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From governance to government: The strengthened role of state bureaucracies in forest and agricultural certification

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Abstract

Private institutions for third-party (eco-)labelling of food and wood products has been a lively field of empirical research, peaking in the conception of certification as a “non-state market-driven governance system,” which is gaining rule-making authority domestically and internationally as a private governance institution and a transnational regime. Recent findings, however, suggest that state actors also play a decisive role in private certification governance. Questions relating to *who* within the state, however, so far remain unaddressed. Very recent empirical trends in the fields of timber and palm oil certification in Indonesia suggest that it is *distinct* public bureaucracies who start reclaiming certification authority through state-led mandatory schemes, challenging the private and *transnational* certification institutions in support of government-driven *international* certification regimes. Against this background, the objective of this paper is to substantiate the trend from transnational private to international state-driven governance by analyzing the role of distinct state bureaucracies in the emergence, diffusion, and reshaping of private natural resource governance systems. To achieve these objectives, we develop our propositions by combining insights from political certification studies, regime theory, as well as bureaucratic politics theory. Methodologically, we employ a qualitative case study design on recent developments in forest, timber, and palm oil certification systems in Argentina and Indonesia. Our results substantiate the observation that distinct state actors play a key role in private governance systems and, in the case of Indonesia, even re-claim labelling authority from private institutions by attempting to outcompete them through employing their exclusive regulatory power. The results further indicate a strong, self-interested support from domestic state bureaucracies to state-driven international rather than to transnational certification regimes, supporting the *temporary governance hypothesis*. We discuss and conclude on our results in light of literatures on private governance, policy sectors as well as international relations theory on the emergence of international and transnational regimes.

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1. Introduction

The relationship as well as the dynamics among public and private actors and their rule-making authority are major issues in political science research (Knill & Lehmkuhl, 2004; Tosun et al., 2016) and in political research on natural resources in particular (Sikor, 2008). Employing the notion of *governance*, a wide body of recent literature suggests a turn from state-driven interventions towards less hierarchical forms of rule-making, such as regulated self-governance, cooperative network governance, and private self-governance (see Rosenau & Czempiel, 1992; for an overview, see Howlett & Ramesh, 2014; Knill & Tosun, 2012; Tosun et al., 2016). This literature on private governance, however, tends to overstate the magnitude of influence private actors and institutions actually have, while downplaying the role of the state and its constitutive bureaucracies in the competition between public and private actors as well as among public agencies for rule-making authority (in general Peters, 2014, on the case of corporate social responsibility see Favotto et al., 2016; Kinderman, 2016). Following the conflict-based conception of politics as *bellum omnium contra omnes* (the war each against all, Hobbes, 1994) as well as the notion of a constant “struggle for power” among *all* actors in an issue area for more effectively achieving their distinct goals (Morgenthau, 2014), a constant struggle for rule-making authority between state and private actors, as well as among specific state bureaucracies may be assumed, also in natural resources certification politics. At different points in time this continuous struggle results in diverse patterns of power distribution and rule-making authority among the public and private actors concerned, resulting in regulation and competitive counter-regulation by various actors and their coalitions. Yet, in the field of international relations authors argue that common goods and services increasingly are provided through private forms of transnational governance (Dingwerth & Pattberg, 2009; Pattberg, 2007, 2012). What this private governance literature so far leaves open is whether the reported trend from government towards governance by private actors and their institutions is left unanswered by distinct state bureaucracies; Or if not from now on a new wave of state-driven certification initiatives marks a new chapter in the constant struggle for power and influence among public and private actors and their corresponding institutions in certification politics.

Within private governance research, third-party eco-labelling of e.g. food and wood products has been a vivid field of political science research. This programme peaked in the conception of certification as a “non-state market-driven governance system,” which gains rule-making authority as a private institution (Cashore, 2002, similar Auld, Balboa, Bernstein, & Cashore, 2009; Bernstein & Cashore, 2007; Cashore, Auld, Lawson, & Newsom, 2007; McDermott, 2012; Pattberg, 2007).¹ In this context authority refers to the ability of actors to establish institutions and to engage other actors in accepting and following rules relating to these very institutions, such as e.g. standards and procedures under a given certification scheme. The authority of rule-setting actors increases with increasing number and/or significance² of actors following the rules. Consequently, any public or private rule-setting actor has authority, as soon as one other actor is adapting his behaviour due to those rules.³

Recent findings, however, suggest that state actors also play a decisive role in the emergence, diffusion, and, lately, also the reshaping of seemingly private, non-state certification systems (Bartley, 2014; Bell & Hindmoor, 2012; Burns, Yapura, & Giessen, 2016; Cashore, Auld, & Newsom, 2004; Gulbrandsen, 2014; Hysing, 2009; Maryudi, 2015; McDermott, Irland, & Pacheco, 2015; Sahide, Burns, Wibowo, Nurrochmat, & Giessen, 2015; Sahide, Nurrochmat, & Giessen, 2015; Sargent, 2014; Tysiachniouk & McDermott, 2016). This holds true especially after the recent rise of state-driven schemes for certifying timber legality as well as palm oil production in Indonesia, suggesting that public bureaucracies start reclaiming certification authority through state-led mandatory schemes. In this context reclaiming, as well as any prior claiming, is not to be understood as a formal, deliberative, one-time act of a particular actor, granting or un-granting authority to or from another actor. Our notion of reclaiming rather refers to the abovementioned constant struggle for power among actors as a pulling and hauling, which Evans (1997: 83–85)

¹ The concept of rule-making *authority* used in this article and by other authors mentioned above includes all types of rules, whether formal or informal and does not refer to democratically legitimized public interventions or regulatory policy instruments only. The notion of authority used here, hence, does not resort to public institutions only.

² Significance refers to the relative importance such rule-following actors bear relating to the very issue regulated by the rules, e.g. their certified forest area or the quantities of certified agricultural commodities.

³ This definition of authority does not include cases where rule-conform behaviour occurs due to other factors explaining the following of rules, such as e.g. self-interests.

describes as a “pendulum” swinging between the state on the one and non-state actors on the other end of the continuum.⁴ In reclaiming authority from private institutions specific state actors, in a wave of next generation certification politics, now seem to start challenge private and *transnational* certification institutions in support of government-driven *international* certification regimes (Cashore & Stone, 2012; Derkyi, Ros-Tonen, Kyereh, & Dietz, 2013; Hospes & Kentin, 2014; Hospes, 2014; Nathan, Pilegaard Hansen, & Cashore, 2014; Nurrochmat, Dharmawan, Obidzinski, Dermawan, & Erbaugh, 2014; Overdevest & Zeitlin, 2014; Wiersum & Elands, 2013; Wiersum, Lescuyer, Nketiah, & Wit, 2013).

These findings from political certification studies point out the important role of the state even in private regulation and resonate in recent political science literature about private governance (Arts, 2014; Bartley, 2014; Gulbrandsen, 2014) and governmentality (Sending & Neumann, 2006; Kinderman, 2012, 2013; Winkel, 2012). Besides conceptions of a re-claim of authority or counter-regulation by public actors in response to such private governance regimes, recent findings employ the notion of co-regulation between private and public actors and institutions, capable of capturing both aspects without downplaying either of them, suggesting even a crucial role for state agencies in certification processes and related politics (Bartley, 2014; Cashore et al., 2004; Gale & Haward, 2011; Gulbrandsen, 2014).

The abovementioned, relatively recent literatures on the role of “the state” within private governance and especially certification politics, however, largely leaves open questions regarding “who within the state” counter-acts at the cost of private governance institutions? Addressing this question will allow for important and in-depths insights into the detailed motivations of state-driven counter-regulation by specific state actors (similar Kinderman, 2013). Based on such insights it will then contribute to a more detailed understanding of why private certification schemes succeed in some or remain ineffective in other empirical contexts. In this vein bureaucratic politics theory is attempting to disentangle “the state” as a seemingly unitary actor, highlighting the distinct and often conflictive interests and capacities of a number of relevant state bureaucracies in a given policy sector (Peters, 2010, similar Allison, 1971; Giessen, Krott, & Möllmann, 2014; Niskanen, 1971; Rayner, Howlett, Wilson, Cashore, & Hoberg, 2001). Consequently, when analysing the role of the state in next generation certification politics it is important to simultaneously inquire about which state bureaucracies become active either in a competitive way or as coalition partner.

Against this background and in line with Howlett, Rayner, and Tollefson (2009), this paper challenges the common thesis articulated in a number of political (certification) studies of *governance without government* (Rosenau & Czempiel, 1992) as a presumed trend in politics and policy making. Consequently, this study aims to analyze the emerging and ongoing empirical process of emerging, state-driven certification regimes in natural resources management, which present a threat to existing private certification regimes. In more detail it analyzes the key role distinct and often competing state bureaucracies play in initiating, running, and, lately, reshaping private certification schemes, which so far have been understood as endeavours by private actors. The study thus identifies a key trend in certification away from private voluntary schemes towards state-driven mandatory governance.

2. Concepts and theoretical background

2.1. Transnational and international regimes and their emergence

Since the Rio Summit in 1992, a growing number of international regimes addressing the environment have evolved (Giessen, 2013; Humphreys, 2006; Wiersum et al., 2013). An international regime can be defined as a “set of implicit or explicit principles, norms, rules and procedures around which actors’ expectations converge in a given area of international relations” (Krasner, 1982). These regimes attempt to influence domestic policies at national levels. At the same time, with the increased participation of non-state actors, a new form of international governance based on voluntary agreements was created, referred to as transnational regimes. The main difference between international and transnational regimes is that, in the latter, non-state actors generate the set of norms and rules instead of state actors (Dingwerth, 2005; Pattberg, 2012). Both international and transnational regimes operate within the wide range of issue

⁴ The image of a pendulum only roughly serves to illustrate our ideas, as it implies a symmetric motion between two physically even poles, which in the state-non-state dichotomy is unlikely to ever be observed.

areas that have multiplied in the last 20 years (Dingwerth & Pattberg, 2009; Pattberg, 2012). The lack of credibility of intergovernmental organizations has been indicated as an explanation for transnational regimes' success by emphasizing inclusiveness, transparency, accountability, and deliberativeness (Dingwerth & Pattberg, 2009; Klinke, 2009). These transnational regimes have different consequences for different actors and follow different interests of actors who have different incentives to engage in these mechanisms. Environmental and social NGOs wish namely to influence and increase their power in global politics at the cost of providing legitimacy to private corporations, who, on the other hand, wish not to be influenced but seek the legitimacy these processes provide (Dingwerth & Pattberg, 2009). The absence of state actors in these processes could be interpreted as leaving the field and rule-making authority to non-state actors in areas in which governments consider this way of governance more effective or less costly than developing and implementing their own rules (Dingwerth & Pattberg, 2009; Raustiala, 1997). However, as pointed out by Dingwerth and Pattberg (2009), this could be the case for certain issues, but does not explain these processes in such politically contested issues as forests or agricultural commodities where state actors are very reluctant to give away rule-making power. Certification of forest products and other commodities has been described as a form of transnational regime and non-state market-driven (NSMD) governance where non-state actors use markets to establish international institutions based on norms and rules (Bernstein & Cashore, 2012; Cashore, 2002; Pattberg, 2007).

Recent scholarship has pointed out that, despite what is often claimed, state actors play a crucial role, especially in emerging regimes on timber legality and agricultural commodities (Hospes & Kentin, 2014; Hospes, 2014; Nathan et al., 2014; Nurrochmat et al., 2014; Overdeest & Zeitlin, 2014; Wiersum et al., 2013), suggesting that research is needed on the competitive nature of international and transnational certification regimes and the power strategies of the public and private actors behind them.

2.2. State actors in private certification and its diffusion

Although certification is commonly claimed to be a voluntary, non-state market-driven process without involvement from governments (Cashore et al., 2004), recent findings suggest that state actors may play a decisive role, using their power either to support or to restrict these schemes (Cashore et al., 2004; Gulbrandsen, 2014). Previous studies have revealed both facilitation and mutual benefits between state actors and certification schemes (Bell & Hindmoor, 2012; Hysing, 2009; Sargent, 2014). In this sense, bureaucracies could enhance certification schemes by funding programme participation, promoting certification through public procurement policies or by applying certification standards to their own practices (Espach, 2006). Individual state bureaucracies can also enable and influence certification schemes by shaping their institutional context; through setting up rules and procedures such as a fiscal system, property rights, and basic infrastructure; by providing political direction and incentives; and by changing norms and principles (Dingwerth, 2005; Hysing, 2009). They can also support or facilitate certain schemes by providing mediation, expertise and technical advice, administrative or financial support, coordination with public policies, and legitimacy (Gulbrandsen, 2014; Hysing, 2009). Contrary to this situation, bureaucracies can limit the effect of a certification scheme by supporting the creation of competing programmes, by setting up rules or changing norms that would restrict or complicate the process (Gale & Haward, 2011; Gulbrandsen, 2010, 2014), and by counteracting the effect of any supporting activities.

2.3. Bureaucratic politics reshaping certification to new mandatory state systems

For transnational regimes to become relevant at the national level, there has to be a local advocate creating favourable conditions. Domestic actors may take advantage of new international norms and policy discourses to break into or to reshape domestic actor networks (Hogl, Nordbeck, & Kvarda, 2009). Previous studies have shown that international regimes may lead to changes in the power relationship within domestic networks, strengthening certain groups of actors while weakening others (Burns & Giessen, 2015; Grugel & Peruzzotti, 2010; Wibowo & Giessen, 2015). Transnational regimes might have the same impact on domestic actors seeking coalitions with international actors in their pursuit of favourable policies (Burns et al., 2016). Bureaucratic politics theory claims that state bureaucracies compete with each other for resources, staff, and responsibility for policy domains (Giessen et al., 2014; Krott, 2005; Peters, 2010). In order to increase their power, national bureaucracies are likely to seek coalitions with other national and international actors, both public as well as private, with compatible interests making up a policy sector (e.g., Forestry, Agriculture; Giessen & Krott, 2009; Rayner et al., 2001). In joining forces, policy sectors attempt

to influence public policy based on overlapping interests. Bureaucracies are likely to use their power to reclaim their regulatory authority from transnational regimes by means of experimental mandatory public governance (Overdevest & Zeitlin, 2014; Sahide, Burns, et al., 2015). Both state bureaucracies and transnational regimes need credibility and regulatory power at the highest level possible to succeed. However, only state bureaucracies have strong regulatory power as well as long time lines for achieving their goals. Recent findings show that mandatory state certification is introduced through legal state verification schemes. Legality verification emerged from similar ideas as certification but with an emphasis on national laws, regulations, and sovereignty where national bureaucracies can expand their authority (Cashore & Stone, 2012; McDermott, 2013; Schouten & Glasbergen, 2011). Bartley (2014) found that the rise of the timber legality regime could constrict, rather than expand, the space for global private authority—a notion that has been confirmed by Wiersum and Elands (2013), who found that global initiatives were concerned mainly with a further adaptation of existing traditional policies of legality.

Against the above-mentioned theoretical background on the competition between private governance by transnational regimes and state-driven international regimes, as well as the significant role of state bureaucracies in co-governance through private certification on the one hand, and emerging bureaucracy-driven mandatory certification schemes, on the other, we develop the study's main propositions:

1. After a wave of private governance initiatives, state bureaucracies now reclaim authority from private institutions such as private third-party certification systems.
2. Early indications for this trend, from purely private governance towards purely state governance, including intermediate empirical stages, exist in the context of forest and timber legality as well as palm oil and rubber certification schemes at national and international levels.
3. Particular state bureaucracies, as a power strategy and in the pursuit of their self-interest, reclaim such authority by using their exclusive regulatory power *vis-à-vis* private actors and institutions as well as competing bureaucracies.

3. Methods

3.1. Non-systematic selection of exploratory cases

We selected forest and agricultural certification in Argentina and Indonesia as case studies, as they are showing early indications of an assumed trend from private governance to more bureaucracy-driven regimes and certification processes. There has not been a designed methodological thought behind the selection, and hence we do not claim our analysis to be a comparative study. Rather, the selection was ad hoc, due to ongoing parallel research projects in those countries and sectors, from which we detected these early indications in an exploratory way. This selection allows us, however, looking into additional factors which might have an influence on the observed empirical trend. While Argentinian forests are largely private property, this concept is far less common in Indonesia, where the bulk of forest lands is publically owned. We will get back to these aspects and whether they may influence the trend from private to public regimes in natural resources certification in the discussion section.

These two countries allow us to analyze the role of the state, specifically, individual competing bureaucracies and their interests in maximizing authority in certification processes under different conditions of supply and demand. As pointed out by Espach (2006), transnational regimes would not exist without demand from consumers (both end-consumers as well as retailers), firms, or advocacy groups who pressure producers, and supply by the production actors, NGOs, and their coalitions. Hence, it is interesting to analyze these processes in cases with different types of economic actors, namely private or state-owned commodities on the supply side and private and state consumers on the demand side, as well as their relationships to global markets, especially with northern markets. Moreover, these cases provide us great insight into the so-far under-researched role of state bureaucracies from the South in global private governance (Dingwerth, 2005; Hospes, 2014).

In Argentina, there are around 27 million hectares of natural forests divided into six ecological regions (FAO, 2015). Moreover, there are 1.2 million hectares of cultivated forests, 80% of which are located in the northeast of the country, in the Mesopotamian region (MAGyP, 2013). Argentina adopted a federal republican representative form of government. Except for national parks, which are under the jurisdiction of the national government, forests fall within the political responsibility of the provinces and are subject to provincial laws under the umbrella of national laws (Article 124 of the National Constitution 1994). At the national level, the Secretariat of Environment and Sustainable

Development is responsible for natural forests, while the Ministry of Agriculture, Livestock, and Fisheries is responsible for forest plantations. Forests are mainly owned privately: 99.7% of plantation forests and 93.5% of natural forests are privately owned (Burns & Giessen, 2014). This situation leads to strong private actors, with forest landowners on the supply side as well as private companies on the demand side demanding forest products both at a domestic level as well as in Brazil, the main importer of Argentinian forest products (Burns et al., 2016; Espach, 2006).

In Indonesia, with 91 million hectares of forests (FAO, 2015), the situation is very different. In this case, land use is under state control, regulated by the Basic Agrarian Law of 1960 and the Forestry Law of 1999, which classifies 61% of the country's land as state forest area under the jurisdiction of the Ministry of Forestry, and state owned. The land tenure system is a legacy of the Dutch colonial era that is still enforced nowadays, whereby the state claims ownership of most of the forest area, leaving less than two million hectares of private forest area (Sahide & Giessen, 2015; Sahide, Nurrochmat, et al., 2015). Both the Ministry of Forestry as well as the National Land Agency are responsible for issuing forest land rights. While the Ministry of Forestry is responsible for the forest area, the National Land Agency is responsible for the non-forest area (Sahide & Giessen, 2015). In 2013, Indonesia's timber and timber product exports reached US\$ 10 billion. The EU was the third-largest export destination with US\$1 billion, after Japan and China, who together account for almost 60% of total exports (Ministry of Forestry, 2014).

On the other hand, in 2012, there were around 9.2 million hectares of palm oil plantations in Indonesia, of which 90% are privately owned (50% by big companies and 40% by smallholders), growing in the "title forest area," which is defined as any forest area with land title or private forests (Sahide & Giessen, 2015; Sahide, Nurrochmat, et al., 2015). These plantations are under the jurisdiction of the Ministry of Agriculture, as are the rubber plantations, which by 2013 covered three million hectares (Sahide & Giessen, 2015). Unlike palm oil plantations, rubber plantations are mainly owned by smallholders, who own almost 85% of the total plantations, while private companies and the state own around 7% each (Ministry of Agriculture, 2013). Palm oil plantations and associated industry bring more than US\$ 21 billion per year to Indonesia in export earnings (Agrofarm, 2013), with India and China as the main destinations. Rubber, on the other hand, is mainly exported to the USA, China, and the EU (Ministry of Agriculture, 2013).

3.2. Empirical methods

We used a qualitative case study approach. We employed process tracing (George & Bennett, 2005), which "attempts to trace the links between possible causes and observed outcomes" (George & Bennett, 2005: 6), focusing on sequential processes within a particular case. By providing historical explanations for a case, in which each significant step towards the outcome is explained by making reference to a theory, process tracing becomes a powerful method of inference (George & Bennett, 2005: 30). We collected data from different sources with the aim of determining the role of state bureaucracies in the emergence, diffusion, and reshaping of private natural resource governance systems. As a first step, we did literature searches for both countries, using professional journals, websites of certification bodies, environmental NGOs, forestry and agriculture associations, and related bureaucracies to gather data on the certification processes in both countries and to identify key actors. Subsequently, we conducted semi-structured interviews with experts and key actors on the broad fields of private governance and the development of certification processes in the selected countries. In this study we draw on 15 interviews with key informants conducted between August 2013 and August 2014, which were chosen from a total of some 100 interviews due to their detailed and explicit contributions regarding the questions asked in this study (Table 1). Interviews lasted between a half-hour and two hours. If it was not possible to meet with the interviewees in person, phone calls or emails were used. In all cases, interviewees were granted confidentiality in order to ease full disclosure (Koontz & Newig, 2014). Data was used for triangulation between documentary sources and the interviews (Koontz & Newig, 2014; Lorenzoni & Benson, 2014). If there were contradictions or differences in interpretation, priority was given to written records (Davies, 2001). Qualitative content analysis was used to analyze all documents and interviews (Neuman, 2005) for data revealing the role of state agencies in the institution, setup, and operation of certification schemes and standards. The data was then analyzed by means of actor-centred coding, which differentiated between (a) benefits and (b) political costs of the different processes for both state and non-state actors, their interests and goals. Following Gulbrandsen (2003) and van Schaik and Schunz (2012), we assumed actors' behaviour to be rational and benefit-maximizing, rather than aimed at promoting a general goal, for example maintaining environmental sustainability.

Table 1
List of experts interviewed.

Expert	Affiliation	Mode	Date
Interview 1	Former coordinator of the FSC national standards development initiative, Argentina	Personal	10th October 2013
Interview 2	Officer from Cerfoar, Argentina	Personal	2nd June 2014
Interview 3	Coordinator of the FSC national standards development initiative, Argentina	Email	5th August 2014
Interview 4	Officer from a certification body, Argentina	Email	18th June, 2014
Interview 5	Officer from the Ministry of Forestry, Indonesia	Personal	19th December 2013
Interview 6	Officer from ISPO Commission and Ministry of Agriculture, Indonesia	Personal	23rd January 2014
Interview 7	Officer from RSPO Indonesia Office, Indonesia	Personal	5th February 2014
Interview 8	Officer from the National Forestry Council, Indonesia	Personal	19th January 2014
Interview 9	Officer from Greenpalm, Indonesia	Email	7th June 2014
Interview 10	Officer from RSPO, Indonesia		18th July 2014
Interview 11	Officer from the Ministry of Trade, Indonesia	Personal	4th September 2013
Interview 12	Officer from the Indonesia Wood Working Association, Indonesia	Personal	22nd September 2013
Interview 13	Officer from the Forest Concessionaires Association, Indonesia	Personal	9th September 2013
Interview 14	Officer from Multistakeholder Forestry Programme, Indonesia	Email	2nd July 2013
Interview 15	Officer from FSC Indonesia	Email	3rd September 2014

4. Results

4.1. Argentina: State agencies' support to the emergence of PEFC replacing FSC

4.1.1. Transnational regimes

After the failed efforts to agree on a legally binding document on forests, environmental nongovernmental organizations led by the World Wildlife Fund (WWF), in coalition with other social groups, founded the Forest Stewardship Council (FSC) as an instrument to promote sustainable forest management in 1993 (Gulbrandsen, 2014; Pattberg, 2007; Tosun, 2012). As a response to this programme, forest industry and landowner associations, in coalition with production-oriented bureaucracies in many producer countries, created a more “industry-friendly” scheme at national levels, which eventually united in a common organization founded in 1998 that led to the Programme for the Endorsement of Forest Certification (PEFC) (Gulbrandsen, 2014).

In Argentina, forest certification processes were first put on the political agenda when the Secretariat of Agriculture organized a workshop about a potential Argentine FSC in 2001 (FVSA, 2003, Interview 1). However, FSC first arrived in the country at the beginning of 2001, when an international oil company certified its plantation forests in the northeast of Argentina (Sanchez Bonifato, 2001). By the end of 2001, the Argentinian partner of WWF, Fundación Vida Silvestre Argentina (FVSA), housed Argentina's FSC by providing office space (FVSA, 2003). At the beginning of 2002, different meetings and workshops were held, which were aimed at creating a working group responsible for drafting national standards for management of plantation forests. At this time, FSC International recognized the General Director of the FVSA as the contact person of FSC Argentina. This was the first step in the development of the national initiative (FSC, 2002). By June 2002, a National Working Group was created in a meeting held at the Secretariat of Environment and Sustainable Development (FVSA, 2002).

In 2002, PEFC, which was originally conceived as a European system, started admitting non-European members (Cerfoar, 2013a). At that time, IRAM, the national organization responsible for writing all norms in Argentina and also the ISO national body, began developing the technical norms of voluntary application meant to be the basis for the national system of forest certification with support from the private sector, through the main three forest associations (Argentine Forest Association: AFoA, the Argentine Federation of Wood Industry and Allied: FAIMA, and the Cellulose and Paper Manufacturers Association: AFCP) who provided this initiative with office space (Interview 2).

This shows how transnational regimes become relevant at the national level through advocacy by private actors, both environmental NGOs and forest associations (Burns et al., 2016).

4.1.2. State actors in the diffusion of private certification

The National Working Group, created mainly to draft the national standards for the management of plantation forests with the aim of getting FSC endorsement, had three chambers (social, environmental, and economic) with five

members each. Half of the members represented both environmental and social NGOs; 25% represented the forest companies; and the other 25% represented different bureaucracies, like the Secretariat of Environment and the Secretariat of Agriculture, Livestock, and Fisheries, which were part of the environmental chamber (FVSA, 2003). By getting involved in the negotiation of FSC standards, both state and non-state actors tried to influence the final standards according to their interests. In this case, state bureaucracies, by means of informational instruments and provision of staff, supported the FSC's initiative, at least in the beginning (Burns et al., 2016). In 2005, the FSC National Initiative began the public consultation about the first draft of the standards for sustainable forest management of forest plantations (Cerfoar, 2013a, Interview 1). However, this standard was never approved. After the consultation, negotiations to start a pilot test began, but this was not accomplished either (Interview 1). Up to 2014, FSC had no longer an official national focal point in Argentina, and FVSA stopped being a member of FSC. However, a new association was formed in 2010, made up of members from the forestry associations, with the aim of drafting the national standards according to the new set of principles and criteria of the FSC (Interviews 3 and 4).

The biggest transnational forest companies in Argentina participated in the development of standards in the economic chamber, although so far none have sought FSC certification. However, most of these companies cannot certify under FSC due to FSC's prohibition of certification for any plantation established after 1994 on land that previously was native forest (Espach, 2006). This regulation is part of FSC's international set of principles and criteria and could not be modified in the national standard.

FSC in Argentina was funded by WWF Switzerland and WWF International through their programme "Forest for Life." In Argentina, environmental and social-rights NGOs are mainly local in scope. The bigger national environmental NGOs like Greenpeace are more focused on urban problems. Although they are supporters of FSC, arguing that it is the only means of assuring environmental and social standards (Burns & Giessen, 2014), they do not consider forest management a priority (Espach, 2006). This situation makes coalitions between national NGOs difficult. Coalitions with international environmental NGOs like WWF allowed the development of the national initiative. However, this coalition was not strong enough to overcome local resistance from the strong private sector (Burns et al., 2016).

At the same time that IRAM began writing the standards for the national system of forest certification, the Secretariat of Agriculture began negotiations with the European Union to get funding for the creation of a National Program for the Certification of Forest Plantations. This project established the National Institute of Agricultural Technology (INTA), an autarchic organization dependent on the Secretariat of Agriculture, in charge of writing the standards for sustainable forest management for forest plantations (Escobar, 2006, Interviews 2 and 3). Both bureaucracies (IRAM and INTA) were developing projects of similar conditions, including a technical norm of voluntary application. In an attempt to join forces, they worked together. However, IRAM is the national organization in charge of writing national norms, so INTA's intention of writing the norms themselves was not achievable, and they backed out of the process. It had been previously decided that the Secretariat of Agriculture would be responsible for starting the process of mutual recognition with PEFC. However, after they stopped participating, AFoA, FAIMA, and AFCP formed CERFOAR, a civil non-profit association to manage the Argentine Forest Certification System (Interview 2). This situation favoured the forest associations, who became founding members of the national governing body with full administrative power and with the ability to invite any actor of their preference to become a member of this body. Once the association was established, the founding members (AFoA, FAIMA, and AFCP) invited the different national bureaucracies and their technical institutes to take part in the development and implementation of the national certification system as well as to take part in the decisions by joining the association administering CERFOAR (Cerfoar, 2013b).

During early 2010, the secretary of CERFOAR met with the director of forestry from the present Ministry of Agriculture, Livestock, and Fisheries. During this meeting, they talked about the role the Ministry could play in financing the endorsement of CERFOAR by PEFC, and they worked on the definition of their commitments. They established that the legal advisors would study a model of agreement linking the Ministry with the association administering CERFOAR (Cerfoar, 2013a). The Secretariat of Environment, which joined the meetings during the development of the standards, never replied to the invitation to join the association that administers CERFOAR (Interview 2). Currently, the following entities are part of the CERFOAR Association: AFoA, FAIMA, and AFCP (as founding members); National Industry Secretariat; INTA; Ministry of Agriculture, Livestock and Fisheries; Ministry of Ecology and Natural Resources of the Province of Misiones; and Ministry of Work, Production, and Tourism of the Province of Corrientes (Cerfoar, 2013c). In 2014, CERFOAR received the mutual recognition of PEFC.

The formulation of national standards for PEFC endorsement in Argentina, carried out by the forestry associations in coalition with the Ministry of Agriculture and the National Standardization bureaucracy, presented strong competition to FSC. In this case, by becoming allied with the forestry associations through the provision of informational instruments and technical expertise in standard development, and later by such incentive instruments as paying for the PEFC endorsement procedure, the Ministry of Agriculture supported the creation of a more industry-friendly scheme that could compete with, and preferably even replace, FSC at the national level (Burns et al., 2016).

4.1.3. Bureaucratic politics reshaping certification to new mandatory state systems

In Argentina, forest-related bureaucracies are divided in their support for certification systems (Espach, 2006). While the Secretariat of Environment was more supportive of FSC, the Ministry of Agriculture played a more active role in the development of PEFC, although the forestry associations ultimately took the lead in the association administering PEFC in the country, which by competing with FSC could now replace them. Negotiations are now taking place between CERFOAR and the Ministry of Agriculture to include regulatory measures to subsidize or promote PEFC in plantation forests (Interview 2). However, no mandatory state certification can be observed in Argentina. In this case, with strong private landowners owning more than 99% of forests, state-led initiatives are less likely to occur. However, state actors play a decisive role by forming coalitions with private actors in what have been described as “mixed” regimes (Falkner, 2003) (Fig. 1).

4.2. Indonesia: Mandatory state certification for timber legality by the Ministry of Forestry

4.2.1. Transnational regimes

In Indonesia, forest certification became an issue when the Ministry of Forestry stated its commitment to implement sustainable management in natural tropical forests in 1990 (Hinrichs, 2005). In 1993, with the aim of building an independent national forest certification system, the Ministry funded the establishment of *Kelompok Kerja Lembaga Ekolabel Indonesia* (LEI) consisting of academic and NGO members (Muhtaman & Prasetyo, 2006). After years of formulation, testing, and improvement, as well as references from the Ministry of Forestry and expert teams from forest concessionaires, LEI standards for sustainable forest management and guidelines for its implementation were approved (Suntana, Asycarya, Iskandarsyah, & Iswari, 2000).

FSC has also been present in Indonesia since 1998, when three out of five assessed forest management units were certified. However, in 2003, due to unsatisfactory management improvement and non-compliance with FSC standards, all certificates issued to date were suspended (Muhtaman & Prasetyo, 2006). After 2008, the area certified under FSC grew again but still represented a very small fraction of the country’s total production forest area (until 2014, less than three million of the approximately 32 million hectares of total production forest area had been certified under FSC) (FSC, 2014).

4.2.2. State actors in the diffusion of private certification

The Ministry of Forestry, responsible for natural forests in Indonesia, is in constant competition with other national bureaucracies that also use forest land as their main resource but generate more income for the state than forests, like mining and plantation bureaucracies. The Ministry then uses its authority to govern the circulation and trade of forest products in domestic and global markets through forest certification. From the beginning, it supported the LEI initiative, a

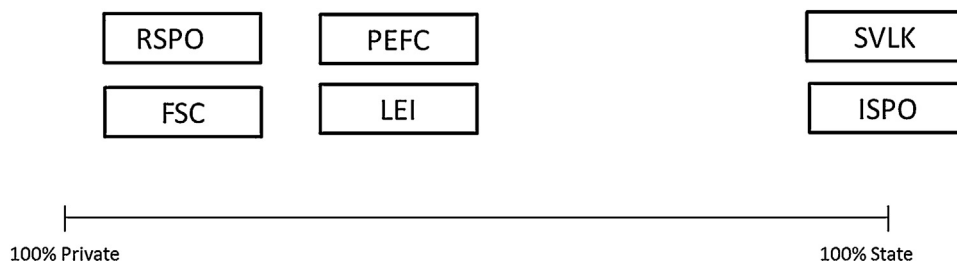


Fig. 1. Authority for natural resources certification, from purely private to purely state governance.

national competitor of FSC, by funding its development. FSC's principles about land tenure issues are against the policies of the Ministry of Forestry, which permanently grants concessions for land where the legal status is under dispute (Bartley, 2010). In 1998, LEI agreed on a joint certification protocol with FSC allowing both certification systems to jointly assess the same forest unit, in an attempt to make international markets familiar with LEI standards. However, the joint certification only doubled the costs and gave no extra benefit to the forest units and wood companies. In 2013, PEFC announced that the Indonesian Forestry Certification Cooperation association would act as PEFC's governing body, introducing PEFC in the country as a more industry-friendly scheme (PEFC, 2013). In 2014, this initiative received PEFC's endorsement (PEFC, 2014). As observed in Argentina, state actors become influential in certification processes by giving funding priority to one scheme over another, like LEI competing with FSC.

4.2.3. Bureaucratic politics reshaping certification to new mandatory state systems

In the year 2009, the Ministry of Forestry launched the *Sistem Verifikasi Legalitas Kayu* (SVLK) as a mandatory state certification scheme for timber legality. By establishing a mandatory timber legality certification system, the Ministry of Forestry showed its commitment to stop the illegal logging and trade of timber. As well, this initiative was intended to restore the forestry sector as the main contributor to national state income, as it was in the 1990s. By regulating forests and forestry industries, the Ministry increased its sovereignty over forests, establishing the legality of timber. By requiring a third-party auditor to assess whether forest companies are in compliance with Indonesian law, SVLK gained more credibility, achieving recognition from the European Union through a voluntary partnership agreement within the Forest Law Enforcement, Governance, and Trade (FLEGT) action plan.

The Ministry of Trade also supports SVLK, as a mechanism to increase added value and volume of exported goods. It was very active in the negotiations with the EU, promoting SVLK in Europe. After the EU recognized SVLK, the Secretary General of the Ministry of Forestry stated that companies no longer needed FSC, since SVLK was now accepted in consumer countries, adaptable to local circumstances, and under national regulations (Suara Pembaruan, 2013). The incompatibility of FSC standards with national regulations made FSC launch new standards for Indonesia in harmonization with national laws in 2013, making a new revision in 2014 (FSC, 2014). This new standard could be interpreted as the response of FSC to SVLK rather than an adaptation to local needs. Similar to the Argentinian case, by forming coalitions with international actors like the EU, national actors increase their power in certification processes. In the case of Indonesia, with the state in control of all the forest by land tenure, state bureaucracies could use this coalition to reclaim complete authority over forest certification, creating even a mandatory state scheme (Fig. 1).

From a business perspective, multiple certifications are annoying, expensive, and time-consuming. The forestry associations representing big companies in Indonesia (Indonesian Forest Concessionaires Association and the Indonesian Pulp and Paper Association) support SVLK as a means to improve their image in the global markets (Agrofarm, 2013). However, many buyers request FSC-certified products, forcing companies to satisfy a double certification process (Hutan Indonesia, 2013). SVLK has been designed to comply with the EU agreement, but local or non-European markets do not yet recognize SVLK as an international certification system. Both forestry associations then requested the Ministry of Forestry to expand SVLK recognition to more markets.

Many key stakeholders can still argue that, as inadequate mechanisms to address environmental, social, and economic issues around forests, legality verification systems such as SVLK are too narrowly focused (Cashore & Stone, 2012). According to this argument, many markets can still refuse to recognize SVLK. In 2012, the Ministry of Forestry included the *Pengelolaan Hutan Produksi Lestari* ("sustainable forest production management") system within SVLK. By also certifying sustainable management, this argument can now be resolved, making SVLK a complete system for certifying legality and sustainability. Although this new system only started in 2013, until May 2014, the area certified under this system was already higher than the area certified under FSC and LEI.

4.3. Indonesia: From voluntary private to mandatory state certification of Palm Oil and Rubber

4.3.1. Transnational regimes

Similar to forest certification, and as a result of a WWF initiative undertaken in coalition with multinational buyers like Unilever and Migros, the Roundtable on Sustainable Palm Oil (RSPO) was created in 2004 to promote the sustainable production of palm oil as well as improve its global competitiveness and contribute to the reduction of greenhouse gas emissions (Hospes, 2014; ISPO Commission, 2013; Sahide, Burns, et al., 2015). Although producer companies and government agencies were not invited to the initial meetings, in order to avoid being seen as a European

and demand-side-driven initiative, producers were also then invited during early stages. The Indonesian palm oil plantation companies association (GAPKI) was elected as a board member in the first General Assembly of RSPO (Hospes, 2014).

4.3.2. State actors in the diffusion of private certification

Even though state actors were excluded initially from RSPO, later they were invited to join the “National interpretation working group” responsible for testing and implementing the principles and criteria developed by RSPO, as well as in the Smallholder Task Force responsible for making RSPO’s principles and criteria applicable to smallholders in Indonesia (Hospes, 2014). However, this participation from state actors did not give them access to membership or voting power in the General Assembly of RSPO (Hospes, 2014). Despite not having any rights, state actors accepted the invitations that gave them inside insights into the development of principles and criteria as well as their potential implications for Indonesian national actors (Hospes, 2014).

4.3.3. Bureaucratic politics reshaping certification to new mandatory state systems

In March 2011, by a ministerial decree, the Ministry of Agriculture launched the Indonesian Sustainable Palm Oil (ISPO) initiative as a mandatory regulation requiring all palm oil companies in Indonesia to certify under ISPO before the end of 2014 (Ministry of Agriculture regulation 19 of 2011). Since the Ministry of Agriculture does not have full power in land use, a coalition with other competing national bureaucracies, who also had no rights in the RSPO initiative, was formed. The National Land Agency, the core bureaucracy providing land for palm oil plantation, has been set up as one of the major contributors to the legality indicators of the ISPO standards. The Ministry of Forestry has also contributed to the legality indicators as well as played a substantial role in releasing forest area for palm oil plantations. It will benefit from ISPO certification as a legality tool, using it as a reason for increasing its budget to campaign against illegal palm oil plantation activities in forest areas or to campaign so that ISPO certification cannot be considered for planting palm oil in state forest areas based on the legality principles (Interview 5). Regional governments, who issue preliminary licenses to provide land for palm oil concessions (Sahide & Giessen, 2015), will benefit from the fact that ISPO certification will increase their political responsibilities, expecting a regional income from palm oil plantations (Sahide, Burns, et al., 2015). The Ministry of Environment strengthened its domain responsibilities over environmental issues on palm oil plantations through ISPO mechanisms, which established Environmental Impact Assessments, regulated by the Ministry of Environment, as a major legality indicator regarding conservation and protection of rare, threatened, and endangered species. The Ministry of Trade supports fiscal policies, such as planning to ban exports of palm oil without ISPO certificates (Medan Bisnis Daily, 2013). It will also provide incentives for ISPO certificate holders like export tax reductions (BUMN, 2014). Together, in coalition, the Ministries of Trade and Agriculture are lobbying in Europe and other countries for the acknowledgement of ISPO certification (Hospes, 2014). The Vice Minister of Trade argued that Indonesian palm oil companies that have the ISPO certification do not need the recognition of the RSPO certification (Nasionalisme, 2014).

Not only national state actors benefit from ISPO. GAPKI, which was formerly registered as a member of the RSPO, resigned six months after the official launch of ISPO (Hospes, 2014; Sahide, Burns, et al., 2015), claiming that even though producers make up the biggest proportion of RSPO’s membership, producer interests cannot be accommodated in the RSPO. The Ministry of Agriculture used this momentum to strengthen ISPO and may have complicated the national implementation of RSPO principles and criteria in Indonesia. For example, the indicators of “high conservation value” (HCV) and “free, prior, and informed consent” principles proposed by RSPO cannot be fully implemented in the field and are even challenged by Indonesian land use bureaucracies (e.g., the National Land Agency and Ministry of Forestry). Applying the HCV standard to a given palm oil concession area would lead to it being categorized as wasteland, which is illegal according to Government Regulation 11 of 2010 on Controlling and Using Waste Land. Consequently, the palm oil concession right would be revoked by the National Land Agency (Agrofarm, 2014). The RSPO’s prohibition against the development of any new plantation after November 2005 by replacing natural forest or areas required to maintain or enhance high conservation value is known controversially within the plantation industry as the “cut-off date” and goes against the Ministry of Forestry, which “regularly” releases state forest area for plantation purposes (MoFor, 2011, 2012, 2013).

Since RSPO launched its first certification in 2008, a substantial increase in RSPO-certified areas in Indonesia was observed. However, this increase slowed down in 2011, when ISPO was launched. This trend could mean that RSPO has found a tough competitor in the form of the ISPO. This case of palm oil certification in Indonesia shows the existence of a

strong coalition between competing bureaucracies and private producers that led to a strong mandatory state competitor to the more conservation, demand-side-oriented initiative, already showing signs of outcompeting it (Fig. 1).

After experimenting with mandatory public governance with the creation of ISPO, the Ministry of Agriculture copied the model for rubber certification, requesting a third party to develop a draft for an Indonesian rubber certification scheme that is supposed to be ready for discussion by the end of 2014 (Interview 6). So far, there is no single strong rubber certification system at the global level. However, within the Association of Southeast Asian Nations (ASEAN) countries, as of 2015, rubber will be one of the 12 sectors together with timber with mandatory EAC (Economic ASEAN Community) certification. By trying to introduce rubber certification at the national level before the discussions for a blueprint within ASEAN begin, the Ministry of Agriculture takes a political step to protect Indonesian rubber interests in the trade regime both at the regional (ASEAN) and international levels.

5. Discussion

Certification started as a transnational regime, with conservation-oriented private actors as main drivers (Fig. 2, McDermott, 2014). By means of the national implementation of the schemes, with the active presence of national conservation-oriented actors and limited participation of domestic state bureaucracies, these transnational regimes became influential at the national level. This can be seen in the case of FSC, both in Argentina and in Indonesia, where national environmental NGOs gave way to the implementation of FSC at the national level. However, in both countries, national standards for FSC were never achieved, revealing the extent of the competition this system faced. Palm Oil was a similar case, where WWF and big multinational buyers like Unilever created RSPO as a voluntary, private actor-driven, conservation-oriented system to be applied at the national level (Fig. 2).

As a response to this, production-oriented private-sector actors created more industry-friendly competitor schemes that could compete with and later even replace conservation-oriented systems. By forming coalitions with production-oriented state bureaucracies, these competing schemes gained strength. In Argentina, the formulation of national standards for PEFC endorsement, an initiative carried out by the private forestry associations in coalition with the

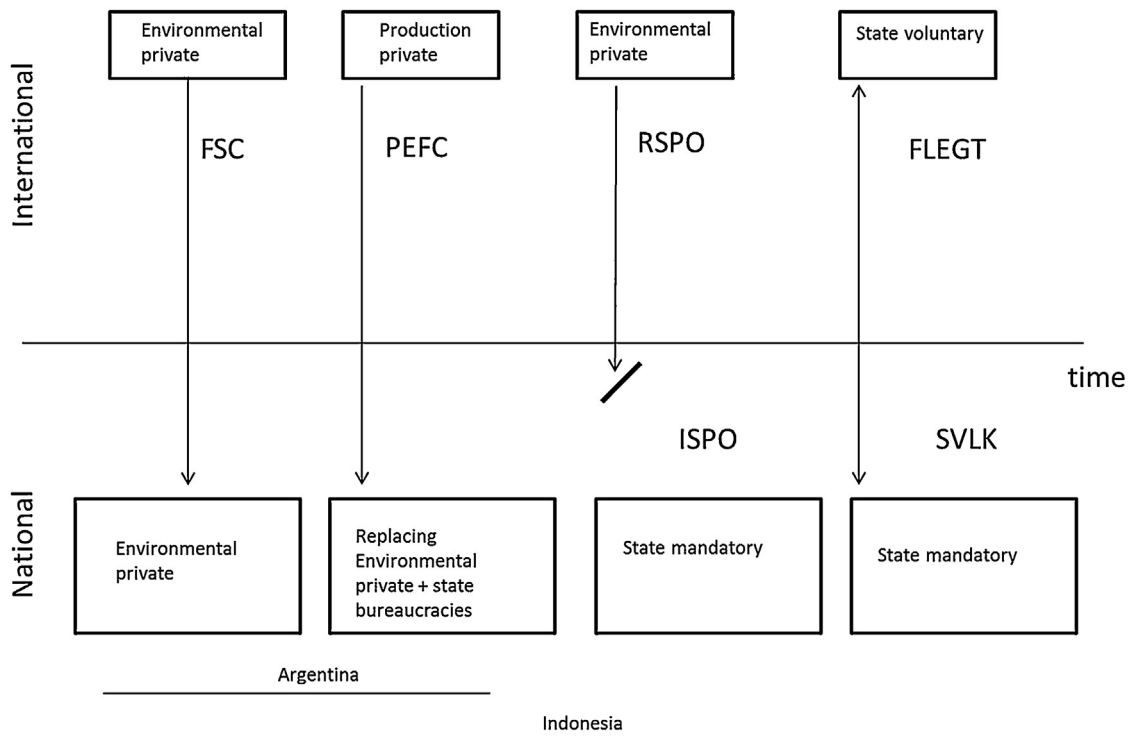


Fig. 2. Trends in forest and agricultural certification.

Ministry of Agriculture and the National Standardization bureaucracy, achieved strong competition with FSC, now even attempting to replace it (Figs. 1 and 2). In Indonesia, with funding from the Ministry of Forestry, a national voluntary system, LEI, was initially created. Both LEI and now PEFC compete with FSC in this case (Figs. 1 and 2).

However, in their pursuit of policy domains, state bureaucracies are not satisfied with their role as coalition partners in private governance. By means of their most powerful tool, their regulatory power, they produce mandatory national state systems competing with transnational regimes. By doing this, they aim to bring their own rules to the transnational regimes. In Indonesia, this was done by the Ministry of Forestry, which created SVLK as a mandatory legality certification system (Figs. 1 and 2). The same thing was done by the Ministry of Agriculture in Indonesia, which created ISPO also as a mandatory certification system for Palm Oil, with the support of the association of Palm Oil producers (GAPKI), which abandoned RSPO once ISPO was launched (Figs. 1 and 2).

In an attempt to completely replace transnational regimes and use their regulatory power, national state bureaucracies now seek coalitions with state bureaucracies from different countries, creating voluntary state schemes between countries, providing credibility and regulatory systems, and completely reclaiming authority. This is the case with SVLK in Indonesia, negotiated between the government of Indonesia through the Ministry of Trade and the EU, under FLEGT as a Voluntary Partnership Agreement between the EU member states and Indonesia (Fig. 2). These assumptions are in line with Bartley (2014), who states that governments reclaiming the practice of regulation from private actors by means of legality certification could constrict global private authority. However, Cashore and Stone (2012) suggest that legality verification has a significant potential for reinforcing global private certification.

As pointed out by Bartley (2014), states are the only actors with the ability and responsibility to institutionalize the rights of citizens within their borders. However, the failure to achieve binding international forest agreements in the 1990s gave way to private actors like environmentalists and foresters creating transnational regimes as a solution for sustainable forest management like FSC (Bartley, 2014). These transnational regimes claim to improve management and promote sustainability and hence are seen as positive systems. However, for forest companies, certification is a very costly mechanism with very little profit since no differentiated prices are observed. These high costs make certification almost impossible for all smallholders, leaving them out of international markets and benefitting big transnational companies. For example in South Africa, sustainable fisheries certification was found to be appropriated by white-owned fishing groups, who maintained market control and excluded black-owned companies (Ponte, 2008). With legality regimes, states reclaim their regulatory power, replaying their role in granting and enforcing citizens' rights (Bartley, 2014).

State bureaucracies can either support or hinder certification processes in different ways according to their interests. In Argentina, both forest-related bureaucracies, the Secretariat of Environment and the Secretariat of Agriculture, initially supported FSC, providing staff members who participated in the formulation of standards for plantation forests. However, the Secretariat of Agriculture, responsible for plantation forests, later promoted PEFC. By supporting the competing system, it hindered the conservation-oriented FSC in the country.

In Indonesia, the Ministry of Forestry also supported forest certification, stating its commitment to implement sustainable forest management. By funding a national initiative, LEI, it hindered FSC. In this case, the Ministry of Forestry together with the National Land Agency also hindered FSC by approving a regulation in 2010, which prohibits the application of HCV standards, making protected areas illegal (Agrofarm, 2014). This regulation also hinders RSPO in the country (Sahide, Burns, et al., 2015).

By launching ISPO as a mandatory certification system for palm oil production in Indonesia, the Ministry of Agriculture, with the support of local producers, also hindered RSPO. In the forestry sector, by launching a mandatory legality verification system, SVLK, which has been accepted by the European Union as a Voluntary Partnership Agreement, the Ministry of Forestry took a further step in reclaiming its authority, hindering forest certification systems in Indonesia.

The differences in the role the state plays in certification processes observed between the studied cases, especially between Argentina and Indonesia, could be explained by differences in land ownership. Contrary to previous insightful findings that showed private governance outcompeting the state (Dingwerth, 2005), in countries like Argentina with strong private landowners, state bureaucracies are used as coalition partners to develop more industry-friendly schemes that compete with strong environmental schemes like FSC (Burns et al., 2016). A similar situation was observed in Finland where, with strong support from forest owner organizations and state bureaucracies, PEFC outcompeted FSC, with 95% of the forests in the country having been certified under PEFC within one year after the approval of the standard (Keskitalo, Sandström, Tysiachniouk, & Johansson, 2009). On the other hand, countries with

state land ownership like Indonesia, show a stronger state participation, going further than just making coalitions with private actors and totally reclaiming their regulatory authority.

Relationship to global markets is another variable that explains the differences observed between cases. In Argentina, market demand for certified products does not exist as it does in Brazil, Argentina's main forest product destination, limiting the influence of international actors. On the other hand, Indonesia has strong relations with global markets, including the EU, showing high demand for certified products.

6. Conclusions

6.1. Public and private actors: Cooperative or competitive governance?

Contrary to a number of past political studies, our results indicate that state bureaucracies have a rather strong influence on the emergence and diffusion of private agricultural and forest certification initiatives. State actors put certification on the political agenda, provide technical infrastructure, as well as direct and indirect financial support. Rather than a purely “non-state market-driven governance system” (Cashore, 2002), our results suggest that certification is currently a form of *de facto* co-governance between private actors in favour of certification schemes and public bureaucracies as necessary coalition partners, which bring crucial resources, expertise, and legitimacy to the process of private institution building (similar Cashore et al., 2004; Hysing, 2009; Bell & Hindmoor, 2012; Gulbrandsen, 2014; Sargent, 2014). Our results, however, also indicate attempts by Indonesian state bureaucracies to reshape the certification landscape away from private or co-governance initiatives towards state-driven certification. They do this by preparing and introducing mandatory certification schemes on palm oil production and timber legality, using their exclusive coercive power (Krott et al., 2014) of state bureaucracies to regulate in a given policy (sub-)sector (Giessen, Hubo, Krott, & Kaufer, 2013; Howlett, Ramesh, & Perl, 2003). Due to the administrative and financial efforts associated with both private and state-driven certification schemes, this bureaucratic strategy is forcing companies to decide whether to subscribe to both schemes or to the mandatory system only, leading to a decreasing demand and lack of political support for private certification (similar Nurrochmat et al., 2014 on timber certification and Mills, 2016, as well as Cherednychenko, 2016 on other empirical instances). More broadly, these results may be interpreted as reflecting the fundamental and constant competition for regulation between public and private actors (Knill & Lehmkuhl, 2002). According to this view, the above-mentioned co-governance model may be considered an intermediate step only, supporting the *temporary governance hypothesis* (Giessen, 2012: 173), according to which less hierarchical, private actor-driven forms of governance are maintained only temporarily, until sufficient state actors' interests and capacities exist for reshaping them into co-governance and state-driven government arrangements (Fig. 1).

6.2. Beyond the public-private divide: Politics among bureaucracies and policy sectors

In analyzing certification politics among specific state bureaucracies, our results illustrate that individual state agencies engage in certification issues at the cost of others. In Argentina, the standardization agency was the preferred coalition partner by the private actors behind the certification movement over the strong Ministry of Agriculture. In Indonesia, the Ministry of Forestry's position as the only and main regulator in forest issues is lately under threat (Wibowo & Giessen, 2015). Hence, it is using the establishment of mandatory timber legality certification and the relating support by the EU and other donors to strengthen its power position as the main regulator in forest issues, *vis-à-vis* a number of competing state agencies. These results show that the governing conflict among non-state and state actors can be further specified according to which particular bureaucracies and their societal clientele are in conflict with which other bureaucracies and their non-state allies (see Peters, 2010). Here, the concept of policy sectors (Giessen & Krott, 2009; Giessen, 2012; Rayner et al., 2001) is proposed as being useful for further analyzing the certification politics beyond questions of public and private authority, but in line with questions about which coalition and policy sector succeed over others.

6.3. Implications for international relations: From transnational towards international regimes?

The potential trend from private governance towards state-driven government arrangements in forest and agricultural certification (Fig. 1) also has implications for the study of the transnational and international regimes

behind them. Our results imply that transnational certification regimes like FSC (Pattberg, 2012) and RSPO (Hospes, 2014) face growing competition from emerging state-driven international ones on timber legality and palm oil production (Wiersum et al., 2013). Given that sovereignty concerns of many governments have previously prevented effective international forest governance efforts (McDermott, 2014), this trend towards sovereignty-sensitive, international certification regimes implies a great potential for development and state-led competition also among other transnational regimes beyond the forest issue area.

As our results further indicate, this trend, however, is rooted in domestic politics and triggered by self-interested domestic bureaucracies, but is not caused by changes at the international level. This is in line with general findings by Howlett and Rayner (2005) and in the field of forest and agricultural policy in particular (Bernstein & Cashore, 2012; Burns & Giessen, 2015; Hospes, 2014; Mbatu, 2015; Ongolo, 2015). Consequently, the success of existing transnational and international regimes to a large extent depends on the interest-driven selection and uptake of specific regimes and that of some of their specific norms by individual domestic policy actors. Rather than analyzing regime effectiveness in a top-down manner (Hovi, Sprinz, & Underdal, 2003; Miles, 2002; Young, 2003), we suggest taking domestic actors and structures more serious as independent variables in the analysis of regime consequences (see Bernstein & Cashore, 2012). This idea is developed elsewhere in a *from-below-approach* for analyzing regime characteristics and consequences, which builds on how specific trans- and international regimes are *being made* relevant by specific actors in the pursuit of their self-interests (Sahide, Burns, et al., 2015; Sahide, Nurrochmat, et al., 2015).

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