



CIECTI

Centro Interdisciplinario
de Estudios en Ciencia,
Tecnología e Innovación

CIECTI / **SEMINARIO INTERNACIONAL**



**RECURSOS NATURALES Y DESARROLLO:
DESAFÍOS PARA LA CTI EN EL SIGLO XXI**

CENTRO CULTURAL DE LA CIENCIA (C3)

Godoy Cruz 2270

CABA

Transnational Governance through Standard Setting The Role of Transnational Communities

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***Recursos Naturales y Desarrollo: Desafios para la CTI en el Siglo XXI
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STRUCTURE

- ▣ Natural Resources - increasingly global issues
- ▣ Governing beyond National Borders– The Problem
- ▣ Global Standard Setting as a Solution?
- ▣ Two Cases – IEITI and BRC
- ▣ Issues and Limits?

**NATURAL RESOURCES
INCREASINGLY GLOBAL ISSUES**

NATURAL RESOURCES

- ▣ Are increasingly
 - ▣ Inserted into global trade and transnational value chains
 - ▣ And/or Transnational Commons, in the risk of over-exploitation and sometimes rapid depletion



- Water, wind, sun
- Forests and wood
- Minerals
- Sea Products
- Wild flora and fauna and their "products"
- Agricultural products
- Animal breeding

GOVERNING BEYOND NATIONAL BORDERS – THE PROBLEM

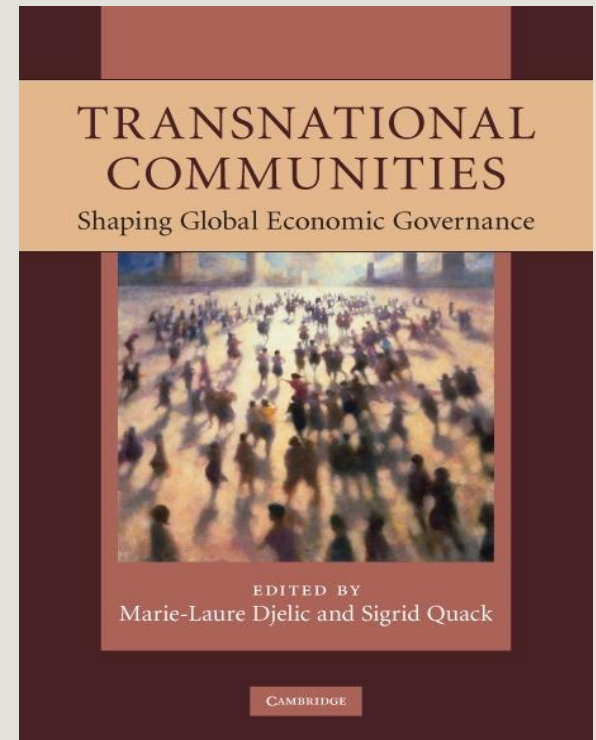
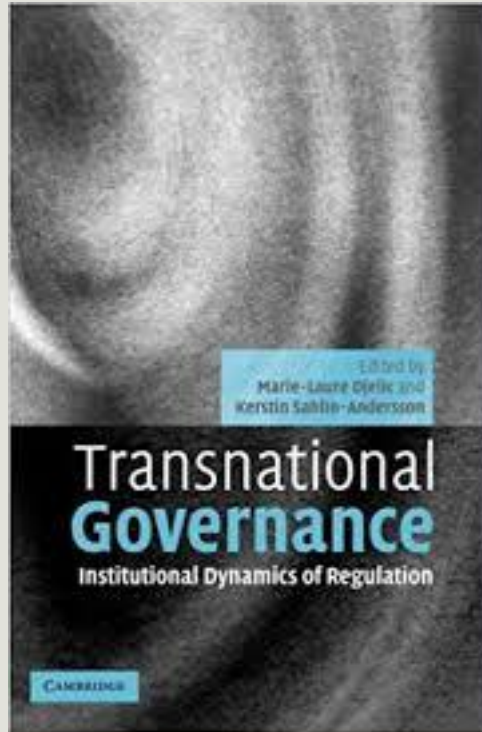
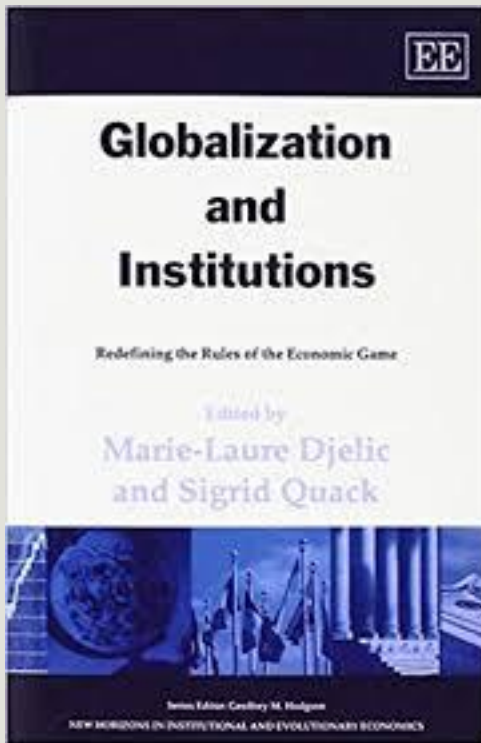
WHY TRANSNATIONAL GOVERNANCE?

- ▣ How do we govern those resources?
 - ▣ Inscribed in national territories while still transnational commons
- ▣ How do we govern transnational markets, especially when they can have a strong impact on local/national development dynamics
- ▣ Government through nation-states, hence with a national jurisdiction and multiple bilateral reach, is not adapted to those types of issues
- ▣ With a total of 196 countries (57 in 1900), we have jurisdictional complexity at least and competition (race to the bottom) at worst
- ▣ This jurisdictional complexity creates the possibility for large and powerful multinational corporations to exploit those complexities and reduces responsibility for reckless appropriation and externalities

DIFFERENT SCENARII

- ▣ Interstate negotiations
- ▣ International organizations
- ▣ Supranational constructions

- ▣ Transnational multi-stakeholder and private governance
 - ▣ And in particular governance through transnational standard setting



GLOBAL STANDARD SETTING AS A SOLUTION?

GOVERNING THROUGH STANDARD SETTING



DYNAMICS OF GOVERNANCE

**SURVEILLANCE AND TRUST
BUILDING THROUGH
TRANSPARENCY &
INFORMATION**

**NORMALIZATION THROUGH
CODIFICATION &
STANDARDIZATION**

**”GOVERNMENTALITY” – Discipline (Michel
Foucault) – plus ”CIVILIZING” – Socialization
(Norbert Elias)**

**NUDGING THROUGH
NAMING & SHAMING**

**COMMITTING THROUGH
SYMBOLIC INTEGRATION**

**SOCIALIZATION THROUGH
COMMUNITY DYNAMICS**

THE LAW OF RULES

□ WHAT?

- Transnational standard setting is issue-based and issue-specific
- Multi-centered topography – the governance process has multiple nodes and hence often multiple, **partly competing standards** (market for rules)
- This complex topography also exhibits **mimetic and collaborative dynamics** – a lot of borrowing, circulation, even sometimes convergence efforts – within and across issue-fields
- Blurring of boundaries between regulators and regulatees – a (partial) **logic of self-regulation**
- Production of “**soft law**” – the “law of rules”, standards, norms, guidelines
- No ultimate seat of legitimacy so **rules breed more rules**, a never ending process

□ WHO?

- Multiplication of actors/interests involved – Private corporations, Civil Society, Government, Experts...
- States remain involved but not anymore as single/main/unitary actors (privatization)
- Emergence of **transnational “communities of project”** around standard setting (rooted cosmopolitans)
- Multi-layering of those dynamics and communities (transnational, regional, national, local)
- Strong role for expertise – **depoliticization?**
- No global state SO a major issue is enforcement
 - Emergence of an ecology of intermediaries, in charge of monitoring, surveillance and nudging
 - A “return” of the state

COALITIONS OF THE 'UNLIKELY'?

GOVERNMENTS
SYMBOLIC BELONGING,
INTEGRATION, SIGNALLING
AND/OR PROTECTION –
OPENING VS CLOSURE

CORPORATIONS
EASE OF ACCESS (EASE OF
BUSINESS) AND LEGITIMACY

**ACTORS WITH DIFFERENT
INTERESTS ALL COME TO SEE
THE STANDARD SETTING
PROCESS AS SERVING THAT
INTEREST**

CIVIL SOCIETY / NGOs
DEEPENING EMPOWERMENT,
DEMOCRACY
COUNTERBALANCING
RESOURCE POWER
ENHANCING THEIR OWN
ROLE AND VISIBILITY

EXPERTS / IOs
ENTRENCHING AND
EXPANDING THEIR BUSINESS

THE LAW OF RULES

- ▣ Fluid and in constant evolution....
- ▣ Yes, but.... Strong homogenizing trends

“L’aspect de la société américaine est agité parce que les hommes et les choses changent constamment et il est monotone parce que tous les changements sont pareils”

“American society appears dynamic and agitated because men and things change constantly but it also appears monotonous because all those changes are the same”

Tocqueville, De la Démocratie en Amérique

THE "CULTURE" OF GLOBAL STANDARD SETTING

- ▣ Privatization
- ▣ Marketization
- ▣ Inclusive (??) Participation and Deliberation (ie Deliberative Democracy)
- ▣ Common law-ization
- ▣ De-politicization through expertise – or a new form of politics?
- ▣ Transparency and the Panopticon
- ▣ Auditability and numbers
- ▣ Naming and Shaming
- ▣ Self / Peer regulation

TWO CASES

EITI

- **Extractive Industry Transparency Initiative**
« The global standard for the good governance of oil, gas and mineral resources »
- From a civil society campaign in the 90s, Publish what you Pay to a global standard
2003 UK DFID – convened a tripartite meeting (govt, firms, civil society)
- Evolving from voluntary CSR standard for firms into a disclosure standard that should be implemented by countries. Acknowledgment of a strong role for civil society in ensuring accountability.
- Relay through G8 meetings, International organizations (IMF and World Bank...)
- Through time, deployment of monitoring, validating, auditing mechanisms. Simplification and clarification of standards. Work on fitting standards and local contexts, conditions – making standards more relevant.

BRC

- In 1996, the British Retail Consortium was set up as a company by British private retailers who wanted to harmonise food safety standards across the supply chain.
- A private business that has developed through time different subsets of standards – « Standards for Food Safety, Packaging and Packaging Materials, Storage and Distribution, Consumer Products, Agents and Brokers, and Retail »
- In 2016 the company was acquired by LGC Group, the leading international life sciences measurement and testing company.

CERTIFICATED SITES	CORE SCHEMES	GLOBAL OFFICES	OPERATING COUNTRIES
25,000	6	3	130+
AUDITORS	ANNUAL AUDIT DAYS	HOURS SPENT ON FACTORY FLOOR	CORRECTED NON-COMPLIANCES
1,750	48,000	288,000	144,000
FOOD SAFETY CATEGORIES	ADDITIONAL MODULES	SITE RENEWAL RATE	SUPPLIER SHARED AUDITS
18	10	92%	7,000
APPROVED TRAINERS	NUMBER OF PEOPLE TRAINED	INTERNATIONAL CONFERENCES	E-LEARNING COURSES
200	6,700	3	14
BRC BOOKSHOP DOWNLOADS	SUBSCRIBERS TO BRC PARTICIPATE	TRANSLATIONS OF FOOD SAFETY	PUBLICATIONS
30,000	5,000	16	65

A COMPARISON, ISSUE AND LIMITS

COMPARISON – EITI VS BRC

- ❑ Multi-stakeholder standard setting community
- ❑ Strong role for states – as standard following but also in the process standard setters
- ❑ Setting the rules of governance for limited commons
- ❑ Transparency for (self)“behaving” – Panopticon. The main pressure is on GOVERNMENTS not FIRMS, why?
- ❑ Fair amount of “local adaptation”
- ❑ Qualitative standards, narrative accounts important
- ❑ Online tools (guides, country examples, social network on implementation..) and, new development, conferences

- ❑ Private standard setter that creates a community
- ❑ Minimal role for states – strong role of retailers
- ❑ Transparency for information and access to markets
- ❑ Framing the rules for access to markets - POWER
- ❑ Very homogeneous, top-down, standardization
- ❑ Auditing and box ticking – how much decoupling?
- ❑ Complementary socialization services (consultants, trainers...)

More of an umbrella dynamic, less competition. Although CSR standards cover parts of the same territory

Competitors (GlobalG.A.P, IFS Food....)
Aggregators Ecocert...

MAJOR ISSUES AND LIMITS

IMPACT AND MONITORING

Army of intermediaries? Their status
Who monitors those who monitor?
How do you measure impact?
How reliable is what you measure?

LEGITIMACY

Who is around the table?
Rule followers as rule setters?
Who regulates the regulator?
Geographic and resource bias

IMPLEMENTATION

Adapting the standard for ease of implementation
Or strict standard and decoupling?
Training and resources locally
Advocacy and cultural change
Creating local relays – constellation of interests (coalition of the unlikely)

NEUTRALIZATION

Turning political problems into technical ones
Pretending to solve sociopolitical inequalities through information and technical standards
Evacuating the political/power dimension of global standard setting



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