



UNIVERSITY OF BERGEN

Department of administration and organisation theory

AORG 350, Masteroppgave. Vår 2008



(Foto: Privat)

Regulating Environmental Harmful Industries.

- **A study of two Norwegian environmental NGOs efforts at making industries more environmental friendly.**

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Acknowledgements

I am very grateful that for getting this opportunity to write this thesis and to carry out my own research. The process has certainly both been challenging and enlightening, and I have relied on cooperation and support from many individuals that I want to express my gratitude to:

In particular, I am thankful for the time my informants that spent on taking with me, it gave me important information and interesting insights into many areas.

I am indebted for the guidance advices that my supervisors Jan Froestad and Vibeke Erichsen gave me. Additionally, the comments from both students and the lecturers at the PGI-Seminar have also been very helpful. The discussions I had with co-student Ingrid Sælensminde on environmental politics were also very informative.

I also want to thank Trond and the other people who have assisted me in proofreading the texts.

I am grateful for the patience and moral support my friends and my partner Vegar N. Lien have provided. Strangely enough I will now become an educated person, and this would never have happened if not my wonderful parents Nils Drivdal and Ilona Drivdal would have inspired and encouraged me.

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1 Introduction:

1.1 Topic: Environmental protection, CSR and the role of NGOs

The overall issue of my thesis generates from a crossing point between two general and widely examined topics: Environmental politics and Corporate Social Responsibility (CSR). These two topics contain many interesting and current debates: Environmental politics has over the last decade become exceedingly central, and how to deal with the climate crisis is one of the most important contemporary global matters. While writing this thesis, fundamental changes in international politics of regulation are being internationally discussed in order to find solutions to the climate crisis. CSR might be a more limited debate, and often concentrates around how possible or desirable it can be for actors in the market (private sphere) to take social responsibility. Connected to the environmental challenges we experience today, the regulation (or self-regulation) of polluting industries towards more sustainable, environmentally friendly production is essential. Thereby, these two topics concern fundamental normative questions which are underlying this thesis and the political discussion on environmental protection. First, the most basically question is if humans really should make efforts on protecting the environment, especially if it can hinder human development. This discussion will be reflected in the development of ideologies, where the environment on most of them (but to a more or less degree) is perceived as a tool for humans and that thereby human development is more important. Second, if the answer on the first normative question is yes, the next normative question is what actors should have the responsibilities of carrying out the protection of the environment, should it be the government, the companies, NGOs or individuals? This question will be underlying the discussion on regulative mechanisms and responsibility.

However, it is not the normative questions that are the main issue for my investigation, but I will instead attempt to take a more descriptive focus on actors involved. Concerning academically contributions on these two matters, my impression so far is that they focus either on the state as the regulatory agent, or the companies and corporations as self-regulating bodies (when addressing CSR). My approach will have a different base, not on the state or a large corporation, but on how environmental Non-Governmental Organisations (NGOs) can be significant actors in the important environmental task of regulating harmful environmental industry. As a further limitation of the thesis, I have chosen to look closer at two Norwegian NGOs/interest organizations, namely the World Wildlife Foundation-Norway (WWF) and the

Rainforest Foundation-Norway (RF). Both of these have agendas towards private industry, and attempt to regulate and influence companies with diverse means. In this way, my goal is not to discuss the two matters mentioned above at a general level, but to find out more about limited empirical details of NGO involvement: What are the roles, approaches and effects of these two NGOs in this picture?

1.2 Research question

NGOs have often been seen as significant for creating political changes, and especially environmental protection is often conceived as an outcome of pressure from NGOs, civil society or new social movements. But ever since environmental protection became a political issue; contexts, ideologies, discourses, relations between actors and ways of carrying out environmental politics as well as regulation have developed and advanced. Many researchers have studied these developments, and some have also investigated how such changes have created more complex possibilities and restrictions for environmental NGOs. An empirical pre-assumption is that NGOs also have become fragmented and differentiated, and not simply carry out protest actions against governments, but additionally make use of various strategies like engaging more directly in the regulation of industry.

Primarily, my main aim with the thesis was to find out how two Norwegian environmental NGOs can have influenced and taken part of the regulation of private industry, in order to make companies adopt more environmentally friendly attitudes and/or methods. After studying theories and empirical matters, I developed a more specified research question, taking both strategies and contexts into account:

How can political contexts and the choices of strategies NGOs make, shape conditions and restrictions for them to intervene in the regulation of environmental harmful industries?

I will in this manner perceive the NGOs as one of many actors that can take part in regulation, and carry out two case studies on how two NGOs have taken part in the regulation of different industries. By regulation I consider both state regulation and self-regulation of industries, and a broader theoretical account on regulation will be given in chapter 3. My aim in answering the research question is not primary to investigate what effects the NGOs can have had on the industries, but to look closer at more general conditions that enable NGOs to intervene in regulation. Both the strategies they have chosen and the political context that surrounds them can help explain their conditions, possibilities and restrictions for intervention.

The research question will guide the gathering of empirical material and theories that can be connected to it. Empirically, I will therefore have a focus on the NGOs, what choices they make, how they relate to other actors and their thoughts and ideas on the issue of regulating industry. Comparing the NGOs strategies, the differences and similarities between them will give some accounts on what possibilities and restrictions the two strategies inhabit. The reactions from the different industries they approach will also be given attention.

Theoretically, I will have to investigate different ways of understanding and conceptualizing regulation, and not only the most classical way connected to state and legislation. Therefore, a more nuanced model for regulative approaches and strategies for NGOs will be outlined, which will guide my research when I investigate and compare the two cases. In my case studies, the research and analysis will take a closer look at how these choices of approach and conditions can influence the outcome of NGO practices. My empirical investigation will thereby also take up how the NGOs react to the contexts influencing them, especially the institutions of the state and market at both global and national level. But before going into research strategy, theoretical assumptions and empirical material, I will shortly explain why I have chosen this topic and its relevance.

1.3 Relevance of the topic:

My initial reason for choosing the topic was that environmental politics always has been an interest for me. There should be little doubt that the environmental question again is a highly central theme in politics, local, national and international, especially since the UN report release on climate change. But not only politicians are concerned with these question, there can also be said to be a “green trend” in business life and amongst consumers and producers. It is interesting to view the topic of CSR from the NGOs vantage points and how they relate to the green trend, and even if this is not the main focus in my thesis, the philosophical problems underlying that concept will become evident in the information

Questioning the NGOs as actors on the matter of environmental protection is essential since they historically have been amongst the main actors bringing the issue on the agenda. Their roles, attitudes and importance might have changed over the years. Furthermore, NGOs are interesting objects of study, because of the special connection and the legitimating powers they have in general society, and their relation to the state. In connection to my department,

this thesis can consequently be conceived as a study of organizations and how they relate to other organizations and changing contexts.

The theoretical implications I will address are connected to the discussion about different forms of governance and regulation (on the environmental politics field), which is large internationally. My limitation is on environmental NGOs in Norway, where a Norwegian political context might have an important impact. However, my cases might be elaborated in further research, and connected and compared to cases in other countries.

Besides, how to address environmental protection and how to find out different solutions with different actors is as mentioned earlier an important topic in international, domestic and local politics. In addition to taking up some complex practical environmental problems like the protection of the rainforests and marine protection, the dilemmas on how to establish political solutions will be apparent.

1.4 Structure of the thesis:

While writing the thesis, the decisions I made on structure are also worth mentioning. The chapter following the introduction will give an outline on methodological choices and research strategy. My reasons for putting the methodical outline before the context and theory chapters is that I consider the connections between them as strong, and that my research strategy also includes an explanation on choice of theories. The theoretical chapters will first discuss various regulation theories, and then outline a theoretical framework for analysing and comparing my two cases. A small chapter on noteworthy Norwegian contexts will be added before going into the empirical case studies. The empirical information will be presented in chapter 6, where a presentation of each of the NGOs, their choice of strategies and some practical campaigns they have carried out will be given. Lastly, the analysis and conclusions in chapter 7 will first compare the strategies of the two NGOs with each other and with the prior theoretical model, thereafter include a more general discussion on theories and contextual features and how my cases can be confronted with these.

2. Research strategies:

2.1 The research process

In my view, methodology is not only a tool for collecting empirical data, but is about choices on both empirical material and theoretical framework. This chapter will therefore both give an outline on how I plan to combine the empiric data and theory in order to answer my research question, and what methods for the collection of empirical data I will use. Based on the idea that writing a master thesis should be a process where theory and empirical data is collected and connected in a fluid way, I found that “Adaptive theory”, presented by Derek Layder (1998) seemed fitting. Adaptive theory can be described as something in between deductive (theory-testing), and inductive (theory-generating) approaches (Layder 1998:5). Influenced by different inquiry strategies, this can represent an alternative which combines the use of theory to lend order and pattern to research data, while simultaneously adapting to the order and pattern contained in this emerging data (Layder 1998:1). For example, adaptive theory combines ideas from “grounded theory”, which is concerned with generating theory from ongoing analysis of data, “with middle-ranged theory”, which focuses on prior ideas and models guiding research (Layder 1998:146-147)¹. Thereby, Adaptive theory can further be defined as a methodological approach where the use of pre-existing theory, and theory generated from data analysis in the formulation and actual conduct of empirical research, is combined (Layder 1998:1) The process of research goes both ways: theory adapts to and is shaped by incoming evidence, while data also is filtered and adapted to theoretical material (ibid: 3). Thereby, adaptive theory gives more flexibility to the process of writing a thesis, especially in the process of going back and fourth between collecting empirical data and choosing theoretical perspectives. More practical, this approach is about generating models from the social reality that is subject of research, but often prior theories create a base for the model generating. I will therefore made use of pre-existing theories and models as guidance for collecting data, but left room for later alternations.

Especially since theories connected to my research field are generated from different subjects and areas, but there on the other hand not exist much empirical research about these two NGOs in Norway, this approach seems appropriate. The open-ended characteristics of adaptive theory as well involve that no prior hypothesis (to test theoretical assumptions) needs to be formed, because intentions are more descriptive and explanatory (Layder 1998: 175).

¹ Many other theories and approaches are discussed in Layders outline of Adaptive Theory, but that discussion will not be taken up further in this essay.

Combined with descriptive and explanatory approaches, case studies can be practical research solutions in order to get closer information about a phenomenon.

2.2 Comparative case study

Approaching this issue in a Norwegian context, I found some important quantitative data in a report from the CMI institute (Lange, Spissøy, Brudvik 2000), where an overview of partnerships between NGOs and industry in Norway is given. This report inspired and further triggered my curiosity about how such relationships works, which results they can give and their implications for the wider society. In order to find answers to my main question, I decided to go deeper into two NGOs and investigate how they try to regulate private industry. Case studies can be exploratory, descriptive and explanatory, thereby answering “how” questions (Yin 2003:3), and are also fitting with an adaptive theory approach.

I therefore decided not to make another quantitative outline like this report, but to choose two of the NGOs mentioned in the overview, as cases studies (Yin 2003). This gives the opportunity to investigate more in detail how NGOs try to interfere in the regulation of businesses, and how they strategically take part in or establish networks. Since my research question is “how”, a closer in-depth study of the phenomenon is necessary. A technical definition is that a cases study is an “*empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident*” (Yin 2003: 13). My cases can according to this definition be seen as examples of the phenomenon of different actors intervening in regulation of the environment and industry (e.g. prompting network or self regulation). More specifically, cases where environmental NGOs direct their actions towards businesses and not necessarily only the state, a phenomenon which can be said to be relatively unstudied in Norway. My study will investigate the NGOs in the period from 2004 until 2008, and the context surrounding the cases will be given much attention in chapter 5, and will also be taken into account in the discussion in the last section.

Choice of cases: Going into two or more cases is described as a “multiple-case design” (Yin 2003:46)². Advantages of multiple case studies are that they can give more general conclusions, but disadvantages are that they might not go as deep as single case studies (Yin 2003). By choosing two quite similar but also different NGOs, my multiple case study might

² By some writers (like Eckstein 1975, Lijphart 1975), multiple-case (comparative) studies has been viewed as a different methodology than single case study (Yin 2003:46).

therefore give some general indications. In the investigation, I looked closer at these two NGOs ideas/principles about collaboration and their campaigns. This gave opportunities to compare the two, and to find differences and similarities. I assumed that there were complexity and differences between NGOs, and that this might indicate that power can be created in diverse ways, with different approaches, discourses and methods. This might also mirror the complex civil society. Therefore, the two cases may show examples of how the phenomenon of NGOs participating in the regulation of industry, and how they describe conditions, strategies and effects. A clear general view on how such processes unfold cannot be given, but the similarities might say something about more generalized tendencies. The choice of the two NGOs was more or less coincidence. Before the decision, I collected information about many Norwegian environmental NGOs, and searched for some with apparently different approaches. I thereafter contacted some of these NGOs, made pilot interviews with three of them, and finally decided on two of them. The final choice was not only because these two NGOs actually were interested in my research and took the time to talk with me, but also because they apparently both contained interesting similarities and differences. These will be elaborated later, but shortly described they had some similar practical basis (in size, duration – both young NGOs, international approach etc), but different ideologies, means and aims.

2.3 Collecting data

Empirical data for case studies can be generated from different data collection methods. Both qualitative data and quantitative data can be used, but interviews are the most important source of information in case studies (Yin 2003:89). My primary data was collected from interviews with informants from the two NGOs. There was not much written material about these cases, and interviews were therefore necessary to collect information. Because of this, my interviews were informal and open-ended, signifying that only a few questions are asked and informants can talk without much restraint, elaborating information they find relevant (Silverman 2006:110). Compared to survey interviews, open-ended interviews gives the informants space and time to reflect upon the topic, and important information can appear (ibid:114). Problematic features are evidently that the informants may come up with irrelevant information, that the interviewer misunderstands the informant, or that the data which is selected from the interview is not representative. Another setback is that my informants are supposed to speak on the behalf of their organization, thereby representing not only their

individual reflections. Since my research is not mainly aimed at describe identity issues of individuals and identity (as open interviews used in research often are) but more at understanding an organization, I will have to use the interviews with the employees as representing the whole organization.

An ambition is that my thesis should be empirically driven, and I therefore started the collection of data at an early stage. The process of empirical collection therefore went in several rounds. Pilot interviews can be important to get into the empirical situation at an early stage; to refine further data collection plans (Yin 2003: 79). Consequently, I contacted different NGOs, and got appointments for pilot-interviews with representatives from WWF and RF. I sent them a mail with six questions before the interviews, so that they could prepare themselves, and the interviews lasted for two hours. The informants were happy to speak about their organization, and told a lot about their thoughts on the issue of CSR. Both of the NGOs gave me one example of a campaign or project directed at regulating an industry where they felt they had succeeded. These examples gave me some information about how they both are part of build networks, which other actors they see as relevant, and of course how they try to regulate industry/ companies.

After the pilot interviews I conducted some more interviews with the two NGOs, and asked them to give an example of a campaign or project where they didn't succeed. That information was useful to give some ideas about conditions for network governance in these cases. The first four interviews were conducted by visiting the two NGOs and talking to them directly. The latter interviews I had to conduct by telephone, which functioned fine, especially since my research issue and questions not are sensitive and personal. I had to do several interviews with the two NGOs, not only in order to pick up more information and make sure that I have understood things more correctly, but also to confront them with information I had conducted elsewhere.

Thereafter, and in order for my data to be unbiased, I carried out a third round of interviews, with both the NGOs and with other informants connected to the cases. I made several telephone interviews with some of the different companies/industrial actors or other actors that the NGOs have contacted and attempted to influence, to listen to their side of the story. I also talked to actors which not directly were involved in the case, like journalists and organisations somehow connected to the businesses.

In addition to the interviews I made use of some written empirical material, especially annual reports, policy documents and other reports from the NGOs, industrial organizations and

companies. Moreover, I found much information on web pages, like statements and comments in press releases, which were useful especially when it was hard to get interviews with some actors (like e.g. boat companies). Even if the use of web pages can be academically questioned because they can change fast, they can be sources of information because they are essential communication channels for the actors. Additionally, how the information is presented and what information is stressed on the different actor's web-pages is interesting in order to understand how they want to communicate their message, because web-pages are the organizations or companies "face to the world". In order to make the web-sites revisable, I have arranged them and added as much details as possible in the reference list, but it was not always possible to find the authors of the web-articles.

2.4 Methodological dilemmas

First, the way that I have made use of the empirical data can be questioned. Qualitative interviews are mostly supposed to bring information on thoughts, feelings and interpretations on matters, in order to get a deeper understanding on why phenomenon occur (Silverman 2006). In my case, I have sometimes made use of the interviews in a more quantitative way, as practical information sources. The main reason for that is there is not much written information on the matters I wanted to investigate. For the same reason, I made use of web-pages, which as well might be highly questionable as academically reliable sources (as mentioned earlier).

A problem I encountered with the objectives of study perceived as examples of a contemporary phenomenon, was that it was hard not to take too many contextual features into account. When conducting the data, I almost felt a journalist, investigating a case by finding and following different information through various sources (Silverman 2006: 395). This mix of methods for collecting data can be criticised for being unplanned, but for me it was reasonable because I had to follow up the information that appeared. Moreover, going deeper into the material and finding different information sources is important for a case study. The problematic feature is of course the reliability of the research, implying that other researchers should be able to find similar answers when conducting the same investigation (Silverman 2006:282). However, this issue is always difficult when applying qualitative or mixed methods. Researches grounded on qualitative data, can often be criticized for being subjective and lacking reliability and validity. To construct validity and reliability of case studies when

collecting data, three principles should be taken into consideration: Using multiple sources of evidence, create a Case study database, and maintain a chain of evidence (Yin 2003: 97-105). The first, using multiple sources will be taken into account in my thesis by finding existing documents in addition to interviews. Second, I have organized and filed the transcribed interviews in a personal database which can be inspected. And third, I attempted to maintain a chain of evidence, beginning with pilot-interviews with representatives from the NGOs.

To keep a critical distance might also appear as problematical, and it is important to clarify about my role as a student in this topic. I have to admit that environmental protection always has been an interest of mine, and I have worked as volunteer in environmental NGOs myself (not RF or WWF). Because of this practical experience, I have some established knowledge about the field of environmental politics. Although I have not worked with the topic of industry regulation directly, my insights and close connection to NGOs can influence my interpretations and understandings in the interviews. This fact can present a reliability problem, and has to be taken into account when reading this thesis. I have however tried to avoid answering the normative questions on if we should take responsibility and protect the environment and furthermore, who should have the main responsibilities for carrying out the protection. My informants had clear normative ideas on how this should work out, but I will try presenting their arguments and at the same time try to keep a critical distance.

2.5 Analysis approach:

The choice of analysis approach is a crucial matter. According to Yin, “*Data analysis consists of examining, categorizing, tabulating, testing or otherwise recombining both quantitative and qualitative evidence to address the initial propositions of a study*” (Yin 2003:109). But there are still many ways of carrying this task out. Yin suggests three different strategies: “*relying on theoretical propositions, setting up framework based on rival explanations and developing case descriptions*” (ibid). Of these, the last strategy of developing case descriptions seemed to be most fitting for my thesis, even if Yin is sceptical towards this strategy and claim that it is less preferable than the other two strategies (Yin 2003:114). However, the actual process of writing the thesis alternated between these strategies, because the process of writing did not start with in one end but the theoretical propositions the framework and the case description developed together and adapted to each other. By

developing a descriptive framework for analysing the case study, this strategy is largely in line with the descriptive and explanatory approaches of adaptive theory.

An alternative analysis strategy could have been to formulate a discourse analysis³. Open ended interviews do not only give practical information, but also information about ideas, thoughts and discourses surrounding the NGOs. In the first instance, the process of discourse analysis might be too much for my thesis. After an information collection process, I found that a lot of work goes into finding, examining, mapping and categorizing empirical information from the two cases, and I that this process should be my first priority.

In order to answer my initial proposition and research question, the analysis chapter will be divided in two parts where empirical material and theoretical assumptions will be confronted with each other. The first part will answer the research question on how the NGOs can intervene in the regulation by examining their strategies that have been explained in the empirical chapter, and combining this data with the theories on NGO strategies described in chapter 3 and 4. Hence, I will also trial if the categories proposed in the theoretical chapter will fit with my empirical data. However, it must be stressed that the purpose of going into two cases is not to compare to find which approach or strategy is “the best” or give advices for further strategies for the NGOs. What actual results the campaigns the NGOs actually have created is difficult to measure, since results can be both changes in values and actually practical changes. Instead, the different results, implications, problems and possibilities the different strategies give will be the focus. Moreover, the goal will not be to fit the cases into established models (e.g. partnership and watchdog), but rather to get more indebt empirical information on their special features. A general impression I have on literature in the matters of my thesis is that there is more focus on theoretical discussions, establishing models and definitions, than close empirical studies.

Additionally, I will describe how the NGOs can intervene by taking more general contexts into account, and compare the indications in the context chapter with the actual findings. Since this study is a (comparative) case study, describing the contexts where the phenomenon (case) takes place is significant in order to understand how the case can work out.

³ Especially since I discussed discourses in environmental politics at an earlier assignment, this approach was tempting. As I see it, it is almost impossible to overlook the importance of discourses and how language constructs realities and in this way can generate power. Why things happen has to do with different processes at both global and local level, but also with how people think and understand the processes, and this implicates that discourses can arise or become connected when networks or webs of dialogue are established.

3 Environmental policy and regulation theories

I will start this chapter with a short historical introduction on how ideas on environmental protection and regulation mechanisms might have changed over time. This will lay the ground for a deeper theoretical discussion on regulation and regulative mechanisms. Since regulation is a central element of my initial research question, a discussion on different theories and viewpoints on regulation in environmental politics will be taken into account.

Regulation is the most widely used instrument of environmental policy, because the regulation on both individuals and especially companies are vital to protect the environment (Carter 2007: 323). The “tragedy of the commons” is a pessimistically and well cited theory (and Hobbisan inspired) that argues that a strict regulation of humans is important in order to preserve natural resources (Hardin 1968). The discussion on regulation of individuals will not be taken further in this thesis. Instead, the focus will be set on how regulation of industry is understood, different regulatory mechanisms, how regulation on environmental harmful industry occurs and what actors are involved in the shaping of regulation. The purpose of this chapter is to explain and underline theoretical reasons for why it is relevant to investigate NGOs as regulative actors.

3.1 Environmental ideologies: From conservation to ecological modernization

Before going into the discussion on regulation connected to environmental protection, I will first give a short presentation on ideologies influencing the political field of environmental protection. This is important to take into account, both because they are often referred to, and because the understandings of problems and solutions that the ideologies inhabit can influence the actor’s choices of strategies.

Much has been written on ideologies and discourses that shape and informs environmental politics. Firstly, the utilitarian discourse use-maximizing (with roots in the philosophy of Bentham) which evolved in the beginning of the 1900s changed human relations to nature and the perspectives that view nature as a resource for humans, as can be seen in the usage of expressions like ”natural resources” instead of simply “nature” (J. Scott 1998:321,13). At the same time, a “high modernist ideology” with a strong belief in modern technological development resulted in efforts to maximize the usage of the forest through “scientific forestry” (ibid: 21). To” tame the nature” and adapt it to human development became the most important project for high modernists (ibid: 95). Conservation of nature in its own right was not a major issue in this period, except for some efforts to create National parks.

Jansen (1989) describes how environmental issues are formed as policy areas for the Norwegian State (Jansen 1989:9). His outline includes five ideologies that have shaped and organized environmental politics: Classical environmental conservation, protection of cultural heritage, public health ideology, growth with conservation and ecological ideologies (ibid: 51). The first three traditional ideologies shaped environmental politics in the beginning of the 1900s, and resulted in some reputational laws on protected areas of nature. “Growth with Conservation” was based on a liberal ideology, and combined two commonly polarized concepts. Still, the individual was in the centre, and growth was important to secure individual possibilities of freedom (ibid: 64). Since the issue of protection/conservation part puts some limitations to growth, this ideology is not completely in line with a utilitarian discourse. However, Social Economics, who are essential professions in state institutions, embraced this ideology since it fitted with their professional logic (ibid: 69).

In the 1960s, a central shift appeared in ideologies concerning environmental politics in western states. After the publication of “Silent Spring” by Rachel Carson, there was a transition from the primarily economic motivation, to a conservationist motivation for environmental regulation (Braitwaite & Drahos 2000: 157). It triggered the growth of “Ecological Ideologies”, which contrary to the other ideologies mentioned, didn’t view the humans as the centre of attention and above nature (Jansen 1989: 70). In Norway, such ideologies were popular for a period, most noticeably with philosophers like Arne Næss and Eric Damman and new environmental movements/NGOs (like “Framtiden I Våre Hender”) (Jansen 1989). However, the ecological ideologies now give the impression to be limited to small sub-groupings, while the concept of “sustainable development” (similar to “growth with conservation”) appears to be the most widely accepted, with an underlying liberalistic logic that the natural environment should be conserved for the sake of the humans. Even if conservation of the natural environment and economic growth often is understood as polarities, which can hardly be united, the concept of sustainable development can be conceptualized as a discourse coalition (Arts 2002:34). Much because of the broadness of the term, it has been adopted by several actors, from states and local activists to international corporations (Bendell 2000:18).

The concept of sustainable development increased the importance of regulating the industry and business towards more sustainable production. But these ideas developed in different directions, and the idea that economical growth and environmental gains could unite gave

growth to the newer discourse of “Ecological Modernization” (Hajer 1995:3)⁴. Here, “*environmental management is seen as a positive-sum game: pollution pays*” (Hajer 1995:3). This discourse inhabits the idea that developing new technology is the main key to solving environmental problems, and that business can profit by protecting the environment (Carter 2007:227). Contrasted with sustainable development, this concept contains the presumption that (economic) development has to restrict itself to a lesser degree. Ecological modernization is therefore a popular concept among business leaders and economists who have realized that modern environmentally friendly business and technologies can become economically viable in the future. The obvious problematic aspect of this discourse is that every problem cannot be solved through technological innovations.

This short outline indicate a movement towards a stronger connection between environmental protection and economic development, and as will be taken up in next section, the idea that economical actors also can (and must) be significant actors. Moreover, the growth of ideologies can also be connected to the escalation of specialized environmental NGOs (Princen & Finger 1994: 1).

3.2 Regulating environmental harmful industry: Towards self-regulation

3.2.1 From command-control to voluntarism

As I shortly have outlined above, the ideologies on environmental protection have changed, and in the same vein the usage of political means for conserving the environment might have developed as well. Traditionally, the central policy mechanism invoked by governments has been the law, and the favoured mechanism has been “command and control” government regulation (Gunningham 1993:133). The governmental command and control model or a coercive model for regulation” has further been essential in creating environmental policy (Carter 2007: 323). This model “*involves the government specifying the standards of pollution control that a process or product has to meet, and then using state officials, backed up by a legal system, to enforce this rules*” (ibid). Two assumptions connected to this model seem to be that the central actors of regulation are the government and the state officials, and that the state “has power and can use it”. These assumptions will be discussed more in-dept later, but first one must recognize that this model was the reigning conception that guided policy making for many years but that it has changed the last decades (Gunningham 1993:133). Especially in the 1970s governments responded to the public environmental concern and

⁴ The Ecological Modernization perspective that Hajer (1995) initiated has generated many academically discussions, see e.g: Braitwaite & Drahos 2000: 268, Carter 2007:227

introduced a myriad of regulations, designed to prohibit or restrict environmentally harmful activities (Gunningham et.al. 1998: 38). Such regulations could be carried out by establishing standards and uniform requirements implemented by e.g. giving permits and licenses (ibid: 41). Clearly, such regulations have been vital for the protection of the environment in many cases, like in curbing aspects of pollution, outlawing extremely hazardous substances and in the protection of endangered species (ibid:42).

During the 1980s, along with the development of the “ecological modernization” discourse, the belief on such direct governmental regulation changed. Due to globalization and the fast development of technology in industry, it became a more difficult task for governments and regulators to identify problematic issues and where they emerged from, and to set uniform standards. Moreover, neo-liberal discourses in this period influenced changes in ideals in government organization and the relation between the states and the market. The focus was on less state regulation and more market freedom, and the idea of voluntary self-regulation by the companies became increasingly popular (Bastmeijer and Verchuuren 2005: 315). Moreover, for being economically inefficient, adversarial and administrative troublesome, the “command and control” model for environmental regulation was reconsidered (ibid). As the state no longer was able- or willing to manage society from above, other actors would have to take their own public responsibility, replacing direct state regulation. Thereby, voluntary initiatives and individual and corporate responsibility became more important in policy-making in many states (Arts 2002:29). In this period, management strategies like “Total Quality Management”, and “New Public Management” on public administrations developed and became popular, and several organizations developed environmental management strategies that focused on strategy formulation and implementation with an emphasis on rational planning and top down initiatives (Hoffman & Ventresca 2002). Also, new technologies and comprehensive management structures and systems, like the International Organization for Standardization’s certification (ISO 14001)⁵, was developed in order to address environmental problems (Forbes & Jerimer 2002:195).

3.2.2 Industry self-regulation and CSR

The developments described above point towards a voluntary self-regulation instead of command and control. Self-regulation can be defined as a process whereby an organized group regulates the behaviour of its members (Gunningham et.al 1998:50). Evidently, the

⁵ More about ISO: B& D, Bendell. <http://www.iso.org/iso/home.htm>

notion of self-regulation is connected to a liberalistic ideology, and reminds us of Foucault's notion of "governance of the self"/ "governing at a distance" or "govern-mentality", where the dominant technique of power in the liberal state is that individuals regulate themselves according to discourses (Foucault 2002). In clarifying the case, it is important to distinguish between individual-, group-, economic- and social self-regulation (Gunningham and Rees 1997: 364). What I am looking at in this instance is not individual self-regulation, but the self-regulation of companies, thereby group and economic regulation. Compared to command and control regulation, self-regulation is often favoured for being more efficient and low-cost, flexible and sensitive to market circumstances (ibid: 52).

Industrial self-regulation contains similar features as the much debated concept "Corporate Social Responsibility" (CSR), where private companies decide to implement a policy that regulates the company according to important values in society. A definition of CSR is "*the company's attitudes and responsibility towards society for social, ethical and environmental issues, included sustainable development*" (Demirag 2005:11). Moreover, it is also termed civil regulation and soft regulation, and political scientists have characterized it as a process of global regulatory privatization (Vogel 2005:9).

Ideally, corporations should (in line with this CSR definition) feel responsible for their impact on society and the environment, and voluntarily regulate their own activities towards sustainability (for instance pollution reduction measures). This concept has gained great attention in the last years, and many corporations and companies have established environmental visions and publish their own CSR reports. In line with the positive-sum game assumption of Hajer (1995), companies see the comparative advantage of linking themselves to the moral understandings in society (Braithwaite & Drahos 2000: 268) "*Instead of seeing environmental protection as a burden upon the economy the ecological modernist sees it as a potential source for future growth*" (Weale 1992: 76). Comparative advantage is a principle important in business life, and having a good reputation among consumers by trying to be environmental friendly can be an important gain. Because the conservation of the environment is not merely the responsibility of the government any more, CSR can be seen as a privatization of environmental regulation (Bendell 2000: 248). Since the 1990s, for example the EU has in the altered their view on legislation and command-control as the only governance instruments, and given attention to other policy instruments such as voluntary agreements, certification and emissions trade (Bastmeijer and Verchuuren 2005: 315). It will later be discussed how CSR also is relevant for Norway.

Some are optimistic in regard to this development, and argue that developing a green culture is essential in supporting sustainable development (Forbes & Jerimer 2002:196). But a critical question is to what extent institutionalized “organizational greening” corresponds with authentic environmentalism (ibid). A much used expression when criticising CSR is the “greening of business”. When industries “green” their products in order to appear environmentally friendly, the natural environment has become a key strategic issue (ibid: 195). The environmental friendly managements the companies set up (especially those set up without much involvement from a third part), can in many cases function as a “green ceremonial facade”, and serve to “green-wash” their business (ibid: 196). Formal organizations respond to pressures of legitimacy by attempting to project images of rationality to various stakeholders ⁶(ibid: 196). Pressure from civil society might have contributed to that corporations, which in the 1970s viewed environmentalism as an external threat to established business practices and profit, now have changed their thoughts (Hoffman & Ventresca 2002:2). Environmental considerations are now a routine strategic consideration of major corporations (ibid). Of course, there exists a wide variety and seriousness of “greening”. For example, establishing own environmental projects or adapting to different types of standardized certification possibilities, which serve as proof of environmental friendliness, have become increasingly popular with both industry and consumers. ISO 9000/14001 is one example; other examples are the Forest Stewardship Council (FSC) and Marine Stewardship Council (MSC) (which will be taken into account later) (Gulbrandsen 2005).

The problematic feature of “green facades” is linked to the challenging tension between environmental protection and economic development embedded the concept of Sustainable Development. Generally, companies in the private sphere have profit-maximizing as their primary objective, and environmental protection does not easily combine with that principle. This might be seen as a classical tension in the understanding of the difference between the public spheres (where values, ethics and moral are discussed) and the private sphere (where the market allows room for private utilitarianism). Hence there are many critical voices to the concept of CSR; and many questions about fundamental ethics are being raised. Companies who state that they will take social or environmental responsibility are often criticized for only doing it for the symbolic and legitimizing value of it, and that they are not really changing their production methods (Carter 2007:235). Examining the results of industry self-

⁶ Forbes & Jerimer (2002) suggest a “Symbolic Organization Theory” for investigate greening of industries, but this theory will not be taken up in this thesis.

regulation, the weaknesses are easy to spot because of empirical variation in successes (Gunningham & Rees 1997: 380). A significant problem for companies thereby lies in institutionalizing the self-regulatory aspects (ibid). Self-regulation of industry and CSR has been heavily criticized, because self-regulatory standards are usually weak, enforcement is ineffective and punishment is secret and weak, and because it often lacks vital sides like visibility, credibility and accountability (Gunningham et.al. 1998:53).

Last but not least, the legitimacy of command and control seems to be higher than self-regulation among citizens. Surveys (from ISSP) indicate that citizens in many states agree on that there should be stronger government control over activities of multinational companies, and show that there is ten times the citizen support for legal regulation of the environment than for industry self-regulation (Braithwaite & Drahos 2000: 609).

The division of state regulation and CSR (volunteer regulation/self-regulation) does not mean that government and civil regulation operates in different spheres, sometimes civil regulation has expanded government regulation, and in some cases governments also promote CRS as indirect forms of regulation (Vogel 2005:10).

3.2.3 Actors regulating and implementing CSR

A key approach in my thesis is to focus on actors, and the alliances and cooperation between NGOs and other actors. In the classical regulation model of command and control, the main focus was on the relation between the government and companies. In this model, the role of the NGO was limited, primarily focused on influencing the legislation through lobbying and working towards state structures. Further, the relationships between NGOs and companies in this picture, was dominated by confrontation and keeping them at a distance (Bastmeijer & Verchuuren 2005: 315). However, by the dissimulation of the command and control mechanism, the relationship between governments and companies changed, and more diverse instruments for regulating companies' activities appeared (ibid). These changes can be argued to have made the NGOs more influential in a different way, by opening for new possibilities (ibid). Academics increasingly focus on the meaning of evolutionary networks between market, states and civil society, through processes of learning and communication between stakeholders in the search of better governance mechanisms; this will be elaborated upon in the next section.

Even though CSR/self-regulation and command & control regulation often is set up against each other, the public actors also contribute to the growth of industries implementing CSR.

The main actors in the process of developing and implementing CSR in private industry are the state(government), NGO and private industry, which can be referred to as the “governance triangle” (Bastmeijer and Verchuuren 2005:314). Naturally, the one main actor should be the private industry, while the state and the NGOs could act as advisors or regulators.

Governments are clearly also significant, but it is indicated that “in the assessment of sustainable development in business, the relationship between states (governments), companies and NGOs is changing; governments seem to loose the grip, and relationships between NGOs and companies become increasingly important” (ibid: 315). The relationship between companies and NGOs is a major issue in this thesis and will be discussed more comprehensively in next chapter. However it can already be mentioned that many NGOs now seem to work more towards private industry, either to regulate them directly or make them regulate themselves, instead of trying to push the state to regulate them. The presumption that “*state regulation and good governance is not enough to pressure companies towards a sustainable development and social responsibility*” has gained popularity (Demirag 2005:12). However, the “governance triangle” might also have been extended in other ways, and more actors could be included. How the NGOs can participate in pushing CSR and self regulation into industries will discussed more comprehensively in next chapter.

3.2.4 The global dimension

However, it must be noted that globalization has contributed to the diversity of regulative mechanisms and actors involved. Although my empirical cases are restricted to the Norway, globalization of environmental politics must also be taken into account. Actually Vogel (1995) argues that “*it is no longer possible to understand the making of environmental and consumer regulation exclusively in national terms*” (Vogel 1995:1).

From a focus on creating national parks and conserving species within Norway, environmental politics are now far more concerned with global issues like global warming, and global solutions along with international agreements are crucial. Not only has the issue of environmental politics been globalized, but also the three main actors (the governance triangle) in promoting sustainable business are more and more affected by the global level, and they are all parts of international networks: Companies operate on a global level and are often part of international corporations or have industries in different countries, NGOs are often parts of international movements or have “sister NGOs”, and states are to a greater extent subject to international legislation. There have been many critics on globalization form environmental communities, claiming that economic liberalisation would lead to a lowering of regulatory

standard⁷ (Vogel & Kagan 2004:1). Vogel on the other hand, arguments that “*under certain circumstances, global economic integration can actually lead to the strengthening of consumer and environmental standards*” (ibid). He argues thereby in a similar as Braithwaite and Drahos that globalization does not necessarily create a regulatory “race to the bottom” as many critics have presumed (Vogel & Kagan 2004:29).

In global environmental regulation, the most important events have occurred since 1970’s, for instance when OECD started to organize meetings to establish guidelines and international treaties of regulation (for example of chemicals) (Braithwaite & Drahos 2000: 258). In the well known case of the CFC emissions causing ozone layer problems in the 1980s, the international regulations that were established to reduce these emissions, after pressure from diverse actors, are generally viewed as successful⁸ (ibid 264-265).

In addition to the three actors mentioned in the last section, it must be emphasized that a great variation of actors can be included in global business regulation (states, NGOs and Green Civil Society, Business actors, individuals, International organizations and other actors), and the picture gets more complex (Braithwaite & Drahos 2000: 9). By detailed case studies of global regulation of different matters, the environment being one of them, Braithwaite & Drahos conceptualize regulatory globalization as “*a process in which different types of actors use various mechanisms to push for or against principles*” (ibid 2000:9). Globalization is thereby seen as a contest of principles that guide conduct (ibid: 7). For Transnational Corporations, the most important contest of principle is between the principle of “lowest-cost location” and the principle of the “worlds best practice” (ibid: 279). When the last contest on being the best company is in play, environmental NGOs can strategically cooperate with the actor’s best places to raise global standards (this will be elaborated later...) (ibid: 279). What is needed is that NGOs campaign to lift standards globally rather than country by country (ibid 610). Also today, the contest of which principles should guide the global agreements on how to face the climate change is highly relevant. After the climate negotiations in Bali in 2007, a regulatory agreement is still not in place, largely because the principle debate is still not completed.

On the private sphere there now seems to be a contest between the corporations (and nations) of establishing the best principles and establish the most environmentally friendly policy, and

⁷ The globalization debate is comprehensive, but in this thesis I will not take that discussion further and instead settle with Vogel and Braithwaite & Drahos understandings of globalization and their optimistic approaches.

⁸ However, compared to the problems of climate change that now is the issue, the ozone layer problem was easier to solve because it was only some special emissions from some industries that had to be regulated. CO2 emissions on the other hand emerges from so many sources that it might be impossible to regulate only through a simple legislation.

there is also an increasing amount of appraisements and awards being handed out to the best corporations who are taking action in reference to CSR. The problem with this is of course that the corporations might promise more than they achieve in reality. However, my aim is not really to discuss what gives the best effects of state regulation versus CSR and self regulation, but to investigate how different forms and mechanisms of regulation might come into play and overlap, and what perceptions the NGOs have on regulation. But before theoretically outlining how NGOs can participate in regulation, a more in-depth discussion on theories of regulation and what problematic issues they contain will be taken up.

3.3 A closer look on regulation and network governance theories

The fields pointed out in last section describe different conceptions of environmental politics and the roles of the actors. Connected to the changing roles and the importance of NGOs and civil society, are theories about network governance and regulation. And since my initial research question points at regulation aspect for NGOs, a deeper discussion on regulation will be taken into account in this chapter, and make an outline on how the NGOs can interfere. Especially the recent more complex ways of understanding governance and regulation and how they gives room for studying multiple-actors and complex regulating mechanisms will be outlined.

3.3.1 Governance

Regulation can be perceived as a more direct outcome of governance, and since the governance concept is underlying my thesis it will be discussed here. The concept of governance can in a simplified manner be connected to the work of the government. However, as described in prior sections, in the recent years the role of the government has become exceedingly vague. This is also reflected in a wide academic discussion about the concept of governance, described for example by Rhodes (1997):

“Current uses of the term governance signifies a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or a new method by which society is governed” (Rhodes 1997:46).

With a focus on the British government, he gives a critical outline of the governance discussion. He describes six separate uses of governance: *“the minimal state, corporate governance, the new public management, good governance, a socio-cybernetic system or self-organizing networks”* (ibid: 47). After some discussion, concludes that *governance should*

refer to self-organizing, inter-organizational networks (ibid: 53). This definition involves a change from a system of local government into a system of local governance, involving complex sets of organizations drawn from the public and private sectors (Rhodes 1997:51). Networks can further be seen as alternatives to, not hybrids of markets and hierarchies, and they span the boundaries of the public, private and non-profit voluntary sectors (ibid: 52). The “governance triangle” for implementing CSR can be portrayed as such a network, including actors from government, NGOs and private industry. The development of network governance can therefore be understood as a response to government failures and the hierarchy ineffectiveness. Furthermore, the definitions of governance as self-organizing networks give a limited role to the government.

Because they are difficult to map and analyse, such governance networks have many problematic features, especially for researchers and those who try to understand them from the outside. An important aspect is the self-governing feature of networks, is that they contain autonomy and can resist steering, and that they because of this develop own policies (Rhodes 1997: 52). Thereby, a critical problem connected to democratic rule, is that the networks don’t have the same accountability and transparently that governments do (ibid: 58). Networks are often loosely organized, and it is unclear where decisions are made. Rhodes points out that governance as self-organizing networks become autonomous and resist central guidance, and that they because of this become the prime example of governing without government (Rhodes 1997:59).

Another definition of governance is that “*Governance is the management of the course of events in a social system*” (Burris, Drahos, Shearing 2005:30). According to this definition, “*governance directs attention to the mechanisms (institutions, social norms, social practices) through which these undoubted social goods may be instantiated in social systems, from smallest community to the global trade regime*”⁹ (ibid: 31). In comparison with Rhodes outline of governance, these definitions focus more on possibilities that a plurality of mechanism can generate, and not so much on the problematic feature of the role of government. Opposing views to Rhodes problematic issue emphasizes that network governance can empower civil society. Citizens could regain control of government through participation in networks as users and governors, creating a “post-modern public

⁹ Further, a theoretical tool to investigate networks and their governance and regulative power, namely “nodal governance” is developed (Burris, Drahos, Shearing 2005:33). But this theory will not be elaborated in this essay.

administration” (Fox and Miller cited in Rhodes 1997:58). Where Rhodes finds it problematic that they resist steering from the government, others see this as opportunities. As well, Rosenau and Czempiel argues in the book “Governance without government” (1992) that since governance is increasingly operative without government gives more informal lines of authority which can empower citizens (Rosenau & Czempiel 1992: 291).

In line with these assumptions, networks can further create collective learning between public and private actors, and this issue will be discussed more thoroughly in next chapter. Because networks connect actors together in different ways, and might thereby open for new possibilities, new solutions and new ideas to appear. These latest theories indicate that research on regulation and governance should focus more on how these networks are constituted and related.

3.3.2 Transcending the regulation-deregulation dichotomy: webs of dialogue

After reviewing literature on the two different concepts of governance and regulation, it seems that they often are treated quite similarly, and are both given increasingly broader definitions. As I understand it, the difference between them is that regulation is more connected to rule making. In accordance with this understanding, regulation is often defined in a very limited manner, e.g. as “*any direct (command and control) attempt by the government to influence the behaviour of business or citizens by setting environmental standards enforced via legislation*” (Carter 2007:8). With this definition, the government is assumed to be the main actor carrying out regulation, and are thereby confronting with the discussions above arguing that governments are not being able to carry out regulation in that way any more. A specification might be that the command part creating legislation and setting standards is perceived as the most important, but that the control part is more difficult to carry out. Additionally, globalization of business has further eroded governmental command and control potential and international regulation and legislation is more significant for many fields. Global business regulation can loosely be defined as limits imposed on the behaviour of economic actors, contained in rules and standards (Pattberg 2006:1). With this definition, there are no defined actors, and this opens for perceiving various mechanisms of regulation and actors participating.

A common discussion on the topic of regulation is between those who favour strong state regulation and those who believe in deregulation and a free market (Ayres & Braithwaite

1992:3)¹⁰. Because of this dualism, de-regulation is often confused with privatization, even though privatization often is accomplished by an increase in regulation (ibid: 11). Many theorists have indicated hybrid or indirect strategies of regulation, and these might be termed a new generation of regulatory theories (like Ayers & Braithwaite 1992, Pattberg 2006, Gunningham et.al 1998) (Black 2003: 260). E.g. instead of a dualism it can be focused on the symbiosis and mix between two forms of regulation: state-regulation (public regulation) and self-regulation (private regulation – by industry associations, by firms, by peers and by individual consciences) (Ayres & Braithwaite 1992). In broadening the understanding of regulation, the dichotomy between regulation and de-regulation might be transcended. Inspired by Ayers & Braithwaite, Gunningham suggest that a legal pluralism approach that recognizes that “*most regulation already is in the hands not of government officials but in myriad individuals employed in the private sector*” (Gunningham et.al 1998: 12). Moreover, he advocates a “legal pluralism” approach, because “*scholars within a legal pluralism focus on the interaction between state law and private forms of social control and conflict resolution, and recognize that law is just one element in a web of constraint on behaviour, some of whose stands are barely discernible, and many which are non-governmental.*” (Gunningham et.al.1998:12).

By these means, regulation is perceived in a more nuanced way, and this enables the opportunity to investigate various regulation mechanisms where the state might be one among other actors. In addition to the control and command mechanism, Gunningham adds a more detailed list of different regulatory mechanisms that have evolved:

“standards developed by the private sector, self-regulation, monitoring strategies (such as environmental audit), economic mechanisms (for example pollution charges, tax differentials, tradable emission rights); insurance based strategies; mechanisms to facilitate public involvement; information based strategies (such as communities right to know legislation); mechanisms to empower NGOs to scrutinise both regulated entities and regulator; liability rules; and citizen suites”.
(Gunningham 1993:142).

This list underlines the complexity of the situation and the regulatory mix of our time. The role of the government within these regulation mechanisms varies, as many of them are developed in the private sphere. But even though many regulation mechanisms occur without state intervention, it is emphasized that governments should interact. Moreover, crucial important for a good policy analysis is not to choose between these two main forms, but to

¹⁰ To perceive state regulation and free market as diametrical opposites might also be seen as the base for the difference between the right and the left side in party politics, where generally said the left parties trust in more state regulation and the right on the free market.

understand the interplay and relation between public and private regulation (Ayers & Braithwaite 1992:3, Gunningham & Rees 1997:406). By not taking a stand condemning either private or public regulation forms, it will be easier to study how these regulations might work, and even supply each other, and that there might exist many vital actors.

Additionally, the increased interest for regulation can be linked to different changes in society. In modernized society, the need for regulation has not decreased; it has rather increased, as for instance described by Ulrich Becks “risk society”¹¹. Similarly, Ayres & Braithwaite claim that “*we are not living in an era of huge deregulation, but in an era where administrative and regulatory practices is in a state of flux in which responsive regulatory innovations are politically feasible*” (Ayers & Braithwaite 1992: 4, 7). This is related to the tendency in the 1980s when state moved from command and control (top-down policy making and direct regulation approaches) to voluntary regulation, and other forms of regulation. These statements indicate that a wider understanding of regulation is essential for my thesis, since my research question is how the NGOs can influence regulation. First it must allow for the including of more actors than the government, and secondly it must acknowledge supplementary forms of regulation in addition to “command and control”. Substantially covered in the chapter on CSR and self-regulation, it is clear that the ways of conceiving business regulations have changed and become more differentiated.

The discussion on governance and regulation demonstrate that there is a large contemporary discussion on how these conceptions should be understood. I now have spent much time on this discussion because it explains how a wider conception makes it relevant for me to investigate the NGOs as actors. Moreover “*by focusing on actors, capacities and inter-relationships, it forces the categorisations of state or self-regulation to be broken down, and a more fine grained analysis on the regulatory capacities actors to be formulated*” (Black 2003: 282). Since the NGOs can act in between state and self regulation, their effort might be targeting both of these regulation forms and possible other regulation mechanisms.

Moreover, since there is a multitude of mechanisms, business regulation is more complicated than a game between two players/actors (the regulatory agency and the firm). In *Global Business Regulation*, Braithwaite & Drahos (2000) describes this multitude of actors involved in the regulation of different subjects. It is important to underline that I will not interpret my

¹¹ Which shortly described emphasises that the new modernity has increased the sensitivity of risk in society, and regulation of risks is therefore one of the most important political agendas of our time (Beck 1992)

question about how NGOs work towards business as a simple two-sided relation, but I will additionally take a closer look on what networks the different actors are part of or have created.

Network regulation theories reminds of Rhodes definition of governance as self-regulative networks. Critical voices of such regulation, like for instance Meyer (inspired by Rhodes and Powell) draws attention to some general problems of network regulation; *“the evolution of networks which may challenge the balance needed for successful co-operation, the interpersonal relationships between the negotiators that may lead to clique building and estrangement from organizational members, and the fact that networks may not always be the most efficient“*(Meyer in Demirag 2005:13, 41-55).

The uncertainty and complexity of networks makes it hard to predict and explain outcomes of policies and models shaped in networks, and there are probably several empirical examples where such issues have yielded negative results. It seems to me that theoretical discussion on network governance and regulation tends to be divided between those who focus on the issues of democratic decision-making and the nation states (Rhodes), and those who keep an international focus and on the redistribution of power creating new possibilities for civil society (Rosenau 1992, Braithwaite & Drahos 2000 etc.). Although states still must be seen as the main actors, the NGOs and Green Civil Societies can play central roles. In most literature the possibility that government could delegate some of its regulatory tasks and empower public interests groups or NGOs is mentioned (Ayers & Braithwaite 1992:158, Gunningham 1993: 147). E.g. in the field of pollution control, alternative regulatory devices have the potential to take the heat off command and control regulations, offer more cost-efficient means, improve corporation with companies and provide better compliance information (ibid: 142).

The discussions about consequences for states and democracy are important, but not the main focus for my thesis. Instead, I want to look more descriptive on how both direct and indirect regulation of industry occurs and what the conditions are for weaker actors to interfere. The approach emphasizing that regulation of business is not shaped by single actors, but through webs of influences, seems fitting to the approach in my thesis.

3.4 Summing up: Regulation of industry affecting the environment

This chapter has concentrated on general discussions of regulation connected to environmental protection. As described earlier, regulation of industry (and individuals) is the

most widely used instrument of environmental policy. Historically and theoretically, my discussion has taken up different approaches on regulative mechanisms.

With the broad understanding of regulation that some of the theories have suggested, there might be a myriad of diverse actors and mechanisms involved in the regulation of this area. Globally, the main actors engaged in environmental regulation of business are the National states, the NGOs and Green Civil Society, the business actors and the international organizations (Braithwaite & Drahos 2000: 270-279).

This theoretical chapter has thereby described the current conditions enabling environmental NGOs to involve in the regulation of business, and provided arguments for investigate different actors. Above all, because of the different ideologies, the changes in regulation mechanisms (from command and control to a mix of mechanisms), and the different levels of decision making and regulation, new possibilities for involvement of different actors occur. Firstly, the changes in ideology towards ecological modernization and concepts of CSR, and the weakening of the role of the state, makes regulation of polluting industries a natural mission/task for the NGOs. Secondly, the tendency of a more fragmented and networked governance and regulation generates possibilities for different actors to find ways of intervening. Especially the dissimulation of the command and control mechanism that changed the relationship between governments and companies might make the NGOs more influential in a different ways. Lastly, the contribution by Braithwaite & Drahos (2000) illustrate that globalization might also have altered the roles of the actors and opened for new possibilities for NGOs. A closer discussion on exactly what advantages and limitations NGOs can have in this picture, their capacities and strategies they can choose will be discussed in the following chapter.

4. NGOs as regulative actors

So far, I have focused on discussing new concepts of regulation, and how a wider understanding can give room for including more actors. My main aim for the thesis is however to look especially close at how NGOs can act directly towards companies and industries, and the potential of these groups to act as informal instruments of social control (Gunningham et.al. 1998:99). The campaigns I will describe are often initiated by the NGOs because the governments are unable or unwilling to act, and the government will therefore not be an important actor in my cases, however its position in the background will be taken into account.

So how can I conceptualize the possibilities for NGOs to intervene in direct regulation of industry? Before I will describe an outline on strategies for NGOs, I take a closer look at their power base compared to the other actors in the game. Giving some consideration as to how NGOs generate power is difficult without elaborating the power conceptions dominating this thesis. Since my theoretical framework is drawing on contributions from different academically traditions (especially economics, organization theory, law, political science and sociology), and might entail different conceptions of power, a clarification is necessary. Moreover, an insight into what environmental NGOs are, different understandings how they function and how they can be conceptualized as actors must first be given.

This is important to investigate, especially since it can be argued that NGOs are increasingly assuming governance functions traditionally conducted by the state, such as standard setting, compliance monitoring, and application of sanction to their members (Harrison 2001: 237). Gunningham's proposition in "smart Regulation" is that it will be crucial for governments to harness resources outside the public sector in furtherance of government policy (Gunningham et.al.1998:10). The NGOs might be seen as "third party regulators" in that picture (ibid).

4.1 Approaches describing environmental NGOs

Globally, there is a tremendous growth in environmental NGOs, and their actions are often conceived as essential to most international environmental achievements. Because they are different in size, duration, range and scope of activities, ideology, cultural background, organizational culture and legal status, it is clearly problematic to conceptualize NGOs (Princen & Finger 1994:6-8). Such differences will be taken into account when examining the two NGOs (the cases) I have chosen.

In much literature on NGOs, they are often generalized and described in a social action or social movement perspective (Princen & Finger 1994: 1). This could be misleading, and a more nuanced and contingent perception of environmental policy-making might be necessary in order to discover questions which would not emerge from the perspectives of traditional international relations, domestic interest group politics or social movements. At a general level, the main theoretical perspectives generally often covers two dominant approaches; top-down; which emphasises traditional diplomacy and the states as main actors, and bottom-up which emphasises grass roots organizing, participatory decision-making and local self reliance (Princen 1994: 29). A limitation to the top-down approach, is that it contains the presumption that major states will take the lead in setting the environmental agenda, even if evidence suggest the contrary (ibid). Because of the traditional concerns like international relations are military security, trade, and monetary relations, sates can even be obstacles to change (ibid: 31). Bottom-up approaches also suffer from weaknesses, especially since studies with such an approach often are scattered and limited to local projects, and thereby does little to arrest larger economic and political forces (ibid: 32). Over time, they may become major forces, *“but in the environmental area, with synergistic and threshold effects, there is little assurance that the magnitude or rates of aggregated change will correspond meaningfully to the rates of biopsycial change”* (ibid: 33).

The bottom-up perspective is frequently applied in studies of NGO actions, and in line with that perspective environmental NGOs are in general being described as part of a “green social movement” (e.g. in Bortne, Selle, Strømnes 2002). According to Princen & Finger (1994), most social movement theories are based on a Marxist inspiration assuming that the goal for a social movement should be to strive for power at the nation-state level, or that their function is to strengthen a political system (Finger 1994: 53). Such assumptions do not seem to fit with the case of many modern environmental NGOs and with the current political situations where the nation-states role is blurred. Moreover, social movement theories are embedded in a traditional concept of politics, where citizens were to become enlightened participants in a thriving democracy, where social movements functioned as medium to reach this goal (ibid: 60). The image in the post-modern era reflects incoherence and absence of direction; it is unclear where the continuation of this process of post-modernization leads to, and which actors have the legitimacy to define its orientation (Finger 1994: 61). *“In addition, the global crisis has reinforced and accelerated this process towards post-modernism, and this has led to more fragmentation, further eroded collective projects and contributed to the*

multiplication of social environmental actors” (Finger 1994: 61). Given the complexity of environmental problems, it seems naturally that there now exist a plurality of environmental NGOs with dissimilar goals and approaches instead of a united movement. Carter presents typology of four organisational styles environmental NGOs choose: Public interest groups, participatory protest organization, professional protest organization and participatory pressure groups (Carter 2007:147). This typology will not be a main issue in this thesis, but indicate that some NGOs are more professionalized and some more connected to the public. In addition, many of the NGOs goals might be more realistically directed at problem-solving, instead of creating a movement in order to pressure the nation states towards new policy making. The label “new social movements” might be more appropriate (Dryzek 2003: 11-12).

Another effect of a classical approach is that it can miss the link between the local and the international, the evolving governance structures, and the role that non-state actors can play (Princen 1994: 29). The diplomatic nice NGO occupy neither strictly bottom-up nor top-down approaches, but can have roles forging links between the two levels (Princen 1994: 33). For example, neither WWF nor Greenpeace are grass-roots organizations (despite their promotional claims), or group agents of top-down management (ibid: 33). Still, they resemble more a bottom-up than a top-down approach, especially since they do not have top-down enforcement power.

Conceiving the NGOs as parts bottom-up green movement is by this means not appropriate approach for my thesis. Another framework for conceptualizing international environmental NGOs is to conceive them as “agents for social learning” (Finger 1994: 60). The social learning aspect implies that environmental problems are complex problems, which cannot be dealt with easily or solved by more study or more practical data in a top-down manner. Instead, societies must “*learn their way out of the environmental crisis*”, and this learning process calls not just for education, but for development of new forms of politics (Princen & Finger 1994:10). An assumption connected to this is that NGOs (although not alone) can be key actors for such change. Compared with social movements, NGOs are more organized (legal, financial and political), and can function as independent actors in relation to states/international institutions and local communities (ibid: 11). Another important reason why “*NGOs assume the critical role of agents of social learning is that governments tend not to promote fundamental change, especially change in an economic system dependent on ever-increasing throughput of resources*” (Princen & Finger 1994:11). In this manner, NGOs certainly are important actors in global environmental politics, but it must be emphasized that

they are not the “solution to environmental crisis”. A premise underlying this is that they practice a different kind of politics, in for instance that they disseminate important information, which is not necessarily politically neutral (ibid: 12). Basically and instead of focusing on traditional politics, environmental NGOs build communities, set examples, and increasingly substitute for traditional political action, and by this, they become agents for social learning (instead for solely political change like social movements) (ibid: 65).

4.2 The power base of NGOs

4.2.1 Translation theory of power

What power base can NGOs have compared to other actors when they interfere as third party actors in regulation? In emphasizing network regulation, a “translation theory of power”, where power is seen as a process of enrolment of other actors, seems appropriate for conceptualizing power possibilities for NGOs (Braithwaite & Drahos 2000: 275). Behind this theory lies the widely recognized idea that power is not something you can possess, but something that is created socially (inspired by e.g. Foucault). Compared with “command and control regulation” of government, “*government exercise rule, governance uses power; with each party trying to induce or to force the other party to do certain things it otherwise would not have done*” (Rosenau & Czempiel 1992: 250). In other words, it is more connected to the process where ideas and self-regulatory ideas are formed in social settings or in active relations between different actors, instead of the state enforced implementing of an already formed rule/law.

In line with the translation theory, power is instead exercised by “*enrolling the capacities of others to our purposes*” (Braithwaite & Drahos 2000: 482). The translation part and the communication between the actors are therefore central. Consequently, “*power is conceived in terms of networks and alliances whereby centres of calculation exercise governance at a distance*” (ibid: 482).

By building and engaging in networks with other actors, NGOs can in line with this theory enrol their agendas and discourses in the networks, and thereby influence other actors. This theory seems similar to what Selznick defines as cooptation: “*cooptation is the process of absorbing new elements into the leadership or policy-determine structure of an organization as a means of adverting threats to its stability or existence*” (Selznick 1948:34). However, cooptation seems to signify situations where organizations interpret elements that more in-depth change their structure and meaning, while enrolling agendas might not change the

organization to the same degree. Moreover, while co-optation seem to be a danger for the weakest parts of unendingly adopt internal changes, enrolling gives more association to possibilities for parts to actively fitting own goals into a broader network, so that other actors might absorb these goals. Thereby, co-opting seems to be a more appropriate concept when there are only two actors confronting each other, not a network of different actors. However, the problems dangers of co-opting, and the problem of who is enrolling what, have to be taken into account when studying relations between actors.

4.2.2 Mapping networks of regulation: Enrolment analysis:

Further, in an enrolment analysis, the dimensions of distribution of regulatory functions between the actors, and the character of enrolment should be studied (Black 2003:273). An example of enrolment of both governmental and other actors in the regulatory process is in the function of standard setting (ibid). Moreover, actors might be enrolled in the regulatory process at different stages; in the information gathering process, in the information dispersal and verification, in the function of imposing sanctions and in performing the regulatory functions (ibid: 274-275). NGOs might therefore be included both as information giving and verifying actors (e.g about environmentally friendly processes), or/and as third party regulators or sanctioning actors. Further, a number of different relationships may be involved; mutual dependency, networks hierarchical, contracting, or a combination (Black 2003:275). In addition to engaging at different stages and establishing various relationships, there exist various types of regulatory tools: written norms (legal and non-legal) and accompanying sanctions, economic or market based instruments, social norms and accompanying sanctions, technologies and processes¹² (Black 2003: 256-258).

However, Black argues that an enrolment analysis is better equipped to study the complexity of regulation than the standard “toolkit analysis” (ibid: 256): “*With a decentralized perception of regulation, an enrolment analysis provides a mapping device which facilitates a more nuanced analysis of regulatory fragmentation*” (Black 2003: 253). Such an enrolment analysis focuses on actors, their regulatory capacities, the regulatory functions which they could perform, their interrelationships, and the way in which they are or could be enrolled

¹² The first three tools are familiar categories of regulatory tools, together with their accompanying sanctions (Black 2003: 258). Technologies (inspired by Rose & Miller) and processes is on the other hand less familiar, technology meaning “*the specialist understanding of and ability to employ, manipulate, calculate, measure or alter the physical, economic or human environment and the products of understanding*” (ibid: 258). Process is a category where the process might be a goal in itself, when for instance it is important that certain dictions are made by certain actors and not necessarily what decision they make (ibid: 259).

within a regulatory system (Black 2003:253, 262). It asks what regulatory capacities they possess, how those might change over time, and thus what regulatory functions they might be best placed to perform (ibid:262). In addition it facilitates both pragmatic and normative assessments of a regulatory system (ibid: 262). The main actors of interest in this thesis are the two NGOs. What regulatory capacities they might have, and the way they try to enrol into a regulatory system will therefore be a starting point in the analysis. But first, more theoretical interpretations on what role the NGOs might have compared to other actors will be outlined.

4.4.3 NGOs capacity compared to other actors:

Already in the 1980s it was stated that initiatives for international cooperation on environmental issues have almost invariably arisen outside governmental bureaucracies (Braithwaite & Drahos 2000:271). Even if it is not necessarily the international cooperation I am looking at in the first place, this observation implies that civil society has an important role.

When it comes to the relation between NGOs and companies, the power relation between them seems quite asymmetrical at first sight. Generally, the basis for business power is that they control the money, while the bases for government's power are that they control the law and the guns (Braithwaite & Drahos 2000: 611). On the other hand, the political power the NGOs control classically comes directly from the sovereignty of citizens and their legitimacy in society (ibid: 611). Still, even if NGOs seems to be the weakest elements in the web of influences that shape business behaviour, it must be kept in mind that no single player or mechanism ever brings out global regulatory change alone (ibid: 612). As outlined in the different chapters above, the organizing of environmental politics is constantly changing, and creating new links and new possibilities. Describing that regulation of business works through webs of regulation and not only through the main actors of governments, gives the NGOs the opportunity to have an impact.

One way of conceptualizing and comparing the NGOs to other actors, is to illustrate their regulatory capacities. Regulatory capacity is the actual or potential possession of resources which according to Black are; information, expertise, financial resources, authority and legitimacy, strategic position and organizational capacity (Black 2003:263). Following this, a short outline on NGOs regulatory capacities will be given:

- Financial resources: NGOs are not profit seeking like companies, and the income is always uncertain because it depends on the willingness of other actors to donate money: state

(governmental support), society (membership payments and donations) or business (sponsorships, donations). Their financial resources are therefore usually limited, uncertain and much smaller than other significant actors

- Legitimacy: It is often claimed that legitimacy is one of the most central issues to modern NGO assets (Princeton & Finger 1994: 34, Braithwaite & Drahos 2000: 611). The legitimacy NGOs have in society is high, for instance, a German study showed that society puts more trust in Greenpeace than in political parties, media or the church (Beck 2004:148). Their legitimacy is seen in connection with the autonomy they have in taking clear positions on environmental matters and that they can have a single issued focus (Princeton & Finger 1994: 35). NGOs do obviously not have much formal authority compared to states, and the authority they possess might be based on their other capacities like their specialised knowledge.

- Organizational capacity: The transnational character of NGOs is another important aspect, which can be connected to the organizational capacity. The advantage of being part of international networks in an environmental context in talking about global environmental problems, as they do not have to be constrained by national interests (Princeton & Finger 1994: 36).

- Expertise: The regulative resource of possessing knowledge and create communication needs more discussion. Historically, the capacity to control and use knowledge, is a basis for the strong dominating the weak (Braithwaite & Drahos 2000: 5). For the NGOs to engage in regulation and act towards powerful actors, their knowledge base must be professional. Professionalization of NGOs has given the NGOs strong knowledge bases, and knowledge is often understood to be an important power resource. It might even be claimed, that the power and legitimacy base of the NGOs has changed from grass-root mobilization power to knowledge power. This makes it possible for them to become parts of knowledge networks and through them engage in regulation of business, and their acknowledgement from other actors (especially states and companies) might therefore be based on the acknowledgement of the knowledge they possess, and not only the classical sovereignty of society. It seems that from being a civil green movement, “green civil society” has evolved towards plural NGOs as expert and interests organizations. Contrasted with experts working in government institutions (like for example the Ministry of Environment), the experts working for environmental NGOs might have more autonomy to collect and develop knowledge, without steering from above. The expertise and knowledge the NGOs possess can vary, from detailed natural science on example threatened species, to knowledge about society, political processes and legislation.

- Strategic position: A bargaining tool that is more based on knowledge is that NGO can provide important information and knowledge via their research or their ties to indigenous and

agricultural communities (Princen & Finger 1994: 34). Such knowledge can be vital for both states, international institutions and business, and they often turn to NGOs for comments or expertise on special topics. The 'bargain' leverage that defines their political niche is used to gain access to decision-making – governmental, intergovernmental and corporate – and second to engage directly in the formation and reform of international institutions (Princen & Finger 1994:36). The NGOs can assert influence on corporations by prepared proposals, and if they have additional asserts to offer – expertise, grass-root support, a transnational base or network, the ability to rectify information imbalances, and above all, legitimacy – they carry even more weight; they can actually bargain (ibid:37). Their bargaining tools are not building on traditional power resources. Instead, a powerful and common tool for the NGO is for example to command media attention (Princen & Finger 1994: 34). NGOs have often better chances for media coverage than big public organizations, through for example illustrative actions, and this way they can deliberate their opinions to society. A second tool for is to NGO promote communication and muster support, or opposition for environmental politics, and for example create lobby networks (ibid: 34). Both this two first tools shows that the NGOs, even if not conceived as social movements, still have a special connection to society and still can mobilize and muster support. In connection to power in communication, NGOs capacity to make use of new technologies and internet is also a significant (Bendell 2000:21).

4.2.4 Modelling and creating social learning in webs of regulation:

Clearly the NGOs do not have the same resources than the most visible regulative actors (the State and companies) and are in many cases weak actors. But when considering their strategic positions, expertise and autonomy of taking stands into account, these capacities increase the chances for enrolling other actors into their agenda. Thereby, according to Princen & Finger (1994), they can contribute to shape regulation and create learning by:

- 1) *Framing environmental issues, by help establishing a common language or world-views*
 - 2) *Building communities, by organizing and involving citizens in concrete projects at a local level.*
 - 3) *Building coalitions/networks among communities and across regions and actions and setting examples and substituting for governmental action*
- (Princen & Finger 1994: 226-228).

How the NGOs contribute to social learning by enrolling new ideas and models in global networks of regulation is in a similar vein described by Braitwaite & Drahos (2000)

discussion on webs of influence¹³ (ibid: 7). Dialogic webs include for example mechanisms like dialogue in professional associations, self-regulatory dialogue in industry associations and naming and shaming of irresponsible corporate practices by NGOs (Braithwaite & Drahos 2000: 553). The last mechanism is a classical way of NGOs to influence corporations, by for example naming the worst companies in media, threatening with boycott campaigns, whereby they might also increase competition between companies. On the other hand, there has lately been much literature focusing on dialogue, not only because dialogue can give outcomes, but because it can strengthen both the knowledge base and trust among the actors participating: *“Through dialogic webs actors discover the state of their relations with others, as well as information about relations between others, reduce uncertainty, and heighten the probability that the norms established by means of the web will be internalized by actors who are part of the web”* (ibid: 562, 563).

The social learning aspect (emphasised by Princten & finger 1994) seems to be significant here, in addition to reducing risks.

One way for the NGOs to enrol actors into their purposes, is to create models which they propose to different networks or regimes. Especially for NGOs which have meagre resources a rational strategy is to run many campaigns with half-baked off-shore models (Braithwaite & Drahos 2000:588). Similarly to viewing the strengths of NGOs their ability to create social learning, modelling also contains an innovative element, because it contains observational learning with a symbolic content, not just an imitation (ibid: 580). *“Modelling is therefore defined as actions that constitute a process of displaying, symbolically interpreting and copying conceptions of action. A model is a conception of action that is put in display during such a process of modelling”* (ibid: 581).

The power of a model is that when taken seriously can sets the framework of the debate and it can thereby influence regulatory outcomes indirectly. Moreover, because models are information, can be distributed quickly and at little cost (ibid: 588)

In the field of global environmental regulation, NGOs can according to Braithwaite & Drahos act as *“model mongers, hawking models of environmental change from one bureaucracy to another, from one state to another, until they capture a powerful bureaucracy which will champion their model”* (Braithwaite & Drahos 2000: 271). Especially if disasters strike (for

¹³ They differentiate between webs of coercion and dialogic webs, but in this thesis the dialogic webs are the most crucial since webs of reward and coercion (like ex military or economic coercion) are less preferred as webs of dialogue by most actors, and mostly considered when dialogue fails (ibid: 557).

example oil spills) which mobilizes concern among public, ready frameworks or models for solutions created by NGOs can play a significant role (ibid: 272). Connected to climate change whereby disasters might strike more frequently, quick solutions are vital. But also because of competition between states or between companies of being the most environmental conscious and taking the lead, they are more likely to adopt models created by environmental NGOs. Model mongering is an effective strategy for weaker groups in global regulation politics, because it minimizes development costs and maximises reform opportunities by transmitting many models through political networks (ibid: 589). *“Model mongering minimises development costs and maximises reform opportunities by transmitting many models through political networks”* (ibid: 589). Because of the NGOs specialized knowledge and their connections to local and international society, it can thereby be assumed that the models they create are different than those of a state. Furthermore, NGOs can enhance the transparency of dominant actors; states, intergovernmental organizations and transnational corporations, by monitoring them and publishing information about them (Princen 1994: 35). E.g. have many NGOs and research centres have launched “business watch institutes” which monitor corporations globally ¹⁴

The theoretical contributions discussed so far are mainly directed at the NGOs as actors towards national or international legislation, and intervene in the regulation process more indirectly. However, I believe the learning and creating models aspect also is important when acting towards companies. For example, in a relation between a NGO and a company, the company might have economical recourses, but the NGO can have political, cultural and knowledge-based power (Arts 2002: 32). Strength for the NGOs can be their capability of communicating their values to a larger public, and their strong knowledge of environmental issues (ibid: 32). Especially connected to the professionalizing, centralizing and bureaucratizing which entail the less mass mobilization potency, this perspective seems fitting. Moreover, it seems to be in line with the theories which emphasizing more fragmented actor models of governance and regulation through networks. Because the NGOs can take part and enrol their agendas in various regulative processes, it can be argued that NGOs have the possibility to act as surrogate/third party regulators or co-

¹⁴. The most well known might be “Publish What You Pay”, which is a “coalition of over 300 NGOs worldwide, which calls for the mandatory disclosure of the payments made by oil, gas and mining companies to all governments for the extraction of natural resources, and in addition calls on resource-rich developing country governments to publish full details on revenues” (www.publishwhatyoupay.org)

regulators (Gunningham et.al 1998: 94-95). The contributions that are listed here are: *“educating the community, providing information to regulators and regulatees, fulfilling the watchdog role, acting as private enforces, seeking compensation or preventing harm, and reforming the law”* (Gunningham et.al.1998:95)

4.3 NGOs direct strategies towards industry and companies:

Historically, an alteration of the role of NGOs essential to my thesis is that they are increasingly involving themselves directly with private business (some of them cooperate more with companies than with the state). As pointed out by Hanf & Jansen, NGOs classically used to work towards the public administration and institutions to reach their aims, and their relation towards private industry was either to keep it at a distance (not get too much involved) or confrontation (Bastmeijer and Verchuuren 2005: 315). Since the trend now is industrial self regulation (as shown in last chapter), it seems that many NGOs now concentrate more on intervening with industry directly. This development can be perceived in different ways, one is that the relation between NGOs and private industry can play an important role in all the elements in the regulative chain of environmental politics: norm setting, implementation, monitoring, enforcement and dispute resolution (ibid: 326). Further, by interacting directly, the NGOs seem to take a role which public institutions should have played, even if their capacities obviously not are the same (ibid: 327). Monitoring or policing the code as a complement or alternative to government involvement, and it is actually arguable that self-regulation is rarely effective without such involvement (Gunningham & Reeds 1997: 402).

More specifically, how can environmental NGOs practically interact in the self-regulation of business? NGOs may contribute directly in regulation, through involvement in administration of the code itself, or taking direct action against firms that breach the regulatory program (Gunningham & Reeds 1997: 403).

Returning to my cases, different models describing how NGOs act directly towards companies will give a more empirical related framework to study how they generate power, regulate and create learning. In connection to the new governance and regulation mechanisms discussed, a deeper outline about such mechanisms is needed. A prior model for the different relations which between NGOs and companies (mentioned in section 3.2), is that NGOs as actors can take either a watchdog or a partnership approach:

4.3.1 The Watchdog strategy:

Monitoring of the companies: This approach can be said to be more fundamental and classical, keeping business at a distance, and working more towards pressuring state and legislation to create change. This strategy includes tactics like boycott campaigns, publishing of critical research (naming and shaming), strikes, court action, and lobbying for legislation (Bendell 2000: 243). All of these tactics are highly confrontational towards the companies, and are clearly expressing scepticism regarding their motives. Historically, companies have been considered as “the bad guys“ by the environmental movement and clashes between them occurred (Arts 2002:26) A well known example is the Brent Spar case in 1995 where Greenpeace demonstrated heavily against the dumping of this oil platform planned by Shell (ibid). Obviously, this approach is largely operating outside the market, and might therefore have to rely on voluntary donations of time, resources and money. Keeping a critical eye on the operations of business, “naming and shaming” of irresponsible corporate practices is a significant tactic where NGOs take advantage of the expectations of CSR (Vogel 2005:9). By increasing transparency and publishing material this strategy might enrol the NGOs aims into a wider society, where a variety of actors agree on the moral assumption that companies should take more responsibility. When a large amount of actors and consumers have taken up this normative stand, the pressure towards companies increase, and they might feel forced to change.

4.3.2 The Partnerships strategy

Partnerships are basically collaborations between NGOs and companies in order to generate sustainable business. This approach includes tactics like negotiation agreements with corporate management, advising companies on best practices, endorsing or promoting best practices, conducting and publishing helpful research, or jointly developing new products or techniques (Bendell 2000: 244). They can be defined as “*collaborative partnerships between environmental NGOs and business that pursue mutually beneficial ecological goals*” (Arts 2002: 28). A goal for that strategy is thereby that NGO make use of its expertise and advice the company towards a more environmentally friendly management and methods of production. This more recent approach absents interference of the government, and matches with the tendency pluralistic and private self-governance (Arts 2002: 30). While the NGO may achieve more environmental gains than through cooperating with government, the reasons for such alliances for companies is to raise new business opportunities, improve performance and enhance their reputation (ibid: 28). Cooperation can help the best companies

by giving them a strategic advantage, and raising the bar for other companies to improve accordingly (Braithwaite & Drahos 2000: 279). Due to the prevailing disappointment of government's efforts by both NGO and business, there is a constant emergence of green alliances. For environmental NGOs, governments are not efficient enough, too bureaucratic, are giving vague frameworks for the industries and display a lack of implementation (Arts 2002: 28). Companies, on the other hand, consider state regulations as inefficient, too broadly formulated, too costly and hindering innovation (ibid: 28). Partnerships are therefore good alternatives for businesses, both because they are themselves partly designing the policies they implement (which give more efficiency), and because legitimacy and credibility is granted by the NGOs (ibid: 28).

By this strategy, the NGO can enrol industrial actors into their agenda more directly, by encouraging companies and setting a friendlier tone.

4.3.3 A nuanced view at the model:

NGOs can move from a confrontational approach to dialogue and partnerships. The example with Brent Spar is illustrating, where Greenpeace went into dialogue with Shell after the confrontation (Arts 2002:27). Many partnerships have actually developed from confrontation to dialogue and proceed with project-based cooperation (ibid: 33).

Academically, there seems to be a great interest for the partnership approach. After revising literature on the relationship between NGOs and business/companies, it seems that a lot of recent contributions embrace the partnership tendency and give advice to further partnership projects (like in Lange, Spissøy, Brudvik 2000: 44). A very optimistic perception of this tendency can be seen the statement from 1989 by the economist Elkington: *“because of the positive green development in the market, the 1990s will surely become the green century”* (Elkington 1989: 285)¹⁵. More moderate but optimistic¹⁶ perspectives on such alliances embraces them as promising alternatives to state regulative, with a business angle on the flexibility and cost-effectiveness (Arts 2002: 28). Sometimes, the academically contributions tend to focus mainly on how such partnerships work out for companies, and do not look at consequences for the NGOs, the state or environmental conservation¹⁷. However, it has been

¹⁵ Economist working for SustaiAbility, collaborating with Bendell

¹⁷Noticeably, there is some confusion in definitions and usages of concepts. The definitions by Lange, Spissøy, Brudvik 2000, on the word “partnership” can be questioned, as it was understood differently by the NGOs. Also, their use of the term “voluntary organizations” is not so fitting for all NGOs, because some of them, like Bellona, WWF and RF, are foundations and are not really based on voluntary membership. Instead, they can be termed “interest organizations”.

concluded that partnerships between NGOs and companies in many cases are not real collaboration projects, but only function as sponsorships of NGOs (Lange, Spissøy, Brudvik 2000: 43). This implies that there is not one standard way of organizing partnerships, and that their success varies to a great extent. Probably, in a partnership where the company only sponsors the NGO and dialogue is more or less absent, the partnership will not produce significant changes within the company structure towards more environmentally sustainable practices.

Pessimistic commentators do not consider partnerships as possible substitutes for government regulation, and focuses on issues like bottlenecks in coalition formation, power relations, rules of the game and discourses in green alliances (Arts 2002: 28). The problematic feature of “Green Washing” is large when NGOs morally support companies. Moreover, too close partnerships with companies can be dangerous for the survival of a NGO, and can lead loss of legitimacy. Furthermore, if all environmental NGOs were to engage in partnerships, would not the watchdog role then disappear? Because they might depend on each other, both approaches are probably equally necessary, thus it is vital that both are respected and conserved.

Civil regulation, certification and using market tactics

There are many different models trying to conceptualize the relation between NGOs and industries. Elaborating on the main separation of collaboration or confrontation, Bendell (2000:243) establish a model for how NGOs can change corporate behaviour by mobilizing consumer politics. The model is inspired by Rosenaus thoughts on governance, Bendell employ the term “civil regulation”, suggesting that “*NGO campaigns are constructing a new emerging form of regulation for international corporations*” (Bendell 2000:246). This assumption seems to be in line with the wide conception of regulation where NGOs can intervene in at various stages but also create new models.

The model that Bendell suggests includes four tactics: forcing, promoting, facilitating and producing change (Bendell 2000). Being divided between four directions; inside or outside markets, confrontational or collaborative style, all these include activities that mobilize consumer politics in order to change corporate practices (ibid: 243). This model seems to fit with the model described in last section, but might be elaborating, suggestion also a third strategy; facilitating or providing change in the market by providing alternative production systems. Operating inside the market, the third approach would be for NGOs to provide services that facilitate change (ibid: 244). One example is to provide consultancy services that

aim to help corporations with processes of change. Another well discussed example is to run certification systems, such as the Forest Stewardship Council (FSC)¹⁸ which sets standards for “sustainable timber” through a multi-stakeholder processes (ibid: 244). This strategy might therefore be labelled “green alliances”, including many actors both in the market and in society. The entry point for relations are often forcing change, but the trend of facilitating change is strong, particularly with the trend of establishing multi stakeholder accreditation councils (ibid).

This approach might be placed in between watchdog and partnership, because it is not a two sided partnership between a company and a NGO, but it includes dialogue between many actors, both in the market and in civil society. However, naming and shaming campaigns also contain the civil regulation aspect by threatening with consumer boycotts. An important point, that also many NGOs seem to agree with, is that green alliances can be innovative, but that after some time, government should get involved¹⁹.

Last and not least, the indications that regulations often are taking place at a global level must also be taken into account. As already have been indicated, NGOs can play significant roles also in global regulations, both because of their strategic positions and international networks. As noted by Vogel & Kagan (2004), in most cases it is dominant governments that push other states to implement stricter regulations, but in some cases: *“the pressure for diffusion of regulatory standards come solely through NGOs, using international forums to generate normative expectations that regulatory laggards feel politically obligated to meet”* (Vogen & Kagan 2005:36). This reminds of how Braithwaite & Drahos (2000) described that NGOs can act as model mongers, creating alternative innovative models pushed forward in global competitive situations.

4.4 Summary of theoretical implications: conditions for NGO involvement

The contextual changes in environmental politics have also shaped inter-organisational changes within NGOs, making them increasingly specialized, knowledge based and internationally adapted. An organizational structure which to a lesser degree is hierarchical

¹⁸ Many academically articles seem to have used FSC as case, see e.g. : (Bendell 2000: 24, 26, 244, Arts 2002: 31-32, Braithwaite & Drahos 2000: 282, Hoffamn & Ventresca 2002, Guldbarndsen 2005:397)

¹⁹ In Norway this has been some discussion on certification, and many assume that the government has to take part see e.g. Stokke, Olav Schram, Lars H. Gulbrandsen, Alf Håkon Hoel and Jonette Braathen (2004)

and democratic, can give the organizations flexibility, innovative advantages and a more direct problem-solving capability. Compared to other actors, the NGOs are weak when it comes to practical resources, and their power lies more in their ability to create and push forward models and create learning that shape the regulatory outcomes.

The main research question was asking how NGOs can have some influence on regulation of industry. After the theoretical discussion, a more nuanced model for regulative approaches has occurred, and this model has guided my research. This model regarding strategies presents mainly two different options for NGOs to intervene with regulations. The first option is to intervene directly (partnerships), by becoming central “third parties” in the self-regulating of the companies, and enrol the discourse of environmental protection into the company based on their knowledge and legitimacy. The second option is to maintain a distance, build pressure networks, and create own models of protection. However, the theoretical discussions have also indicated that there might be other strategies, and that the line between the two main strategies not always is to clear. Moreover, the fact that NGOs probably can make uses of more than one strategy, and enclose different understandings and implications of the strategies is also included in the study. Since my thesis is a comparative case study, the special features and the interpretations the indebt study will give is more significant than placing the cases into a theoretical framework.

5 The Norwegian context and Norwegian NGOs

The two theoretical chapters presenting a wide conception of regulation strategies gives me the possibility to investigate alternative strategies that NGOs apply in addition to lobbying towards the state. However, there are two problematic implications with the theories I have chosen to take into account: First, the theories originate from various disciplines, like sociology, and law, and they thereby might present various perspectives.

Second, most of the theories have developed in other countries than Norway. This last issue will now be taken into account, and I will underline the Norwegian context for environmental politics, with a special focus on the relations and characters of the Norwegian state, business and NGOs. These features might provide a different context for NGOs to intervene than assumed in the theories developed with empirical focus on other countries. Even if they approach global environmental issues, the Norwegian political context can shape their relations to state and market and thereby provide some particular conditions and limitations. How environmental conservation is interpreted and organized is affected by historical contexts and changes in ideology/discourses, in the organization of state and interest organizations in Norway, and in relations between business, states, civil society and global politics.

5.1 The organization of Environmental politics

The Norwegian State is often described as strong, and the government has for a long period been engaged in environmental protection. In Hanf and Jansens "*Governance and Environment in Western Europe*" (1998), a historical outline is drawn on how environmental politics became important policy fields for governments in Europe. In Norway, the roots of environmental politics can be traced back to the beginning of the 1900s, with traditions of nature conservation and protection of cultural heritage and public health (Jansen & Mydske 1998:182). The earliest environmentally concerned political entrepreneurs were scientists and historians, who initiated and activated interest organizations and persuaded the government to develop policies (ibid: 182). Establishing laws that restricted the use of nature, like establishing national parks was a central environmental task, and these establishments were carried out as governmental command and control mechanisms.

Political interest for environmental protection has been periodical. As a political subject for the state, a key year was 1972, when the Norwegian Ministry of Environment (Miljøverndepartementet) was established (ibid: 183). The tasks were to: “*Co-ordinate policies for pollution control, psychical –economic planning, nature conservation and open air recreation, and international environmental co-operation within the general policy of “growth with conservation”*” (Jansen & Mydske1998: 183). Thereby, the ministry would function as a control mechanism with public officials controlling that legislation got implemented, and naturally giving expertise advice to government about environmental matters, but also function as a link between interest groups and government. Simultaneously with the establishment of the Ministry, the Norwegian state became an important international actor for the case of environmental protection (at least symbolically) (ibid 196). From the 1980s, there was an increase in attention given to environmental matters, much due to the “Brundtland Commission’s” report “Our Common Future” which emphasised the policy of “sustainable development” (Jansen & Mydske1998: 185). Since the publishing of this report, Norwegian politicians have repeatedly declared Norway to be a “driving force” for global environmental negotiations, although many environmental NGOs would strongly disagree.

A key conclusion on the role of the Ministry of Environment in Norway is that its powers are downplayed by other ministries, especially the Ministry of Finance and the Ministry of Oil and Energy (Jansen & Mydske1998: 202). Because the logics of economical and resource developments that these ministries embody are heavily institutionalized, they tend to be more recognized by the politicians and perceived as central to national politics (ibid: 202).

Consequently, the balance between economic development and environmental protection is grid-locked; the politicians tend to prioritize economic development (ibid: 202). This implies that the state’s implementation of the important principle “sustainable development” is not taken seriously if it collides with principles of economic growth (or, the principle is reduced to “economic development with some sustainability”). This is evident in the problematic issue of oil production. Oil industry is one of Norway’s most important income sources, at the same time one of the most harmful industries for the environment. On this issue, the environmentalist’s potential for mobilization was reduced since a dominant coalition between government and industry²⁰ gave room for political manoeuvrings and avoided confrontation (Hanf & Jansen 1998:283). Moreover, the Ministry of Environment might have been reduced

²⁰ The coalition included the Labour government, the Labour Party and the Confederation of Trade Unions together with the Conservative Party and the Confederation of Industries (Hanf & Jansen 1998:283).

since the end of the 1980s because the Ministry of Finance and the Ministry of Oil and Energy have had a larger say on environmental matters in which Norway's petroleum resources are involved (Jansen & Mydske 1998:189).

Another critique of the Ministry of Environment is that it functions as a buffer between environmental interest groups and the government. This problem can be linked to a description of the Norwegian political arena as a corporatist and segmented. The thesis about the segmented state describe how actors with similarly interest (e.g. ministries, interest organizations and industries) have organized politically together as a segment, getting political hegemony over the sector of their interest (Rommetvedt 2002 (he disagrees)). If political actors only relate to their segment, they will not have influence and the chance to control other segments. The problem with environmental protection is that it concerns many areas, and when organized in an own ministry, the issues that are organized into other departments (like oil and energy), might avoid being affected by the Ministry of Environment. For my thesis, a main problematical issue with the Ministry of Environment is that it can become a buffer for environmental NGOs, because since they relate mostly to this ministry they might not gain influence on significant areas like oil and energy that are connected to other ministries.

5.2 Norwegian NGOs: in the arms of the state?

Compared to other countries, the membership number of the environmental NGOs is low and the "environmental movement" has no clear core that connects the NGOs together (Strømnes & Selle 1996:266). Thereby, the environmental NGOs cannot be said to be parts of a "mass environmental movement" (ibid). There exist 34 national environmental interest organizations²¹. Certainly, the difference in size, age, organizational structure, ideology base and approach varies to a great extent. Historically, they can be divided in three categories, classical environmental protection organizations concerned with issues like preservation of nature, organizations that emerged in the 1970s when "new social movements" building on eco-philosophy, and organizations that emerged in the 1980s and 90s with a more professionalized approach that were solution oriented towards issues like air-pollution (Strømnes & Selle 1996).

²¹ According to the Ministry of Environment 12.6.2008:
<http://www.regjeringen.no/nb/dep/md/kampanjer/Miljovernorganisasjoner-i-Norge/Relevante-organisasjoner-og-stiftelser.html?id=480182&epslanguage=NO>.

In Norwegian environmental politics, NGOs have played significant roles as initiative takers and as experts in the establishment of the Ministry of Environment, and many still work closely with (or towards) the public institutions (Jansen & Mydske 1998:183). However, as the Ministry of Environment became the central actor in setting the framework conditions of environmental protection, the NGOs efforts changed from demanding standards towards adjusting the conditions that the government decided (Strømsnes & Selle 1996:276). The close cooperation the Norwegian NGOs have had and still have with governmental institutions can have given different implications for both their achievements and their organizational formations:

First, it can be argued that the active inclusive Norwegian state may have co-opted the environmental cases and movement. The political culture in Norway can be characterised by a consensus-corporatist style of policy making, and this can also be seen in the environmental policy field (Jansen and Mydske 1998:188). Moreover, Norwegian society can be characterized as “state friendly”, leading to that organizations turn towards the government and not away from it, and that diverse issues relatively fast gets connected to or co-opted by the public institutions (Strømsnes & Selle 1996:275). By this means, the relationship between the State and civil society in Norway has traditions of being cooperative, and there have not been many clashes between environmental activists and state compared to many other countries (Dryzek, Downes, Hunold, Schlosberg and Hernes 2003). The Norwegian State can be conceived as corporatist, active and inclusive towards societal interest since public officials actively include interests groups in governmental processes by e.g. inviting them to take part in committees (Dryzek et.al. 2003:8). This features can be interpreted as positive democratic elements, and it might be linked to what Gunningham describes as a vital strategy for governments to achieve “smart regulation” (Gunningham et.al. 1998).

But the problematical features are both the danger for NGOs to become co-opted by the state and thereby losing their autonomy, and that it can be hard to start a social movement in since the State usually gets there first (Dryzek et.al. 2003: 8). An illustrating case of the active state is made in a PHD dissertation, where the Ministry of Environment initiated project of voluntary recycling which was implemented in a top-down manner into a group of citizens, in order to raise their environmental awareness (Bregnballe 2005).

Compared to the US, the environmental arena in Norway is dominated by a smaller number of groups, all pursuing highly co-operative relationships with the state (Dryzek et.al 2003: 18).

This could be a reason why there has not been a very active mobilization and protests campaigns against governmental projects, except for the protests against the Marøla dam and the Alta dam in 1970s (*ibid*: 25). Since the Norwegian state been cooperative with the oil industry, Dryzek finds it odd that environmental NGOs not have demonstrated more. Here he might have overlooked the fact that there were heavy demonstrations against the oil drilling in the North Sea, but these demonstrations were directed at the oil companies and not the government which were the ones giving licence to the companies.

The constraints that a close cooperative relationships with the state can generate are basically less radicalism and a more moderate movement, and it seems that Norwegian environmentalists are not even aware this problems (Dryzek et.al 2003:87).

Another problem linked to an active government is that it can decide which committees the NGOs can participate in; thereby giving guidelines for what interests the NGOs should take into account. One might thereby imagine that the government can exclude the NGOs from important environmental cases by distracting them with other tasks, especially when it seems that the NGOs to a certain degree have been ignored in the questions about oil industry.

Secondly, the NGOs have also changed their internal organizational structures. Also Norwegian NGOs can fit to the tendency that many have described as a centralization, bureaucratization and professionalization of environmental NGOs (Carter 2007:144, Jansen & Mydske 1998:187, Strømnes & Selle 1996). It can be conceived as a paradox that while the NGOs succeeded in making environmental authorities in Norway accept their policy and points of view, their platform for mobilization eroded (Jansen & Mydske1998: 187). A reason for the bureaucratization and professionalization can be that since they in a greater manner concentrated on negotiating with the Public Administration, they modelled themselves after characteristics inherent in the administrations they interacted with (Hanf & Jansen 1998:188). Many NGOs tended towards a more formalized approach, and members became less important. In this way they distanced themselves from the grass root level, and to describe them as a part of a green social movement is therefore inappropriate.

On the other hand, the professionalization might have given them directions for problem-solving and thereby a clearer appearance externally. Additionally, in the context of what often is referred to as the “knowledge society”, specialized and formalized knowledge is vital for the legitimacy of any political organization. “Scientific legitimating” seems to be extra important to the environmental field, and simultaneously as organizations employ ever more scientific experts, there is an increased tendency to refer to “what the science says”

(Strømsnes & Selle 1996:268). Another change in the internal organizational features of NGOs is that they tend to organize as foundations and not as democratic organizations with elected members (Bortne, Selle, Strømnes 2002: 117, 133)²².

5.3 Norwegian industries and NGO relations

There is not so much literature on how CSR is carried out in Norway and how the relation between NGOs and companies function in this picture. In a short review, Munkelien and Goyer (2005) argue that there is little knowledge among companies on the CSR issue, and that it is perceived that the government should take a lead on that issue (Munkelien and Goyer 2005: 188). The interviews with companies in that review signified that the representatives from the corporations missed a stronger and clearer governmental engagement covering the entire CSR agenda (ibid: 194). Moreover, CSR often is perceived to be mostly relevant when doing business in developing countries (ibid). The environmental part of CSR, what responsibility the companies have for taking care of the pollution they cause, was not much outspoken.

Nevertheless, there seems to be a “green trend” /CSR trend in business life and also in Norway, investors and companies are to a greater extent exposing and advertising themselves as environmental friendly. Some of the largest Norwegian companies are talking warmly about the environmental responsibility they take on their web pages and include CSR efforts in their annual reports. Undoubtedly, many Norwegian companies are making great efforts on adapting CSR policies, and are often contacting NGOs in order to develop partnerships or get advice (Lange, Spissøy, Brudvik 2000:21). When it comes to the relation between NGOs and companies, it is confirmed that there also in Norway is a tendency of more positive connotations between NGOs and companies resulting in more cooperation and partnership/sponsorship building (Lange, Spissøy, Brudvik 2000). Based on quantitative surveys, the report presents a table of Norwegian NGOs with business partnerships, where Bellona is the Norwegian environmental NGO which has the most experience, and both WWF and RF are also mentioned (ibid: 14). However, there are also many NGOs which continue taking the Watchdog role and trying to distance themselves from industry. It seems that many NGOs conceive it as unproblematic to cooperate with the government, and are

²² Concerned with the issue of democracy, this aspect can be conceived as problematic because the NGOs should/could function as “schools in democracy”. In both my cases, the NGOs are organized as foundations, but the possible implications that might have for democracy will not be elaborated in this thesis.

opposing to cooperation with industry and companies. The fact that some NGOs have chosen different approaches has created discussions and debates amongst the NGOs and might have divided the environmental movement into different fractions²³ (Bortne, Strømnes, Selle 2002:215). On the other hand, it can be argued that even though alliances between NGOs and private industries and non-state governance projects (like eco-labelling and voluntary certification schemes) are evolving, the Norwegian state is still the most significant actor that both the NGOs and industries have to relate to (Gulbrandsen 2006: 477).

5.4 Context summary: Command & Control or other mechanisms in Norway?

As emphasised in the discussion of a case study design, the context where the phenomenon / case appear is vital to the in-depth investigation. Thereby, a brief summary of the most important contextual features will be presented here:

Much of the material here has shown that the state in Norway has been, and still is essential in the regulation of environmental protection. In addition to the consequences a active and inclusive government can have for the NGOs and civil society, this might implicate that the command and control mechanism for regulating might be more stable in Norway than in other states where neo-liberalism had a stronger impact. An active and inclusive Norwegian state might give NGOs both possibilities and limitations to intervene in regulation. The positive side is that the government then listens to the advice of NGOs, and it might be easier for them to make the government change standards. A problem for the Norwegian NGOs might be that they are too cooperative with the state, and because of this loose their independent watchdog role. Additionally, when the government chooses where they want to listen to the NGOs advice, they can also exclude them from areas like the oil industry.

Because of these indications, the tendency of CSR might not be as strong as in other states, since the Norwegian state can be viewed as more active and inclusive, resulting in that the state have strong ties to society and market (Dryzek et.al. 2003). Even if it is quite obvious that the interest for environmental damage has increased both with consumers and producers the last years, making CSR an important case to study also in a Norwegian context, the role of the state and its connections to the other actors seems impossible to ignore.

²³ A well known feud has been between Norges Naturvernforbund (NNV) and Miljøvernforbundet: NNV, which has strong ties to the Ministry of Environment, accused miljøvernforbundet for being co-opted by industry. On the other hand, Miljøvernforbundet accused NNV for being co-opted by the state, functioning as an bureaucratic arm of the ministry of the environment and thereby neutralizing environmental engagement (Oddekalv, K, cited in Strømnes & Selle 1996:215, 219)

6. The two NGOs and their strategies

I will in this chapter present the empirical investigations I have made on the two NGOs and how they have attempted to intervene in regulation of industry. The main weight will be put on describing how they have related to various actors, how other actors have responded to RFs efforts. This presentation will in that way be characterized by a focus on actual happenings and not so much on personal interpretations. The empirical material presented here is generated from interviews with employees at the NGOs, companies and other relevant organizations, web pages, articles and reports. For the most part, the information is presented by the NGOs themselves, but comments from other actors are also included. I have asked the two NGOs similar core questions and attempted to make a parallel layout of the presentations, so that it will be easier to compare in hindsight. First a general outline about the organization and their focus areas will be given, in addition to their own comments on choices of strategies/approaches towards different agents. The second half will go deeper into some practical campaigns or projects where the NGOs have targeted three different industries each. After the first information round with interviews, I have chosen to pursue some of the cases the organizations presented me and gathered information from interviews and documents from the industries targeted and other relevant actors. Since measuring the exact effects of the two strategies is a complex task, my main aim is instead to make the empirical material give indications of which opportunities, limitations and challenges the different strategies contain or result in. This will point towards NGOs conditions for enrolling their agenda, which will be discussed further in the analysis chapter.

Because the two NGOs are focused on different areas/issues, and WWF area is broader, I have limited the investigation of WWF to their engagement on the marine sector. Thereby, I will focus on RFs concern of protecting endangered forests, while WWFs on the protection of oceans and marine ecosystems. Both these topics are global environmental issues.

6.1 The Rainforest Foundation Norway (Regskogsfondet) (RF)

6.1.1 Structure and history

The international Rainforest Foundation was founded in 1989, and in Norway a national fund-raising started the same year, but was not until 1997 the Rainforest Foundation established itself as an independent organization (regnskog.no1).

RF does not have a Norwegian volunteer membership base directly, but is supported by five other Norwegian environmental NGOs²⁴ (RF årsmelding 2006:3). Still, the organizations encompass various links to society by e. g. establishing contacts and projects with other voluntary organizations or school children, which collaborate with RF on school projects regarding rainforests (RF interview 1). At the office in Oslo there are about 20 employees, all with higher education and most of them in the fields of Social Science and Social Anthropology. The organizations funding is based mainly on support by the state run NORAD (the Norwegian Agency for Development Cooperation), but also support from individual supportive members, or “rainforest sponsors”. RF has further taken a stand against receiving financial support or sponsoring by private business or corporations (RF interview 1).

Focus issue: Conservation of Rainforests: By having protection of the rainforests as the centre of attention, RF is specialized on a relatively limited environmental issue compared to other environmental NGOs. However, as stated in their own definition of the organization, RFs is not only an environmental organization with the mission of improving the environmental situation, but also an aid organization defending the rights of the indigenous people who live in rainforests. Actually, one of their slogan is “*securing rights, saving forest*”, implicating that it might be the rights of the indigenous people that is of most significance for the organization (RF interview 1).

This implicates that the organization/foundation could be conceptualized as humanitarian in addition to environmental. Moreover, since RF has an international focus aiming to conserve and protect forests in Latin America, Asia and Africa, they also depart from classical Norwegian NGOs concentrating on conservation of Norwegian traditions and nature.

The issue of conserving the rainforest is quite well known. RF describes the environmental worries in short terms that the world's remaining rainforests are the battlefield for the most serious environmental problems of our time: the irreversible loss of biodiversity, and the

²⁴ Norges Naturvernforbund, Miljøagentene, Natur og Ungdom, Framtiden I Våre Hender and Utviklingsfondet

threat of global warming” (Regnskogens tilstand 1/2005). These practical problematic matters will not be discussed in this thesis, instead, it is the political processes and especially the NGOs involvement is of interest. Before discussing RFs role, a short introduction on political actors and regulation connected to international rainforests will be outlined: Evidently, the protection of the rainforests is a concern which has to be taken up on a global level, because environmental protection is important to the world’s environment, and secondly because global trade and industries have much of the responsibility for the forests that are cut down. The UN organization “Food an Agriculture Organization” FAO, has sustainable forestry as one of their main issues, and produces an annual outline on the “State of the World forest” (FAO report 2007). However, there is little international legislation regulating forestry. But since global trade can be seen as a significant reason why the rainforest are chopped down faster, international trade unions can be vital regulators. An example is the European Union, which lately established stricter regulations of tropical timber import from Burma (EU Council Regulation (EC) No 194/2008: 4). This article banned import from Burma, and this legislation will be valid for Norwegian import.

The Norwegian Ministry of Environment has also not too long ago released a new public procurement policy putting a ban on all use of tropical timber in public buildings (Sustainable Public Procurement - The Norwegian Action Plan 2007 – 2010:23, 33). Their policy plan states that "*Tropical wood shall not be used neither in the building itself nor in materials used in the building process*" (ibid). According to RF, this can give Norway a leading role internationally on banning tropical timber (RF interview 2). However, the ban is only valid for publically buildings, leaving out industrial and private ones which probably are much more significant. Additionally, it must be mentioned that the Norwegian government decided to spend more resources at saving rainforests after the Bali conference (Office of the Prime Minister Press release No.: 160-07)

6.1.2 RFs general approaches to the issue

In order to reach the aims of strict regulations hindering deforestation of the world’s rainforest, RF make use of three superior political measures:

- a) *Supporting concrete projects in cooperation with native people*
- b) *Work to accomplish necessary changes in policy and practices of governments, international organizations and private enterprises*
- c) *Mobilizing and encouraging people’s engagement national and international”*
(regnskog.no 2)

These three strategies are focused at different levels, one at the helping the weakest people, one at targeting the powerful actors, and one at mobilizing general society.

Further, RF describes that their campaigns that seek to: *“address the underlying causes of rainforest destruction, and change the policies and practices of governments, intergovernmental bodies and private enterprises”* (regnskog.no 3)

Political structures seem to be perceived as underlying causes of deforestation, and indicate that much of RFs efforts are on lobbying at political and private instances. Underlying causes of deforestation that RF points out are e.g. cattle breeding, timbering business and the export of timber, industrial agriculture, development of infrastructure and weak governmental control²⁵ (Regnskogens tilstand 1/2005:22, 34). Of these, the timber business is the most significant contributor to deforestation (ibid 2005:51). As a limitation for this thesis, the details of how RF approaches and tries to change private enterprises and industries related to the use and import of timber originated from rainforests is the most central. Various Norwegian industries import a lot of tropical timber in order to use them in production of various products, and can be thereby be targeted by RF. Governmental regulation of such import is, as mentioned earlier, not completely shaped or implemented. Moreover, RF is also concerned about how Norwegian investors intervene in the cutting of rainforest by investing in unsustainable arrangements. These aspects will not be taken up in this thesis.

The specific Norwegian industries RF Norway put the centre of attention on, and what strategies that are apply in order to intervene in the regulation of these industries will be the main attention in the second half of the outline on RF. Firstly, I will take up some general thoughts and strategies RF take when they approach these industries.

RFs General approach towards private industry

As stated in RF's own portrayal of significant political means, only one (b) pointed directly at changing private enterprises. Within RFs web pages, there is not much focus on private industry, so it does not seem to be of great importance at first glance. Instead, the emphasis is put on cooperation with other local NGOs and people of the rainforests in developing countries, and the mobilizing of people and societies in Norway and internationally for the case of the rainforest.

²⁵ The causes vary with the different areas; The Amazon, Africa and Asia. For more in-depth explanations on causes connected to the areas see Report: Regnskogens Tilstand 2005.

However, when approaching Norwegian companies and industry, the goal is basically to apply pressure on them to prevent them of making use of rainforest material or to engage in exploitative investments in rainforest areas (RF interview 1). The motivation for working towards private companies is augmented with both the importance of achieving actual environmental results since industries are significant contributors to deforestation, and the significance spreading information and values about the importance of the rainforest in private and public sector (ibid). Moreover, the core attention is directed at the “largest, most well known and worst companies”, but also at the public owned companies, mainly because these are the most visible in society (RF interview 1). This will be evident in the description of RFs engagement towards different Norwegian industries. The organizations approach towards companies appears to be dominated by a sceptical and confrontational attitude. This implies that to engage in direct partnerships is not a much of an outspoken issue for RF. My informants emphasised that they are not engaging in partnerships or collaboration projects with companies in order to receive funding (RF interview 1, RF interview 3). RFs principles declare that partnerships are not an option for RF, but my informants pointed out that “*there is a difference between partnerships and having contact and dialogue*”, and that dialogue and cooperation can be important to influence industry from within (RF interview 2). This difference is important, especially since partnerships usually involve some sponsoring and transaction of money, while dialogue might not have this material issue as a main objective. However, the last year, employees at RF have noticed increased interests from industry for cooperation and dialogue (RF interview 2). Many companies have contacted RF lately, some with proposals of sponsoring or collaboration, like for instance travel agencies, banks and timber companies (ibid). Because of this trend, there was some discussion internally in RF on how to react to this issue, but a clear standpoint and a detailed internal policy do not seem to be agreed upon (RF interview 1). Thereby, in some cases, a kind of cooperation and even funding still can be relevant. For instance, one of the employees mentioned that RF has cooperation with the package recycling company “Emballasjeretur” (in English: “package return”). Regarding the fact that recycling is an important environmental issue, it is unproblematic for RF to cooperate with this company. The deal between “Emballasjeretur” and RF was that if 65% of all the packaging was returned, the company would donate an amount of 750.000 NOK in 2007 to RF to save rainforest in Brazil (regnskog.no 4). This money is delegated by RFs to their partner organizations in Brazil and the indigenous people fighting for the protection of their living areas (ibid). On “Emballasjereturs” web pages, their commitment to the rainforest issue is visibly presented, and it is explained that they are

sponsoring a partner organization of RF²⁶ in Brazil to protect the rainforest there (grontpunkt.no). Moreover, due to the cooperation with RF, an internal conversation started, questioning if the origin of the packing for the cartons were un-sustainable, and an investigating of their sub-suppliers was carried out (RF interview 2).

RF also have co-operational agreements with “Sunkost”, a health-food chain, and “Cultura Bank”, a bank that is environmental engaged and e.g. invests directly in preventing deforestation (RF årsmelding 2004:16). The Sunkost co-operation entails that the finance the health-food chain collects in their “project rainforest” campaign goes directly to RFs effort at protecting rainforests (RF årsmelding 2005:20). Similarly, the money collected from those customers that establish a “rainforest account” at Cultura Bank is directly transmitted to RF (ibid). This funding does not make a huge impact on RFs economy, but it is essential that some of RFs funding are generated from outside public institutions, due to governmental funding rules (ibid).

Noticeably, this cases show that RF is prepared to make expeditions and collaborate with some special companies, but only if their main business is something that is environmental friendly, like e.g. recycling. A main internal rule in RF is that “*cooperation can only happen with companies that RF not could encounter in a conflict*” (RF interview 2). One of the employees also mentioned an instance where a Scandinavian business wanted to sponsor RF, but when some employees discovered that the business had financed other projects that RF were critical towards; the deal was broken (RF interview 1). To uncover such information is essential for RF when businesses and companies are contacting them, but such investigations require a lot of effort (ibid). One of the employees mentioned that it would be an important task for the organization to engage more in developing dialogues with different industries, since more funding would be positive (ibid).

General strategies and actors involved

In response to the question on how RF conceives the consequences of its own performance, focus was both on what direct environmental results their campaigns have, and the indirect effect of spreading information to society, industry and politicians (RF interview 1). Since it

²⁶ RFs logo is not visible on any of the companies web pages, but a commercial which has been sent on national tv is available, where the rainforest is displayed while it is proclaimed: “We wanted to make the climate gain of recycling larger, therefore we are now cooperating with RF to save the green lungs (the rainforest)” (www.grontpunkt.no/go/flashvideo/regnskog)

several times was pointed out that direct partnership with companies was not a primary option for RF, a diversity of other agents seemed to be more significant. My first informant presented an outline of different agents or organized areas that are central to RF²⁷:

“Parliament politicians, the governmental apparatus and departments, consumer organizations, architects, media, other international environmental organizations, international rainforest organizations and certification” (RF interview 1)

The fact that the list contained such diversity indicates that RF has various techniques of working towards their goal. It can thus give the impression that network-building in different areas is central, as will be elaborated later. First I will take a closer look at some of these actors and impressions on how RF relates to them:

As described earlier, the classical technique for regulating companies and private industry towards more sustainable practices is to engage indirectly by lobbying and contacting politicians, governments and departments, to make them establish rules and regulate the private business area. Even if the tendency for many NGOs might be to work less towards public institutions and more towards business, my first RF informant clearly pointed out state institutions as fundamental (RF interview 1). Besides, public institutions (NORAD) are RFs main financial supporters. The Ministry of Environment and the Ministry of Foreign Affairs are the main institution lobbied at in order to make them establish stricter regulations, but also politicians and other ministries are targeted depending on the issue of concern (RF interview 3). RF also cooperates with other environmental NGOs and WWF on lobbying and monitoring the efforts of Norwegian government (RF årsmelding 2005:15). Furthermore, legislation is a central issue for RF, pushing the government to implement stricter rules and regulations. For many years, RF has struggled to pressure the politicians and government to implement prohibition on an import of rainforest timber (RF interview 2). According to my informants, law against import would be the best solution, especially since none of the certification possibilities apparently are good enough (ibid). In 2005, the government decided to make a report on how such an import ban could be implemented, and this task is still under development (ibid). The government ranked in 2006 “to develop and follow up an action plan for the import of tropical timber” as one of their 19 environmental aims (Stortingsmelding 26, 2006-7). Employees at RF have ongoing contact with the government on this process, and are expecting some accomplishments soon (RF interview 2). As mentioned earlier, the

²⁷ This was the outline given at the first interview, but more actors appeared at later interviews.

government managed to ban the use of tropical timber in public buildings, but there is still a long way to go in order to prohibit all import. Generally, RF representatives are proclaiming that “*the Norwegian government has done too little and too slow*”, and are uncertain if the undertakings that will appear will be good enough (RF interview 2, RF årsmelding 2006:22). Moreover, other legislations are important for much of the organizations efforts, especially the laws concerning rights to product information. As we will see later, RF confront companies with these laws, and they have even taken them to court.

Another classical technique for NGOs is to use media to spread information, and to thereby mobilise society in order to compel both politicians and private companies to take action. Moreover, to spread information and engagement through contacting and creating projects for schools and pupils is also important to keep contact and create interactions with society (RF interview 1). At RF’s web pages, there are many pages especially designed to help school children and youths, both by presenting information and ready designed campaigns (regnskog.no 5). RF has here established a teaching programme that can be employed in high schools. The programme is connected to the curriculum in geography, natural and social science, and combines reflection and practical action in a manner that the students can take part of the survey in the timber campaign (ibid). Young people often have a special interest for the rainforest with its animals and indigenous people, and sometimes school classes’ or teachers contacts RF for information and help on their projects (RF interview 1).

Since the protection of the rainforest is an international issue, international cooperation is essential, and RF is mostly engaged at an international level. RF is part of an international Rainforest foundation network, where the UK, the US and Japan also has national branches. These national branches of the Rainforest Foundation are cooperating on international cases like lobbying towards the World Bank to change their forestry policy in the democratic republic of Congo, and criticising the forestry statistics of FAO (RF årsmelding 2005:5). In the case of Congo, RF supported the local indigenous population’s complaint on the World Banks inspection panel, resulting in a new investigation of the World Banks involvement in forestry there (RF årsmelding 2006:22).

It must be emphasised that contacting and cooperating with local communities and NGOs internationally are the most significant issues for RF. When dealing with rainforest issues, the first step is contacting and establishing partnerships with local communities and NGOs in the

countries with endangered rainforests²⁸. Such partnerships are often commenced when social anthropologists who later are employed by RF carry out fieldworks. After partnerships have been established, RF supports these local communities and the local projects they have established financially (RF interview 1). To investigate these partnerships in more detail would be interesting, but will not be a main focus in my thesis.

Confronting companies and private industry, certification of environmental friendly product or companies is also cited as a possibility to directly regulate companies. The Nordic environment marking (Svanemarket) is an example of a certification scheme that RF considers as positive and effective (RF interview 1). However, RF is unconvinced about the effectiveness of “Forest Stewardship Council” (FSC) which is an international certification system for sustainable timber material (RF interview 1). Shortly described “*FSC is an international association of members consisting of a diverse group of representatives from environmental and social groups, the timber trade and the forestry profession, indigenous people's organizations, responsible corporations, community forestry groups and forest product certification organizations*“. (fsc.org)

The certification should ideally guarantee that the timber companies that obtain certified by the FSC standards are chopped in a sustainable ways, but there are divided positions amongst international environmental organizations on the success of this certification system. RF takes a sceptical stand, because their investigations of FSC assert that their standards are not high enough, and might not even be followed up (RF interview 1). In RF's newsletter an article describes a case where FSC has certified a timber company (Forrestal Venano) which according to the article several times chopped trees illegal in Peru (Nytt fra Regnskogsfondet 3/2007:10-11). Hence, both the standards setting and control on following up of the standards might be too loose (Regnskogens tilstand 1/2005:56). My first informant underlined that the idea and intentions of FSC were positive in the beginning, but that the rules for certification now have become too loose (RF interview1).

In RFs report on the conditions of the rainforests, it is argued that the “*international environmental movement has focused too much on certification systems and too little on politically reforms in each country containing restrictions on import*” (Regnskogens tilstand 1/2005:54). Furthermore, it is argued that most of the timber is chopped in an unsustainable way, and that market mechanisms cannot solve all problems (ibid). Another example of a

²⁸ Brasil, Peru, Indonesia, Malaysia , Papa Ny Guinea, The Democratic Republic of Congo (www.rainforest.no 3).

problematic “Malaysian Timber Certification Council” (MTCC) became heavily criticized by Malaysian NGOs and by Greenpeace (RF årsmelding 2004:14, Regnskogens tilstand 1/2005:49). RF supported and listened to the local organizations in this case, and labelled MTCC as “green washing of deforestation” (ibid). Comparing these two certification systems, it seems that RF are completely negative towards MTCC, but see some possibilities in FSC and have an ideal of making FSC a better system (RF årsmelding 2006:23).

Finally, it is worth mentioning when describing RF approach towards Norwegian business that RF are also concerned about Norwegian investments in rainforest countries (Regnskogens tilstand 2005:52-53). RF therefore cooperates with other monitoring agencies in order to disclose cases of Norwegian investments in unsustainable projects, like e.g. the investments of national oil-fund (RF årsmelding 2006:23)

6.1.3 The timber campaign

To get a clearer view on techniques and mediums RF employ to reach their goals and how they build networks, a closer look at how they operate when carrying out campaigns aimed at regulating industry can be illustrating. When I asked the organization to present a case of a campaign towards a Norwegian company or industrial area, the “Timber campaign”, was suggested at the first interview. Since there does not exist too much written material on how the campaign works and which strategies are chosen, much of the information here is generated from interviews, reports and web-pages. I will here focus on RFs strategies and give some attention to reactions from other actors.

The Timber campaign is aimed at stopping or hindering Norwegian businesses from importing, using and selling products made of timber originated from rainforests (RF interview 1). Three business areas that make use of imported rainforest material are targeted: the boat producers, the construction material business and the furniture business (RF interview 3).

The knowledge RF obtain on rainforest and rainforest material is essential for the campaign, and this knowledge encompasses more than the damaging effects of rainforest over-exploitation. More important, a detailed overview on wooden timber material originated from rainforest that is imported to Norway is crucial for the practical side of the campaign. Based on information from the international “red list”²⁹ and the overview of endangered rainforest

²⁹ “The IUCN Red List is the world's most comprehensive inventory of the global conservation status of plant and animal species. It uses a set of criteria to evaluate the extinction risk of thousands of species and

three types, RF formed a list naming the 92 rainforest timber types that are distributed or sold in Norway (RF interview 3). The list is available on RFs web pages, the most well known of these 92 tree types might be Mahogany and Teak. When monitoring and targeting the different business areas, this list was primer to RFs investigations.

A central tool for carrying out the monitoring of companies is Norwegian legislation and official laws: In 2005 RF started to take advantage of the new “Environmental Information Law” (RF Årsmelding 2005:4). This law that might be unknown for many³⁰, grants *“All citizens the right to claim information both from official authorities and private industry about conditions that are significant for the environment. A premise for that the environmental information law shall function for its purpose is that the public uses it actively”*. (LOV 2003-05-09 nr 31)

Particularly in order to force companies elaborating and sharing information about their products and where the materials for the products originate from, this law can be drawn on both by consumers and RF. Additionally, RF have occasionally sent official complains to “The Complaints Board for Environmental Information” on companies that refused to share information on material matters (Klagenemda Årsmelding 2006). In these cases RF have been granted support by the public instances, but in one case they had to take it further and go to the courts (RF årsmelding 2005:4). One such case in 2005, Norwegian tree importers denied to share the information requested even if Complaints Board for Environmental Information gave RF approval of the right to claim that information (Nytt fra Regnskogsfondet 1/ 2006: 10). Because of that RF threatened the companies to go to the courts (ibid). The companies even suggested an agreement where RF would have to pay the companies if they published the material (Nytt fra Regnskogsfondet 1/ 2006: 10). In 2006, these companies however gave in and handed the information to RF, and the court was cancelled (Nytt fra Regnskogsfondet 3/2006: 12). The access to this information made it easier to see where the imported timber was originated from and to which Norwegian companies it was sold (ibid)

Actors involved in the campaign: At the same year that RF was established as an independent NGO, the timber campaign was launched as collaboration between RF and six other

subspecies....With its strong scientific base, the IUCN Red List is recognized as the most authoritative guide to the status of biological diversity”.

(cms.iucn.org/about/work/programmes/species/red_list/about_the_red_list/index.cfm)

³⁰ As stated: *“Klagenemda has the impression that the law and the complaint possibility not are well known amongst people...”* (Klagenemda årsmelding 2006: 4)

Norwegian organizations³¹ (RF Årsmelding 2004:14). Four of these are other environmental NGOs, and since RF is a foundation and do not have volunteer members and local organizations in other parts of Norway, these NGOs are significant in order to engage volunteers and reach out to different parts of the country. The two others are governmental-connected organizations; to be precise the “Norwegian Consumer Council” (Forbrukerrådet) and the “Organization for Environmental Consumer Advising” (Grønn Hverdag) (ibid). These organizations have special knowledge about consumer rights, and also have a special link to consumers all over the country, especially the Norwegian Consumer Council (administrated under the Ministry of Children and Family Affairs) which is a vital and acknowledged organization representing the interest and the rights of consumers.

It seems that RF might have influenced on the consumer council on the issue of rainforest material. After a brief interview with them and after a look at their web pages, they give the impression that their data is based on information from RF. Moreover, they have taken the stand that *“no products that originate from unsustainable timbering should be available in the Norwegian market”* (Forbrukerrådet interview). The contact between RF and the consumer council is not too regular, they meet about 3 times a year where they discuss the updates on status of tropical timber on the Norwegian market, and strategies for how to get the updates published (ibid). The consumer council publishes the updates from RF on their web pages, in addition they publish links to the consumer rights (in particular the environment information law and the product control law) can be found there (ibid). There are however not a great number of requests from consumers on this information (ibid).

The exact roles the different actors play in this network are not formally organized. They arrange meetings and seminars sometimes, but the contact between them is mainly by mail and telephone (Forbrukerrådet interview). Additionally, as will be revealed later, RF also makes contact with other actors which could be connected to their issue or have a say on the different industrial areas.

Thereby, the timber campaign started and is carried out through a network of different organisations, actors and individuals which got involved (it might still expand and include more actors). It was representatives from RF who took initiative to contact the other actors, and RF is in charge of the coordination (RF interview 1).

³¹ Regnskogfondet, Forbrukerrådet, Naturvernforbundet, Framtiden i våre hender, Grønn Hverdag, Natur og Ungdom og Foreningen for internasjonale vann- og skogstudier

6.1.4 Approaches towards the different industries targeted

In addition to targeting governmental policy and the ethical problems of using of rainforest material in public buildings, three Norwegian industrial areas are addressed: These are controlled and monitored by RF, and can be divided into the boat industry, the furniture shops and the construction material industry. All these business areas have shops and companies that are making use of imported rainforest material. It seems that they responded differently to the attempt of RF to influence them. Comparing them in the analysis, the reactions and especially the differences in their reactions, might point towards conditions for RF to enrol their agenda.

The construction material industry:

Traditionally, this is the industry where the most timber from rainforest is sold in Norway (Regnskogens tilstand 1/2005:51). According to the coordinator of the timber campaign, the construction business has been the easiest to influence, and it has been the area where the timber campaign has had most success (RF interview 3). Moreover, it is on this area of business that RFs efforts of monitoring Norwegian companies has been the most comprehensive, and it was the first area RF started to work towards (ibid)

After three years, the actors behind the timber campaign decided to conduct more investigating on the construction shops (RF interview 3). The “construction material investigation” which has been central in order to document and get an overview on which ones of the construction material companies that make use of rainforest timber was therefore initiated in 2003. Primary, RF structure a detailed survey containing questions about materials and the origin of materials, which is sent out to several environmental organizations and to school children or other volunteers all over Norway, who help carrying out the survey by confronting various companies that might use rainforest material (RF interview 1). The volunteers visit the shops and companies nearby the region they live, ask them questions and inspect the shops (Forbrukerådet interview). Additionally, local offices of the consumer organization occasionally assist conducting the survey (Forbrukerådet interview). Sometimes, private companies try to avoid this survey, but due to the “environmental information law” mentioned earlier, volunteers who ask for information have the law on their side. When the volunteers have collected information on different companies, the completed surveys are sent back to RF (RF interview 1). Further, when information is gathered from all over the country, the RF coordinator evaluates and composes a report based on the results, including a summary of the companies that uses the most rainforest material (ibid). The same investigation is

carried out every fall, and every year “the worst company” is pointed out, like in a competition, and is named “the rainforest villain” (ibid).

Publishing the investigation is also a vital task (because it is aimed at consumers), and here RF receives assistance from the Norwegian consumer organization, who regularly publish the newsletters that RF send them on their web pages (Forbrukerrådet interview). Exposing company’s unsustainable practices by informing the public and the consumers can generate pressure for self-regulation of the companies. Negative reputation is not something a company will appreciate since it can generate disadvantages in competition. Such shaming processes as mentioned above and attempts to activate consumer power can be seen as using market mechanisms and taking advantage of market competition. However, my informant emphasized that RF always attempts to engage in dialogue with the companies came before shaming them, in order to give some sort of “warning” to give them the possibility to change their attitudes (RF interview1).

The consumer guides and Reactions from Industry: Since 2004 RF has promoted the information from the surveys as “consumer guides”, which are providing advises directly to the consumers on which products and shops they should avoid. The guide is built on the results of the company investigations. The different companies are divided in three groups: the worst companies that sell a lot of rainforest material, the medium cases, and the best companies that do not sell any products of rainforest material and have actively taken a stand against the use of tropical timber. In 2003, the first consumer guide was made, but it was quite short and focused on which products consumers should avoid in furniture, boats and construction material, and it did not state which companies and shops consumers should avoid (regnskog.no 6). The next year (2004), was the first year that the conduct only regarded construction shops (a conduct on furniture shops was made independently), and the investigation was expanded to include 65 shops (RF interview 3). The strategy for achieving publicity was changed a bit, and the focus was on the identifying the best and the worst companies (regnskog.no 7). That year, the company “Bo Anden” was one of the largest suppliers of rainforest parquet, and according to RF investigation the company actively sold products with incorrect information (ibid) Because of this, the company was handed over a “diploma”, stating that the company had contributed with the “demolishing of 155 000km² rainforest” (ibid)

As mentioned earlier, this industrial area seems to have been the easiest to change. An example of this can be one of the largest outlets of construction material “Byggmakker” was in 2003 and in 2004 mentioned as one of the worst companies. This company changed its policy as early as 2004 after much pressure from RF, and decided that their suppliers are economically responsible if they deliver material from rainforests (RF årsmelding 2004:14). Thereby, the company took the responsibility further and also involved sub suppliers. In 2006, these improvements got registered and the company rose and found its place among the best companies, and received praise from RF since they changed (regnskog.no 8). However, in 2007, the company was disappointingly ranked in the medium level because some of the shops in the chain had sold rainforest material (Byggevarerundersøkelsen 2007:2). The company has now stated on their web pages that they want to take environmental responsibility, hence it seems that they have been influenced by RF. Lately, Byggmakker has even produced an informational brochure about tropical timber, containing practical advices on material that can be used instead of tropical timber³².

Other companies have on the other hand been on the worst list of RF for all these years. An overall impression of the consumer guides from 2004-2007 is that it is the largest companies that have changed the most and taken RFs complains seriously, even if some of them have changed a bit from year to year. Additionally, it seems that the small independent companies and shops that are the most difficult to change. In 2005, 2006 and 2007 especially the web-shops were ranked lowest. In 2007, an exception was made on one of the leading e-shop for parquet in Norway (RF interview 1). This company was “shamed” as the worst company in both 2004 and in 2005, as the timber campaign documented that this company had the highest use of rainforest material in Norway (ibid). But in 2006 the company decided to stop all their import of rainforest material, and in 2007, the company was on top of the list and got praised by RF as one of the best companies (ibid) This one is of the cases where RF declare that the timber campaigns have had success (RF interview 1 and 2, Rf årsmelding 2006:22)

Cooperation with architects: RF has further taken other means than the investigation and publishing of the consumer guides into account in order to change the industry and spread knowledge and attitudes. When targeting the construction business, RF made contact with the

³² Byggmakker Brochure Available at:
http://www.byggmakker.no/?module=Articles;action=Article_publicShow;ID=2751 14.6.2008

“National Association of Norwegian Architects” (NAL) and other architect organizations³³, in order to establish cooperation with them (RF interview 2). RFs motivation for a dialogue with this profession interest organization was the assumption that architects have an important say in the construction material business, since their work includes decisions about what (timber) materials they are going to make use of in their projects. In 2005, RF criticised interior designers and architects for not taking the problematic features of using rainforest material seriously, and even promoting dark wood which often originates from rainforests (Regnskogens tilstand 2005:51). An article in RFs newsletter described how an interior magazine and art galleries had praised a designer villa without knowing the problematic issues connected to the mahogany façade (Nytt fra Regnskogsfondet 2/2005:3-5). Later, RF and Norwegian architects started cooperating in order to stop the use of rainforest material in the Norwegian construction industry.

When I contacted NAL, my informant stated that the use of rainforest material has not been a central topic for the architect organizations (NAL interview). However, the NAL section for environment “Ecobox” has promotion of environmental design as main subject, especially focusing on low energy consumption buildings (ibid). The issue of sustainable material is only a sub-issue for Ecobox, and has not been a main topic (ibid)

The dialogue between RF and different architect organisations resulted in an informational brochure especially directed at different types of architects (that often are in charge of advising, ordering and using wooden material) (RF interview 2). This brochure was distributed to all Norwegian architects and other central actors in 2005 (RF årsmelding 2005:18). Containing information about why it is important to conserve the rainforest (why architects should not make use of rainforest material) and alternative material suggestions, the brochure was meant as an information guide for these professions (RF interview 1). Since it can be difficult to know where the construction material originates from due to lacking information from material industries, the detailed information about origins of different timber material is significant (Gulv & Grønne Skoger 2006: 8-9). At the last pages, an overview over the names of the 60 different types of rainforest material available on the Norwegian market is given (ibid: 16-17). The brochure further informs that there is no law against import of rainforest material yet, but that sustainable development is set to be a goal in the plan- and construction law, and that documentation of material can be demanded through

³³ In addition, Norske Interiørarkitekters og møbeldesigners landsforening (NIL), Norske landskapsarkitekters forening (NLA), and RIF – Rådgivende Ingeniørers Forening

this law (ibid:13). Architects are thereby encouraged to make use of the law, by demanding information and setting environmental standards (ibid).

The furniture and parquet industry:

Also in this industry RF claims to have reached far with their campaign, positive changes have occurred the last years (Regnskogens tilstand 1/2005:51). This industry often overlap with the construction material industry, since many companies sell both furniture and construction material. It will therefore not be given much attention here.

Additionally investigation tactic applied on the construction business is also applied on the furniture industry, and consumer guides that name the worst and the best shops on garden furniture are published every spring since 2004.

Also in this industry there are different reactions from the companies that RF approach. A short glance at the consumer guides on garden furniture shows that there are some companies that are the worst every year. Three of the shops, “Ballerud Hagesenter”, “Plantasjen” and “Hodnebø” have been rated in the worst list every year from 2004 to 2008. The consumer-guide summarized from 2008-survey on garden furniture and targeted the company “Plantasjen” as the worst one (regnskog.no 9). This shop has during the last years been criticized for using rainforest material, but this year they have used even more than the last surveys show (ibid). This result was published in some newspapers, and the owner of the company even stated that this critique is important, and that they want to improve on this field³⁴.

In the 2008 consumer-guide RF has in the last sentence named the shops and companies that have taken a stand against tropical timber (regnskog.no 9). Thereby, not only the worst companies are named but also the best ones.

The (leisure) boat industry:

As the last of the business areas targeted by the Timber Campaign, RF began in 2003 to investigate boat companies, and started by producing a report on the use of tropical timber in the boat industry (RF interview 3). The report “rainforest timber in Norwegian waters” (2003) informed about the scale of tropical timber in leisure boats, the problematic features connected to this use and suggestions on alternative materials (regnskog.no 10). Companies that construct and sell leisure boats and especially yachts often make use of tropical timber

³⁴ Aftenfosten 2.5.2008 “Plantasjen is rainforest bad boy” published at aftenbladet.no/english/englishnews/article633982.ece (14.6.2008)

material like Teak and Mahogany, which mostly originates from the military dictatorship of Burma (Regnskogens tilstand 1/2005:51). The import of these materials for the use in the production of leisure boat increased the last years, and 2004 was a record of import of Teak from Burma (ibid).

Since the investigation on the boat industry started later, it is not as comprehensive as on the construction material industry, and a basically research involving volunteers all over Norway is not elaborated on here (RF interview 3). Instead, the efforts on monitoring, investigating and contacting boat companies are mostly carried out by the Timber Campaigns coordinator at the RF office (ibid). According to this coordinator, the boat industry and especially those companies that construct luxury yachts, has been the most difficult to influence and change (RF interview 2). This might be due to conservative attitudes and assumptions that Teak (a rainforest wood type) is the only material that can be used and looks good inside luxury boats, and the boat companies have denied that the problematic features of using Teak is of any concern for them (ibid). Moreover, the producers of boats have taken it for granted that customers only want Teak, and before the last year no producers have offered any alternatives to boats with teak (Båtliv interview).

The monitoring of the companies and media publishing to pressure the industry has been the most significant efforts of RF (RF interview 3). In order to make the boat companies change, RF has not only contacted them directly, but also worked much towards media to make them publish the critical facts about the industry. Moreover, RF has not simply aimed at publishing practical information about the use of tropical timber in the boat industry, but my informant also stated that they have attempted at commercializing the information to get attention, like e.g. targeting Norwegian celebrities that own boats with rainforest material (RF interview 1). Direct protest against the industry also occurred. On boat exhibitions where boat companies presented their new models to consumers, RF arranged demonstrations where actionists marked their position with a banner on a boat at the exposition and inspected the boats for material (regnskog.no 11). A brochure giving information on tropical timber was also handed out to the consumers and boat produces participating on the exposition (ibid). The activists participating were mainly from an environmental youth organization (called “Nature and Youth”) that cooperates with RF on the Timber Campaign (ibid).

Dialogue with Boatlife: Moreover, RF focused its target on the largest Norwegian boat magazine (Båtliv). RF started sending them monthly updates on the situation and a lot of

information (båtliv interview). The magazine employee I spoke with stated that RF is largely informing them on this issue and that the journalists often write articles based on the data they receive (ibid). In addition, an information brochure on the use of tropical timber in boats was created by RF and was distributed to 19 000 people that subscribe on the boat magazine (RF årsmelding 2004:14).

Lastly, RF has also taken use of the Environmental information law. A case displayed on RF web pages describes that RF sent a complaint to the Complaint Board for environmental information, because some Norwegian boat companies did not answer their request for material information (RF årsmelding 2006:23). After some time, the company handed the information to RF (RF interview 3).

Reactions form industry: As the situation in Burma with the monk's strikes in 2007 received media attention worldwide, the pressure on the boat industries employment of material originated from Burma escalated, and RF initiated a boycott of Teak (Nytt fra Regnskogsfondet 4/2007: 16). Even if the boat industry has been the most difficult to approach, the situation of the conservative boat industry seems to be changing the last year (RF interview 3, Båtliv interview). Many alternatives to Teak are now being taken into account and the interests for alternatives seems to increase (ibid). A quick search on the web pages of "Båtliv", a Norwegian boat magazine, shows that many individuals have posted questions about alternatives to Teak, however mostly for practical reasons (batliv.com 1). The consumer's interests on alternative boats can be due to the fact that they haven't had any options earlier years, but since the producers now are presenting their wooden types, the awareness has risen (båtliv interview). At the boat magazine web site, there are even some articles commenting on the environmental problems of Teak utilization in the boat industry, particularly since it was documented that most of the Teak Norwegian boat producers make use of are from Burma (batliv.com 2).

As many people have indicated, it is particularly the last year (2007) that alterations in the attitudes of the boat-manufacturer companies occurred, and some companies have completely changed their mind on the issue (Båtliv interview, RF interview 3). The company "Viksund" has for many years been bothered by critics and environmental activists, but lately there has been communication between Viksund and RF, and Viksund is changing course and are attempting to use other materials than Teak (especially Norwegian wood types) (ibid). At Viksund web pages, a new environmental friendly boat model without any rainforest material is introduced (viksund.no). Here, the owner Rune Viksund expresses: "*The process that has*

taken us to where we are today on the environmental side, has taken about a year. The whole time we had dialogue both with environmental organizations and our sub-vendors, and we are now proud of our result” (viksund.no)

Similarly, the boat producer “Windy Boats” have also earlier been very conservative, but during the last year have changed totally and are now producing boats with alternative materials to Teak (Båtliv interview). This boat producer was one of the companies that refused to share information with RF in 2006, but after RF and got support on an official complaint to the Complaints Board for Environmental information and the company had to give in (RF årsrapport 2006:23). So now also Windy boats are promoting their environmental engagement as well:

“Windy has been working systematically to eliminate the use of tropical and IUCN red-listed woods, and teak decking. Both the Chinook and the Triton employ steamed ash in place of teak, with tropical wood interior and exterior finishes replaced with sustainably-sourced light oak. (windy.no)

The general first impression might therefore be that the boat industry the last year has accepted the problematic feature of making use of Teak during the last year, but there are nevertheless many exceptions, with boat companies that still deny the problematic features of using Burma teak, and these two mentioned companies might be seen as forerunners. Three of the largest Norwegian boat producers have not taken up this issue (regnskog.no 12). It has been hard to obtain information from the tree importers and those boat producers that make use of Teak and Mahogany originated from Burma.

Why this change of attitudes in the boat industry has occurred can have many causes, one of them external pressure (rf interview 2, båtliv interview). An aspect here could be that the sale of leisure boats has increased. One effect of increased sale can be that the consumer group buying boats has changed the last years, not only including people with special interests but also a people with a generally larger interest for environmental questions (båtliv interview). The coordinator of the timber campaign also pointed out that the change was not only escalating due to the media attention it got when the situation in Burma worsened, but also because of a new EU legislation (mentioned earlier) which now being shaped (RF interview 3). The legislation, which will also affect Norway, concerns banning the trade of Teak and other products from Burma. Hence, the boat producers/companies will soon not get any choice but search for alternative types of wood (ibid). Still, when and how this law will be implemented is another question.

6.1.5 Summary RF: Main points and strategy

Summing up, RFs agency for regulating industries that can cause harm to the rainforests is both to push central actors to establish stricter regulations nationally and internationally, and to pressure industries towards becoming stricter and more conscious on what material they chose. In order to achieve a stricter regulation of import to Norway RF works both towards making government enact stricter legislations, and to institute more responsible attitudes amongst of producers and consumers. RFs efforts towards government have not been given much attention in this thesis, but the general impression is that RF perceives it as significant but slow. RFs strategies when approaching Norwegian industries directly is to pressure the industries from outside and not engage in direct partnerships. Techniques RF make use of is to first collect information on the industries use of tropical timber, then monitoring the industries, contacting different relevant actors, creating informational brochures for industry and consumers, sending out newsletters in order to spread information and naming and shaming campaigns of the worst companies. The environmental information law has been crucial for RFs efforts on accessing data.

Many different actors are included. One of the aims of RFs efforts and the Timber Campaign is also to inform and educate Norwegian society, in order to make people conscious about the connection between the consumption of wooden material and the threats of the rainforest and their habitants. The published material timber campaign has created discussion and attention in the media, and by this informed society and consumers.

Exactly what effect the campaign can have on the regulation, or self-regulation, of industries is hard to measure and is not the aim for this thesis. Even so, it seems that many of industries that the RF has targeted have felt the pressure and stopped using tropical timber. As can be seen on their web pages, some of the companies who have changed their attitudes the most (Byggmakker, Viksund and Windy) now promote themselves as environmental forerunners since they decided not to make use rainforest material.

This chapter has not taken a main view at how RF efforts towards international actors, but it was noticed that they support indigenous people of the rainforest at pressuring significant strong actors like the World Bank.

6.2 The World Wildlife Foundation (WWF)

6.2.1 Structure and history:

WWF, World Wide Fund for Nature (earlier World Wildlife Fund), was started in England 1961 by the biologist Sir Huxley, and is now one of the largest international environmental NGOs (Strømnes & Selle 1996: 21). In Norway, a national branch of WWF was established in 1970, organized as a foundation with supportive members (ibid). At their Norwegian office in Oslo there are about 30 employees, most of them educated in natural science, especially biologists (WWF interview 1).

WWF can be characterized as an NGO concentrating on classical environmental issues, and their aims have developed from mainly protecting threatened animal species (conserving biological diversity) to more general environmental protection (Strømnes & Selle 1996:146). WWF-Norway has defined its three main goals as to protect the world's biodiversity and ecosystems, to secure sustainable use of natural resources and to combat pollution and overconsumption (WWF årsmelding 2006:2). Practically, significant areas for WWF-Norway are the biodiversity in the ocean and coast, lakes, forests, rivers and mountains (ibid). Financially they are dependent on support from private businesses/ persons and public institutions (especially the Ministry of Environment) (ibid: 21).

Focus issue: Marine protection: Similarly to the protection of the rainforests, the protection of the marine environment, the species and the eco-systems of the oceans are global issues, and there are ongoing international political discussions on how regulation of harmful industries that affect the marine sector should be carried out. These discussions and the actors involved will be taken a closer look at when three significant industries that WWF approach are outlined later.

The marine sector is one of WWF international's six core concerns. For WWF Norway, the marine sector is one of the two major areas of attention, especially since Norway is a country with a long coastal area and has long traditions on utilizing marine resources (WWF interview 3). Traditionally, the issues of marine pollution and the protection of environment beneath the ocean surface have not really been taken seriously, because of attitudes and beliefs like "*oceans take care of the pollution themselves and washes it away*" (WWF interview 3). These attitudes seem however to be changing (ibid).

6.2.2 WWF-Norway general approaches to the issue:

The environmental problems concerning the marine sector are according to WWF poorly managed fishing, Shipping, Oil & gas, Pollution, Aquaculture (wwf.no.1). Solutions to these problems, presented by WWF Norway on their web pages are “*sustainable fisheries, shipping, protected areas, environmental friendly fish breeding and the “clean coast” volunteers oil protection.* (wwf.no.1)

The variation of solutions presented here specifies how they apply supplementary techniques and a mixture of strategies in confronting the different problematic industries involved.

Moreover, to cover the marine protection WWF has created a programme called “Endangered Seas Programme” (havmiljøprogrammet), which started as a climate project in 2006 (WWF årsmelding 2006: 6). This programme is portrayed as a reaction to the fact that there is a global agreement on danger of the climate threat, but that there still is little practical work done to deal with this problem (ibid). One aspect of the programme is to inform the public about the climate effects and the necessary solutions, and it includes six individual programme areas: Pirate Fishing, High Seas Legal, Shipping, Tuna, By-catch and Southern Ocean (WWF interview 2). Another important issue is that the international waters, which are not bound to a specific national juridical framework, not are regulated and are suffering from environmental damage and pirate fishing (ibid).

Different industries can be connected to their marine programmes, and the industries I have chosen to focus at are oil production, offshore and shipping companies, and fish-farming business. How WWF approach these three industries and which strategies they apply to make them change, is the main focus in this chapter. Moreover, each of these industries has several large and resourceful actors connected to the regulation process, and the empirical material there will therefore be given more space than the case of RF.

WWFs General approaches towards private industry

As one of the most well known environmental organizations, WWF is often conceptualized as an example of a solution-oriented organization, engaged in dialogue with business for example in the creation of FSC (Arts 2002: 31).

My informant stated that “*to achieve actual results, cooperation with companies in diverse business areas is more important than ever*” (WWF interview 1). Further, WWF often join forces with e.g. Bellona, which is the Norwegian environmental organization that has most experience with establishing business partnerships (ibid)

The information presented within WWF's web pages affirms the importance of establishing dialogue and partnerships with different private industries, and the link is presenting private companies as "companions" (.wwf.no 2). At these web pages, the organization's relationship and position towards business are described in great detail and in a very open manner. It is stated that "*Private companies are therefore one of the most important sources of finance*" (ibid). All the companies that WWF are engaged in partnerships with are listed at the same web-page (additionally the public supporters are listed below). In admitting that they have several partnerships with companies, there is of course a focus on positive effects, and main argumentation on this approach is that it is based on a conviction that dialogue and partnership are essential to achieve actual environmental friendly results and projects. In my first interview, it was stressed that it is important to engage in dialogue especially with large companies, since they are big polluters and have other negative environmental effects (WWF interview 1). As mentioned earlier, WWF is also dependent upon financial support from both private and public institutions to manage their projects.

Practically, the partnerships between WWF and different companies are based on academic technical collaboration (WWF interview 1). Most of the employees at WWF are educated biologists, and the specialized competence and knowledge they cover are essential to some of the projects that have been created. By using their knowledge base and establishing concrete projects, which the companies can be invited to participate in; WWF wants to avoid a bargaining situation which can lead to a loss of power (WWF interview 1). In order to have clear internal guidelines for partnership projects WWF make use of standardized models summarized in 11 rules for partnership projects (.wwf.no 2). A quick review of these rules shows that point 1, 2 and 3 are emphasizing dialogue as a proper tool to create efficient, goal oriented and constructive outcomes (ibid). The two next points explain the practical reasons for partnerships (environmental effects, communication and financing), and requests that industries should take more responsibility and establish more transparency (ibid). Point 6 and 7 points out the positive symbolic effects the companies engaged in partnerships can have, both towards business areas and society (ibid).

These rules give the impression that there have been internal discussions and are moral dilemmas connected to the partnership approach. In my first interview, the informant underlined that WWF have restrictions regarding which companies they want to engage in partnership projects with. Especially oil companies are never considered to be partners, because their business can never be linked with environmental friendliness (wwf interview 1).

This might be seen in the three last points (9, 10, & 11); where WWF declare what partnerships they want to steer clear of in order to avoid the danger of “green washing” (.wwf.no 2). However, this does not signify that WWF refuses to talk with oil companies, indeed employees of WWF often do (ibid). In those instances it is important to WWF to prevent the possibility of “green washing”, and my informant stressed that *“no company can pride themselves with the WWF panda logo if they don’t really deserve it”* (wwf interview 1). WWF have clear ideas on how good partnerships should function, and *“the ideal partner is a leading company in its area which is not only supporting WWF, but also is carrying out environmental improvements in their own operations”* (WWF årsmelding 2006: 17). At the same time, WWF has an aspiration to be the most attractive partner organization for private business (WWF årsmelding 2006:17). A tendency which WWF has noticed is that it has become easier to negotiate with business actors, much due to the climate issue (WWF interview 2). Many companies now contacts WWF in order to get advice or to propose partnerships (ibid).

General strategies and actors involved

Even if their main focus when approaching private companies is direct partnerships, it does not exclude that other agents and networks are considered:

The State: When describing the approach of WWF, my informant often referred to *“The Norwegian model”*, as the cooperation between the state, private business and NGOs (wwf interview 1 & 2). Further, he stated that *“our most important means is to influence the politicians, because they set the laws”* (WWF interview 2). Lobbyism towards politicians, in order to make them create official laws that regulate private business towards more sustainable practises is thereby a crucial task (WWFs årsmelding 2006:18). E. g. an essential victory for WWF was when they managed to make the politicians change the law regarding how close the ships can go to land, to 40 nautical miles (WWF interview 2). But the process was slow; it took over two years to accomplish the new regulation rules (ibid). My informant seemed to be disappointed with the government’s action and regulation, and referred to an illustrating story:

“A Norwegian Oil Company got permission from the government to search for oil in an area outside Norway, and by this the government chose to ignore a comprehensive report from the Ministry of Environment warning them from doing this In this case, WWF and Bellona discovered this report and published it, and this created a lot of debate. In this case it is also striking that all the work that the directorate did would have been for nothing if not the NGOs had discovered and published them” (WWF interview 1).

However, WWF lobbying is directed not only at politicians, but also different ministries, like the ministry of Environment, the ministry of Trade and Industry and the ministry of Fisheries and Coastal Affairs, depending on the issue (WWF interview 3)

The international level: WWF is one of the largest and most well known international environmental organizations. The Norwegian office is thereby part of an international network. This is reflected in that when WWF Norway engage in partnerships with Norwegian companies, those contracts often get internationalized if the company has enterprises or offices in other countries (WWF interview 2). Collaboration between the companies and the national WWF organizations of different countries can then be established (ibid). Such international partnership contracts are ideal for WWF, since environmental differences they can create are at a wider scale (ibid). So even if I am trying to study WWF Norway, the international factor is imperative. In addition to international partnerships with companies, the Norwegian organization has created projects together with WWF in other countries, and especially projects in developing countries (that receive financial support from the NORAD) (WWF interview 2). E.g. WWF Norway has established a project in Georgia together with the WWF organization in this country, sponsored by the Ministry of Foreign Affairs (ibid).

Society based programmes/projects: Similarly to RF, WWF also has an educational programme for schools and teachers. Another programme that has proved successful is the “clean coast programme” (“Ren kyst”). It was established in 2005 in collaboration with the “Emergency Preparedness Centre of North Norway” (NordNorsk Beredskapssenter) and “The Norwegian Coastal Administration”, and Norway is the third country where WWF has started this programme (WWF årsmelding 2005:13). Motivations when this programme was started stressed that the emergency preparedness in case of ship accidents and oil spills along the coast was insufficient (WWF interview 2). Essentially, the project therefore educates volunteers in cleaning the coast in case of oil spills, in order to reduce the environmental consequences of oil spill accidents (WWF årsmelding 2005:14). Furthermore, the project aims to establish and strengthen deposits of equipment, and also to give environmental motivated individuals and organizations the possibility to engage them selves in practical environmental work (WWF årsmelding 2005:14). For these reasons, the programme arranges several courses in order to train/educate volunteers. These courses are funded by different companies and public institutions, especially insurance companies (ibid). The oil-spill problem that WWF had anticipated materialized in the Fedje-accident 12.01 2007, and has after this instance it

obtained more attention (WWF interview 2). But although the Fedje-accident showed the importance of such preparedness programmes, WWF is disappointed that the politicians have not prioritised this issue (ibid).

Connections to the media are also important, especially since the publishing of their opinions, knowledge and values is essential for WWF as for most NGOs (ibid). This might be important not only to spread information to society, but also to create connections and relations to society by being a visible and recognized NGO. WWF also has collaborative projects with other Norwegian NGOs.

6.2.3 Case: marine protection and three industrial areas targeted:

I will now turn to some cases which describe how WWF approaches and tries to influence the regulation of three different industries that are causing environmental damage on the oceans. The main focus will be on which strategies WWF has chosen on the different industries, and some reactions from companies on WWFs enquiries and requests. Since the three industries are quite different and WWF have taken different approaches towards them, I will spend more space on describing each of them instead. Due to the limited space this thesis has, I will not have the possibility carry out a comprehensive investigation the industries themselves since they are quite huge and involving a lot of actors and recourses, and my focus will be mostly on WWFs relation to the other actors and how the partnerships develop. Moreover, the shipping industry will be described more in-depth and given more consideration than the other two industries, depending on where I gathered most information.

6.2.4. Shipping:

Norway is one of the leading countries in international shipping industry (NSA interview). Even if shipping is perceived as the most environmental friendly transportation method, there are many environmental problems connected to this industry, like pollution and emissions of CO₂ and NO_x and destruction of natural eco-systems because of emission of ballast water (.wwf.no 3) Since shipping is a global industry, the UN specialized agency for the marine issue, “International Maritime Organization” (IMO) is a central actor on creating regulative frameworks for the shipping industry³⁵

³⁵ The relation between IMO and the other actors is that “*IMO develops and adopts global regulations on safety, security and the prevention of marine pollution from ships, while its 167 Member Governments are responsible for enforcing the regulations once they adopt them. But it is the shipping industry and its fleet of over 50,000 ships which is ultimately responsible for compliance with these rules and for developing complementary initiatives*” (IMO report 2007: 1)

Moreover, it is essential to establish international regulation of the shipping industry for the reason that: *“The ownership and management chain surrounding any ship can embrace many countries and ships spend their economic life moving between different jurisdictions, often far from the country of registry. There is, therefore, a need for international standards to regulate shipping - which can be adopted and accepted by all”*. (.imo.org)

Clearly, since the shipping industry is international and causing environmental effects globally, international regulation is necessary. However, such regulation is difficult not only because of the voluntary aspect, but also because shipping industry is not part of the Kyoto agreement (WWF interview 2).

WWFs solutions: Dialogue and cooperation for international regulation:

WWF main approaches to environmental issues are as mentioned earlier a solution- and dialogue oriented. Therefore, WWF have engaged in dialogue with many different actors in the Norwegian shipping industry, and established partnerships with various shipping companies (WWF interview 3). Moreover, WWF has a close cooperation with the Norwegian Ship-owners Association (NSA), which is an important actor functioning as a mediator between the companies and national/international legislation (WWF interview 3). WWF and NSA have engaged in a cooperation agreement which aims at discussing how a set of rules should develop and additionally try to influence the shipping companies to comply with the rules (NSA interview). In a similar vein as WWF, NSA is also preoccupied with making the shipping industry more environmental friendly, however WWF is generally more impatient and want stricter regulations (interview NSA). Therefore they often arrange meetings together and the dialogues between them has mostly been positive, but in some instances WWF try to push NSA take more comprehensive environmental steps (ibid). Particularly, WWF has in some instances functioned as an environmental policy advisor for NSA and helped them develop an environmental policy entailing a “zero emission” vision (ibid). The main message in this policy is the vision that *“Norwegian shipping and offshore contracting industry shall not release environmentally harmful emissions into the sea or the air”* (NSA environmental policy 2007:1). Practical solutions to fulfil this vision are shortly described to promote better international regulations through IMO, and focus on environmental friendly technical solutions (ibid). International regulation and innovative technologies are thereby the two key strategies for NSA. If technological solutions are competitive and are not too costly for the companies, a set of official rules would not be necessary (NSA interview).

Moreover, NSA views themselves and the Norwegian shipping industry as international environmental forerunners, and participates together with WWF in the IMO discussions on international regulation, especially the “Marine Environment Protection Committee” (MEPC) (NSA interview). Since Norwegian companies are one step ahead on their environmental standards, they have a competitive advantage especially if the international regulation gets stricter (ibid). NSA are therefore working closely together with representatives from the Norwegian government especially the Norwegian Maritime Directorate and the Ministry of Environment on this issue, and are sharing the view that the international regulation should be strengthened and more stringent (ibid). The reason why NSA is willing to cooperate with WWF on these issues is that NSA regards WWF as competent on the field:

“WWF is a competent organization, they choose subjects that they engage deeply into, WWF Norway has e.g. chosen ballast water as a focus area....In addition, they have an employee who has worked in the shipping industry on board on a ship, so they know how ships function and what is reasonable to do on a ship. That gives them more competence and makes them a more important dialogue partner than other environmental NGOs that don't know anything about ships and propose unrealistically claims.....like e.g. Greenpeace that are perceived as very extreme, and are always repeating the same argument without noticing the positive changes that are happening³⁶”
(Interview NSA).

Thereby it is due to WWFs special expertise on the field that the organization gets possibilities to take part in significant discussions on regulations of the shipping industry.

A partnership case: WWF and WWL:

Some companies go further than the international legislations, and spend a lot of money on conducting research and developing new technological solutions, in order to stay one step in front and get the competitive advantage (NSA interview). Wallenius Wilhelmsen Logistics (WWL) which is Norwegian largest shipping company is one of these forerunners (ibid). The first example my primer informant from WWF stressed when I told him about my thesis, was WWFs partnership with WWL. WWF has engaged in partnerships with other shipping companies also, but this one is noticeably the largest project and a case they were quite satisfied with (WWF interview 3). As discussed in the previous section, partnerships with companies have to be connected to one of the environmental programmes WWF have established, and this partnership is based around “Endangered Seas Programme” (ibid).

³⁶ However, the informant from NSA added that the initiative and pressure from Greenpeace in 1999 on the issue of the chopping and deconstruction of old ships in east Asia where the environmental and health conditions were horrible, created reactions in the industry and international solutions on the issue came on the agenda in NSA and IMO (NSA interview)

According to WWF, the cooperation started because WWL obtained information about the Endangered Seas Programme, and therefore contacted WWF (WWF interview1). A 3-year contract was signed, which was renewed in 2008 (ibid). WWL is now one of the many supporters of this program, and is described by WWF as an “environmental partner” (wwl environmental report 2006: 17).

The purpose of the partnership for WWF is first and foremost that WWL support WWFs efforts and the endangered seas programme financially (WWF interview 2). However, the underlying principle is obviously not only to receive funding, but to create actual environmental gains. Pushing and motivating the company to develop environmental friendly technologies a fundamental task for WWF as stated in the previous sections. Some of the technological environmental friendly innovations that WWL has created will be mentioned in next section.

Moreover, an essential part of the contract is that the company and its employees have to commit them selves to improve their environmental efforts (WWF interview 2).

Arrangements carried out by the partnership therefore include activities like seminars, where WWF deliver lectures for the employees (ibid). Because WWL is an international company, WWF Norway also tries to establish collaborations between the WWF offices in countries where WWL have enterprises, so that they can arrange seminars and establish local projects (WWF interview 2). Moreover, WWF demands that WWL also has to set standards for the businesses and sub suppliers they depend upon (ibid).

For WWF, this seems to be an ideal partnership, because WWL is both a leading company in its area, supporting WWF and they are also carrying out environmental improvements in their own operations. However, the partnership is now international, and the connection between the WWF Norway and the Norwegian branch of WWL is only a part of this picture. Because of the partnership, the company is allowed to use the Panda symbol to promote its environmental profile (WWF interview 1).

The partnership described by WWL: WWL claims to be a leading company on taking environmental problems seriously international, and they strive to stay ahead of environmental legislation (WWL interview). Further, WWL produce annual environmental reports that states that they are aware of the responsibility that such a position entails, and that they actively work to reduce the environmental impact of its business operations and strives to use energy and natural resources sensibly (WWL årsmelding 2005, ibid 2006). At their web pages, it is stated that:

“As a sponsor of WWF's High Seas Conservation Programme, Wallenius Wilhelmsen Logistics will strengthen WWF's Global Marine Programme in its work to improve high seas conservation and governance, including the creation of High Seas Marine Protected Areas and the promotion of good environmental performance within the shipping industry” (.2wglobal.com).

The partnership thereby contains both a practical aim at helping WWF's efforts and a symbolical aim at promoting environmental attitudes. In 2005 the annual environmental report described the partnership with WWF as a sponsorship that is serving to strengthen the company's leadership role within the industry with regard to environment (WWL environmental report 2005:3). The symbolical value of the partnership seems to be regarded highest here. Moreover the personal connection between WWF Norway and WWL is not too essential, because the programme WWL sponsor is international (WWL interview). However the learning aspect of the partnership also emphasised: *“another benefit of the sponsorship generates from WWF's knowledge and experience”* (wwl environmental report 2005:3).

Described further,

“Corporate sponsorship will also enable an environmental information exchange where WWF and Wallenius Wilhelmsen Logistics share knowledge about shipping and marine conservation. Close cooperation not only will lead to increased understanding of how to improve environmental performance, but to smarter solutions to preserve marine life (.2wglobal.com)

The learning aspect and the sharing of knowledge appear to be important here, but it is hard to find out exactly what WWL has learnt. This might be because WWL has had an environmental conscious approach before the partnership with WWF, and that other organizations like IMO have important roles (WWL interview). My informant from WWL explained that *“WWF helps us identify where the problems are and what we can do....They help us organize and prioritize what is important to do....The other side is that they are an important element internally in the enterprise...that the employees can agree upon”* (WWL interview).

In this manner it turns out that WWL also make use of the partnership to obtain practical environmental advices, and that the expertise of WWF to some degree is significant.

At WWL's environmental report from 2006, the evaluation and information of the partnership is focusing on the “High Seas Conservation Programme”, which is created by WWF and where WWL is the sole sponsor (WWL environmental report 2006:33). The high seas are the oceans which lie beyond the national jurisdiction of any country, and are therefore ungoverned (ibid). According to the report, WWL and WWF are *“helping the international community to establish a regulatory framework needed to govern the high seas”* (ibid).

2006:33). A major achievement in 2006 was winning IMO approval to establish mandatory ship routing and expanded shipping lanes along the northern coast of Norway, reducing the risks of shipping accidents (ibid).

Except for the sponsoring of WWF's programme, specific actions that WWL has taken on the environmental front are according to their own reports to raise the environmental awareness through seminars and workshops, both in the industry, with the supply chains and internal at the workplaces and for the employees (WWL environmental report 2005:14, ibid 2006:34). Not least, WWL has undertaken many technological improvements in order to be better than other companies and thereby get a competitive advantage (NSA interview). WWL is stressing their technological solutions and innovations, and promote a list over the company's practical environmental objectives, including e.g. reduction of fuel consumption and other technical solutions, and the planning of a zero-emission concept vessel (WWL environmental report 2005:20). Another much outspoken technical improvement WWL has developed is connected to the ballast water problematic (WWL interview). As direct environmental consequence of shipping business, organisms are moved with the ballast water, which can be dangerous for the natural environment where they are released (ibid). In order to handle this problem WWL has developed a special cleaning system which is built into all of their new ships (ibid). Such technological innovation can also be ordered and used by the smaller shipping companies, which not have the recourses to research on innovations themselves (NSA interview)

After collecting data from interviews and reports from this partnership, it is hard to find exactly what the results of the partnership are. Two reasons for this: Firstly, since the partnership is international, there have been many different practical achievements in the countries where the partnership is active. In Norway, WWL has carried out many undertakings in their own business, but not necessarily because of the partnership with WWF. Secondly, the empirical material focuses on both symbolically and practical results, but do not specify how the results were achieved. E.g. WWL write in their reports much about what results the programmes they are sponsoring have achieved and less on what active efforts WWL has carried out on this programme apart from the funding. Moreover, it is impossible with this empirical material to measure if environmental values have spread in the industry nationally and international.

6.2.5 The problematic oil industry

The petroleum industry is Norway's largest industry and as also mentioned in the context chapter a main income source for the country.

Compared to the shipping industry the oil industry is to a higher degree a national industry, with much of its activity in Norwegian areas especially the North Sea, thereby causing environmental effects on the ecosystem in Norwegian oceans and the coast line. Consequently, this industry appears to be more dependent on national legislation and regulation than international. At WWF's web pages about the Marine sector, the problematic consequence of oil industry in the North Sea is one of their main issues. The pollution this business creates is only one problem, another that WWF emphasize is the negative effects for marine culture and species that oil spills and oil drilling causes in vulnerable areas (WWF årsmelding 2005:12). The topic of concessions for oil searching activity along the Norwegian coast has been a hot environmental debate in Norwegian politics the last years. It is the Norwegian government that has the main responsibility for this regulation and granting the oil companies concessions³⁷. Environmental organizations have demonstrated heavily against this, and pledged the government to establish "petroleum free zones" in special vulnerable areas. In 2005 WWF engaged seriously in this discussion, and produced a report (containing knowledge and scientific information drawn from Veriats and Havforskningsinstituttet) that presented a scientific based suggestion on zones that should be petroleum free (WWF-Norway report 2005, WWF årsmelding 2005:12). Specially highlighted, the area outside Lofoten is important to protect since it contains an important biodiversity, and is a significant area for the spawning season for the codfish.

Dialogue attempts: When it comes to the partnership strategy WWF is promoting for creating actual environmental changes, that alternative is not applied to the oil sector. However, even if WWF's internal principles states that they cannot receive financial support or agree on partnerships with oil companies, WWF has earlier engaged in some dialogue attempts in order to influence them (WWF interview 2). Especially, WWF have been preoccupied with hindering oil companies to get allowance to drill in biological vulnerable areas and were active in the oil search discussion promoting "petroleum free zones". When this issue was up to discussion nationally in 2005, WWF contacted and advised both Statoil/Hydro and the government to not take the risk of oil-drilling in some areas of the Norwegian coast line

³⁷ The system for awarding drilling licenses that the Ministry of Petroleum and Energy is carrying out is quite complicated, and can be studied at: <http://www.regjeringen.no/en/dep/oed/Subject/Oil-and-Gas/Licensing-rounds-on-the-Norwegian-Contin.html?id=481292>

(WWF interview 3). But the oil companies, e.g. Statoil/Hydro did not want to listen to that suggestion at all (ibid). Moreover, since the government decided not to prohibit the oil companies to search for oil or establish any petroleum free zones, the oil companies had the law on their side (WWF interview 2). Still, representatives from WWF have several times contacted Statoil/Hydro in order to influence them to change their minds, without much luck. (ibid). The response has mainly been symbolically and “empty talk” and the work WWF had done to prepare and present issues to them has been meaningless (WWF interview 3).

Reactions from industry: First of all, it appears (according to WWF) that many oil companies like Statoil/Hydro does not admit that their industry causes much damage (WWF interview 3). Actually, they have promoted the North Sea as example on their decent operations, and express that the 40 years of oil drilling hasn't caused any setbacks for the ocean (ibid). WWF on the other hand, have a totally opposite impression, claiming that much of the oceans ecosystem is totally damaged. Since the NGOs and the oil companies obviously totally disagree on this fundamental question and are on opposite sides in the debate, it is clear that a partnership would be difficult.

Instead of taking the NGOs advices directly, Norwegian oil companies invested millions in “propaganda”, promoting themselves as environmental friendly (WWF interview 3). A quick look at some of their web pages gives the impression that they are doing a lot to protect the environment. Actually their main posted item on their web page (at 14.05.08) that “*In StatoilHydro, we have a clear goal to ensure sustainable development and help improve the environment*” (Statiolhydro.com). This and more examples can easily give the impression that one of their aim actually is to somehow help the environment. Obviously, this can be perceived as an attempt of “green washing”.

Moreover, the oil companies are blamed for having too strong connections to the Norwegian bureaucracy and politicians, especially with the Ministry of Oil and Energy, and are frequently criticized for being part of alliances between the top directors and bureaucrats (WWF interview 3). These strong connections are obvious per example in the forum “KonKraft” established to strengthen the Norwegian oil industry, which brings together top executives from the industry, from oil companies, research institutions, employer's organizations and the government (St.meld. nr. 38 (2001-2002) > 8 Petroleumsnæringen). Thereby, the oil companies might get the possibility to influence the regulatory suggestions that the ministry would give on oil concessions.

Transparency problems: The indications on cooperation between companies and public institutions above point towards that it can be hard for NGOs to access or intervene in those processes. As mentioned earlier, working politically in order to establish laws that regulate areas along the Norwegian coast, and thereby prevent oil companies to establish activity in vulnerable areas is a main issue for WWF. My informant emphasised that in addition to not getting much attention from the industry on this issue, the access to information was also difficult (WWF interview 3). WWF has therefore put efforts into creating more transparency in both oil industry and in the decision-making processes concerning regulations that take place in governmental institutions (ibid). Both my informant stressed that WWF can be viewed as a lobby organization, and connected to this issue they have sent requests and letters to different governmental institutions (ibid). For instance WWF has struggled to get access to the professional documents estimating oil drilling consequences for fish and environment which was used in the concession negotiations of the Norwegian shelf (Årsmeld.2005:12). Since some of the information on the governmental negotiations not was made available for the public, WWF sent an official complaint to the Parliamentary ombudsman for public administration and got in allowance lastly (ibid). Based the effort of accessing information, WWF have also written articles blaming the government for being undemocratically and keeping secrets.

Actually, since WWFs experience trying to influence oil companies is that negative, WWF has concluded that is often is a “not waste of time and resources to talk to these companies” and decided to not spend much more time on contacting them (wwf interview 3). Further, since dialogue was out of the question and the companies not seem to be interested in listening to WWFs advices, other strategies to change the oil business are applied.

Another solution connected to oil pollution in what WWF promotes as their” clean coast programme” (mentioned in previous chapter), which is aimed at reducing environmental damage when oil spills occur. It is kind of reactive in relation to the damages oil industry can cause, since it is not aiming at changing industry and preventing accidents, but at finding solutions when accidents happen.

In WWFs annual report from 2006, there is not much written on how the “petroleum free zone” suggestion was embraced by the government, only that the government’s suggestion somehow looks similar to WWFs suggestion but has serious shortages (WWF årsmelding 2006:6). The struggle on oil drilling concessions can be said to be largely won by the oil companies, getting grants for oil drilling, despite the heavy protests from environmental

organizations. Early in the interviews, when I asked my informant to describe areas where WWF has not succeeded, the oil industry was pointed out (WWF interview 1).

6.2.6 Aquaculture industries (fish-farming) and fisheries:

Norway has a long coast and old fishing traditions, and fish has traditionally been a major export resource of the country. Modern fish-farming is a well developed national industry, and as one of the country's most valuable export industries. It is producing around 500 000 tons of salmon and trout each year, and the industry has an annual value estimated to be around 12 billion NOK (1.5 billion Euro) (WWF-norway report 2/2005:5) The last years, the fish-farming business has been object to much critique especially for environmental problems they cause. WWF are concerned with different problematic issues the fish-farming businesses are causing, the most well known of them problems caused by escaped farm-breed fishes, causing disturbances in the natural ecosystems and spreading diseases (WWF interview 3).

WWFs National efforts on the issue:

WWF produced in 2005 the report "on the run – escaped farmed fish in Norwegian Waters", where problematic environmental consequences are scientifically described (WWF årsmelding 2005:12). The aim of producing the report was that "*the report should serve as a wakeup call for governments to better manage their fish farming industries, and indicates to the fish farming industry that changes in its attitudes and practices are needed*" (WWF-norway report 2/2005:4). The report suggests five solutions for a stricter regulation; "*Better management at fish farms, individual tagging of farmed fish, fish farm free zones in vulnerable areas, Risk assessments when farming new species, Consumers should ask for eco-labelled fish*" (Ibid). These suggestions include that both the companies, the government and consumers should be involved in creating better regulative mechanisms. A significant issue for WWF was to pressure the government to establish a commission for controlling industry, where different actors from both private and public should work together (ibid). After much pressure from environmental NGOs the government appointed the "Aquaculture Escape Commission" (RKA) (set up by the Ministry of Fisheries and Coastal Affairs) in the summer of 2006 (WWF interview 3). This commission is aimed at dealing with the farmed-fish escaping problem and at establishing and following up a stronger regulation of the fish-farms, specifically following up the zero-escape vision of the Ministry of Fisheries and Coastal Affairs (RKA årsmelding 2007:4). Representatives from both companies, scientific institutions, FHL and WWF participate in the commissions efforts of ensuring a better

understanding of escapes and helping identify measures that can prevent them from occurring (ibid).

As can be seen above, WWF cooperates with (of towards) significant actors on the regulation of the aquaculture industry. An important actor and sometimes collaborator of WWF is the marine culture employers-organization “The Norwegian Seafood Federation” (FHL). FHL is preoccupied with two environmental issues: the environmental challenges in own industry (especially fish-farming) and the industries that are harmful to fishing industry itself like the oil spills, transportation or radioactivity (FHL interview). Interesting to this thesis is also that they are opposing and taking stand against that oil companies should be allowed to search for oil in vulnerable areas of Lofoten (discussed in last section).

According to WWF, the fish-farming industry have tried for a long time to deny that they caused any environmental problems, arguing for example that they are such a small industry and their effects are limited (WWF interview 3). Moreover, “*FHL attempted for some time to avoid the problematic discussion and not take WWFs opinion into account*” (ibid). On some issues, and especially in the discussion of MSC certification, WWF (and FHL have disagreed completely (WWF was positive and FHL negative) and criticised each other (.wwf.no 4).

However, FHL admit that the watchdog role environmental NGOs have had has been important to the industry, pushing it towards better levels (FHL interview). FHL has lately engaged in close dialogue with different environmental NGOs, including WWF.

Additionally to having dialogues, both representatives from WWF and FHL are appointed as members of the governmental commission dealing with escaped fish (FHL interview).

Moreover, dialogue has not only been focusing on environmental improvements in own industry, but WWF and FHL have also cooperated on demanding a better governmental emergency preparedness in case of oil spills (FHL interview)

Mostly the environmental director of NLH had a positive impression of WWF pointing out that their professional work has been important, but that they sometimes have “*been too loud and exaggerated some things in the media*” (FHL interview).

A national partnership: My informant from FHL stated that Norwegian companies are taking environmental standards more seriously, upgrading equipment, and setting higher standards for themselves (FHL interview). The 9. of September 2005 WWF Norway made a formal complaint on the Norwegian company Marine Harvest (which is the world's leading seafood company and largest producer of farmed salmon) for breaking the pollution law (.wwf.no 5).

Since this confrontation, the dialogue between WWF and Marine Harvest has become friendlier, and in 2008 they signed a partnership agreement (WWF Interview 3). Because this partnership is quite fresh, I did not have time to gather much information on it. At a press release, MH described the partnership as a result of years with dialogue:

- We have through several years had WWF as a dialogue partner in raising important issues in fish farming. We are formalizing our cooperation with WWF-Norway in order to increase the fact-based understanding of the aquaculture business “

(.wwf.no 6)

According to this statements the aims for the partnership is to learn from each other and increase understanding and knowledge through dialogue, but the financial sponsoring of WWFs research on aquaculture was also essential (WWF.interview 3).

MH further partnership describes that their shared environmental objectives are:

- *Protection of marine and freshwater biological diversity.*
- *Significant reduction of the ecological footprint and environmental effects of MHs operations.*
- *Minimize climate change impacts from fish farming activities and processing.*

(.wwf.no 6)

Since the partnership is quite new, these objectives are quite vague, not telling too much about how they are going to be fulfilled. However, it is assumed that environmental issues might develop further through the partnership, and the secretary general (CEO) Rasmus Hansson of WWF-Norway commented optimistically that

-Through this agreement, Marine Harvest and WWF-Norway will reduce the impact of Marine Harvest production on the environment and the industry as a whole while ensuring the economic sustainability of the production.

(.wwf.no 6)

Thereby, it is assumed that the partnership will increase the self-regulation of the company. Practical results of the partnership that can be conducted so far, is that WWF is going to receive financial support in order to get conduct research and create programmes on the issue of fish-farming (WWF interview 3). Moreover, WWF will set standards and deliver environmental demands to MH which they have to act in accordance with (ibid). For MH, WWF will functions as an environmental advisor, in addition to giving symbolical value of priding their company with the panda symbol (ibid).

International regulation: MSC:

At the same time as taking efforts on changing Norwegian industries, WWF also participate in international situational processes on this issue. Similarly to the Forest Stewardship Council,

there also exists a certification option on fisheries called “Marine Stewardship Council” (MSC). *“The MSC is an independent, global, non-profit organisation whose role is to recognise, via a certification programme, well-managed fisheries and to harness consumer preference for seafood products bearing the MSC label of approval”* ([.msc.org](http://www.msc.org) 1). Even if MSC Principles and Criteria at this stage only apply to wild-capture fisheries and not to aquaculture, this might change in the future.

Inspired by the FSC, WWF international was actually one of the actors who took initiative and started MSC in 1996 together with Unilever (Guldbrandsen 2005:399). WWF Norway support this certification possibility, and has since 2004 worked to make Norwegian fisheries accept and engage in this labelling (wwf årsmelding 2004:7). But especially the first years, there were a lot of scepticism towards MSC. The Norwegian” Fishery and Aquaculture Industry Research Fund” made a report, criticising MSC for being voluntary and not connected to the Norwegian government, and that thereby international and not Norwegian criteria guide the certification (FHF prosjekt 261054 2006:1). The control was criticized for not being good enough, and a Norwegian alternative certification was discussed (ibid). It was especially thought that the Norwegian public fishery-administration was the best in the world and that MSC therefore not was necessary (FHL interview). Additionally, FHL felt that MSC was not making an effort to watch out for illegal fishing, which is a serious issue for FHL and Norwegian fishing industry (FHL interview). However, after some discussions with MSC, WWF and Greenpeace, FHL changed their minds, and in 2007 the Norwegian fishery industry and FHL decided to apply for MSC certification on many types of Norwegian fish on the behalf of companies (FHL interview). Usually, it is the companies themselves that apply, but in this case the interest organization took on this task (ibid). The reason why they changed towards a more positive attitude was that they saw that this certification functioned well on the market (ibid). Thereby, FHL and the Norwegian fishing industry seem to have accepted the standards that MSC are setting, but FHL has also lately engaged in the international discussions inside MSC (ibid).

Another international effort that WWF has developed, which is more connected to fish-farming, is the international discussion forum “Aquaculture Dialogues”. ([.worldwildlife.org](http://www.worldwildlife.org) 1). Through a series of roundtables, WWF here works with farmers, retailers, NGOs, scientists and other aquaculture industry stakeholders worldwide to develop standards for certifying aquaculture products (ibid). It is thereby an effort to connect different actors and make them develop standards based on the different knowledge and preferences of the different actors.

This forum was initially started by WWF international, and aims to be a meeting place between industry and other interests of stakeholders in order to create environmental regulations in fish (in this case salmon) industry (ibid). Representatives from WWF Norway and from FHL also participate on some of these international dialogue meetings, especially the “Salomon Aquaculture Dialogue” (FHL interview). The goal of the salmon aquaculture dialogue is to *“Develop and implement verifiable environmental and social performance levels that measurably reduce or eliminate key impacts of salmon farming and are acceptable to stakeholders. Recommend standards that achieve these performance levels while permitting the salmon farming industry to remain economically viable”* (.worldwildlife.org 2)

This dialogue has a professional standard, and the issue is to find solutions that both the industry and other stakeholders can agree upon (FHL interview).

Obviously, regulations on aquaculture industries have to be carried out both national and international. WWF has made contact and are cooperating with many of the most significant national actors like FHL, and participates together with them in order to influence national companies, governmental decision-making on aquaculture, and international regulative schemes like MSC. It seems like the Norwegian aquaculture industry has become more willing to take up environmental problems connected to own industry and not only criticizing other industries that pollute the oceans.

6.2.7 Summary WWF: main points and strategy

WWF's strategy for engaging in regulation (of industries polluting the marine environment) is based on a dialogue- and problem-solving approach. Clearly, WWF's main tactic (except lobbying at political instances) is to engage in dialogue and cooperation with powerful actors (like large companies, governmental institutions and interest organizations) nationally and internationally. It seems that WWF international has a tradition of bringing different actors together in discussion forums (like the MSC and the Aquaculture Dialogues) in order to create agreements and solutions.

Additionally, dual partnerships between WWF and single companies are a much used strategy. These partnerships are based on sharing professional knowledge and are focused at developing practical sustainable solutions. Through conversations with the companies, WWF gets the opportunity to influence them directly and pressure them to implement higher standards and to regulate themselves according to environmental goals they shape. The industries WWF approaches are quite large and comprehensive, and a high degree of

knowledge and insight into the industries is significant. Possibilities and restriction that the choice of strategy give will be further discussed in the analysis.

Industries reaction to WWFs efforts differ, the shipping industry seems to be the easiest to cooperate with, the aquaculture was easier the last years, and the oil industry was the most difficult. An obvious reason for that is that the oil industry is counted as the most environmental problematic industry since its main activities are very pollutant. It also appears that it is more unproblematic to cooperate when the industries acknowledge the critique from WWF, and when the companies not only recognize government or scientific institutes as relevant actors.

At my last interview with WWF, my informant stressed that to accumulate information and crave for transparency in political processes is imperative for WWFs effort, and WWF has sometimes struggled to access information that would enable them to intervene in the regulation of the industries they approach (WWF interview 3).

6.3 Summing up differences and similarities between the NGOs

Before going deeper into an analysis, I will sum up some of the general similarities and differences between the two NGOs seen in light of the context chapter. A closer discussion on the advantages and disadvantages choices of strategies can provide will be given in the analysis chapter.

Objectives for targeting Industry: The most obvious differences between the two NGOs are their focus areas, goals and philosophy: RF has a more concentrated issue, concerning only on the protection of rainforests, while WWF has a wider and larger focus area of environmental protection, taking both forest, ocean, land and air pollution into account. This is also obvious when the two NGOs are targeting business actors: RF is targeting smaller industries and has one aim: to convince the different business not to make use of rainforest timber. WWF on the other hand is targeting the largest industries in Norway, and has not as specific aims, but are attempting to influence companies on several environmental issues: changing both their general attitudes and their production methods/technology towards more environmental friendly. Thereby, RFs regulative request to the industries might be easier to implement or reject, while WWFs might contain many diverse and specialized regulative requests. Another difference is that RF has not only the goal to protect the environment for its own sake, but also a heavy focus on the rights and well-being of the native people living there. Thereby, RF is more oriented towards human rights, and this implies that RF might have a less classical approach to environment protection than WWF. Lastly, even if both organizations are preoccupied with conservation, WWF have a focus on developing modern technology and can thereby be said to be more in line with the ecological modernization ideology. One might also interpret that WWFs objectives are more practical while RFs more political.

Business areas targeted: My research question was concerned about how the NGOs approach industries, but before going into the differences of the strategies it must be emphasised that the industries they approach are quite different, and therefore be hard to compare to each other. The industries RF is concerned about are far smaller than the ones WWF works towards. Moreover, the comprehensive industries that WWF target give seem to be more politically organized as they often have own interest organizations that promote and lobby their business politically.

Concerning the organization structures, both NGOs do not have classical democratic structures with a volunteer membership base, but are organized more like foundations. They were not the result of grass-root mobilization and are quite young NGOs, WWF was established in the 1960 and RF in the late 1980s.

WWF seems to encompass a more bureaucratic organized approach when targeting companies, with established rules and standards for the cooperation. Since RF's main strategy is to avoid direct partnerships, their approach might be more open to creativity. For example, they take the consumers and their potential power into account.

Another similarity in the organizational structures is that both NGOs are professionalized, but different academic professions dominate the two NGOs: WWF's staff is dominated by biologists and people with specialized natural science education, RF on the other hand, consists mainly of social anthropologists and people with social-science background. This fact may be important because professions can function as carriers of different discourses which can have significant impact on how the NGOs understand and solve problems, for example on how they present "their working partners" within their web pages: RF presents their partner organizations and local NGOs in countries with rainforest, while WWF on the other hand presents their partners in private businesses. Such interpretations show which knowledge they see as relevant, while RF find the indigenous local knowledge in the rainforest areas important, WWF mainly focus on the specialized knowledge of biologists and natural scientists. Moreover, RF's sceptical approach towards powerful private and political actors (like large private companies of the World Bank) might be due to critical assumptions on power and politics embedded in social science.

Thereby, these two NGOs are examples of un-classical way of organizing NGOs. By organizing as foundations, the NGOs are not voluntarily ruled, and an argument for choosing this organization form is that democratic decision-making is a slow and ineffective process. Explained by the professionalized society, centralization, and specialization we can generally see a change in civil society and NGOs, which also implies that volunteers and un-specialized members become less important.

Moreover, the NGOs are oriented towards practical problem-solving, especially WWF, and what relevance their organization has for democracy seems not to be an important issue. And last but not least, their relations to society also seem to be professionalized. Both of the organizations did not have many active volunteer members that mattered much for the organization itself. Instead, they had established programmes that volunteers could participate in, where the volunteers could function as more practical resources (working force).

Areas where RF and WWF agree or disagree: On the certification issue, RF are more sceptical while WWF often make use of and support such systems, as can be observed in the issue of FSC. This is connected to the fact that WWF described its own approach as dialogue-and problem-solving, thereby focusing at opportunities cooperation can create. Connected to the FSC discussion, RF criticised WWF for being too concerned on the protection of nature in establishing protected areas, forgetting the local people depending on the use of these areas (Rapport Regnskogens tilstand 2005:22).

Nationally, RF and WWF have cooperated in lobbying towards the government, and are clearly agreeing on that the government should implement more policies on environmental protection, and embed this issue in e.g. the aid policy.

The understanding and adaptation to globalization: Clearly, these NGOs are not grown out from a Norwegian context, but are national branches of international environmental organizations. Because of this, they can be conceptualized as global actors and as parts of international knowledge networks. Thereby, they encompass global aims, and are not merely focused at the solving environmental problems in Norway, but also at rising global environmental standards and regulating international corporations. It seems that both the NGOs have realized that they need to work more directly towards private industry to achieve environmental gains, especially since it has grown and globalized.

7. Analysis and conclusions:

Having adaptive theory as research approach, the process of writing has moved back and forth between theoretical and empirical sampling. In this chapter I will confront my empirical observations and the main theoretical and contextual propositions outlined in the previous chapters with each other, in order to discuss the initial research question of the thesis. Selecting theoretical and empirical information and limiting the information and thoughts generating from this study has been a complicated concern. The main research question was concerning conditions for the NGOs to intervene in regulation, and there certainly are various ways of examining and answering this issue. My research question indicated two fields that I have concentrated my research on: the NGOs own choices of strategy, and political contexts. The analytical examination will therefore in the first hand concentrate on investigating what regulative capacities the NGOs can encompass by comparing the strategies they have chosen with theoretical assumptions. Thereafter, I will examine how various contexts create conditions for NGOs as regulative actors, and take a more theoretical discussion into account. Lastly, I will sum up the main contributions of my thesis and the conclusions I have generated throughout this research.

The examination will be discussed in light of a wide regulation perspective that encompasses a focus on actors and relationships between actors. The main assumption that united the theoretical contributions on regulation was a broadened perception of regulation. The word regulation is often connected to the following up of formal legislation (like e.g. Carter (2007)). But to regulate, as a verb, can also be understood as decisions on what standards another actor should follow, and such decisions can also be created socially and indirectly. Especially Braithwaite & Dahos (2000), Gunningham (legal pluralism) (1998) and Black (2003) argued that regulation is more than following laws, but can be any mechanism that constraint behaviour. Consequently, these conceptions are based on a deeper (Foucault 2002) understanding of power, that power is not something you can possess and use, but that it is created through social acting. Regulating then can include the process where the regulative standards are developed. Especially in those processes many actors can be included. At the same time, it can be difficult to find out where the standards emerge from, when many actors and discourses involved in such dialogues. Clearly, the aims of the NGOs are largely to constrain the behaviour of companies and promote new standards, and since they cannot command these standards, other means based on convincing various actors to agree with the

standards are significant. Thereby, to engage in dialogue with a range of actors can enhance the possibility for enrolling their agenda into networks and give power to the standards the NGOs promote.

It is important to underline that this thesis is not aiming at comparing regulative mechanisms and pointing out which ones are functioning the best. It seems to me that many people and scientists take stands for or against state / private regulation, but it seems that that public governmental regulation still is the most significant, and that it cannot totally be replaced by other mechanisms. Although, to open up for a more fragmented perspective on regulation, might give a better understanding of why regulation is such a complicated matter, also for the state. As Ayers & Braithwaite (1992), Gunningham (1993) and Black (2003) argued, it is important to transcend the regulation - de-regulation debate, and focus on how mixtures of public and private regulation occur.

Lastly, a critical comment on a broader perspective on regulation might be the classical argument that conceptions might lose their meaning if they are broadened too much (like the discussion on the conceptions of democracy, corruption and so on). There is a tendency that many conceptions broaden their meaning, especially when they are influenced by more post-modern perspectives on power. The concept of regulation might have been dominated by jurists, and therefore been connected to interpretations of law. But since regulation is such an important political tool, like in my case for the protection of the environment, a more political and power-based understanding of regulation might be necessary. Moreover, underlying the discussion on regulation are normative questions on whose responsibility it should be to carry out regulation.

These perspectives will be taken into account when I now turn to the analysis of how the NGOs have attempted to regulate companies directly, pressure stronger self-regulation or pressure the state to regulate the companies.

7.1. Regulatory capacities and main strategies chosen

In this section I will analyse what restrictions and possibilities the main strategies of the NGOs can generate. This part of the analysis will thereby start at the empirical level. First, an outline on the NGOs regulatory capacities will be presented, which will indicate how the NGOs generally attempt to intervene in regulation. Thereafter, their strategies for more directly pressurising or regulating industries will be discussed and compared with the model that was presented in the theoretical chapter. Since the approaches of the NGOs obviously are

different but they also encompass similarities, comparing the two NGOs, their campaigns and ideals is essential in order to find out what limitations and possibilities the strategies give.

7.1.1 General regulative capacities:

As described in the theory chapter, I chose to put weight on a “translation theory of power”, whereby power is conceived as enrolment of actors, implicating that actors can exercise power by enrolling their agendas and discourses into networks. Since the NGOs can not make use of command and control regulation like governments, this power concept enables me to analyse how they more indirectly can influence in regulatory processes.

A starting point when carrying out an enrolment analysis is to conceptualize the actors regulatory capacities: As Black (2003) pointed out, the main weight should in line with an enrolment analysis be put on actors, their regulatory capacities, the regulatory function which they could perform, their interrelationships, and the way in which they are or could be enrolled within a regulatory system. Consequently, an issue here is examining how the NGOs generally can take part in different regulation mechanisms, not only direct industry regulation. I will therefore first outline what capacities the two NGOs seem to make use of in order to enrol other actors into their aims. The discussion about their regulatory capacity will focus on the actual or potential possession of resources, which according to Black (2003) can be information, expertise, financial resources, authority and legitimacy, strategic position and organizational capacity:

WWF s regulatory capacities:

The expert knowledge seems to be the base for their regulative capacity, as many of my informants also stated. WWF can thereby fit in the description of a professionalized NGO (Jansen & Mydske 1998), by entailing a staff with strong and specialized knowledge that determine their NGOs approach and activities. Connected to the fact that the employees mostly were educated in natural science, their core concerns were functions of ecosystems, effects of pollution, threatened species etc. Moreover, and as emphasised by the informants from WWF, their specialized knowledge also inhabits a detailed problem-solving approach searching for environmental solutions, which is an advantage when cooperating with companies. The representatives from the industries in two in my of cases (shipping and aquaculture) emphasised the professional aspect of WWF as positive, and seemed to respect and listen to their advice because of that.

My empirical materials specify that WWF resemble more an expert organizations than a voluntary organization. A problematic aspect of this is that WWF can lose their mobilization potential by becoming too professional, and thereby lose some of their legitimacy.

Mobilization potential in society is perceived as the main power potential of social movements, but as NGOs are more complicated, specialized and fragmented, their trustworthy knowledge seem determine their actions to a higher degree than their chance of mobilizing. However, WWF has established a well organized program where volunteers can participate in cleaning oil spills. But even if the programme functions well and the mobilization of the volunteers can be important when disasters strike, the volunteers in that programme seem to be perceived more as a practical resource (working force) and not as valuable inspirational sources of the organization.

Another problematic aspect of the professionalization is that it might decrease their legitimacy in society, especially if the NGOs start getting perceived as a part of the centralized elite.

Many studies claim that the power of NGO is drawn from legitimacy and sovereignty in society (e.g. Princen & Finger 1994). However, since NGOs aims generally not are to earn money, but to improve environmental conditions, they might contain a moral advantage over state and industry. It was exactly the legitimacy and symbolic value of the Panda logo that made companies interested in establishing partnerships with WWF. A problem for WWF is that the NGOs legitimacy in society can decrease along with their involvement with companies, because they then can become associated with classical environmental bad guys that not really care about humans or environment but only raising capital, as reflected in many critical assumptions on CSR.

When it comes to authoritative capacity, WWF evidently has less authority over companies than the government, maybe especially in Norway where the state is strong and expected to regulate. But in the partnership cases, the agreements include that WWF should have a say on the efforts of the company. However, WWFs consensus approach might limit the organisations authority and autonomy to take clear stands and demand strict standards. When engaging in dialogue with companies, the NGO probably has to adjust the language towards fitting more with “ecological modernization”, and cannot demand that the company should implement regulations that heavily affect their production or capital income. E.g. WWF seemed to be less hostile and more and consensus oriented towards shipping companies than Greenpeace.

Lastly, it seems that a significant capacity for WWF is that the organization can make use of its strategic position. Compared to central actors WWF cooperates with like large companies and the Ministry of Environment, WWF obviously enclose less human and financial resources. But the concept of capacity it is not only covering financial and human capacities. It also counts that WWF is one of the largest and most well known international environmental organizations, which provides a special transnational capacity. As described in the case of WWL, the transnational aspect of WWF was central to the establishment of the partnership. Thereby, WWF's internationality can grant the organization a strategic position in the situation of a globalised industry. When the national WWF organization in one country establishes a project or a partnership, it can spread and involve the national WWF organizations in other countries. Connected to the "green trend" and the competition of being the most environmental friendly industry, environmental NGOs entail a strategic position because they can then, with their knowledge and legitimacy base, advise and help companies or corporations to improve themselves on the environmental field.

RFs Regulatory capacities:

Also the employees at RF emphasized their expert knowledge as an essential capacity that guides their efforts. But contrary to WWF, the knowledge that RF contain is based on social science, especially anthropology. This fact might explain why RF seem to be more concerned about political processes and human rights than simply achieving environmental gains, and conceive the task of protecting the environment as a moral obligation for the sake of humans and indigenous people. Connected to that implication, the information RF obtains is not only based on educational professional knowledge, but is obtained by investigating and monitoring various industries and the legislations connected to them, and through connections and dialogue with their partner organizations of indigenous people in rainforest countries. This mixture of expertise gives the organization the advantage not only enclosing knowledge on the subject, but also an insight into global political processes and an overview on other actors that are or could be involved in rainforest protection matters. With this knowledge capacity, RF can receive some authority as experts on the field and in addition can make use of their insights to bring cases on the agenda and pressure significant actors.

However, and in the same vein as with WWF, the professionalization could generate a legitimacy problem. Similarly to many newer NGOs, RF does not have a large base of active volunteer members participating in the decision-making of the organization. The organization can thereby be blamed for being too bureaucratic and even undemocratic, and such critiques

can influence their legitimacy in society. Still, RF might encompass more mobilization capacity than WWF, since RF directs more attention to societal forces by actively approaching and mobilizing individual consumers. Moreover, the issue of protecting the rainforest is well known and many people seem to agree on the normative argument that we should take care of the rainforests. In the same vein as most NGOs; RF receive legitimacy because the organization is essentially aiming at improving environmental and human conditions, and not at achieving power or earning money for themselves. Additionally, the legitimacy the organization has in society might also be enhanced by RFs ties to indigenous agricultural communities (because the organization thereby not can be blamed to take “a white mans stand” on issues connected to “3.world countries”).

Since RF has only the protection of the rainforest as main aim, this specialization provide the organization authority on the field. The informants (who not represented RF) relied on the information RF presented to them, and it appears that many actors eventually agree on RFs normative claims. However, as will be discussed more in detail later, the organizations authority is dependent on getting attention in media and by other actors.

Like most NGOs, RF also has less financial recourses than industrial actors. But RF might have an advantage by covering a limited interest field and therefore can go deeper into that environmental area. Because RF is the single organization in Norway that is focused only at saving the rainforest, their arguments and information are often valued. Additionally, RF is also covering a global field with partner organizations in many countries, which enables the organization to get an overview on what is happening globally. Further, RF can enhance the strategic position by actively building networks and include various actors into their agenda. In these networks, like in the timber campaign, it is RF who takes the initiatives and organizes or activates the other actors.

NGOs capacities and regulatory processes

Summing up, it seems that the two NGOs contain similarly main capacities. They both contain regulative capacities in the mixture of their knowledge base, their legitimacy and their strategic positions.

In line with the translation theory of power, it must be kept in mind that actors might be enrolled in the regulatory process at different stages; in the information gathering process, in the information dispersal and verification, in the function of imposing sanctions and in performing the regulatory functions (Black 2003).

As I perceive it, the most potential stage for the NGOs are in the information gathering processes, since their knowledge base and the legitimacy of their knowledge seem to be one of their main regulatory capacities. My empirical investigation indicate that the NGOs suggestions are often taken into account by both governments (like when participating in committees) and by companies and industries that want to improve their environmental reputation. But in many cases, the standpoints of NGOs might also be excluded from regulatory processes. Their capacity to enrol other actors into accepting their aims is obviously dependent on that the other central actors conceive the NGOs knowledge as relevant.

As Braithwaite & Drahos (2000) emphasised, NGOs can have a special potential by creating models (to set standards that other follows), and by acting as model mongers. The modelling part can describe some of the actions of both my cases, as the NGOs made use of their knowledge to suggest new ideas and other regulative standards that others in some case followed. Apparently, WWF made use of complicated knowledge to promote alternative standards to industries, the government and interest organizations. In some of the cases, their standards got implemented like in the case of the escaped fish committee that eventually was established by the government. On the other hand, the standard WWF suggested for the oil industry on petroleum free zones did not seem to receive much accept. Similarly, RF also promoted stricter standards based on the knowledge the organization contain. Especially, RF struggled to make state, society and industries accept the perspective that “no one should make use of rainforest material”, and promoted suggestions on alternative materials. In the same vein as with WWF, some of the standards or models got more or less implemented by a number of actors. Interesting here is that it was harder and took more effort for the NGOs to make the state implement the standards than convincing many of the private actors.

Additionally, both NGOs seem to have taken advantage of a competitive situation in industry. RF attempted to increase the competition of being the best company through their consumer guide releases, and WWF by encouraging good companies to advance their competitive advantages. The capacities of knowledge connected with a strategic position are significant here, and their efforts can resemble the model mongering techniques. In competitive and uncertain situations, the NGOs can promote their models to various actors, and especially if the competition of being the best company is in play; the chance for that NGOs models get implemented by some of the actors is enhanced. This seems to resemble what happened when the situation in Burma escalated, and RF promoted that companies should use alternative materials instead of supporting the oppressive regime by buying material from it. However, it

is uncertain that all the companies will participate in the competition, and that the standards or models that one company implement will influence the whole industrial area.

It seems thereby that the NGOs attempt to take part in both the information gathering and in the information verification stages of the regulatory process, but the chances for succeeding in these attempts varies a lot.

Lastly, the NGOs sometimes appear to have the capacity to regulate and sanction industries more directly, in other words, they attempt to take part in the “imposing sanctions and performing regulatory functions” part of the regulatory process. In the “naming and shaming” campaign of RF the organisation attempted to sanction the companies that were the worst by worsening their reputation among consumers. WWF with their partnerships attempt to perform regulatory functions when checking that the companies they cooperate with follow up the standards they agreed on. With these strategies the NGOs might enrol different actors into their agenda and thereby increase their chances for performing regulatory functions, and these strategies will now be discussed more comprehensively.

7.1.2 Strategies for directly regulating industry

Much of my empirical investigations point at how the NGOs have attempted to regulate or/and sanction the industries more directly, and pressured them to improve the companies’ self-regulation. In order to impose regulation at companies they have tried to enrol their standards into industry, by making use of different strategies. The strategies they have chosen will here be compared to the model outlined in the theoretical chapter. The discussion will take up if they really have changed or indirectly regulated attitudes of private industry towards more environmental friendly practices, and what conditions and limitations their choices of strategy has given. In other words, do the NGOs manage to create learning by enrolling their agendas and discourses into networks? In attempting to answer this question, the limitations and possibilities that the strategies contain will become apparent.

As conceptualized in chapter 4 the two main approaches towards companies is either keeping them at a distance or cooperating with them. Applying this model to my empirical investigation, RF can be perceived as representing the Watchdog approach; pressuring companies from outside, and WWF the partnership approach; changing the companies from within.

Compared and summarized, it seems the different approaches encompass diverse limitations and possibilities. However, the empiric material illustrate that the NGOs can apply a mixture

of strategies, depending on the business area they approach. This will be taken into account afterwards.

The model compared with my empirical findings, highlighting limitations and possibilities can be summarized as following:

<u>Watchdog (from without)</u>	<u>Partnership (from within)</u>
Punishing worst practice	Rewarding best practice
+ Involving more actors, information flow to society	+ Effective concrete results
+ Innovative political tactics	+ Environmental gains
+ Forcing attitude changes and transparency	+ Changing attitudes within
- Does not reach un-known companies	- Compromising –lowering demands
- Depended on external factors/interest	- “Green-washing”

This model opens for a closer look at the opportunities, limitations and challenges of enrolling the agenda the two strategies can give:

The partnership approach: Best practice

WWF seem to be preoccupied with attempting to enrol their agenda into business and industry, and the main strategy they have chosen is partnerships and dual relationships with industrial actors.

My primer informant emphasised that it was better and more effectual to establish positive relations with industrial actors and through positive dialogue learn from each other, than being enemies. For WWF, the aim with partnerships is not only to earn money but also push the companies towards implementing more environmental friendly attitudes and technology. By focusing on improving or developing more efficient and environmental friendly technology, the partnership is much in line with the “ecological modernisation” ideology. As the partnership with WWL and the dialogue with the aquaculture industry indicate, there have been some technological innovations, but it is unsure how much WWF really contributed here. It seems that the partnerships main function is that WWF receive funding for researching on environmental situations in the oceans (so that they also can give the companies advice on what matters are most urgent), and that WWL receive moral/symbolical support.

As mentioned in the theory chapter, some theorists (especially economists like Elkington) embraced partnership strategies and connected it to deliberation and the positive effects of the two-sided dialogue. However, it is unclear how much effect such dialogues can have, as it

cannot be measured. With this partnership case, it is uncertain if WWF really has enrolled the environmental concern into the company's actions, especially since WWLs informant confirmed that the company's environmental engagement started before the partnership. Still, the same informant assured that WWF had assisted the company by defining what environmental concerns that were the most urgent. In addition, the identity issue of being an industrial forerunner on the environmental front is clearly important to the company, and receiving moral support from an environmental NGO can have enforced this identity. The mechanism of "best practices"; rewarding those industries that are taking the environmental issues most seriously, and thereby enhancing the best companies' competitive advantages, comes into play here. A problem here might be that the good practice of WWL not will spread and change the attitudes in the whole industry, because the company might not want other industries to catch up with them and thereby loosing their competitive advantage.

The problem that companies might only implement standards symbolically at the outside and not internal is likened to the prevailing danger that partnership might contribute to green-washing. This seems to be a topic that WWF has attempted to deal with by establishing internal rules and guidelines for partnership building. Nevertheless, almost all industrial companies are somehow causing environmental effects, and how much regulative changes they really implement and how much of it only is a symbolically implementation varies strongly. Moreover, cooperating with industry and focusing too much on complicated but efficient practical results can give the outcome that the path of "ecological modernization" is chosen on behalf of conservation. The danger of co-optation due to the partnerships, on the other hand, might not be too high since the partners actually not had much contact with each other.

A problematic issue that has been indicated here is if the partnerships really create social learning. In the cases of WWF, the social learning might have been taking place mostly amongst industrial actors. In addition to engaging in partnerships with companies, WWF also collaborates with the industries' own interest-organizations (like FHL and NSA), which in some cases can be quite powerful. Individuals, consumers and other "weaker actors" are also addressed by WWF, but mainly not viewed as partners but more as practical work force that tasks can be handed to. The partnership strategy can thereby also be conceived as another step away from the NGOs origin in civil society and more as a professional agency (WWF can however from the beginning can be conceived as an elitist organization), and the social learning might be taking place in amongst industrial actors. The companies can learn from each other and make use of each others innovations. Moreover, in the forums (like in the

salmon-dialogues) where various actors are connected they can together with WWF come up with standards that they all agree upon. By these means, WWF intervene in significant international webs of influence and in dialogic webs with industry, because with the partnership strategy WWF engage in cooperation with mostly powerful and professional actors like big companies, resourceful interest or labour organizations, ministries and research institutions. When WWF engage in dialogue with these actors, they will probably have to compromise a lot. Compared to the modelling issue of Braithwaite & Drahos (2000), it seems that the standards that WWF are pushing often are developed in cooperation with industry. Therefore, it is a limitation for the partnership strategy that the standards in some cases might not be strict enough to really make differences.

My empirical material designate that it was easier to establish partnerships with some industrial areas than others. The shipping industry and companies were easier to approach and more willing to cooperate with WWF than oil companies. Obviously, this was not simply due to WWFs internal rules and norms which reject the possibility of cooperate with the oil business. Larger contexts can also influence this. Norwegian legislation and government regulations are more significant to the oil business and provide a firm framework for action and possibilities, which at the same time might give the oil companies less responsibility for own actions (they just follow the rules). The shipping company WWL on the other hand, expressed that Norwegian legislation and government not was significant for the company, since its business and activity is carried out at an international level. Because international legislation on shipping and pollution is not too developed yet and are mainly voluntary, WWL attempt to be in the forefront internationally and therefore engaged in a partnership with WWF to improve their reputation. Moreover, the informants from both the shipping company and the industry interest's organization NSA expressed that they acknowledged the arguments of WWF, and that they assumed they could learn from each other.

The fish-farming industry might be a medium case. Similarly to the oil industry, their industry is quite dependent on Norwegian legislation and regulation. Actors in this industry have however been more willingly to engage in dialogue and listen to the advices of WWF than actors from the oil industry.

The reasons why some industries have taken WWFs demands into account seem to be both that the organization hold a practical solution-oriented approach, and that they seem to "talk the same language" by focusing on technological innovation and projects that not disturb the production of the company too much. WWFs capacity to enrol their agenda by taking a

partnership and dialogue is therefore much dependent on that WWF manage to translate environmental friendly solutions as economical efficient, and in addition there has to be competition in industry making companies perceive WWFs knowledge as relevant.

The watchdog approach: Worst practice

The watchdog approach is obviously more sceptical towards cooperating with industry and companies. Contrary to WWF, RF is focusing on penalizing “the worst practises”, and forcing the companies to take the issue seriously and spreading some kind of fear into the business area.

Two central conditions for the monitoring and the naming and shaming process are that there exists transparency in industry and that national legislations enable RF to access information. If the access to information is not sufficient, RF employees endeavour to increase the transparency. A limitation of that strategy is that it can take a long time and a lot of labour to pressure companies, and that they might eventually ignore all of RFs efforts. In some of the examples however, it seems that this strategy has functioned quite well and the naming and shaming campaigns have had some effects. The example of the boat companies Viksund and Windy boats are illustrating, since they first denied that the use rainforest material was of any concern for their business, but later changed attitude after much pressure. Here it seems that RF managed to enrol their agenda, because the boat companies finally agreed and made RFs agenda a part of the companies “new environmental friendly policy”. Of course, other factors influenced this change additionally, but the effort of RF probably was one vital factor.

Important to add here is that when the situation in Burma escalated, RFs argument that “no Norwegian company should support the dictatorship by buying rainforest material from there” was emphasised and acknowledged in media and society. Thereby, the success of their efforts can to a large degree be dependent on what the popular issues in public media are and on receiving publicity. When the press coverage on Burma escalated, the journalists turned to RF for receiving information and suggestions on alternatives.

Since the main approach of RF is not to engage in dual dialogues, but to pressure the worst companies from outside, their strategy has to include innovative political tactics for making their arguments heard. Central parts of their strategy are therefore to contact and engage a wide range of actors and agents from different sectors, and to build networks in order to create pressure on private business. The Timber campaign was such a case where diverse actors were enrolled; and included consumers, the consumer’s rights council and architects.

Consequently, an informal network encompassing both public and private actors was created, and the issue of protecting the rainforests might have been enrolled into a wider range of actors. When a many people seemingly agree on RFs statements, the pressure on companies for self-regulation increases. Moreover, the “naming and shaming” campaign enables RF to enrol their agenda into a wider level of society by including and approaching additionally actors than merely the companies themselves. A positive aspect of including many actors is that it reduces development costs and maximises reform opportunities by transmitting many models through political networks.

Still, it must be added that my informants noted that some kinds of dialogue, like contacting and warning the bad companies, always is carried out before naming and shaming.

Cooperation with especially environmental friendly companies is also established. Moreover, and in addition to pressuring from the companies from outside, RF always include suggestions of alternative models in their confrontation with companies. As can be observed in the brochures developed in cooperation with other agents, suggestions on how to avoid rainforest material by making use of other materials are central. By producing these brochures together with architects, companies and other actors, RF might also have enrolled private actors into their agenda and made them carry out labour for them. However, the main gain of taking a watchdog position is that it enables the organization to pressure stricter standards on private industry.

In the construction and furniture industries, the consumer guides seemed to have impact on some companies. The case of Bygghuset, the company appeared to change after RFs pressure, and started promoting its new environmental friendly attitude. Even if the companies reasons for promoting environmental friendly attitudes probably are financial (to increase their competitive advantage), the company still is carrying out efforts that comply with RFs agenda.

However, other companies did not change at all even after being the worst companies in the investigations and consumer guides for many years. These companies seem often to be the smallest and most unknown ones. Opposite the partnership strategy, the watchdog strategy is targeting the worst companies, and these might also be the most affected if shamed in media. But companies that not are well known among consumers, might not have a large reputation to protect, and can therefore ignore the threats of shaming.

The limiting aspects of the watchdog strategy are that the processes can take much time and depend on external factors like interests in media or current global situations. Moreover, there

might be some different internal culture in the different business areas limiting RFs efforts. While the boat industry contains a more limited range of customers and workers, the furniture industry includes a wider range of customers, and in addition professions like architects and interior designers. Additionally, since the profession that RFs employees are based and the knowledge they contain on might seem irrelevant for the employees at the companies. However, and contrary to WWF, RF might be less dependent on the willingness of the industry itself, and can therefore develop stricter standards without compromising.

Discussion on the model:

Seen together, a main practical difference between the two strategies is that they affect different industrial actors. RFs watchdog approach enables the NGO to punish and pressure the worst and largest companies in each industry, but they might not reach the un-known ones. With WWFs approach, the worst companies are not easy to change, but companies that in the first hand agree on changing towards more environmental friendly are easier to cooperate with. The partnership strategy can therefore be blamed for not dealing with the industries that are damaging the environment the most. On the other hand, the watchdog approach is dependent on consumer and media interest, and small invisible companies can therefore avoid being affected. WWF is also more dependent on an already competitive situation, while RF to a larger degree attempts to increase the competitive situation.

Moreover, a difference is that since RF has to compromise to a lesser degree than WWF, and the standards RF promote can be stricter. In the case of FSC certification this is obvious, because while WWF seem recognize the standards as good enough, RF is criticising the standards for being too weak.

Connected to the current CSR trend”, it seems that the ideology of “ecological modernization” is central and has gained popularity not only among industries but also NGOs. A problematic feature here is thereby that this trend might give the impression in industry and society that everything can be solved by advancing technology. Especially WWF are taking up this trend, focusing on technological innovations and taking a problem-solving approach, making it easier for them to discuss with companies. The companies might thereby choose to focus on new technology instead of regulating the most damaging areas of the industry. RFs agenda on the other hand does not include any technological environmental innovations, but focus more on political and legislative solutions.

Clearly, both strategies contain limitations and possibilities, and choosing one depends on what matters are conceived as the most crucial.

The strengths of both the strategies are that they both can result in the spreading or enrolling of the NGOs agendas into networks. Comparing the strategies the two NGOs have chosen, it appears that they are influenced by dissimilar professions containing ideas about what actors are important or morally correct to cooperate with. While WWF focus on partnerships with companies with the aim of achieving concrete environmental gains, RF take a watchdog role because they have aim includes engaging society in order to create political changes. Taking this to an edge, it can be claimed that the strategies can mainly give two different environmental gains: the partnership strategy achieving practical environmental gains by helping develop environmental friendly technology, the and watchdog political environmental gains by engaging and enrolling different sides of society and pushing environmental norms on both producers and consumers. Thereby, the cases might also confirm that environmental problems have to be solved both political and technical, and that it is important to include perspectives from groups containing different professions. Both the partnership and the watchdog strategy also contain limitations. The partnership strategy contains the danger of green-washing and the difficulties of doing anything about the worst companies. The watchdog strategy depends on much hard labour and the interest of society and consumer.

However, even if the model that I have presented (which is a mixture between theoretical and empirical statements) appears to be fitting, such a generalized model naturally misses some significant points. A noteworthy feature of NGOs is that they due to limited material resources are flexible and they can apply a range of strategies on diverse areas. This is reflected in my empirical research, and illustrates that the two cases empirically cannot be firmly put into one of the main categories. The partnership strategy is not always considered by WWF (especially in the case of the oil industry and even if other environmental NGOs do). Instead, lobbying, engaging volunteers and approaching media are vital strategies applied to influence oil business. And RF did engage in partnerships and cooperation with some companies which had sustainable matters as main aim (like recycling). The differences between industries that somehow affect environmental destruction are huge, and therefore various strategies have to be adapted to various situations.

The duality of either close cooperation or confrontation can further be loosened because strategies can move from one to another. Apparent in the well-known example of “Brent Spar”, Greenpeace went from confrontation to partnership with Shell. A similarly situation seems to have taken place in the case where WWF first were confronting the aquaculture

company Marine Harvest, and thereafter (after some years with dialogue), engaged in a partnership.

Furthermore, the strategies might be categorised otherwise. Especially certification systems like FSC and MSC are not easy to place into one of the main strategies, and many theoretical approaches have lately attempted to describe the certification trend with various conceptions and measures. They are not dual partnerships between two actors, but are still a kind of cooperation between producers, NGOs and other actors. Thereby, the systems often develop through discussions where various actors compromise on standards. There has been much appraisements and critique on such certification systems. RF takes a sceptical stand, and argues that certification system easily can be misused, and must be closely monitored. The critique of RF further include that because the certification processes rely on voluntarism and governmental institutions not are involved, the monitoring is not followed up in a perfect manner. WWF on the other hand, clearly perceive certification systems as problem-solving possibilities, and is both supportive and involved in the creation of various certification systems. However, the certification solutions seem to be growing and expanding to different areas, and it can be hard to monitor them and know which ones that are the most serious.

Creating social learning?

Lastly, it can also be added that the partnership-watchdog model does not really capture what many of the theories (especially Princen & Finger 1994, Braithwaite & Drahos 2000, Bendell 2000) note as the most noteworthy contributions by environmental NGOs: their ability to create innovative solutions and models and thereby social learning. Because the model mostly is concerned with describing the rationality of the relation between NGOs and companies, the innovative outcomes of the relation might come in the background of that discussion.

Creating social learning can as described in the theoretical chapter be a vital achievement of NGOs in order to establish environmental solutions. Moreover, that can be connected to the information dispersal and verification stage of regulatory processes. How the NGOs strategies connect different actors and create networks that enable the actors to learn from each other is therefore central to investigate. Here, the two NGOs seem to focus on different actors: while RF generally try to include many different and also weaker actors (like consumers, individuals, architects, journalists, consumer organizations) against “the enemies” which are the bad companies, WWF strive more to make friends with the “strongest actors” (like large companies, significant labour organizations and governmental Ministries) and influence them.

In that way, the NGOs might enrol their agenda into different areas, RF more into consumers, architects and companies, WWF more into industrial actors and companies. By enrolling these actors into their agendas, the NGOs might have encouraged learning on environmental matters to a broadened field of society. However, with the enrolment power concept I cannot really say where the power emerges from and who is influencing who. Also the NGOs probably get influenced by the other actors in the network, and might end up carrying out their agendas. In the cases where NGOs take part in governmental committees, it can be argued that they carry out labour for the government. Moreover, and as mentioned earlier, when compromising too much with other actors they might loosen their strict regulative models or standards. However, with a deliberative assumption that social learning happen when various actors are included in networks, it can be argued that both strategies can contribute to some increased learning on environmental issues. A more wide spread understanding of environmental issues might further make it easier to shape and implement regulations that more actors agree upon. The information dispersal is as mentioned earlier also a central issue in regulative processes.

In this thesis it has been important for me not to confirm a certain model and promote one of the strategies as the best. Many economists have promoted the solution-based partnership approach, while others have been quite sceptical against it. My comment on this is that it probably is positive that not all NGOs use that same means. It is important that civil society is varied and that it is open to creativity, because in order to create innovation or social learning, a multitude of ideas have to exist.

Both strategies can create environmental gains and regulatory changes. In order to achieve environmental gains, the two strategies might even fulfil each other, one helping industries to improve their self-regulation, the other pressuring the worst companies to completely change their policy and accept or implement new regulatory standards. In promoting stricter self-regulation, the two strategies also can complete each other, one being carrot (partnership) the other whip (watchdog).

This section has discussed how NGOs can make use of different strategies for interfering in the regulation of industry, especially pushing companies towards self-regulation, and taken up and what possibilities and limitations these strategies can give. In this presentation, it is apparent that the conditions for carrying out the strategies also to a great extent dependent on

political contexts. I will therefore more comprehensively take up the discussion on how various political contexts generate conditions or limitations for the NGOs to interfere.

7.2. Contextual conditions for Ngo involvement:

Much of the discussion on NGOs strategies and power has indicated that their possibilities for intervening in the regulation are not only dependent on what strategies they chose, but also on how their approach is accepted taken into account by the other central actors. Particularly the government, international actors and the industries themselves are essential. Moreover, what political contexts that surround the regulation of industry influences what actors that can participate in standard setting- and implementing processes. After revising my theoretical and empirical material, it seems to me that the NGOs are operating inside and between three general political contexts: The Norwegian state, the global arena and the political markets. These contexts generate conditions and restrictions for the NGOs to intervene in industrial regulation.

7.2.1. Political markets and why some industry areas are harder to influence

As the chapters on CSR and regulation indicated, business actors have become exceedingly important in regulating industry, and they are important targets for environmental NGOs. My cases have indicated that the “green trend” in business has made it easier for the NGOs to regulate and sanction the companies more directly. However, my cases illustrate that how much responsibility the companies are willing to take and how they interpret CSR varies massively. If the companies do not perceive CSR as relevant, it might also be more difficult for NGOs to reach them. Reactions from different industries to demands of the NGOs campaigns have already been pointed out in the strategy discussion, and some industries are clearly more difficult to reach for the NGOs than others.

The industrial areas that the two NGOs are approaching are quite different. WWF are approaching much larger and resourceful industries, which also are strongly connected to the Norwegian government. These industries also have their own interest organizations, and a ministry to relate to (especially the Ministry of Petroleum and Energy, and the Ministry of Fisheries and Coastal affairs). However, WWF had quite different effects on the three different industry areas approached. The Aquaculture industry was resilient in the beginning,

but changed after much pressure and after many discussions with WWF and other actors in diverse forums.

Not surprisingly, the oil industry, was the most difficult to influence. The oil industry has as pointed out on the Norwegian context chapter been a main problematic area for environmental politics, because it is very harmful to environment and at the same time a major income source for Norway. Since the industry is bringing income and development to the country, its importance to state and society is high, and this might decrease the pressure for self-regulation. Still, it is interesting how many oil companies spend many resources on promoting that they take corporate responsibility, and even produce annual reports on their environmental advancements. As my informant stated, the oil companies listened to the NGOs suggestions. But eventually, they did not really take WWFs demands into account and the efforts WWF had put into that case did not give much results. Instead, the oil companies produced their own policy which probably is less regulative and more symbolically. The company thereby chose to develop its own interpretation of CSR and environmental protection. When it comes to “best practices” it is hard to imagine that some oil companies really can become “environmental friendly” (even if Statoil/Hydro tries to promote them selves as more environmental friendly than other companies, because of technology). Imagining a certification possibility for this industry is also hard.

In the case of RFs timber campaign, some of the boat companies changed their minds on material usage after much pressure, even if they first did not consider that other alternatives were possible. In this way, the standard they implemented was not a technological advancement, but a new alternative. The industries that RF target are in addition to being much smaller than the ones WWF approach, more directly dependent on individual consumers. For the large companies, the threats of boycott campaigns and public sanctioning connected to the “naming and shaming” strategy can be alarming. Reacting to RFs demands, taking environmental responsibility and shaping a CSR policy can thereby be a strategic option for many companies. However, many of the companies RF targeted chose not react to that threats. This might be because the pressure among consumers and in the media not appears to be high. Moreover, if there is not much competition of being the most responsible company, there seems to be small chances for making companies change voluntarily. Obviously, many of the companies do not recognize that regulating their own industry for the sake of the environment is any of their business. Additionally, companies might consider that

it is the government's responsibility to regulate, and they therefore await the regulation to appear from above.

Clearly, the industries encompass various interpretations of CSR and what their own responsibility should be, and this affects their interests for taking the NGOs suggestions into account. However, companies' interpretations of CSR and what environmental responsibility they should take themselves can change after pressure, like the case of the boat industry demonstrated.

7.2.2. The Norwegian state:

Many theorists have pointed out that the role of the government has become exceedingly vague, and that the command and control regulation has lost much of its confidence (Demirag 2005, Rhodes 1997 etc.). As described in chapter 3, new forms of regulating and governance develop in response to government failures and the hierarchy ineffectiveness. Nevertheless, as pointed out in chapter 5, the Norwegian state can be perceived as more active and inclusive than other states (Dryzek 2003). Since the government is more visible, goes more into many aspects of society and "takes care of everything", an assumption could be that these theories on new governance and regulation forms would be less fitting in the Norwegian political context. Additionally, both the informants from the NGOs and many of the other informants expressed that they would favour more command and control regulation by the government. The political culture in Norway can be said to have a strong belief in state regulations, giving them a high degree of legitimacy. Therefore, many answer to the normative question on who really should have responsibility protecting the environment; would be the state.

Traditionally, dissatisfaction with governmental actions can be a driving force for civil society action, and NGOs (like the two NGOs I have investigated) usually put main efforts at pressuring governmental legislative changes. However, and perhaps in Norway more than other countries, the government has to a higher degree been viewed as a collaborator more than an enemy. The NGOs in my cases are closely connected to the state, not only since they generate their main funding from there, but also because they are cooperating with Ministries and governmental institutions. Moreover, both the NGOs work closely together with the Ministry of Environment and participate in governmental established committees. Thereby, the state facilitates much of the NGOs efforts. In the case of the Timber campaign, RF relies on public legislation and institutions like the complaints board, the information rights and the

consumer organization. These public institutions enable RF to carry out their investigations, and increases RFs legitimacy when confronting companies.

Similarly, WWFs participation in the escaped-fish committee enabled WWF to take part in the standard setting and controlling processes of aquaculture enterprises.

It is thereby not odd that the informants from the NGOs expressed that improving legislation would be the best solutions to regulate business, and stressed influencing politicians and bureaucrats through cooperation and negotiation as their most essential task. Both NGOs carried out projects attempting to influence and lobby at the government in order to pressure the establishment of stricter and more legislations.

Paradoxically, at the same time as they favoured command and control regulation by the state, they expressed negative experiences with their campaigns targeting stricter legislations. They stressed that the government should be more active, both in the regulative processes and in cooperating with the NGOs. It was also mentioned that the important environmental task of monitoring and controlling the Norwegian companies should be an assignment preformed by the government and not the NGOs.

However, the dissatisfaction might not simply give growth to protest but also to searching for other solutions. My investigation illustrates that NGOs attempt to regulate and sanction industry more directly, not only indirectly by approaching governmental legislation. In so doing, it can even be argued that the NGOs and the state seem to switch positions and tasks. While the state is directing focus towards changing attitudes in the society (“symbolic policy”) the NGOs are directing more focus at the business regulation.

Lastly, as the case with the oil business illustrate, the government can also exclude NGOs from regulatory processes. My informant from WWF statements pointed towards that the oil companies are difficult to influence and regulate because they mostly rely on governmental official legislation to justify their business, and further because the oil business has strong connections with the Ministry of Petroleum and Energy. The democratic problem of an active bureaucracy is obvious in this case, whereby alliances between powerful bureaucrats and industrial interests can overrun governmental politicians and civil society. One explanation for this can be connected to the segmented form of the Norwegian government, which opens for alliances between ministries and industries, and on the other hand organizes the environmental NGOs into one segment together with the Ministry of the Environment. If the NGOs only cooperate with this ministry, their influence on governmental regulative processes

are limited. My empirical materials indicate that the NGOs mainly relate to that Ministry, but that other ministries and politicians also are contacted.

Moreover, it can be assumed that the government can distract the NGOs by inviting them to participate in committees that not really take up the most important environmental issues.

Thereby, the context of a strong and active state can heavily influence what regulative processes the Norwegian NGOs can participate in.

7.2.3. The global context:

Even if the State provides some central conditions, the cases I have described are also taking part in a global context, which further contributes with significant conditions for the NGOs.

As described in the theoretical chapter (especially by Braithwaite & Drahos 2000), environmental politics and regulation are often undertaken at a global level, and no single player brings out globally regulatory change alone. Since international politics lacks a firm global legislation and often is described as anarchistic, there might be various opportunities for different actors to involve themselves. In both cases, a significant goal for the NGOs is to ratchet up global regulatory standards. Both NGOs are concerned about global aspects, because they realize that environmental problems cannot be solved nationally. Even if their campaigns often have a national focus, the aims are global, and they therefore are part of or build global webs of dialogue. The popular slogan “think globally, act locally” seem to have inspired both the NGOs. E.g. the timber campaign is practically directed at Norwegian industry and consumers, but overall main aim is to raise the standards of significant global economical and political actors that intervene in the cutting of the rainforest.

Moreover, and as has come forwards in some of my cases, international legislative regulations can often be more significant to the NGOs than national, and the NGOs also make large efforts to intervene in global regulative processes more directly. WWF concentrated on contacting and working with global actors in the fields of shipping and aquaculture industry, because international legislation and regulation might be more important for those industries. WWF expressed that a central aim is to establish global partnerships with companies that operate on a global scale, because the effects then are larger. The fact that representatives from WWF Norway participated in the discussions along with governmental officials and powerful companies in IMO, demonstrate that the organization is taking part of important global webs of dialogue.

RFs main efforts are also on the global field, and they take part in international regulation especially by taking a critical stand on the UN reports on forestry, confronting the World Bank or monitoring various industries.

The arguments presented by especially Vogel & Kagan (2004) and Braithwaite & Drahos (2000), pointed out that globalization of regulation could actually lead to better environmental standards and include wider arrays of actors. These arguments are contrary to many environmentalists' claims that are sceptical towards globalization and often pledge for stronger governmental command and control like in my cases.

Comparing this to my case studies, it is striking that the oil industry, which is strongest most connected to the Norwegian state and legislation, was the most difficult to change and influence.

Comparing contextual features

The CRS trend in industry makes many industries more open to listen to suggestions from the NGOs, and globalization might increase the competition of being the best company. These contextual tendencies might increase NGOs possibilities of intervening in regulation, especially self-regulation of industry and in global business regulation. However, the Norwegian political context with a strong and active state might decrease some of the importance of CSR and self-regulation, because national command and control regulation still is thought to be most essential. On the other hand, the Norwegian government also generate possibilities for the NGOs by inviting them to participate in committees, but this might also connect them too much to the government and decrease their autonomy of being critical to state efforts, and the government can influence when the NGOs can interact.

An essential and general contextual condition for NGOs intervention is transparency in the industry and in the regulative processes at governmental level. This seems to me to be the most important issue that unites the two cases. For both the NGOs, the access to information and the public rights to claim information from the industries were significant.

Multiple regulation mechanisms in a Norwegian context?

Even though the government not has been a main focus in this thesis, it is impossible to avoid this significant actor, and to take up the discussion if the new regulatory theories really are relevant to the government's environmental policy in Norway. A presumption that has been repeated both in the context chapter and in the theoretical chapter is that the government alone

cannot conduct the regulation of industry alone, and that we therefore have to look further than the command and control mechanism of regulating. This is a problematic presumption; both since this has been the classical way of understanding regulation that is the government that carries it out, and since many actors normatively perceive it as the government's responsibility to regulate.

Since my thesis is based on a wider concept of regulation and governance and theories that give room for a more significant role for the NGOs as regulatory actors, these theories also have to be critically discussed. Especially since these theories on different forms of regulation seem to emerge from countries like Australia (like Gunningham, Braithwaite) Canada, the Netherlands, which contain other political organizational context than Norway, it is not certain how these theories fit with the Norwegian context. The countries that the new regulatory theories originate from can compare to Norway be described as more liberalistic, and this political context might not fit with the Norwegian case (Dryzek 2003, Bortne, Selle & Strømsnes 2002). Since the government is penetrating and regulating many aspects of the society, its regulative role might be more significant than in other countries. As Dryzek (2003) pointed out and as my case studies show, the government is also regulating the NGOs, and the connection between them are sometimes so strong that they barely can be termed non-state actors. In establishing committees where the NGOs are allowed to participate, and being the main funder of their activities, the government can strongly influence and regulate what issues the NGOs should take up. In some instances, like when WWF gave up the oil industry and spend much work at the escaped-fish committee, or when the government is funding most of RFs activities, it can be argued that the NGOs might be working for the government and not have autonomy to take stand against the state. Still, according to my empirical investigations it seems that the NGOs have some authority and autonomy and are suggesting stricter standards both to private and public institutions, and that they due to especially due to their specialized knowledge and position can enhance various regulative mechanisms, both command and control and self-regulation.

Moreover, it is not only the national political contexts that are affecting regulative mechanisms, but also the global and aspects of regulation and environmental protection. Much of the industrial regulation is taking place in an international level, and regulative processes here are characterized by multiple processes and mechanisms.

7.3 NGOs and regulative mechanisms

An assumption marking this thesis is that many actors can be included in diverse stages of regulation processes. The two NGOs I have investigated take part in regulative processes by making use of diverse means and relate to various contexts. Since the NGOs contain potential features like international connections, legitimacy, the ability to set the agenda, the ability to relate to different actors, autonomy and capacity to come up with alternatives, they can make use of means and ways of influencing that other actors cannot. NGOs can thereby take significant roles as actors in various regulatory mechanisms and at different stages of regulations. How much they get involved depends both on what strategy they chose and on the contexts where the regulative processes take place. These two factors can produce various conditions and limitations, which have been discussed earlier.

The discussions so far have attempted to answer it by comparing my material with the theories I have chosen. My thesis was meant to be mostly descriptive, but underlying assumptions are closely linked to theory, especially theoretical discussions about changing conditions for regulation and governance. Since I have studied two quite different cases, I have generated a foundation for looking at more general implications of perceiving the NGOs as participants in regulation process. After comparing the strategies and the contexts of the two NGOs, I will therefore now turn to a short theoretical discussion combining the two case studies with theories regulative mechanisms and conflictingly tensions inhabited in those theories.

As Gunningham & Rees (1997) amongst other outlined, a wider understanding of regulation opens for the possibility to view various regulation mechanisms where NGOs can play significant roles: Especially pressuring companies towards self-regulation, monitoring strategies, mechanisms to facilitate public involvement, information based strategies have shown to be vital to both the NGOs. With such an understanding, contributions by NGOs can enhance both stricter governmental regulation and self-regulation of industries, acting as third-party regulators, but also acting as direct regulators:

First, the two NGOs I have investigated seem to act as mediators between state regulation and private industry, especially in some cases where they inform the industry on what environmental legislation they have to follow. Because the control part of the command and control mechanism is difficult for the public officials to follow up, the NGOs here can function as controllers, monitoring that companies follow the rules. Moreover, the NGOs pressured the government to establish stricter regulations (commands), sometimes even in

cooperation with industrial agents that favour regulations that are fair and easy to relate to. WWF engaged in both creating a stricter legislation on escaped salmon from fish-industries, and in creating better control mechanisms. In this case, they can participate in both the shaping of the formal standards and in the controlling of that the regulations are carried out. RF also actively pressure for stricter governmental regulations, and on the other hand made use of official information rights to control the companies. Thereby, the NGOs can have influence in both the standard shaping process and the controlling process of regulation. Secondly, the NGOs in my cases can be seen as more direct regulators, since they promote alternatives models and standards and attempt to pressure industry directly. Moreover, both WWF and RF demanded higher environmental standards and pressured the companies to formalize and implement these standards. However, the cases with the boat industry (RF) and the oil industry (WWF) confirm that in many instances the NGOs did not succeed.

When it comes to variations of regulation types, my cases illustrate that the NGOs are attempting to intervene in as many regulative mechanisms as possible, combining various strategies and approaching various actors. Since NGOs are weak actors compared to states and companies, they would of course make use of any possibilities they get, even if they chose a main strategy. Moreover, their main motives are not to earn money or stay in power, but to create environmental gains (even if NGOs clearly also want to increase power and resources). Clearly, also the command and control regulation can be heavily influenced by various agents, especially in the standard setting and in the controlling process. Thereby, the categorisation of state or self-regulation with their main actors is not so easy to settle with, because the regulation mechanisms sometimes influence each other and various actors can take part in all of the mechanisms. A paradox here is that both the NGOs and some industrial actors argue that they would favour more governmental command and control regulation, and they also seem to conceive the state as having the ultimate power to create changes.

Another presumption that was pointed out in the theoretical chapters is importance of conceiving how private and public regulations depend on each other and interact with each other (Ayers & Braithwaite 1992, Gunningham 1993). Even if I have not studied the public regulation in this thesis, it seems quite clear that even though the Norwegian government has a lot of capacity, the command and control mechanism is not enough. Because the industry develops so fast, and because of globalization, government does not seem to have the capacity

to follow up, they depend more on private forms of regulation. The government thereby also has to recognise the importance of the NGOs assets.

Moreover, and as suggested by e.g. Rosenau & Czempiel (1992) and Burris, Drahos, Shearing (2005), informal lines of authority might empower citizens and involve more actors. When more actors are involved, the chance for create collective learning between public and private actors might be enhances, and networks open up for new possibilities, ideas, and thereby create inter-organizational learning. When industries, consumers, civil society and governmental participants meet, they can exchange experiences and develop new ideas and regulative standards that they can agree upon. In my case studies, it appears that in some instances, the NGOs have pushed forward such deliberative arenas for inter-organizational learning, like in the instance of the “aquaculture dialogues” that WWF has established, which is a meeting place between various actors. Another instance might be how RF has mobilized various actors for achieving stricter legislations and regulations. These efforts of including more actors in decision-making processes might be the most significant contribution that the NGOs make, because if the standards that the NGOs want to promote should have any effect, they have to be approved and enrolled into a wider layer of actors.

A problematic concern linked to the various regulation forms and the actors participating is that since they are indirect, it can be hard to observe how power is created and where it emerges from. Even if the critical democracy issue not has been a major discussion in this thesis because it would be too comprehensive, I will have to make a note on it. The democratic problem, connected to Rhodes (1997) and the critical assumptions on “self organizing inter-organizational networks” is that they create governing without government and central guidance. Both the two cases describe how the NGOs take part of different networks that span the boundary between private and public sectors. Mapping these networks can be difficult, since they often not formally map themselves, but function through more or less informal relations and agreements. My study has however demonstrated that the different strategies chosen, establishes networks in dissimilar ways, but that they include public institutions, private companies, interest organizations and consumers. The case of RF might however include more actors from different layers of society. A problematic feature that Rhodes pointed out on such networks is that they might not have the same accountability and transparency as government, and because they are loosely organized it is unclear where decisions are made. Clearly, it is true that it not is easy to map who participate and how power emerges in these networks, and it has therefore also been difficult for me to measure how

much effect the NGOs have had. On the other hand, both the NGOs were to a great deal working to enhance transparency in both public and private sector, so that their and other weaker actors get the possibility to involve them selves. By increasing the information on public duties and rights to both consumers and producers, the NGOs might have enhanced the insight into legislation. Thereby, in opposition to Rhodes (1997), it could be argued that network governance can empower civil society, since it opens up for participation. As stated in the theoretical chapter, citizens could regain control of government through participation in networks as users and governors.

On the other hand, a problematic feature is that such networks might develop own policies and resist steering, which could further be problematic connected to democratic theory. But this feature might not be too relevant in the Norwegian cases, since the government is involved on most processes and by most actors is respected and perceived as the major regulative actor.

7.4 Conclusions:

The aim for my thesis was making a research on how environmental NGOs can intervene in the regulation of environmental harmful industry. It is now time to conclude on the research question and point out the main general thoughts and arguments I have obtained through carrying out the research in this thesis, and suggest what contribution my thesis can be.

First and foremost, my research has demonstrated that the NGOs can make use of a range of strategies in order to take part in various stages of regulation or self-regulation of industries. Protecting the environment is a very complicated and complex issue, both practical and political. Therefore, there exist a multitude of approaches and actors with various ideologies that focus on different issues and solutions. It seems to me that there are no obvious solutions, both practically in what environmental issue is the most important (even if it in these days is popularly understood that climate change is the one environmental problem we have), and politically in dividing responsibilities and deciding on policies. Moreover, stricter regulations of environmental harmful industry, which is a fundamental task, can also be solved in various ways, like by promoting stricter governmental regulation, self-regulation of the industries and working to establish global regulation.

Solutions both have to consider means and aims, and the two NGOs I have investigated have chosen dissimilar strategies reflecting what they conceive as an essential environmental aims

and proper means. The capacities for the NGOs to intervene in regulation are generally based on their knowledge, their strategic position and their flexible approach which make it possible for them to relate to and cooperate with many actors at different levels. When it comes to pressuring for stricter industry self-regulation, WWF aims at solving practical environmental problems by establishing dual partnership and enrolling their standards into companies directly, while RF seem to focus more on creating political and publically pressure to force the companies to implement RFs standards. Both of these choices can create limitations and possibilities for them to pressure or enrol their standards on industrial actors. The main limitations of both strategies might be that they can only focus on one issue and that they can get too dependent on cooperation with other actors.

However, it is not always right to catalogue NGOs into the categories of partnership or watchdog strategies, because they make use of various strategies and adapt the choice of means to the context they are approaching. As pointed out above, regulation of industry for the protection of the environment is not an easy task with one solution, and one strategy might only solve only one part of the problems. Additionally, the examination of the NGOs has demonstrated that the complexity of environmental protection is reproduced in their approaches and that traditional conceptions of what environmental NGOs are or should be do not always fit with the reality. Being limited by practical resources, the NGOs have to work creatively in order to pressure changes, and approach various actors or set up alternative models. They are not organized as grass-root organizations in the traditional conception, but are more professionalized and function as more or less independent actors in between state, society, industry at both the global and national level. Noticeably, there are moral and practical dilemmas that can appear if connecting too strong bonds too either state or industrial actors, and it is therefore central for the NGOs to strive to keep their autonomy. Similarly to the critique of NGOs developing towards more bureaucratic organizing, being too engaged in earning money for their projects can furthermore formalize the NGO and make them appear as strict organizations or companies, and this is a danger that the NGOs seem to be aware of.

My argument is therefore that it is not necessary to decide on one best strategy for environmental NGOs, but that a pluralistic civil society where actors chose dissimilar strategies is significant in order to create learning at a range of areas and between various other actors. My research indicates that these unlike strategies can cover different areas, and an assumption I have made is that they somehow can fulfil each other, one giving carrot the

other using whip on companies. Moreover, the two NGOs I have investigated have different conceptions on what the environmental problems are and how solutions should be carried out. While one of them are focused on solving practical environmental issues and therefore engages in partnerships, the other one is more occupied with changing political and industrial structures and therefore engage in political pressure campaigns. Both these tasks are important in order to protect the environment.

Consequently, I am also arguing that a more pluralistic understanding of how to carry out environmental protection and of what actors that are or could be involved is necessary in order to understand how various actors can contribute. My research might here have contributed by showing that the two NGOs attempt to take part in various stages of regulatory processes (information gathering, verification and imposing sanctions and performing regulatory functions) and that they take part in various regulative mechanisms.

Concerning the theoretical debate I have taken up in this thesis on “new mechanisms of regulation”, I argue that these theories can help describe my cases by taking various mechanisms and actors into account, but that they can miss some vital contextual features by focusing too much on the practical features of the actors. In my cases, the political contexts where the NGOs operate inside are characterised by many problematical issues which influence their conditions to take part in regulation. Particularly, the Norwegian state inhabits some structures that can make it easier for NGOs to intervene by inviting them to participate in committees, but simultaneously the government can also exclude the NGOs like in the case of the oil-business. Besides, it seems that the government is perceived as the single legitimate regulator by many actors. The NGOs expressed that constitutional (command and control) regulations of industries, both national and international are the most desirable for protecting the environment, and to influence those in public positions is therefore a main aim for the NGOs. Thereby, their alternative strategies aiming at manipulating and increasing industrial self-regulation can be perceived as a second choice. This second choice seems however to become exceedingly significant, because state led regulations and implementations of publically legislation are durable processes. As well, effectual state regulations on all industries that affect the environment (almost all industries have in some way negative environmental effects) appear to be impossible.

On the other hand, the NGOs I have examined are operating within different political contexts; between the Norwegian and the global, and relate to the policy of the markets. These contexts limit the importance of the Norwegian state in some instances (e.g. the shipping industry), and

generate additional possibilities and limitations for the NGOs. The green trend in industry makes it easier for environmental NGOs to perform regulatory functions or sanction companies directly without going through the government or official legislation, but limitations are that the industries might not really implement the agendas of the NGOs, and that the NGOs can lose some of their legitimacy.

Lastly, especially in the global context, other conditions for the NGOs to intervene in global business regulation are appearing. The main problematic aspects of globalization that many have pointed out is that it gets more difficult to get an overview on what is happening and monitoring the actions of various industries. Another aspect is that globalization of industry can create more competition between companies and between states of implementing the best standards. My cases have indicated that NGOs can take advantage of that competition, by helping the best companies to promote and regulate themselves, and by increasing the competition between companies. Moreover, there are many attempts of international cooperation and dialogue for establishing better global regulations, like my cases exemplify by establishing forums, international certification mechanisms, and cooperation between indigenous people and international organizations. These attempts can contribute to raise environmental standards in several countries. Even if many NGOs are sceptical to globalization, it is clear that they still make a large effort on pressuring and establishing international regulatory frameworks. Here, NGOs can play central roles because of their strategic capacities of being independent actors in between the local, the national and the global field. Due to these capacities, their arguments and standards are also taken into account by powerful international actors and by significant forums that discuss global business regulation like UN organizations. However, global business regulation is a huge field, and a limitative aspect is that this complexity is difficult to grasp and that one NGO only can take part in a narrow field.

Additionally, globalization can further make distances appear shorter, and the NGOs can emphasise the attitude that the regulative actions we take locally can have effects globally.

In addition to promoting a more pluralistic understanding of how NGOs can take part in regulation, an obvious argument is that a wider understanding of relevant actors and the interaction between them is vital when investigating environmental politics and regulation. The government and the large international corporations and institutions might appear to have the main say, but when looking closer and perceiving power as the possibility to enrol

agendas into networks, there are many actors that can participate in shaping standards and regulative frameworks. My research has illustrated that NGOs can play significant roles in various stages of regulative processes, and especially in verifying and spreading information and new standards. Compared to the classically most important actors; the State and the industry itself, the NGOs have other capacity and power bases that enhances their influence potential. As I perceive it, they have more flexibility, a different form of legitimacy and a specialized knowledge that gives them a strategic position compared to states and companies. Even though the government in the Norwegian political context is stressed as the central regulator, its role and significance might become more fragmented and dependent on other actors due to industrial globalization and the importance of international regulations. As well consumers, various governmental or non-governmental organizations, the media and individual companies can contribute in regulative processes. In my cases, important efforts of the NGOs where that they included various actors into taking part in environmental discussions on solutions and responsibilities. With the flexibility and legitimacy the NGOs contain they are able to communicate with various actors, and they can thereby connect them and broaden the networks where environmental issues are discussed. Achievements of NGOs efforts thereby depend on their ability to come up with new standards and to mobilise or enrol various actors into their agenda. In both my cases, the NGOs enrolled or integrated the environmental protection issue into different informal networks, which indirectly or directly participated in pressuring and implementing stricter regulation/self-regulation on environmental harmful industrial activities. They might therefore have been enrolled in the information verification stage of the regulatory processes. Moreover, spreading environmental consciousness is primer to implement and legitimate stricter regulations, and environmental NGOs are, and historically always have been, central to spreading such consciousness into state institutions, industry and society.

It is certain that stricter standards and more regulation on various industries has to be carried out in order to manage the environmental problems, and that the state has a central role in facilitating regulations on Norwegian industries. Because technological industrial solutions (ecological modernization projects) cannot solve environmental problems alone, and because legislations are perceived as ultimate and legitimate in Norwegian political culture, the state still is a crucial actor for enhancing environmental protection.

Furthermore, the state facilitates much of the NGOs efforts, and the Norwegian environmental NGOs alliances with state institutions are strong and take many forms (it can be cooperation

between NGOs and Ministries, public councils or committees). Such cooperation seems to be unfeasible to avoid for Norwegian NGOs, especially in the cases that concern Norwegian industries and even if the NGOs chose to build alliances with companies. On the other hand, when the alliances between the State and private industries are too strong (like in the case of the oil business), a power bloc is created which makes it very hard for NGOs to intervene. The role of the State can thereby not be ignored, and especially how the state facilitates various regulative mechanisms and allows various actors to become included is an essential issue.

Apparently, shaping and implementing environmental policy and regulation of industry are very complicated issues with no easy answers. Different actors containing ideologies and knowledge systems have various perceptions on both goals and means. An important point is that in order to save the environment; we have to learn our way out. It is therefore significant that many actors can participate in the learning process, both in the shaping, verifying and in the implementing of regulative standards for environmental harmful industries. The government cannot manage this on its own; neither can NGOs, companies or individuals. The NGOs special role in this picture is that they can participate in various stages of regulative processes, and that they raise the standards, pressure both industries and government to implement stricter regulations, disperse information and trigger the learning process by enrolling the environmental agenda into various networks.

Epilogue

As an evaluative comment on my own effort, I have to admit that I only scratched the surface on many interesting issues, both theoretically and empirically. Concerning the empirical material, the hardest task has been choosing and limiting the investigations and data, and there were many other interesting empirical threads that could have been followed up. The informants granted me a lot of information that I did not have time to take up in this thesis. Especially, much of the information pointed at various discourses about environmental protection, and these would have been interesting to investigate further.

I understand that I could have used the information otherwise. E.g. Organizational studies on how actors conceive and react to green-washing could be carried out. There seems to be a large discussion and competition not only between companies and corporations, but also between NGOs and agencies that approve their environmental and ethical policy. Who should define the standards?

Lastly, how different governments have reacted to and made use of various regulation mechanisms would as well be interesting to investigate, e.g. comparing regulation forms for example in Norway and Germany. It is important to investigate ways of understanding environmental protection, and what solutions a range of actors, professions and ideologies produce.

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