their goals (Mertus, 1999:1367).²⁶

The normative image of civil society as a bulwark for human dignity and self-determination as against both the state and the market was critical to the rebirth and elaboration of the civil society movement in Eastern Europe during the late 1970s and 1980s. Activist intellectuals developed the idea of civil society into a vision in which groups could self-organize in semi-autonomous spaces outside the purview of the state. Their goal was not to "seize power" from the state, but rather to humanize the relationship between state and society (Michnik 1985).

The importance and ultimate success of the Eastern European civil society movement helped bring the concept back to the fore in academic discussions around the world. Among other things, it led many theorists to shift from a focus on "government(s)" to "governance" (e.g., Rosenau and Czempiel 1992), although other academic currents too numerous to note also contributed to this tendency. In fact, although not everyone recognized it at the time, the civil society movement was essentially a world-wide one. The goals, methods, networks, and social roles of the European civil society movement were increasingly the same as those of the indigenous peoples' movements and other social movement networks around the world (Taylor 1999). Academics and activists alike began to talk about "international" and "transnational" and, increasingly, "global" civil society. Thus, although civil society was conceived, born, and raised inside territorially bounded states, it has leapt the bounds of the states, and arguably the conceptual framework as well.

What, exactly, is distinctive about "global" civil society? Falk and Strauss claim that it is quite simply globalization:

²⁶ However, since civil society organizations promote moral evaluation they are also subject to it. Many are currently under pressure to be more transparent, democratic, and accountable (Taylor 1999) and to eliminate exclusionary membership practices (Williams 1997). Although these pressures may follow logically from the premise that civil society organizations are voluntary in nature, they are equally present for governments and to a lesser extent for firms.

Globalization has generated an emergent global civil society composed of transnational business, labor, media, religious, and issue-oriented citizen advocacy networks . . . In one of the most significant, if not yet fully appreciated, developments of the post-Cold War era, global civil society -- operating in collaboration with certain like-minded states -- has become a formidable political presence in international life, pushing forward several key progressive initiatives in the international arena. (2000:194)²⁷

The key factors driving globalization are also critical to the functioning and role of global civil society organization. The most important are probably the following:

1. Global Information Technologies.

The emergence of global information technologies has been a critical factor in the creation of transnational coalitions and organizations. Included are technologies for gathering information (from traditional cameras to television cameras to satellite imaging to various kinds of emerging “real-time” sensors) and for communicating it (international newspapers and telecommunications systems, global television, the internet, and so on). Equally important is the growing capacity of transnational advocacy groups to gather information, sometimes amounting to serious research, and communicate it on their own. Particularly important is their capacity to connect internationally marketed products to the local conditions under which they are produced (Evans 2000:234).

2. Transnational Economic Structures.

The cliché that we live in a global economy is a profoundly important one. The worldwide flow of raw materials and products, the integration of financial markets, the growth in multi-national firms and business alliances, and the creation of integrated production chains running around the world all facilitate the emergence of global civil society. The factors can be boiled down to an increase in two conditions: interdependence and externalities. People living on one side of the globe are increasingly dependent on decisions made on the other side. And decisions made on one side can have significant “external” effects on the other. Such external effects can vary from the apparent reduction in employment in one region caused by increased employment in another, and perhaps increased profits in still another, to sea-level rises in low lying areas caused by fossil fuel burning and deforestation in other areas. In every case, the actions taken in one governmental jurisdiction give rise to assertions of interest and grievance by people living outside that jurisdiction. Often, they choose to pursue correctives outside the intergovernmental negotiation network through transnational civil society networks.

3. Reduced Roles of Governments.

Although the causes and degree are subject to debate, it is quite apparent that governments have scaled back their roles as guarantors of public welfare. To some extent

²⁷ The initiatives they refer to include the global climate change framework convention, the convention outlawing anti-personnel land mines, and the agreement to establish an international criminal court. The authors go on to argue that the time is ripe for a “global peoples’ assembly.” (Falk and Strauss 2000:196-204)

this may be a function of the growth of the transnational economic system described above, which leap-frogs governmental jurisdictions and can punish uncooperative governments. Recurrent internal fiscal crises have also been important, as have “neo-liberal” political arguments about the appropriate role of government. In any case, the reduced ambitions of governments have made room for expanded ambitions of civil society organizations. Indeed, some governments have invited them to take over a larger role in public governance (Taylor 1999:285-6).

Methods

Kaldor argues that global civil society is characterized as much or more by its methods of operation than by substantive characteristics. In particular she cites (1) self-organization, (2) non-violent protest, (3) dialogue, and (4) compromise (1999:476-6). Although the ISEAL member organizations all share these characteristics to a considerable extent, they seem to be moving toward routinized structures and processes focusing on the elements described above: (1) stake-holder-oriented policy development, (2) institutionalizing organizational practices, (3) public relations and marketing strategies, (4) codification, (5) inter-program collaboration, and (6) simultaneous reliance upon and veiling of professional discretion. If it is accurate to see ISEAL as one step in the strengthening of global civil society institutions, these methods are likely to be important characteristics of global civil society institutions in general.

Implications of ISEAL

Naïve Reading

- Establishment and consolidation of a global civil society system
- Regular interchange with government bureaucracies
- More efficient way of developing standards and road-testing them
- Bolster young democracies and weak states, such as in eastern Europe
- Allow third world countries to more readily draw upon developed country expertise
- Create a common pattern which is more recognizable and familiar to conventional eyes -- a kind of branding?

Cynical Reading

- Private standard setting and general exertion will deflect attention from responsibility of states and state-supported institutions to deal with social issues
- Differential access
- Profits to the powerful -- hard to transmit down the chain
- Inevitable failure will justify the omission
- States will become responsible for efficiency -- feeble voluntary institutions for social welfare.

Conclusions

- The strategy may or may not be successful, but the organizations don't really seem to have much choice in the matter.
- In any case, it is likely to lead to
 - a new level of routinization of global civil society
 - growing communication and homogeneity among governmental and non-governmental regulatory organizations
 - diffusion of responsibility
 - proliferation of entry points for policy

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