



Analysis

On the deliberative capacity of private multi-stakeholder governance: The Roundtables on Responsible Soy and Sustainable Palm Oil

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ABSTRACT

The democratic quality of private multi-stakeholder governance is an important subject of academic and political debate. On the one hand, private multi-stakeholder arrangements are seen as a way of democratizing international environmental governance. On the other hand, the democratic potential of these arrangements has been heavily criticized and interpreted as a privatization of what should be public. To nuance this debate, this paper assesses the democratic potential of one specific type of arrangement: Roundtables. These Roundtables are presented as being based on a deliberative democratic rationale. This paper therefore assesses the deliberative capacity of the Roundtables on Responsible Soy and Sustainable Palm Oil and shows to what extent the communicative processes in these Roundtables are inclusive, consequential and authentic. This paper concludes that the Roundtable model tends to fall short on two criteria of deliberative democracy: inclusiveness (of actors and discourses) and consequentiality.

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1. Introduction

The past decades have witnessed the rise of private governance initiatives addressing sustainability problems that link a variety of stakeholders around the world. This 'global megatrend', which started around the 1990s, has accelerated over the past 10 years and is very likely to continue in the future (Falkner, 2011, p. 4). A specific form of global private governance is the 'Roundtable'. Roundtables are private arrangements with the aim of improving the sustainability of a global commodity chain. They are multi-stakeholder platforms where private parties – businesses and non-governmental organizations (NGOs) – have decision-making power (Schouten and Glasbergen, 2011). Instead of creating a niche market, as is often the case with private global governance initiatives, Roundtables develop standards that are meant to make an entire commodity chain more sustainable.

Private multi-stakeholder arrangements have been discussed from different vantage points, among them their democratic credentials (Glasbergen, 2011). This debate is part of a larger academic and political debate on legitimacy and global governance, which has also been part of ecological economics (see for example the special section in *Ecological Economics* (2011) on accountability and legitimacy in earth system

governance) (Biermann and Gupta, 2011). One interpretation regards these arrangements as part of the 'deliberative turn' in the governance of environmental and sustainability issues. This concept refers to the arrangements as "more or less explicit attempts to democratize politics and simultaneously foster more effective policies" (Bäckstrand et al., 2010, p. 4). These multi-stakeholder arrangements are considered by some authors as a way to address the democratic deficits of international governance institutions and interpreted as forums intended to promote learning, dialog, and best practices (Bexell and Mörtz, 2010, p. 13).

On the other hand, the democratic potential of multi-stakeholder arrangements has been criticized because some groups have privileged access, collaborations may be focused on selective topics and discourses (Haufler, 2002), asymmetries of power might result in colonization of the arrangements by market actors (Newell, 2005; Richter, 2002; Saurin, 2001) and they might diffuse the radical potential of green critique (Falkner, 2003) (for a more detailed overview of these arguments see: Bexell and Mörtz, 2010; Löwbrand and Khan, 2010). These two different and sometimes even opposing positions in the debate reveal difficulties in analyzing and assessing democracy in multi-stakeholder governance arrangements. This paper aims to contribute to nuancing the debate on democratic challenges that are presented by private governance arrangements.

Classical approaches to democracy as applied to nation-states do not fit these new private governance arrangements. Global private governance arrangements are self-mandated and, unlike democratic governments, are not formally authorized by their constituencies to govern a certain issue field (Dingwerth, 2007). Dingwerth (2007)

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recognizes three different approaches to democracy of governance beyond the state: constitutional, pluralist and deliberative approaches. The idea of a constitutional democracy is that “all political authority is understood to derive from the sovereign people who, conceived as equals, exercise their constituent power to create and define the nature and limits of ordinary political authority” (Freeman, 1990). The idea of pluralism requires “the dispersion of power among a variety of collective actors and the balancing of diverse social interests” (Dingwerth, 2007). While recognizing the pluralist nature of transnational governance, deliberative democracy approaches put emphasis on communication and reflection in decision-making (Dryzek, 2010). “Deliberation is based on arguing and persuasion as non-hierarchical means of steering to achieve a reasoned consensus rather than a bargaining compromise” (Risse, 2004). The main assumption is that “through open and reasoned argument, free from manipulation and the exercise of power, better and more legitimate decisions will arise” (Bäckstrand et al., 2010).

While all three approaches provide insights into democratic governance beyond the state, most authors seem to agree that deliberative democracy is most suitable to transnational governance (e.g. Dingwerth, 2007; Dryzek and Stevenson, 2011; Kronsell and Bäckstrand, 2010; Lövbrand and Khan, 2010). In the first two approaches, democratic legitimacy still relies for a large part on the state. Because private governance arrangements explicitly derive their authority from private actors and exclude state actors from their decision-making processes, constitutional and pluralist approaches to democracy do not fit the empirical reality of these kinds of arrangements. In contrast, deliberative approaches to democracy are not so dependent on the state, but rather on the discursive quality of collective decision-making (Dingwerth, 2007). Meadowcroft (2007) argues therefore that the potential of private governance arrangements to advance democracy does not lie in representative or aggregative approaches to democracy, but rather in increasing deliberative democratic interactions. These kinds of arrangements are said to provide arenas for deliberation, since the relations between actors in these networks would rely on communication, exchange of information, and on trustful and cooperative attitudes (Kronsell and Bäckstrand, 2010). In addition, new modes of environmental governance rest upon the underlying assumption that broad participation in collective decision-making will result in more effective policy outcomes (Bäckstrand et al., 2010). This also holds true for Roundtables, since they are presented as arrangements based on a deliberative democratic rationality. In general, Roundtables make two claims which emphasize their deliberative rationale: that through their communicative processes which include a wide variety of stakeholders they are able to create a common good, and, that these processes are open, inclusive and consensus-based.

To analyze and assess deliberative democracy, the concept of deliberative capacity arises. This concept builds on the rationale of deliberative democracy and refers to questions related to the openness of the communicative processes, the content of the discourses, and the consequences in terms of the conceptualization of the common good. This paper claims that this concept can help us to progress in the debate on the democratic potentials of transnational governance and of Roundtables in particular. Deliberative capacity is generally discussed in relation to states and other forms of ‘public governance’. However, this paper builds upon some early attempts to apply the concept to a broader range of governance arrangements by Dryzek (Dryzek, 2009; Dryzek and Stevenson, 2011) and Dingwerth (2007).

In the next section our analytical framework is presented along with a detailed operationalization of the concept of deliberative capacity and our research strategy. To analyze democracy as the deliberative capacity of Roundtables, this paper uses the Roundtable on Responsible Soy (RTRS) as an in-depth case study. To verify whether the results of this first case study have a wider application, a quick scan of the deliberative capacity of a second Roundtable, the Roundtable on Sustainable Palm Oil (RSPO), is made. This article concludes on the use of the concept of deliberative capacity as an analytical tool to assess to what extent global private governance arrangements can be seen as democratic.

2. Analyzing Deliberative Capacity: Research Strategy

2.1. Elements of Deliberative Capacity

Dryzek (2009) defines deliberative capacity as the extent to which political systems possess structures to host deliberation that is inclusive, authentic, and consequential. This categorization is in line with others, for example the input, process and output/outcome categorization of participative processes by Burgess and Clark (2009). Without inclusiveness there can be deliberation, but it will not be democratic. Authenticity requires that deliberation non-coercively induces reflection, connects claims to more general principles, and exhibits reciprocity (Dryzek, 2000, 2009). Consequentiality means that deliberations have an impact on collective decisions. This impact may be direct or indirect; deliberation does not necessarily need to involve actual decision-making. Since a univocal operationalization of Dryzek’s conception of deliberative capacity to date is lacking, the following paragraphs present an operationalization of the three elements of the concept.

2.2. Inclusiveness

The first element of deliberative capacity – *inclusiveness* – refers to the variety of interests and discourses that are present in the governance arrangement (Dryzek, 2009). Inclusiveness in terms of interests refers to the degree to which stakeholders participate. Participation has two distinct aspects: the scope and the quality of participation (Dingwerth, 2007). To determine the scope of participation, a stakeholder analysis was conducted. Stakeholder is defined in this paper as “any group of people, organized or unorganized, who share a common interest or stake in a particular issue or system; they can be at any level or position in society, from global, national and regional concerns down to the level of household or intra-household, and be groups of any size or aggregation” (Grimble and Wellard, 1997). Through the identification of stakeholder groups, and by analyzing which groups are part of a Roundtable and its deliberative processes (and which groups remain outside of these processes), we can determine the scope of participation in the Roundtable. Scope is conceptualized in terms of the range of stakeholder types that are included as members in a Roundtable, as well as the geographical spread of these participating actors. With stakeholder type this article refers to the type of organizations actors represent within the Roundtable (type of commodity chain actor, development or social NGOs, etc.). To sketch the geographical spread of stakeholders, the country of origin of the organizations is looked at. This analysis of the scope of participation reveals which interests are dominantly represented in a Roundtable and which interests more marginally. To analyze the quality of participation we analyzed how the participating actors are involved in processes of decision-making. According to Dingwerth (2007, p. 29), in the deliberative model the quality of participation is linked to the equality of opportunities for stakeholders to participate in decision-making in an adequate way. That is why we analyze what kind of opportunities to participate in a Roundtable stakeholders have and how different (groups of) stakeholders actually use these opportunities to participate in decision-making processes. Furthermore, factors that hinder stakeholders to participate are identified.

To analyze inclusiveness in terms of discourses, a discourse analysis on the issue of agricultural expansion and sustainable development was conducted. This discourse analysis is not confined to the official discussions within the Roundtable, but also scrutinizes related discourses that take place outside of the Roundtable. Discourses structure the contributions of actors to a discussion, and a discourse analysis illuminates a particular discursive structure in a discussion (Hajer, 2006). Discourse is defined here as an “ensemble of ideas, concepts, and categories through which meaning is given to social and physical phenomena, and which is produced and reproduced through an identifiable set of practices” (Hajer, 2006, p. 67). The discourse analysis centers mainly on the question: What are the main framings

of sustainable development, specifically in relation to agricultural expansion of a specific product? By analyzing official documents and minutes from Roundtables, their member organizations and external organizations referring to the Roundtables, we identified different problem framings and accompanying solutions in the debates regarding the expansion of an agricultural crop. From this data we distilled broader categories of these framings that are similar in their views of sustainability and the way the relationship is framed between humans, economy and society concerning this specific crop. Furthermore, we linked these discourses to more general discourses on sustainable development. A common categorization of discourses on sustainable development is to distinguish between more radical and more reformist formulations of sustainable development (Robinson, 2004). Actors in the radical approach to sustainable development argue for fundamental value and behavioral change, while those in the reformist approach focus on the development of technology and institutional reform (Robinson, 2004).

2.3. Authenticity

The *authenticity* of the communicative processes in Roundtables was assessed by scrutinizing to what extent these processes actually show characteristics of deliberation. Steenbergen et al. (2003) (see also: Steiner et al., 2004) have developed an empirical measure of the quality or authenticity of deliberation, in the form of a discourse quality index (DQI). This DQI method involves analyzing the exact transcripts of a debate and coding every intervention on various criteria, for which they use seven indicators. These data are not available for our case studies and therefore this specific methodology cannot be used. However, the criteria of the DQI can be used to analyze the reconstruction of debates, instead of exact transcripts. Depending on the available data, either a reconstruction of these debates was made and analyzed by means of minutes of meetings, personal observations during debates and interviews with participants of the deliberations, or interviews were conducted on the perceived quality of deliberations by participants. DQI's seven indicators of authentic deliberation focus on four general issues: participation, justifications, respect, and constructive politics. Since participation has already been discussed under inclusiveness (Section 2.2 above), we will only discuss justifications, respect and constructive politics.

The first indicator refers to justification of demands in the deliberative process (Steenbergen et al., 2003) and regards the extent to which actors in the debate justify their positions and how sophisticated these justifications are. According to Steenbergen et al. (2003, p. 28) there are four levels of justification. At the first level, no reason is given for a statement or demand. The second level is that of inferior justification. Here, a reason is given for why a certain demand should or should not be fulfilled, but no linkage is made between the demand and the justification. The third level is that of qualified justification, where a linkage is made between the demand and the reason for that demand. The fourth level is that of sophisticated justifications, where more than one qualified justification is given for a demand. Not only is the level of justification important, but also the content of these justifications. Here we assess whether “appeals are made in terms of narrow group interests, in terms of the common good, or in terms of both” (Steenbergen et al., 2003, p. 28). Steenbergen et al. (2003) make a distinction between two important conceptualizations of the common good: the utilitarian view, which regards the common good as the greatest good for the greatest number (Mill, 2004) and the difference principle, which conceives the common good as helping the least advantaged in society (Rawls, 1972).

The issue of respect entails three dimensions (Steenbergen et al., 2003). The first dimension regards the degree to which actors in the deliberative process are positive or negative toward other groups. The second dimension entails respect toward demands and assesses the degree to which actors in the deliberative process are positive

or negative toward the demands of other actors. The third dimension refers to respect toward counterarguments and looks at the degree to which actors have a positive attitude toward counterarguments.

The last indicator of the authenticity of the deliberative process, constructive politics, assesses the extent to which actors retain their original positions or come up with alternative proposals in the course of the deliberative process, to analyze if participants approach the deliberations with the aim of reaching consensus (Dingwerth, 2007). This last factor has an explicit time dimension, since we have to assess the extent of change in the opinions of different stakeholders to move toward consensus.

To assess the authenticity of the deliberations we need to focus on a specific debate that takes place within Roundtables. One of the main reasons for the establishment of the Roundtables is to decrease negative sustainability impacts related to the expansion of a specific agricultural crop. Most Roundtables therefore develop principles and criteria that specifically prescribe under what conditions crops can be grown on land that previously had a different function. This is to prevent expansion taking place into, for example, biodiversity hotspots or virgin rainforest. The debates about this expansion go to the heart of the concept of sustainable development. Therefore, this paper focuses on the analysis of the deliberative capacity of Roundtables in the development of principles and criteria that cover the issue of the expansion of agricultural production.

2.4. Consequentiality

The third element of deliberative capacity – *consequentiality* – can be interpreted in two ways: as output consequentiality and as outcome consequentiality. In the first interpretation consequentiality is understood as the degree to which the deliberative processes determine the output of the Roundtable, i.e. the standard to which the principles and criteria for sustainable production have been laid down. This *output consequentiality* of deliberation is addressed by analyzing two criteria: *discourse structuration* and *discourse institutionalization* (Hajer, 2006). *Discourse structuration* takes place when a specific discourse is used by many actors in a specific social setting (in this case the Roundtable) to conceptualize the world. *Discourse institutionalization* occurs when a discourse solidifies in particular institutional and organizational practices. In this case, that is when it is translated into the Principles and Criteria of a Roundtable. If both criteria are met, a discourse can be labeled dominant. This analysis shows whether specific views in the communicative processes are marginalized, and which views become dominant in a Roundtable.

The second interpretation, *outcome consequentiality*, refers to the effect a Roundtable has on the market it aims to regulate. Following Visseren-Hamakers et al. (2010), outcome consequentiality is understood as the number of actors reached and/or involved, the number of actors implementing new policy (in this case the percentage of the market that is certified under the standard and the quantity of this certified produce that is taken up by the rest of the commodity chain), and the integration of the standard into existing policy.

2.5. Case Selection

The Roundtable on Sustainable Palm Oil (RSPO), initiated in 2002, is generally regarded as the first of the Roundtables and also the most mature one. The Roundtable on Responsible Soy (RTRS), initiated in 2004, was based on the RSPO-model and therefore has a very similar architecture. Both Roundtables have made important steps and there is a current supply of certified products, which means that all aspects of deliberative capacity can be analyzed. Furthermore, the available data for both Roundtables are exceptionally rich and thus suitable for in-depth case study research.

Palm oil and soy are both produced in huge quantities and are of major importance in global agricultural markets since they are

consumed globally. Moreover, both products are used as food, animal feed and biofuel and face severe sustainability challenges. The main production areas of oil palm are in Malaysia and Indonesia, where the expansion of production forms a huge threat to biodiversity hotspots and social rights of local people. The expansion of soy production contributes to very similar problems in Latin America and Asia. These challenges highlight the need for more sustainable production and of analyzing the governance solutions that are currently proposed.

This paper analyzes the RTRS in an in-depth manner to be able to understand the mechanisms related to the deliberative capacity of this initiative. The RSPO case is used to verify whether the results for the RTRS are applicable to a broader range of Roundtables and is therefore presented in a shorter and less in-depth manner.

2.6. Data Collection

This paper builds on our previous research on the RTRS and RSPO (see: Schouten and Glasbergen, 2011 and Schouten and Glasbergen, forthcoming). The data analyzed in this paper have been collected during the 2008–2011 period. For the RTRS the analyzed data include the minutes of the RTRS Organizing Committee and Executive Board in the 2004–2010 period, newspaper articles and publications of organizations working on soy-related issues. This desk research was complemented by personal observations during two RTRS Executive Board meetings, the fourth Roundtable Conference and the third General Assembly in Campinas, all during May 2009, when most of the debates regarding the expansion of soy cultivation took place. In our control case (the RSPO), the analyzed data include the minutes of the RSPO Organizing Committee, Executive Board and several working groups (2002–2010), newspaper articles and several types of publications (including newsletters) of organizations working on issues related to the sustainable production of palm oil. These data are complemented by five interviews with participants of the New Plantings Working Group, specifically for the analysis of the deliberative authenticity of the communicative processes, as well as observations during the ninth Roundtable Conference on Sustainable Palm Oil and the eighth General Assembly of the RSPO in November 2011 in Kota Kinabalu, Malaysia.

3. The Roundtable on Responsible Soy

3.1. Inclusiveness and the RTRS

3.1.1. Inclusion of Interests

Although the organization of the RTRS is based on norms of inclusiveness and participation and on paper is open to all stakeholders, this does not guarantee a representative sample of stakeholders actually participating in the decision-making processes of the arrangement. The first step to become involved in the RTRS is to apply for membership of the organization in one of the following member-categories: producers; industry, finance and trade; or civil society. Our stakeholder analysis identified several broad stakeholder groups that have significant interests in the production of sustainable soy, which fit the member categories as defined by the RTRS, except for governments, governmental agencies and scientific institutions. These last groups of stakeholders are excluded from decision-making processes of the Roundtable, but can apply as observing members.

The scope of participation in terms of membership is as follows: the RTRS has 150 members of which 29 are producers, 16 are from civil society, 73 are in the industry, trade and finance constituency and 32 are observing members without voting power (October, 2011). Looking at the balance of interest within the RTRS we see that of all members with voting power, the industry, trade and finance constituency has the largest share of members (62%), followed by the producers (25%) and civil society (13%). To avoid domination

of one specific stakeholder group in the RTRS, each constituency group has a voting power of one third of the total votes in the General Assembly.

The geographical spread of membership is rather skewed compared to the global production and consumption of soy. Soy production mainly takes place in the Americas. While the United States of America (USA) is the biggest producer of soy (38% of world production in 2003), followed by Brazil (26%) and Argentina (18%), no more than 4.7% of all members are from the USA (see Table 1 below). Latin America is rather well represented in the RTRS with a share of 37.4% of total membership. Producing countries from Asia include China and India (8% and 2% respectively) (Carrere, 2006). In 2008, China's soy imports accounted for 53% of the world total, while the EU-27 imported 17% of global soybean imports (USDA, 2010). Despite China's major role on the global soy market they make up only 2% of membership in the RTRS, while Europe has a share of 44% of the members. Currently, there are no members from either Africa or Oceania.

While the RTRS is officially open to all stakeholders, many stakeholders in this issue area did not become involved. The inclusion of smallholders, local groups and global development NGOs has proven to be very challenging throughout the Roundtable process (García-López and Arizpe, 2010). Furthermore, consumers are not represented. The largest share of members in the civil society category consists of NGOs that focus on environmental issues. Neither the Organizing Committee nor the Executive Board succeeded in including large social NGOs and smallholders or organizations representing smallholders through the years. Fetraf-Sul, the only organization representing small farmers, stepped down from the Organizing Committee in the summer of 2005, because it didn't feel it could influence the agenda. The development NGO Cordaid showed solidarity with Fetraf-Sul and left the OC as well (A Seed Europe, 2005). While the RTRS managed to work with smallholders in India and has managed to include five Latin American producers' organizations as members, the Roundtable still feels it needs to include many more small producers from Latin America (RTRS, 2011b).

Overall, the RTRS is mainly European driven, and English is the language for Executive Board meetings. Although during official RTRS conferences and General Assemblies everything is translated into three languages (English, Spanish and Portuguese), main documents and meetings are in English. This might be an obstacle for the integration of certain groups of stakeholders.

While the RTRS only partly succeeded in attracting a representative group of stakeholders as members, the members of the RTRS have several options to actively participate in the deliberative processes of the Roundtable. All full members together make up the *General Assembly*, which is the highest decision-making body of the RTRS. The General Assembly elects the Executive Board and hands over most decision-making and operational tasks to that body. In the Executive Board each of the three constituencies has the right to five seats. The Executive Board appoints the head of the secretariat. The secretariat takes care of the operational business of the RTRS, including the coordination of working groups, and is located in Argentina (RTRS, 2011a). Working groups are established to reach consensus on specific, sometimes technical, issues in the Roundtable.

These working groups are important mechanisms to participate in the RTRS. Examples of such working groups include: several national technical working groups, the traceability and market claim working group, the biofuels working group, the supply chain certification protocol group and the criteria development group. This last working group was formed to further develop the Principles and Criteria for responsible soy. This group consisted of nine representatives of producers (from Argentina, Brazil, India and Paraguay), nine representatives of industry, finance and trade (from Argentina, Brazil, the Netherlands, USA, Belgium and Sweden), and eight representatives of civil society (from Argentina, Brazil, the Netherlands and China). During the process there were three public consultation periods.

The comments that came out of these public consultation periods were used to revise the Principles and Criteria. It was not necessary for the development group to use the voting system, because all decisions made were based on consensus. On the criteria concerning the expansion of soy production, no consensus was reached; the agreement was on a general framework only (Robinson, 2009). The debate on the expansion of soy cultivation continued in the Executive Board and during the third General Assembly. This debate is analyzed in terms of its authenticity in Section 3.2 below.

In sum, although the RTRS managed to include a diverse range of actors in the Roundtable process, this range of actors does not add up to a representative sample of stakes in responsible soy production. RTRS members have several opportunities to participate in decision-making processes and possess final power and control over the organization's course of action through the General Assembly. The process for developing the main output of the RTRS, the Principles and Criteria for responsible soy production, also included several entry points for participation.

3.1.2. Inclusion of Discourses

The discourse analysis of the communicative processes in the RTRS identified three main discourses on sustainable development and the expansion of soy cultivation. Two of these are included in the communicative processes of the Roundtable, while the third takes place outside the Roundtable process.

The first identified discourse centers on the view that economic growth can go hand in hand with social and environmental sustainability. In this view, large-scale soy production is possible in a socially and environmentally responsible way. The existence of unsustainable practices in the soy industry is recognized, and raising the bar for mainstream soy production is seen as the solution. Raising the bar will be successful when it is organized through a multi-stakeholder process:

"We believe the way to make soy cultivation sustainable in the long term is for us to work closely with others – industry leaders, NGOs and other businesses – on developing internationally recognised standards, compliance programmes and certification systems. These will ultimately help protect biodiversity and lead to a more responsible approach to soy cultivation" (Unilever, 2011).

This first discourse is used by many actors – NGOs and businesses – including initiators of the RTRS such as WWF, Unilever and Solidaridad.

In this discourse, the solution for sustainability problems is sought within the existing soy value chain. Every technique in the production process can be certified and labeled responsible, including the production of genetically modified soy. Solutions to sustainability issues in the soy industry are said to be found in changes within the current system, without making changes at a system level. In this discourse a sustainable soy industry is possible under the condition of economic growth.

In this discourse, the main concerns related to the production of soy, especially at the beginning of the Roundtable process, are of an environmental nature, specifically on the conversion of high conservation value areas in South America. In a newsletter, the World Wide Fund for Nature (WWF) stated that they initiated the Roundtable to:

"(...) halt the conversion of forests and savannahs into soy fields (...) soy is a major source of income for many South American economies, but extensive cultivation also creates high ecological and social costs in the major production countries of Brazil, Argentina, Bolivia, and Paraguay. (...)" (WWF, 2005)

Actors within this discourse do aim for significant contributions to sustainability in the soy industry. For example, representatives of environmental and social NGOs in the Executive Board wrote a letter

addressing the whole board when no consensus could be reached about criteria on the expansion of soy cultivation:

"(...) We are writing to express our deep concern over the failure of the proposed RTRS Principles and Criteria (P&C) to address potential social and environmental impacts from the conversion of natural habitats to soy production areas (...) In our view, this omission seriously erodes the credibility of the RTRS P&C as a standard for responsible soy production, such that our organizations could not, with good conscience, support their ratification at the coming General Assembly. (...)"

Representatives of European and South American companies also signed this letter.³

This first discourse can be connected to reformist ideas about sustainable development, where solutions to problems are sought within the existing economic system without radically changing it. Furthermore, this discourse also resembles the ideas of so-called 'ecological modernization' (see for example: Mol and Sonnenfeld, 2000; Spaargaren and Mol, 1992).

The second identified discourse within the RTRS focuses mainly on economic benefits in relation to the sustainable production of soy. This discourse, like the first one, takes a reformist approach to sustainable development. The actors within this discourse, primarily a group of soy producers from Brazil, are mainly concerned with economic and financial issues related to the sustainability of the soy industry. These producers feel that they have to bear the main burden of soy certification and therefore they need to be compensated. In the debate on the expansion of soy cultivation, we can see this discourse manifest in a letter from APROSOJA (Mato Grosso's State Association of Soybean Producers) and ABIOVE (the Brazilian Oilseed Processors Association) to the Executive Board:

"The impasse regarding environmental conservation is not due to a lack of awareness of its importance; rather, it is based on a sense of economic financial feasibility. (...) The solution must recognize the producers' interests and maintain the competitive balance among the various producing countries. Otherwise, the distortions will provoke an impasse in other areas, thus failing to promote what we all seek, socio-economic development that respects the environment."

This second discourse focuses on the economic dimension of sustainable development and seeks solutions to sustainability problems that are profitable to market actors and that ensure economic development.

The third discourse centers on the view that large-scale soy production and sustainable development can never go together. This discourse is used by civil society organizations that disqualify the RTRS process and typically classify the Roundtable as greenwash. Within this discourse, large-scale monocultures are rejected and multinationals and large agri-businesses are distrusted. To oppose the first Roundtable conference, stakeholders in this discourse organized a counter conference, which produced the following statement, signed by Via Campesina Brazil, Paraguay and Argentina, GRR Argentina, Coordinadora Antitransgenicos del Uruguay and others:

"We resolve:

- To struggle and mobilise, jointly with other movements and organisations, against the present model of development, agro exports and the proliferation of transgenic crops, which tragically affect the peoples of South America, which attack the environment and peasant societies through monocultures;*

³ EB Member – Unilever, Netherlands; RTRS EB Member – Coop, Switzerland; RTRS EB Member – Fundación Moisés Bertoni, Paraguay; RTRS EB Vice President – DAP, Paraguay; RTRS Member – FVSA, Argentina; RTRS DG Member – ICV, Brazil; RTRS DG Member – Fundapaz, Argentina.

- To denounce the false concept of sustainable soya mono crops, officially promoted at the First Round Table Conference on Sustainable Soy, held at Foz do Iguaçu, in the interests of the North and of the agribusinesses, with the scandalous support of some large national and international NGOs;
- To assert that sustainability and monoculture are fundamentally irreconcilable, as are the interests of peasant societies and agribusiness; (...)" (GRR, 2005).

These and other organizations continued to protest against the RTRS and in 2009, 80 organizations signed a letter calling for the internal NGOs to abandon the RTRS (Ban GM-food, 2009). Within this discourse, solutions for sustainability issues in the soy sector are not sought within the current system. The system itself is seen as unsustainable:

"To encourage and disseminate the agro-ecological experience of peasant societies, not merely as alternative modes of cultivation, production and consumption, but as a radical, alternative vision of life and the world, transforming the relationship between nature and human beings" (GRR, 2005).

In 2008, Greenpeace, Friends of the Earth and Stichting Natuur en Milieu (Society for Nature and Environment) published a joint statement on the "GM soy debate" project in which they write:

"(...) The root causes of the environmental and social problems in Latin America need to be addressed. In Europe, over-consumption of meat and livestock products, unfair trade, factory farming, agricultural policy, and the lack of domestic vegetable protein production are of particular relevance. (...) We feel that the project is starting from an assumption of the sustainability of GM soy (...) the initial question should be 'CAN GM soy be produced sustainably? (...)'" (Friends of the Earth et al., 2008).

This third discourse can be connected to more radical approaches to sustainable development.

This third discourse is not included in the Roundtable process. In the beginning of the Roundtable, members of the Organizing Committee agreed to not discriminate on technology and production methods, hereby including genetically modified soy and large-scale monoculture plantations. The Common Basis for the RTRS, formulated by the Organizing Committee as early as February 2006, states that:

"Genetically modified soy is currently being cultivated in major growing areas such as Argentina, many parts of Brazil, Paraguay and the USA. Opinions on the benefits and risks of biotechnology and the GM trend vary greatly. Individual Organizing Committee members have different standpoints on genetically modified soy. The Round Table process will not promote the production, processing or trading of either genetically modified or non-genetically modified soy" (RTRS, 2006).

Despite many efforts of the Organizing Committee to get proponents of this third discourse on board, this discourse is excluded from the beginning of the RTRS process onwards through the inclusion of GM-soy and large-scale soy plantations in the standard.

3.2. Authenticity

To assess the three criteria of the authenticity of deliberations, we analyzed two of the main discussions on the expansion of soy production that took place during the Executive Board meeting on May 25, 2009 and the General Assembly on May 26, both in Campinas, Brazil.

3.2.1. Justifications

Since most participants provided more than one logically structured justification for their demands and tried to make a compelling case for their positions, the level of justification in the debate can be scored overall as 'sophisticated'. This can be illustrated by the contributions of the representative of the Brazilian Oilseed Processors Association, who gave a detailed and elaborated argumentation of why producers should receive payments for environmental services by explaining the relevant Brazilian laws and policies and providing analogies with other industries. Furthermore, before the meeting all stakeholders provided written documents that explained their point of view in the debate and their propositions for possible solutions. These documents were frequently referred to during the debate.

The appeals varied in terms of their content; the demands raised by representatives of soy producers in this debate were largely justified in terms of their narrow group interest, while appeals made by other groups were on many occasions referring to the credibility and legitimacy of the RTRS as a whole. A representative of producer interests said: "we are defending the right of the producers in Mato Grosso in this case; we can deforest according to the law". Another Executive Board member replied: "we have to think beyond Brazil, the RTRS is under strong attack and it is a fragile institute" and "in our view, this omission [the lack of criteria on the conversion of natural habitats, red.] seriously erodes the credibility of the RTRS Principles and Criteria". The latter statement shows a utilitarian view of the common good in the RTRS. Our analysis of this particular debate did not show justifications based on the difference principle, where the common good is conceived as helping the least advantaged in society. The content of justification was rather based on self-interest or on utilitarian views.

3.2.2. Respect

Regarding the discussion on the expansion of soy cultivation, participants generally showed respect toward other groups within the debate. The analysis shows no instances of disrespect, such as shouting or name-calling. Actors listened to each other's demands and allowed each other to voice counterarguments and subsequently reacted on these. Even if participants did not agree on basic demands, they emphasized the parts where an overlap in views existed. One participant reacted to demands of producers he disagreed with: "I agree completely to payment for environmental services, producers should be compensated, but we have to communicate that expansion should occur on open land". Even when it became clear that the participants could not reach agreement, the debate remained respectful. A representative voiced his dissatisfaction with the outcome of the debate, without blaming other participants: "I am not satisfied and I feel very uncomfortable with this outcome".

3.2.3. Constructive Politics

During the development of the Principles and Criteria document, the participants of the Principles and Criteria and Development Group were able to reach consensus on every aspect of the document, except the expansion of soy cultivation. In case of the discussion on the expansion of soy cultivation in the Executive Board, participants were only willing to make minor concessions, but some alternative proposals were raised. For example, the representatives of Brazilian soy producers and processors took the proposed RTRS Statement on Conservation and Compensation document, and showed on screen which parts they would like to see reformulated. Another participant, for example, said: "I think we should look at WWF's proposal, because it is much clearer than mine".

During the debate the demands of different groups of stakeholders converged slightly, but at the end of the debate no consensus was reached. The outcome of the discussion even led to an important stakeholder leaving the Roundtable. When, during the third General Assembly, it became clear that it could not get its demands into the

standard, APROSOJA declared it would resign from the Roundtable and the Executive Board, since it was not able to abandon its private interests for the common good. The remaining members of the RTRS then did reach a decision on this issue.

3.3. Consequentiality

3.3.1. Output Consequentiality

The dominant discourse in the Roundtable takes a reformist view on sustainable development (the first identified discourse). This discourse is both structuralized and institutionalized. It is used by most stakeholders in the Roundtable and is most prominently represented in the standard for responsible soy. We see that the deliberative process in the Roundtable is consequential, in the sense that the standard was really developed through organized deliberative processes. The deliberations in the Principles and Criteria Development Group, the Executive Board and the General Assembly eventually produced the standard for responsible soy that combines environmental and social responsibility within the limits of economic feasibility. Although the standard did not live up to the expectations of all participants on the expansion of soy, there is consensus on the majority of the Principles and Criteria within the RTRS.

At the same time we observe a lack of transmission from deliberative processes taking place outside the Roundtable to deliberative processes inside. This lack of transmission (or inclusion of discourses) becomes visible in the standard for responsible soy. Output consequentiality for deliberative processes within the Roundtable is high, but when we take deliberative processes outside the Roundtable into account, output consequentiality becomes much lower.

3.3.2. Outcome Consequentiality

The number of actors involved in the RTRS as members is reasonably low in terms of the share of the market they represent, with for example only 29 members in the soy producers' category. The number of actors actually implementing the standard for responsible soy is even lower, because the trade in certified soy is in its starting phase. The first certified soy became available in June 2011 and, while the Certificate Trading Platform has facilitated several transactions between certified producers and market stakeholders, some additional time is needed to gain a better view of the impact of the RTRS on the soy industry.

There are positive prospects for the impact of the RTRS to increase, since several actors announced their future commitment to the RTRS. The Dutch industry has publicly declared that in 2015 all soy used in the Netherlands (1,800,000 tons) will be RTRS certified (TFDS, 2011). Furthermore, the Belgian Feed Association (BEMEFA) has committed to sourcing all their soy RTRS certified in 2015 (around 1 million ton) and the UK feed industry also announced it would commit to RTRS-certified soy in the near future (MVO, 2011). The largest importer of soy in the world, China, is also starting to show interest for the RTRS. While no real commitments have been made yet, it is expected that the Roundtable conference in 2013 will be in China and organized by Chinese stakeholders.

4. The Roundtable on Sustainable Palm Oil

To see whether the results for the RTRS have a wider application beyond this case, this article presents a quick scan of the deliberative capacity of a second Roundtable: the Roundtable on Sustainable Palm Oil (RSPO). The architecture of this Roundtable is very similar to that of the RTRS and it is partly driven by the same actors, including WWF, Unilever and Solidaridad. The RSPO is generally considered the most mature Roundtable and was initiated by WWF-Switzerland in reaction to severe sustainability issues in the palm oil sector. The first meeting of the RSPO was held in 2002, when a group of retailers, food manufacturers, palm oil processors and traders, financial institutions and

WWF-Switzerland came together in London to discuss sustainability issues in the industry (RSPO, 2002). Five years later, in 2007, the first version of the certification system for sustainable palm oil was launched (RSPO, 2007) and the first certified sustainable palm oil became available in November 2008.

With around 700 members, the scope of participation in the RSPO in absolute numbers is larger than that of the RTRS. However, the RSPO also faces problems, including certain interest groups that consist of many individual actors, such as smallholders, local communities and consumers (Cheyns, 2011; RTRS, 2011b). Like RTRS members, RSPO members have numerous opportunities to participate in decision-making processes and possess final power and control over the organization's course of action through the General Assembly, where every member has one vote. The RSPO is in this respect different from the RTRS, where voting happens per stakeholder group. In the RSPO, in theory, the constituency with the most members can dominate decision-making during the General Assembly. In practice, some stakeholder groups perceive that this kind of domination sometimes occurs.

While the RSPO managed to include a diverse range of actors in its processes, this range also does not add up to a representative sample of stakes in sustainable palm oil production. For the inclusion of discourses in the RSPO, we see that some more nuanced discourses with respect to sustainable development are possible within the arrangement. However, in essence we see the same pattern occurring as in the RTRS; discourses that are included in the RSPO have essentially a reformist view on sustainable development, and more radical views, that suggest changes at system level and a fundamentally different relationship between economy and ecology, are excluded.

When looking at the discussions in the RSPO in general and the New Plantings Procedure Working Group more specifically, no major problems regarding the authenticity of the deliberations were found. Participants in these discussions perceived that the criteria regarding authentic deliberation are mostly fulfilled.⁴ They perceived the discussions as being satisfactorily justified, respectful and constructive. Despite some really different vantage points in the debate regarding the New Plantings Procedure, it was possible to reach consensus on this issue.

The deliberative process in the RSPO is consequential in the sense that the standard was developed through a series of organized deliberative processes. In the RSPO there is also a lack of transmission from deliberative processes taking place outside the Roundtable to deliberative processes inside. However, external discourses do indirectly influence the Roundtable process, as some actors take action outside the Roundtable to address problems pointed out by external actors (e.g. Unilever, 2009) (Schouten and Glasbergen, 2011).

With regard to outcome consequentiality, we see that the number of actors involved in the RSPO is quite large. However, the number of actors actually implementing the standard for sustainable palm oil is still lagging behind. The RSPO requires members to submit public plans of their time-bound sourcing targets and certification plan, but in practice very few companies submit these annual reports. Three years after the first certification, in 2011, around 10% of global palm oil supply was certified (USDA, 2012). However, the uptake of certified palm oil by the market fluctuates around 40% of supply.

5. Conclusions

The democratic quality of private multi-stakeholder governance is an important subject of academic and political debate. On the one hand, private multi-stakeholder arrangements are seen as part of a 'deliberative turn' and a way of democratizing international environmental governance. On the other hand, the democratic potential of

⁴ Derived from several interview with participants of the New Planting Procedures Working Group, observations during Roundtable meetings and previous work on the RSPO.

these arrangements has been heavily criticized and interpreted as a privatization of what should be public. To nuance this debate on democratic challenges that are presented by private multi-stakeholder governance, this paper assessed the democratic potential of one specific type of arrangement: Roundtables. These Roundtables are based on a deliberative democratic rationality and therefore this paper assessed their deliberative capacity.

In terms of deliberative capacity, we see that the same kind of pattern becomes visible in our two case studies. Although the exact degree of inclusion differs for each individual Roundtable, they include only a limited variety of discourses. Technical knowledge and pragmatic approaches are preferred over local knowledge, and ideological or emotional styles of communication and standards resulting from Roundtable processes are a compromise between similar reformist discourses that have a specific view on the relationship between people, planet and profit. Radical approaches to sustainable development are excluded from the deliberative process. This can be explained by the irreconcilability of radical and reformist discourses on sustainable development. Proposed solutions in a Roundtable setting are sought *within* the current system, whereas more radical approaches suggest fundamental changes of the system itself. Reformist discourses stress the reconcilability of social, environmental and economic values, while radical approaches emphasize the inherent tensions between those values.

The communicative processes in our two case studies showed many characteristics of authentic deliberation. Demands were in general adequately justified, the debates were respectful and showed characteristics of constructive politics. This relatively high authenticity of the deliberative processes can be partly explained by the exclusion of radical discourses from the debate. Furthermore, if transmission between external and internal discourses is lacking, authenticity of deliberative processes in empowered space (within the Roundtable) will be high almost by design.

Output consequentiality for deliberative processes within both Roundtables is high in the sense that the standard was really developed through these processes. However, when we take deliberative processes outside the Roundtable into account, the output consequentiality of these Roundtables is much lower. In both cases the reformist discourse regarding sustainable development is structuralized and institutionalized. This can be partly explained by the lack of transmission from deliberative processes taking place outside the Roundtable to deliberative processes inside. As a consequence of the voluntary nature of Roundtables, the impacts of these arrangements are limited. Unless these Roundtables find a way to connect with public forms of governance, it will be challenging, at the very least, to transform markets by 100%, and Roundtables will continue to fall short on the criteria of outcome consequentiality of deliberative processes.

Despite their deliberative rationale, Roundtables seem to fall short on at least two out of three criteria of deliberative capacity: inclusion and consequentiality. Furthermore, there is a lack of transmission from deliberative processes outside the Roundtable setting to deliberative processes within. These shortcomings are not incidental, but seem to be structural and even resulting from the Roundtable 'logic'. At the cost of compromising their deliberative quality, Roundtables adopt pragmatic approaches and stepwise improvements to sustainable development. The lack of inclusion and consequentiality is likely to also have an effect in ecological terms. First, since more radical approaches to sustainable development are not included in the two analyzed Roundtables and neither in their standards (output consequentiality), the radical potential of these arrangements will also be limited in ecological terms. Second, Roundtables tend to fall short on outcome consequentiality as a consequence of their voluntary nature, which will further limit their potential for effectiveness in ecological terms.

This paper operationalized the concept of deliberative capacity in order to use it as a tool to empirically assess governance arrangements. Our research suggests that the three elements of deliberative capacity (inclusiveness, authenticity and consequentiality) are not

independent from each other, but are connected. A low degree of inclusiveness is likely to go together with a high degree of authenticity in empowered space as well as a high degree of consequentiality. Further research on the relations between the three elements of deliberative capacity is needed in order to methodologically improve the concept.

The concept of deliberative capacity provides a valuable tool for analyzing the democratic potential of transnational governance arrangements in a meaningful way. From our analysis we conclude that the functioning of Roundtables seems to conflict with some of the basic ideals of deliberative democracy. Having multiple stakeholders at the table does not necessarily fulfill the criteria of inclusion and consequentiality, especially at the level of discourses. It seems that this type of arrangement endorses reformist approaches to sustainable development, thereby weakening the radical potential of green critique, while favoring market approaches to sustainable development.

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