



**Governmental
Use of
Voluntary
Standards**

**Governmental Use of
Voluntary Standards:
Innovation in Sustainability
Governance**

September 2008



*R079 Governmental Use of Voluntary Standards:
Innovation in Sustainability Governance*

accompanies and draws from a set of ten case studies that were developed through the ISEAL Alliance and TSPN 'Governmental Use of Voluntary Standards' project, presented and discussed at a high level conference held in October 2008.

The case studies are examples of collaborations between public bodies and voluntary social and environmental standards systems. They investigate why public authorities choose to work with these standards, and what are the benefits and challenges in doing so. Together, the studies represent diversity: in socio-economic and regulatory environments, in the institutional arrangements between governments and standards, in the policy objectives aimed for, and the implementation tools used.

The studies hope to contribute to a critical dialogue about the future shape of the relationship between governments and international, social and environmental, voluntary standards.

**R079 Governmental Use of Voluntary Standards:
Innovation in Sustainability Governance**

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Acronyms & Abbreviations

CONAP	National Council for Protected Areas, Guatemala
CSR	Corporate Social Responsibility
CTAB	Technical Centre of Organic Agriculture, Tunisia
EAOPS	East Africa Organic Products Standard
EKO	EKO is an organic mark issued by Skal International
EU	European Union
FLO	Fairtrade Labelling Organizations International
FSC	Forest Stewardship Council
FTC	Fair Trade Centre, Belgium
GTZ	<i>Gesellschaft für Technische Zusammenarbeit</i> , German international cooperation enterprise
HIPC	Heavily Indebted Poor Country, World Bank-IMF classification
IFAT	International Fair Trade Association
IFOAM	International Federation of Organic Agriculture Movements
ISO	International Organization for Standardization
INPA	Israel Nature and Parks Authority
MAC	Marine Aquarium Council
MSC	Marine Stewardship Council
nprPPMs	non-product-related Process and Production Methods
SA8000	The social accountability standard of SAI
SAI	Social Accountability International
SGSSI	(Government of) South Georgia & South Sandwich Islands
SMEs	Small- and Medium-Sized Enterprises
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNEP	United Nations Environment Programme
USAID	United States Agency for International Development

Introduction

This overview report accompanies and draws from a set of ten case studies that were developed in 2008 through the “Governmental Use of Voluntary Standards” project¹.

The case studies map the diversity of good practice collaborations that exist in how governments and public authorities use voluntary standards to deliver on their own public policy objectives.

This report aims to provide an overview of the models of engagement identified through the case studies, as well as start to draw some lessons that may be applicable to other governments, and be of interest to those involved in exploring how to strengthen global governance towards improved sustainability outcomes.

The report begins by outlining the context within which governments and international voluntary standards systems operate, and the variables that might influence their mutual engagement (chapter 1). It continues by briefly introducing the “Governmental Use of Voluntary Standards” project (chapter 2). The report then addresses the question ‘do governments use voluntary standards?’ (chapter 3) and goes on to look into the motivations behind governmental collaborations with voluntary standards (chapter 4).

Drawing on the findings from the case studies, the report looks into the operational, or institutional, arrangements that governments have set-up to make use of voluntary standards (chapter 5). It describes how the governments profiled achieved the outcomes they set-out to deliver in their use of voluntary standards, and how this is leading to a multiplier effect – as other governments engage with voluntary standards (chapter 6).

Finally, this leads the report to look into what can support the replication of this collaborative model of policy delivery (chapter 7), and concludes with a few recommendations for the further successful development of the relationship between voluntary standards systems and governments (chapter 8).

¹ The “Governmental Use of Voluntary Standards” project was implemented by the ISEAL Alliance in collaboration with the Trade Standards Practitioners’ Network (TSPN) and with the support of the Swiss State Secretariat for Economic Affairs (SECO), the World Bank and the Entwined research partnership. The case studies and this report can be downloaded from www.isealliance.org/governments

1 An Evolving Context

Governments in the twenty-first century operate in an environment of limited resources and increasing complexity. Events beyond the direct control of national administrations, such as financial market volatility, terrorism, multilateral trade and governance² negotiations - on issues as diverse as the environment or development; affect national public policy development and implementation.

Interdependence, influenced by international trade, increasingly underpins government relations. Many developing country governments need to assess the increasingly stringent and complex regulatory framework of export markets and the impact on vulnerable populations wholly dependant on agricultural production for their livelihoods and food security. Developing and developed country governments may need to protect and conserve their natural resource assets and maintain economic competitiveness in an environment of commodity price volatility.

Cooperation based on an understanding of interdependence is increasingly also recognised as a prerequisite for the successful delivery of sustainability outcomes. These may be environmental challenges that span beyond administrative borders, like climate change. They may also be social challenges like poverty alleviation in particular countries which governments have committed to eradicate by signing-up to the Millennium Development Goals.

Whatever the policy objective, the traditional approach of exclusively using a centralised 'command and control' style of government regulation may no longer be the most effective in a geopolitical environment where drivers for policy increasingly lie outside national boundaries: "... *the evolving structures of global production – multinational enterprises and global supply chains – pose major challenges for conventional "regulation" action by the state – or at the international level by groups of states, acting primarily through treaty-based intergovernmental organizations (IGOs) – to control the conduct of economic actors through mandatory legal rules with monitoring and coercive enforcement*³". Governments need different ways of working and new tools with which to work.

One way to support policy development and implementation effectiveness is to engage with voluntary multi-stakeholder



The government of South Georgia and the South Sandwich Islands is certified to Marine Stewardship Council (MSC) Standards. As well as supporting their Patagonian Toothfish industry, this also helps protect albatross and other seabird populations.
Photo: © Michael Double

² "Governance has been defined as 'the sum of the many ways individuals and institutions, public and private, manage their common affairs'". Webb, K. (2005) page 247

³ Abbott, K. And Snidal, D. (2008) page 2

standards systems⁴. Voluntary standards systems are market based tools for trade. They are described as “*cross-sectoral partnerships created with a rule-setting purpose, to design and steward standards for the regulation of market and non-market actors*”⁵.

Voluntary multi-stakeholder standards systems developed as a response to perceived market or government⁶ failures to effectively deliver on an ethical outcome. They are designed to be multi-stakeholder so as to operate in a participatory and inclusive way that is designed to build consensus⁷.

Governments are increasingly choosing to participate in the development of standards systems, or otherwise support, use and facilitate voluntary standard-setting and certification. As this report explores below (chapter 4), governments are motivated to do this for many reasons. Evidence of the positive outcomes of these relationships is no longer rare, the examples no longer pioneering. The relationship has been described as ‘*the next big thing*’⁸ or even already now part of ‘*a new reality*’⁹.

Despite this growing practice it remains little spoken about outside specialised circles. Although many individual government representatives work with voluntary standards, many governments still have underlying concerns they may feel need to be addressed before they fully engage with voluntary standards systems.

Concerns about the legality of voluntary standards systems under the WTO has fuelled on-going debates since the mid 1990s. The debates have largely focussed on whether it is possible under international trade law to differentiate products on the basis of *non-product-related Process and Production Methods (nprPPMs)*¹⁰, out of concern that npr-PPMs may i) serve protectionist interests and be used as barriers to trade, or ii) serve as a means for those countries where standards are developed to impose their national policy priorities on other

⁴ The term “standards system” has been used to convey a holistic understanding of the organisations ISEAL works with, capturing all the various components that together make up a credible initiative. This includes the standard-setting dimension as well as the accreditation, certification and capacity building activities involved in making the whole ‘system’ credible and effective in delivering social and environmental objectives.

⁵ Litovsky, A. *et al.*, (2007) page 3

⁶ Abbott, K. And Snidal, D. (2008) page 7

⁷ Litovsky, A., *et al.*, (2007) page 3

⁸ Agrifoods Standards Net (2007)

www.agrifoodstandards.net/en/articles/global/in_focus_pip_on_private_voluntary_standards_and_emerging_debates_on_food_miles_and_carbon.html

⁹ Webb, K. (2005) page 242

¹⁰ “*npr-PPMs refer to any activity that is undertaken in the process of bringing a good to market, but which does not affect the physical characteristics of the product in question.*” Definition adapted from Potts, J. (2008) page 3

countries, thus infringing each state's inherent right to determine its own policy priorities or iii) that their effective enforcement is technically unfeasible and (potentially) arbitrary¹¹.

Npr-PPMs are mentioned in the GATT, Sanitary and Phyto-Sanitary (SPS), Technical Barriers to Trade (TBT) and Government Procurement (GPA) agreements of the WTO. However, “*nowhere within the WTO package of agreements is there explicit reference to the legality or illegality of non-product-related PPMs*”¹². Despite significant amounts of supportive case law and legal opinions¹³ since the mid 1990s, established perceptions of illegality persist.

Yet this perception does not play-out in the reality of how governments are operating, as the case studies analysed through the “Governmental Use of Voluntary Standards” project attest. Nor is it reflected in analyses of the WTO such as the 2005 World Trade Report which states that: “*a stable and mutually supportive relationship between standards regimes and international trade rules is central to the effective functioning of the trading system. [...]Standards are essential for addressing market failures. [...]But the design and operation of standards must [...]avoid [...]unwarranted obstacles to competition and trade*”¹⁴.

Beyond trade, the award winning British economist Paul Collier argues that governmental use of voluntary international standards can provide a healthy system of democratic checks and balances and can put natural resource-rich low income countries on the path to sustained prosperity¹⁵. Canadian lawyer and UN Global Compact Special Adviser Kernaghan Webb argues that sustainable governance in the 21st Century recognises and draws on the potential of *inter alia* the voluntary sector to assist in governing, sharing the responsibilities, costs and learning of governance, and enhancing the ability to respond to new challenges or changing circumstances¹⁶.

¹¹ For further analysis, please refer to Potts, J. (2008) *The Legality of PPMs Under the GATT: Challenges and Opportunities for Sustainable Trade Policy* available at www.iisd.org/pdf/2007/ppms_gatt.pdf

¹² Potts, J. (2008) page 9

¹³ See, for example, R052 ISEAL-CIEL Legal Opinion on the WTO Government Procurement Agreement and R053 ISEAL-CIEL Legal Opinion on the WTO Technical Barriers to Trade Agreement, available at www.isealliance.org

¹⁴ WTO (2005) *World Trade Report: Exploring the Link Between Trade, Standards and the WTO* pages iii-iv

¹⁵ Paul Collier TED Talk 26 August 2008 www.policyinnovations.org/ideas/media/video/data/000073 and is based on his book, “The Bottom Billion – Why the poorest countries are failing and what can be done about it.”

¹⁶ Webb, K. (2005) pages 246-247

2 The Governmental Use of Voluntary Standards project

2.1 Project Objectives

- 1 To identify best practice examples from around the world of governmental use of voluntary standards,
- 2 To better understand how voluntary standards systems and governments can work together to achieve common social justice and environmental objectives,
- 3 To disseminate the results to government agencies, standards-setting and certification bodies, academics and other interested parties,
- 4 To initiate a critical dialogue to nurture and shape the future of public-private relationships in social and environmental standard-setting,
- 5 To learn how to better facilitate governmental uptake of such voluntary standards.

2.2 Research Methodology

The project consisted of research into ten case studies representing different models of collaboration between a governmental authority and a voluntary standards system.

A case study approach was used as: i) there is limited research and analysis in this area, and yet this is needed to start building evidence of this '*new reality*'¹⁷; ii) case studies help to better understand specific instances of how governments are using voluntary standards systems to achieve their own public policy objectives; and iii) from this one can draw more general lessons, build a basis for future learning and for informing policy and practice.

The research was conducted between April and September 2008. The methodology involved a preliminary survey of published and unpublished literature, face-to-face and telephone interviews with in-country government and standards organisations representatives, certification bodies, NGOs, international aid agencies and other experts. In all more than 80 people were contacted and 35 interviewed.

For each case study, a minimum of one in-country government representative and one in-country voluntary standards

¹⁷ Please refer to footnote 10

organisation representative were identified for interview. Standard questionnaires were used to allow for cross comparison and analysis.

The ten case studies were selected to represent:

- > a mix from high-, middle- and low-income countries to capture different socio-economic and regulatory environments,
- > a mix of public policy objectives (e.g., natural resources management, poverty alleviation, economic development), and
- > a mix of economic sectors and sustainability objectives (e.g., food safety, labour practices, fair trade, forestry, fisheries, marine aquarium trade, horticulture, agriculture, and textiles).

With the exception of Kenya, the case studies look at how nine governments have engaged with standards systems members of the ISEAL Alliance, or linked to them (the case of the East Africa Organic Products Standard and IFOAM). There are of course many other social and/or environmental voluntary standards systems. At the time of writing, for example, the ISEAL Alliance counts sixteen Full and Associate members¹⁸, leading multi-stakeholder organisations, whose missions span standard-setting, certification and accreditation in areas as diverse as carbon accounting and fair trade, manufacturing and agriculture, fisheries and labour. Many others exist beyond ISEAL.

Governmental Use of Voluntary Standards: Case Studies	
1	Belgium’s Fair Trade Centre, and the Fair Trade Movement
2	Bolivia and Forest Stewardship Council Standards
3	Groningen Province (the Netherlands) and Fairtrade (FLO) Standards
4	The Guatemalan Maya Biosphere Reserve and Forest Stewardship Council Standards
5	Israel and Marine Aquarium Council Standards
6	Kenya and the KenyaGAP Standard for Good Agricultural Practice
7	Rwanda and the East Africa Organic Products Standard
8	South Georgia and South Sandwich Islands and the Marine Stewardship Council Standard
9	Tunisia’s Organic Standard
10	Tuscany Region (Italy) and the SA8000 Standard for Social Accountability.

¹⁸ ISEAL Alliance Full members are organisations that meet requirements for good practice in either their international standard-setting or international accreditation practices and that have committed to the ISEAL Alliance Code of Ethics. ISEAL Alliance Associate members are organisations that are in the process of meeting requirements for good practice and that have committed to the ISEAL Alliance Code of Ethics. www.isealalliance.org/members

3 Do Governments Use Voluntary Standards?

Research undertaken for this project provided substantive evidence that there is extensive interaction between voluntary standards and public bodies. Without aiming to assess the scale of the “Governmental Use of Voluntary Standards” worldwide, in just six months, the project came across more than seventy examples of governmental use of voluntary standards, in addition to those analysed for the case studies.

The government of the state of Western Australia¹⁹ is using the Marine Stewardship Council (MSC) certification for fisheries management and export permit applications of the Western Rock lobster fishery.

In Canada²⁰, the Alberta Ministry of Environment, the Government of Manitoba, and Georgian Bay Islands National Park (a protected area managed by the federal government agency Parks Canada) specify the Forest Stewardship Council (FSC) standard in their public procurement policies.

China²¹ has integrated FSC sustainable forest management standards in its National Forest Strategy. The governments of Denmark²², Japan²³ and New Zealand²⁴ accept FSC certification as proof of legality and sustainability for timber in their public procurement policy.

In 2007, the Office of the Collector in the Medak District of Andhra Pradesh, India²⁵ was the first government department in Asia to be SA8000 certified. India²⁶ is also using the Marine Aquarium Council (MAC) standard to sustainably manage a number of its coral reefs and the related trade in marine ornamentals in a project called “Making the Most of the Coast”.

Public procurement policies are a significant driving force for certification and a source of demand for certified products. Several European governments, including the United Kingdom, the Netherlands, France and Germany²⁷ have published public



The Italian Regional Government of Tuscany supports certification to SA8000 among its small and medium-sized enterprises to improve working conditions and differentiate the region's produce.

Photo Source: Consorzio 100% Italiano

¹⁹ www.fao.org/fi/oldsite/FCP/en/AUS/body.htm

²⁰ www.fsccanada.org/procurementpolicies.htm

²¹ www.unece.org/press/pr2006/06tim_n01e.htm

²² www.2.skovognatur.dk/udgivelser/2003/tropical/

²³ www.env.go.jp/en/

²⁴ www.fao.org/forestry/media/11153/1/0/

²⁵ SAI (2007) page 2

²⁶ cgmap.cgiar.org/documents/MTPProjects/2005-2007/WORLDFISH_2005-2007_3.PDF

²⁷ www.bmelv.de

procurement policies that include criteria favouring sustainable forest management. In Sweden, all coffee served in administration offices must meet the requirements of an IFOAM-certified organic programme. In the Netherlands, when garments need to be purchased where possible they should be labelled by the Fair Wear Foundation²⁸. The Marine Stewardship Council's (MSC) "Fish & Kids" project in England, part-funded by central government, is supplying MSC-certified fish for school meals in a number of local authorities²⁹.

Cities and municipalities also work with voluntary standards. "Cities for Forests", a campaign by WWF Spain³⁰ includes Barcelona and 40 other local administrations that have committed themselves to buy FSC certified products. As part of its strategy to magnify this campaign beyond its own territory, Barcelona recently twinned with the municipality of Santa Cruz de la Sierra in Bolivia to facilitate technical support to help Santa Cruz implement new legislation approved in July 2007 establishing a responsible purchasing policy for forest products.

The Ministry of Commerce of Pakistan³¹ is using the Social Accountability voluntary standard SA8000 to meet labour policy objectives through training and incentives for small and medium sized enterprises.

Conclusions

The above list should not be taken as representing the full spectrum of governmental use of voluntary standards systems, nor should it be taken to best represent the full diversity of models of engagement. For example, given the long-standing use of public procurement by governments, evidence of interface at that level is more readily available than for other models of engagement. More research is required in how to comprehensively capture other examples from other sectors and share this information more effectively.

What can be concluded from the ten case studies and range of further examples provided is that many governments do engage with voluntary standards to deliver on their own public policy objectives. Whilst this pattern is fairly common in Europe and to a lesser extent in other developed countries, it also applies to developing countries, regardless of their level of economic or political development. The case studies analysed provide evidence of this.

²⁸ www.senternovem.nl/duurzaaminkopen/index.asp

²⁹ www.fishandkids.org/showpage.php?page=about

³⁰ Global Forest and Trade Network [www.illegal-logging.ifo/uploads/WWF_Spain_Seminar_Conclusions_\(Englis\).pdf](http://www.illegal-logging.ifo/uploads/WWF_Spain_Seminar_Conclusions_(Englis).pdf) page 3

³¹ www.commerce.gov.pk/read.asp?newsID=205

Case Study Country Classification by Income

According to the World Bank's system of country classification by income:

Kenya and Rwanda are classified as low income (in addition Rwanda is a *heavily indebted poor country* (HIPC) country),

Bolivia (also a HIPC), Guatemala, and Tunisia are lower middle income countries, and

Belgium, Netherlands, Israel, Italy, and South Georgia & the South Sandwich Islands (a British Overseas Territory) are high income countries.

Source: World Bank Data and Statistics by Country
<http://web.worldbank.org>.

4 Government Motivations

The “Governmental Use of Voluntary Standards” project has illustrated that many governments are choosing to use, support and facilitate the development and implementation of voluntary standards to deliver on sustainability (or ethical) public policy outcomes. The motivations that drive this are diverse. To a degree, motivations vary in relation to the particular circumstances of each government, for example, as regards their established decision-making and operational practices or even their degree of awareness of possible uses of voluntary standards.

More generally, however, the motivations driving government action can be described as falling in two categories, which are explored below: i) governance drivers, and ii) mission –or policy objective, drivers.

4.1 Governance³² Drivers

When governments engage with a voluntary standard as opposed to developing an ‘in-house’ delivery mechanism for a public policy objective, it is because they believe they can benefit more from working with a voluntary standard than ‘going it alone’. Often the benefits governments perceive relate to the governance (e.g. alignment to international norms, or multi-stakeholder decision-making) or operational practices (e.g. an existing system of independent verification) inherent to voluntary standards systems. This is what we describe as “*governance drivers*”, and a number of these are explored below in figure 1.

Some governments may also be concerned whether they can legally use third party voluntary standards instead of regulatory instruments. In Israel, the INPA Legal Department investigated the issue, and found that they can so long as:

- > the standards are reasonable and scientifically justifiable,
- > all have full access to the content of the standards,
- > the standards are enforced uniformly and fairly on all relevant parties, and
- > the standards do not go against any of Israel’s Basic Laws³³.

³² Please refer to footnote 3

³³ Carey, C. (2008d) page 9

Figure 1: Governance Drivers

<p>Best Practice in Independent Verification</p>	<p>Israel and the Marine Aquarium Council</p> <p>One of the benefits to the Israel Nature and Parks Authority (INPA) of adopting the Marine Aquarium Council (MAC) standard was to outsource the burden of verifying whether the live marine ornamentals being imported into Israel were in fact sustainable. By outsourcing the verification of sustainability to a standards system which incorporates independent third party verification, INPA was able to reduce its own burden whilst maintaining, if not strengthening, its stringent control requirements. Independent verification can also help to countervail any potential challenges from importers who might otherwise challenge INPA for being too arbitrary, too strict, or too limiting. In addition, as INPA applies the standard uniformly on all importers there is a greater sense of fairness and transparency about their actions.</p>
	<p>Bolivia and the Forest Stewardship Council</p> <p>When the Bolivian New Forest Law 1700 was adopted in 1996, the Forest Stewardship Council (FSC) was the only voluntary forestry standards system that met the law's requirement for independent third party verification of the operations of forest concessions holders. As the government has been working to develop implementation guidelines for its own auditing scheme, FSC became the de facto standard used and continues to be the only forest certification system used in Bolivia today, allowing the law to be implemented despite the government audit scheme not yet being finalised.</p>
<p>International Recognition & Credibility</p>	<p>Tunisia's Organic Standard</p> <p>The Tunisian government's decision to base its national organic agriculture policy inter alia on IFOAM Basic Standards was the belief that these represented best practice in organic standards, an understanding developed as Tunisian officials participated in international conferences and met with farming and agricultural policy representatives from other countries. Working from internationally recognised standards, like IFOAM and EU organic standards, would according to the government help Tunisia to gain and maintain access to international markets.</p>
	<p>Kenya and KenyaGAP</p> <p>The Kenyan government similarly supported the development of KenyaGAP standards, the first in Africa benchmarked to the international GLOBALGAP standard for fruit, vegetables and flowers; because it believed it would help deliver its agricultural strategy objective to "transform Kenya's agriculture into a profitable, commercially oriented and internationally competitive economic activity"³⁴.</p>
<p>Sharing Resources</p>	<p>Israel and the Marine Aquarium Council</p> <p>The Israel Nature and Parks Authority (INPA) has stated that requiring MAC certification for all imported live marine ornamentals has provided a cost savings benefit to the Government of Israel, as they have been able to use a system that is already in place, as opposed to having to set one up. These savings may allow for expenditure in other areas of conservation.</p>

³⁴ Carey, C. (2008e) page 10-11

Figure 1: Governance Drivers

	<p>Tuscany Region and SA8000</p> <p>The success of the Tuscan Regional government's Fabbrica Ethica CSR programme, and the rapid and sustained uptake of the SA8000 standard by Tuscan enterprises is, according to the Tuscan Ministry for Production Affairs, attributable to their awareness raising and information campaigns with Social Accountability International.</p>
	<p>Tunisia's Organic Standard</p> <p>In Tunisia, the Technical Centre of Organic Agriculture (CTAB) is a department of the Ministry of Agriculture, responsible for applied research in organic farming and for providing training, education and information to farmers and other researchers. To their mutual benefit, the CTAB is a member of IFOAM with whose stakeholders it can share in the expertise on organic farming that is developed across the organic movement, as well as contributing its own research and findings.</p>
Reputational Risk Management	<p>The Guatemala Maya Biosphere Reserve and Forest Stewardship Council</p> <p>CONAP, the Guatemalan National Council on Protected Areas, adopted the Forest Stewardship Council (FSC) amongst its requirements from forest concessionaries in the Maya Biosphere Reserve in order to clearly communicate that if it was going to allow harvesting from a protected area, harvesting would be verified as sustainable, and the benefits equitably distributed. FSC certification, developed through consensus between economic, social and environmental stakeholders, was for CONAP a way to guarantee and communicate this.</p>
	<p>South Georgia & South Sandwich Islands and Marine Stewardship Council</p> <p>The South Georgian & South Sandwich Islands (SGSSI) government decision to engage with the Marine Stewardship Council (MSC) was to differentiate its Patagonian Toothfish fishery from other Southern Ocean sea bass fisheries under attack by environmental NGOs for being unsustainable. As well as wanting to ensure sustainable fishing practices, managing this risk was critical for the SGSSI government since the majority of its revenue depends on the income it generates from the allocation of fishing quota and sale of fishing licences.</p>
Promoting Change without Regulatory Burden	<p>Belgium and Groningen (Netherlands) and Fair Trade</p> <p>According to the government of the Netherlands, which has set itself a target of 100% sustainable public procurement by 2010, <i>"The sheer volume of government purchasing can trigger innovation and sustainable development in producers..."</i>³⁵. The Province of Groningen, procuring certified Fairtrade coffee and tea, further iterates: "The government wishes to demonstrate good practice by setting a good example through its procurement policy"³⁶.</p>

³⁵ Carey, C. (2008b) page 8

³⁶ Ibid. page 14

4.2 Mission Drivers

Alongside the *governance drivers* outlined above, governments may choose to engage with a voluntary standard because the standard’s mission relates to the public policy objective it aims to deliver. This choice is therefore based on a *mission (or policy objective) driver*. Voluntary standards lend themselves to many policy domains, and can be used by governments to deliver both on the stated missions of the voluntary standards (e.g., sustainable forest management) as well as further policy missions (e.g., economic competitiveness).

Figure 2: Mission Drivers	
<p>Development and Cooperation via fair trade</p>	<p>Belgium’s Fair Trade Centre and the Fair Trade Movement</p> <p>The Fair Trade Centre (FTC), a unit of the Belgian Development Cooperation Agency, shares in the same overarching objectives as the fair trade movement, since there is strong belief in the Belgian government that fair trade is an effective means to deliver on its own policy objectives for development and cooperation. Accordingly, the FTC provides technical assistance and financial support to producers and traders in developing countries who are either certified to Fairtrade Labelling Organizations (FLO) International standards, or members of the International Fair Trade Association (IFAT).</p>
<p>Improving working condition and labour practices via SA8000</p>	<p>Tuscany Region and SA8000</p> <p>The Tuscan Regional government supports the SA8000 standard for social accountability. The choice of the SA8000 standard was driven by the government’s recognition that many Tuscan SMEs needed to improve their working conditions and labour practices as newspapers had exposed child labour and Chinese migrants working in sweatshop-like conditions in Prato, near Florence. Beyond eradicating these problems amongst Tuscan SMEs, by promoting and financially supporting certification to SA8000 the government also aimed to assist Tuscan SMEs to differentiate themselves in the global market by adding value to their brand through ethical certification, and by so doing improve their competitiveness and gain new markets. The SA8000 standard does not define criteria for economic competitiveness, and yet certification to it can help achieve this.</p>
<p>Using organic certification to add value to agricultural exports</p>	<p>Rwanda and the East Africa Organic Products Standard</p> <p>The government of Rwanda’s motivation for engaging with the East Africa Organic Products Standard (EAOPS) must be set against the economic realities of a country where 90% of the population work in farming. Agriculture accounts for about 48% of Rwanda’s GDP, derived virtually entirely from small-holders whose production may be organic in method, though not certified, since they have been for many years too poor to pay for agricultural inputs.</p> <p>Whilst the EAOPS only addresses agricultural production and processing criteria, its application is seen by Rwanda as helping to build the capacity of small holders, as well as increase their export potential and thus the country’s export revenue.</p>

5 Operational Arrangements

The motivations that drive governments to work with voluntary standards are diverse, as are the institutional arrangements and implementation tools that governments may decide to use.

By *institutional arrangements* we mean the diversity of institutional, operational relationships between the government and the voluntary standards system. By *implementation tools* we mean the range of regulations, incentives, and enforcement mechanisms that a government may use to implement the policy for which it is engaging with a voluntary standards system.

5.1 Institutional Arrangements

There are many different institutional arrangements, or relationships, governments can establish when working with a voluntary standards system. Broadly, these can be organised into three categories:

- > “*Users*” are governments that have a direct relationship with voluntary standards systems. They may or may not specify a standards system,
- > “*Supporters*” are governments that provide incentives related to affiliation to a voluntary standards systems. They may or may not specify one or more standards systems,
- > “*Facilitators*” are governments that provide a favourable policy environment or resources to facilitate the development of a specific multi-stakeholder voluntary standard.

Users

Amongst the project’s case studies South Georgia & the South Sandwich Islands (SGSSI), Israel and the Dutch Province of Groningen all have a direct user relationship with a voluntary standard specified in their legislation or operational documents.

SGSSI is a direct client of the Marine Stewardship Council (MSC) as the Patagonian Toothfish fishery it manages in the South Georgian waters has been certified. The SGSSI holds the MSC certificate. It also requires Patagonian Toothfish licensed fishing vessels to join a Group Entity of MSC certified fishing vessels and to obtain separate MSC Chain of Custody certification if they wish to market their Patagonian Toothfish as MSC certified.

Israel’s legislation *Trade Policy for the Import of Live Marine Ornaments* explicitly requires that all specimens of live marine



The Dutch province of Groningen specifies Fairtrade certification in its tender documents for public procurement.
Photo © Paul Hardy / Venturout
- (www.flickr.com)

ornamentals imported into Israel come from Marine Aquarium Council (MAC) approved sources, and that importers sign the MAC Statement of Commitment and strive to become MAC Certified.

The Dutch Province of Groningen's public procurement tender specifications include Fairtrade FLO/Max Havelaar certification as part of the selection criteria.

Two further governments studied, Bolivia and Guatemala, also have a direct user relationship with a voluntary standard. However, the standard is not named.

Bolivia's *New Forest Law 1700* requires forest concession holders to undergo an audit of their operations every five years and recognises third-party sustainable forest management certification as equivalent to government audits.

The Guatemalan National Council for Protected Areas (CONAP) forest concession contracts stipulate that concession holders must obtain forest management certification within the first three years from being awarded the concession, and maintain it for the duration of the concession contract.

In both these case studies the Forest Stewardship Council (FSC) is *de facto* the only voluntary standards system used because it is the only one available meeting the specifications both governments have written in law.

Supporters

Supporters were described above as governments that provide incentives because of affiliation to a voluntary standards system. These incentives may be directed to a variety of players, and the project case studies provide three different examples of beneficiaries of governmental support.

The *Fabrica Ethica* programme of the Tuscany Regional government supports small and medium-sized enterprises (SMEs) to become certified to the SA8000 standard for social accountability and other standards. This support is in the form of tax breaks on national insurance and regional tax payments, and financial incentives, including contributing up to 50% of the costs SMEs incur in undergoing certification.

The Belgian Fair Trade Centre (FTC) provides funding and technical assistance to producer groups in the developing countries supported by the Belgian Development and Cooperation policy. This support is directed specifically to those who have become certified to Fairtrade (FLO) standards or who are members of the International Fair Trade Association (IFAT). The FTC does not support the voluntary standards themselves, nor certification or engagement with them.

The Government of Tunisia drew from the IFOAM Basic Standards in developing its national legislation for organic agriculture. Today, its relationship with the International Federation of Organic Agriculture Movements (IFOAM) and its members continues as the Tunisian Technical Centre of Organic Agriculture (CTAB) is a member of IFOAM. Membership allows the CTAB to share its own expertise in organic farming and to draw on that of other IFOAM members.

Facilitators

Facilitators were described above as governments that provide a favourable policy environment or resources to facilitate the development of a specific voluntary standard, owned by a multi-stakeholder process, instead of developing a regulatory standard. The project provided two examples of this.

Alongside the other governments of the East African Community, Rwanda participated in the development and formal adoption of the East African Organic Products Standard (EAOPS). As part of the EAOPS development process, the Rwandan government facilitated the coming together of civil society organisations and the establishment of the Rwandan Organic Agriculture Movement (ROAM). The EAOPS is the second regional organic standard in the world after the European Union's, and the only one to have been developed through a public-private partnership. Although a voluntary standard, the EAOPS was adopted by the East African Community (EAC) in April 2007 and launched together, with the associated East African Organic Mark by the Prime Minister of Tanzania in May 2007.

The KenyaGAP development process was initiated by the private sector organisation the Fresh Produce Exporters Association of Kenya (FPEAK) and other private players. The Ministry of Agriculture decided to become involved and to facilitate this process by providing their own information and technical expertise, but also, crucially, by mobilising the participation of relevant stakeholders by setting-up and running the private-public sector initiative the National Task Force on Horticulture.

Conclusion

The range of institutional arrangements between governments and voluntary standards systems described above could be represented as in figure 3 (below):

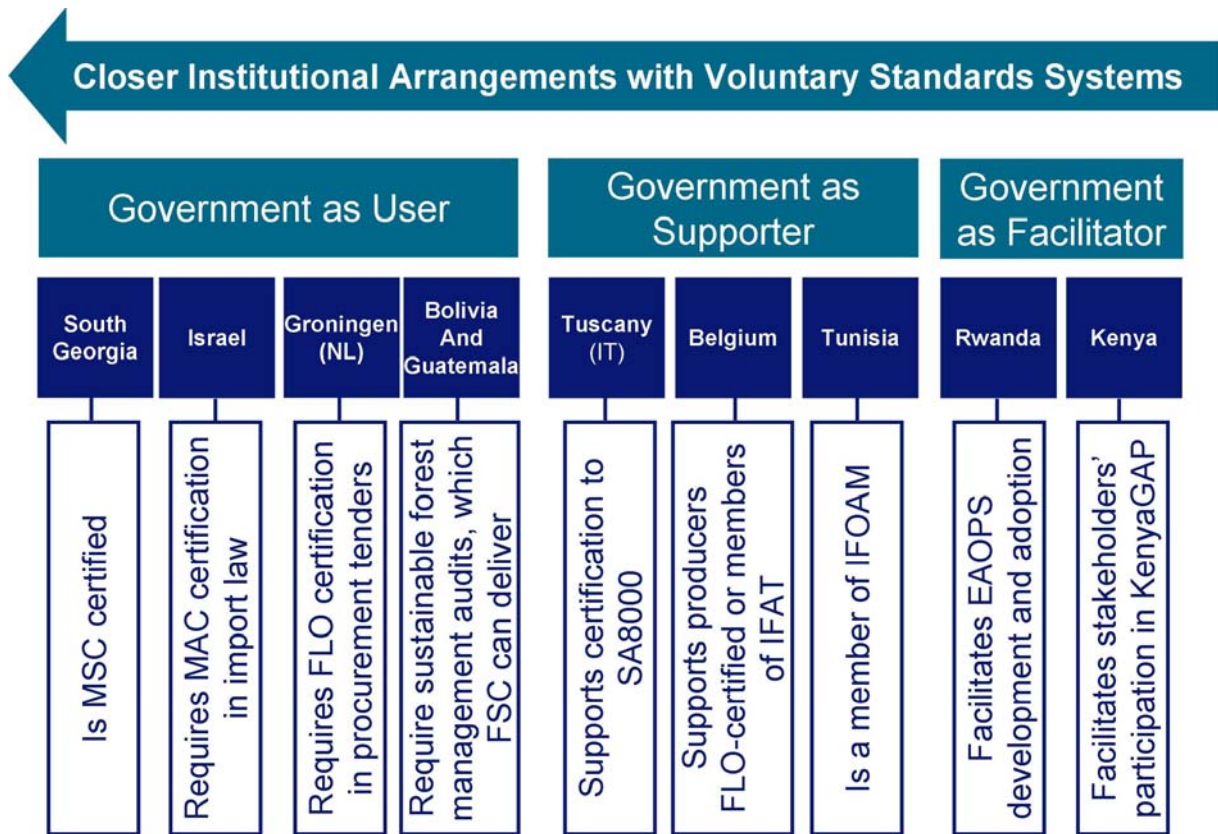


Figure 3: A Typology of Institutional Arrangements in Governmental Use of Voluntary Standards

The primary reason voluntary standards seek to engage with governments is to increase delivery of the mission enshrined in their standards (e.g. sustainable fisheries or decent labour conditions). Accordingly, the typology does not aim to suggest that there is a preferred model, but rather that voluntary standards lend themselves to a diverse range of potential institutional arrangements with governments. Probably several more exist beyond what could be captured in ten case studies. This flexibility is a potential asset for governments who may tailor their relationship with voluntary standards systems to best meet their own institutional set-ups and policy requirements.

Furthermore, often governments will not fall neatly in one of the “user”, “supporter” or “facilitator” categories. Rwanda is described above as a “facilitator”, but once the EAOPS was adopted, it has also financed the costs of certification for six export companies, and provided 100% tax breaks on the purchase of equipment used for organic farming, thus evolving into a “supporter” role. Similarly, South Georgia & the South Sandwich Islands is a “user” as direct client of the MSC, but also a “supporter” as it funds ongoing research to fulfil the conditions of certification. This suggests that governments can set-up an institutional arrangement and that this may evolve over time according to new developments or needs.

5.2 Implementation: Incentives & Enforcement Tools

The governments analysed in the case studies utilise a broad range of implementation mechanisms when working with voluntary standards systems (see figure 4):

Fiscal Incentives	
Financial support (e.g. subsidies)	Belgium, Rwanda, Tunisia, Tuscany, South Georgia
Tax relief	Bolivia, Tunisia, Tuscany
Non-Fiscal Incentives	
Technical assistance / information	Belgium, Tunisia, Tuscany, South Georgia
Training	Tunisia
Convening power	Kenya, Tunisia, Tuscany, South Georgia
Promotion / Marketing	Belgium, Tuscany, South Georgia
Conditions	
Requirements as conditions of access (e.g. quota allocation, forest concessions)	Groningen, Guatemala, Israel, South Georgia
Disincentives	
Penalties (e.g. fines)	Israel, Tunisia

Figure 4: Implementation Methods used by Governments in Engagement with Voluntary Standards

Conclusion

As the table above illustrates (figure 4), most governments interviewed use a range of implementation mechanisms, often a combination of fiscal and non-fiscal ones.

The choice is varied. This variation is likely to be a reflection of the particular national approaches to policy implementation inherent to each country (e.g. more liberal or interventionist) than any particular constraint or requirement within voluntary standards systems.

6 Outcomes

6.1 Delivering the Public Policy Objective

Governments typically engage with a voluntary standard where they can see it provides a way to deliver their intended public policy objective. All the governments interviewed reported positive outcomes from their use of voluntary standards. Some highlights include:

- > **Bolivia's objective of improved forest resource management:** today Bolivia has the second largest area of FSC certified natural tropical forest in the world, covering 1.9 million hectares. Bolivia has transformed its forest sector from a system in serious decline to being a world leader in certified tropical sustainable forest management.
- > **Belgium's objective of raising consumer awareness and purchasing of fair trade products:** in September 2008 the Fair Trade Centre published its most recent data which shows that the value of fair trade retail sales in Belgium has grown from Euro 16.8 million in 2001 to Euro 39.6 million in 2007, and up 16.5% on 2006.
- > **Tuscany's objective of improving the working standards of SMEs:** by April 2008 242 Tuscan companies were SA8000 certified, representing 32% of total Italian SA8000 certified companies and the highest number of SA8000 certifications in any region around the world. In recognition of its leadership the European Commission awarded *Fabrica Ethica* the "Best European CSR Practice" in 2006 and the Regional Government the "European Enterprise Award for Responsible Entrepreneurship" in 2007.
- > **Guatemala's objective of improved forest resource management:** evidence was published in 2008 that forest certification in the Maya Biosphere Reserve has not only reduced deforestation, but that the average annual rate of deforestation in FSC certified forest concessions areas between 2002-2007 was 20 times lower than that in other protected areas where the harvesting of wood and of non-timber forest products is prohibited.
- > **South Georgia's objective of sustainable Patagonian Toothfish management:** the success of SGSSI's certification programme has driven the Commission for the Conservation of Antarctic Marine Living Resources to undertake an unprecedented review of its own assessment and management recommendations, and to align these to SGSSI's MSC certification requirements.

6.2 Moving Beyond: the Multiplier Effect

As described in chapter 4, the case studies provide substantive evidence that engaging with voluntary standards systems can deliver on multiple public policy objectives and collateral benefits. The case studies also yield evidence that if a government engages with a voluntary standards system once, it is not uncommon that it will use voluntary standards also in other policy domains. We call this the *Multiplier Effect*, and the research has provided three examples of this.

In Tunisia, the Ministry of Agriculture's successful uptake of organic standards is now well proven, and leading to other ministries looking into whether working with international standards may also be appropriate for their policy objectives. The Ministry of the Environment, for example, has proposed new policy for voluntary eco-labelling standards, and has selected Germany's Blue Angel and the EU's Eco-label certification and labelling systems.

In Tuscany, the success of the *Fabrica Ethica* programme is inspiring other public authorities to promote and develop CSR policies for companies operating within their jurisdiction. A further nine Regional Governments have developed or are developing incentives for socially responsible businesses and SA8000 certification. Umbria is moving beyond the Tuscan example and has created a Regional Register of SA8000 certified companies, and enacted specific provisions for the "*certification of quality, environmental, safety, and ethical systems of Umbrian companies*". It has also included public procurement in its CSR policies, and gives preference in procurement contracts to SA8000 certified enterprises. At present there are more than forty SA8000 certified facilities in Umbria.

Satisfied with its experience of using voluntary certification as a basis for forest concessions in the Maya Biosphere Reserve (MBR), the Guatemalan government has begun to promote the model outside protected areas, on National Forest Lands across the country. Beyond Guatemala's borders, the Rainforest Alliance's SmartWood programme (which undertakes FSC certification in the MBR) and members of MBR community owned enterprises, have begun to work with the governments of Honduras, Panama, Peru and Nicaragua to reproduce Guatemala's experience.

7 Replicability

From the project's ten case studies we can begin to identify some of the practices and policy domains that may support a replication of the governmental use of voluntary standards. This chapter is not exhaustive, based only on what we can draw from ten case studies. It provides nonetheless a solid starting point for governments interested in working with voluntary standards.

7.1 Operational Practices

Learning from the Experiences of Others

“Talk to others, not just certification bodies and the assessment teams, talk to individuals from all stages of the process³⁷” is a key recommendation from the South Georgian government. This can help to ensure the best possible understanding of how a voluntary standards system operates in practice and how it may apply to the specific circumstances of each government.

Interestingly, several case studies illustrated the useful role of international donor agencies (e.g. USAID, GTZ) and of international advisers (e.g. Chemonics International, Fintrac) in building the awareness and capacity of governments to engage with voluntary standards. International development agencies: *“hold the potential to perform a distinctive value-adding role in the continued evolution and impact of collaborative standards initiatives³⁸”*.

Facilitating a Multi-Stakeholder Approach

“[Tuscany's Regional Ethical Commission] is an opportunity for dialogue between circles that do not often come into contact. Although it is chaired by a locally elected representative, it lies outside the institutional framework and its members can discuss real problems³⁹”. Several case studies noted the importance of adopting a multi-stakeholder approach in engaging with voluntary standards, in order to ensure stakeholder buy-in for the policy and support its uptake.

Multi-stakeholder bodies like the Kenyan government's National Task Force on Horticulture have also proven important in ensuring the successful implementation of the standard. The Task Force has helped strengthen the linkages between

³⁷ Carey, C. (2008f) page 20

³⁸ Litovsky, *et al.*, (2007) page 2

³⁹ Carey, C. (2008h) page 17

farmers and exporters and, therefore, the horticultural sector's export capacity.

Establishing a Focal Point or 'Champion'

Appointing a clear focal point to explore the potential for engagement with a voluntary standard, and then to oversee the process is likely to be necessary.

Independent evaluators assessed as invaluable to the Belgian Technical Cooperation Agency of an in-house centre of expertise on fair trade to guide relevant public policy interventions. They also stressed its potential to ensure effective co-ordination between fair trade in development and cooperation policy, and the policies of other federal departments.

Some standards systems, like the MSC, also encourage potential clients to be prepared by setting up a dedicated contact person or 'champion' to manage the process.

Securing High-Level Support

The support of Ministers, and even of Heads of State, was reported in several case studies as having been instrumental in boosting the government's engagement. The adoption of the East Africa Organic Products Standard by the East African Community was an important signal that although the standard remains voluntary and jointly managed by the region's organic agriculture movements, the East African governments wish to provide a supportive policy environment for its uptake.

Communicating the Policy

"Don't assume anything. Communicate everything clearly"⁴⁰ is the advice of South Georgia. Governments engaging with voluntary standards must ensure they communicate the policy choice to all those who are likely to be affected. Dedicated information needs to be made available for applicants, those who will undergo the certification, as exemplified by South Georgia, Tuscany and Tunisia.

Reaching the desired policy outcomes may also require targeting information to other groups like, for example, the Belgian Fair Trade Week which aims to raise the awareness of consumers of how their purchasing choices can support the government's policy of development and cooperation through fair trade.

⁴⁰ Carey, C. (2008f) page 20

7.2 Policy Domains

When Policy Objectives and Standards' Missions Meet

Certain policy domains overlap with industries or issues addressed by voluntary standards; such as policies for forest or fisheries management, organic or sustainable agriculture, labour and social justice, or development and cooperation. An analysis of the policy objectives, and how closely they relate to the sustainability outcomes the voluntary standard in question sets out to deliver, can help identify a basis for collaboration.

Public Procurement

Public procurement is a well established practice, with policies dating back to the 19th century. Increasing Sustainable Public Procurement is a global commitment of the 21st century, reflected for example in UN, EU and many national policies. Building on this commitment, a growing number of governments are specifying in their policies and tender documents certification to voluntary standards (or equivalent) as a requirement needed for the award criteria. Many examples are available for governments interested in pursuing this route to draw upon.

Trade & Commerce

By their very nature, voluntary standards are market-based tools. Standards were developed to guide practices and assure outcomes across all certified products. Many have a mark, or label to distinguish them on the market. Credible voluntary standards are independently certified. For these reasons alone, standards lend themselves to support trade policies. Beyond these reasons, multi-stakeholder standards for environmental sustainability and social justice can support export competition by the added *ethical* value they confer to commodities or products, allowing their suppliers to access or secure new markets, or to command higher prices than without certification.

8 Conclusions & Recommendations

A common theme throughout this report is that the governmental use of voluntary standards is characterised by diversity: diverse governance and mission motivations for engagement, diverse institutional arrangements and implementation mechanisms, and diverse policy outcomes.

This diversity coupled with the evidence of widespread governmental use of voluntary standards around the world, in countries at different stages of economic development and under different policy environments suggests that voluntary standards have established themselves as effective, flexible tools to accompany and support governmental policy implementation.

Many of the case study governments developed their collaboration with voluntary standards through hearsay about what other countries are doing, for example in conferences (e.g. Tunisia, Israel), or through the advice and support of development agencies or international advisers (e.g. Bolivia, Guatemala). Only two (Belgium and South Georgia & the South Sandwich Islands) had a direct relationship with the voluntary standards systems they engaged with.

If the governmental use of voluntary standards is to further develop, the practice needs to begin moving away from being *ad hoc*, depending on the initiative and knowledge of a handful of individuals (both in government and internationally). Information on best practices needs to become commonly available, and opportunities for shared learning fostered.

At the time of writing, there exists no single entity at international level which brings together the variety of thematic voluntary standards systems as described in this report. Good examples exist in the organic and food standards sectors (the International Task Force on Harmonization and Equivalence in Organic Agriculture⁴¹, and the Standards and Trade Development Facility⁴² respectively). These provide some useful lessons on how to establish opportunities for governments and standards to come together, share information, and better understand how to collaborate.

As the collaboration between governments and voluntary standards systems is further mainstreamed, the importance of credibility and accountability of voluntary standards systems



The government Guatemala requires by law sustainable forest management audits, which the Forest Stewardship Council can deliver. 'FSC certified log with stamp of approval' © Eric Goethals / FSC

⁴¹ www.unctad.org/trade_env/itf-organic/welcome1.asp

⁴² www.standardsfacility.org

must also be maintained, strengthened where necessary and continue to evolve in response to new understandings and expectations. The proliferation of voluntary standards experienced over the past few years can be seen as a response to the success of the pioneering standards systems in achieving market recognition, and governmental and corporate uptake. Competition for market share and recognition provides a healthy check on the effectiveness of voluntary standards systems. It must not, however, lead to a “*race to the bottom*” in governance and operational best practices.

This is reflected in the mission of the ISEAL Alliance, and the commitment of its members in meeting ISEAL’s credibility tools⁴³. It is also laid out in the relevant WTO (Technical Barriers to Trade Annex 3) and ISO standards for best practice⁴⁴.

Governments need assurance that they can expect best governance and operational practices from the voluntary standards systems they collaborate with. They too have a critical role to play in this, and can: “...*convene, participate in and collaborate with RSS [regulatory standard-setting] schemes, influencing their norms, structure and procedures through their terms for collaboration and ongoing negotiations*⁴⁵”.

⁴³ Credibility Tools refers to the guidance produced by ISEAL on making various aspects of the standards system credible. *The ISEAL Code of Good Practice for Setting Social and Environmental Standards* is an existing example of an ISEAL Credibility Tool. Further currently under development include a *Code of Good Practice for Measuring the Impacts of Certification* and shortly, on *Systems of Verification* www.isealalliance.org/credibilitytools

⁴⁴ These include: ISO Guide 59 *Code of good practice for standardization*, ISO Guide 65 *General requirements for bodies operating product certification systems*, and ISO Guide 17011 *General requirements for accreditation bodies accrediting conformity assessment bodies*

⁴⁵ Abbott, K. And Snidal, D. (2008) page 58

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This document is part of a series developed through the ISEAL Alliance and TSPN 'Governmental Use of Voluntary Standards' project, presented and discussed at a high level conference held in October 2008. The series includes a summary report and ten case studies.

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Innovation in Sustainability Governance

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2. Bolivia and Forest Stewardship Council Standards
3. Groningen Province (the Netherlands) and Fairtrade (FLO) Standards
4. The Guatemalan Maya Biosphere Reserve and Forest Stewardship Council Standards
5. Israel and Marine Aquarium Council Standards
6. Kenya and the KenyaGAP Standard for Good Agricultural Practice
7. Rwanda and the East Africa Organic Products Standard
8. South Georgia and South Sandwich Islands and the Marine Stewardship Council Standard
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