Voluntary Bioenergy Certification

A Legitimate Approach to Account for Social Aspects in Environmental Governance?

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Brief information on the IÖW and the context of the study

– Institute for Ecological Economy Research (non-profit)
  – Independent, non-university research and consulting institute
  – Founded in 1985: 25th anniversary this year!

– Recently started 4-year, joint research project on biofuels: “Fair Fuels?”
  – A socio-ecological multi-level analysis of transnational policy on biofuels
  – Further information on www.fair-fuels.de

– Several projects on biomass and renewable energies currently ongoing,
  – e.g., on
    – 100% renewable energy regions
    – Eco-labelling schemes („Blue Angel“)
  – Further information on www.ioew.de
Background for Voluntary Bioenergy Certification from a EU perspective

- **Sustainability certification for bioenergy as key to resolving the conflicts around biofuels?**
  - EU adopted sustainability criteria for biofuels in the Renewable Energy Directive (RED),
    - Environmental concerns, especially climate protection, were in the focus of consideration
    - EU failed to set up standards for social aspects of biofuels

- **General problem to integrate social criteria in state schemes because of trade regulations**

- **Can voluntary certification provide the solution for this dilemma?**
  - EU allows for voluntary certification schemes to be recognized under the RED
    - Many voluntary certification schemes that also consider social criteria emerged during the last years and are now applying for recognition under the RED
  - If these schemes get recognized under the RED, social criteria could make it into the RED „through the backdoor“
Two questions arise from this:

- Can voluntary certification schemes really provide the solution for the missing consideration given to social criteria for sustainable bioenergy by state regulation?

- And how can they do so in a democratically legitimate way?
Analytical Framework: A normative conception of non-state legitimacy

- **Normative conception** refers to the conditions under which authority can be morally evaluated as legitimate.

- **Following a framework to evaluate democratic legitimacy of non-state governance developed by Lena Partzsch**
  - Legitimacy is further distinguished into 3 subcategories
    - "De facto"-Legitimacy (output-oriented)
    - Legitimacy through stakeholder inclusion (input-oriented)
    - Legitimacy through control & accountability (input-oriented)

- **These dimensions of democratic legitimacy will be examined in the following**
## Five Selected Voluntary Bioenergy (Feedstock) Certification Initiatives

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Year established</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roundtable on Sustainable Palm Oil (RSPO)</td>
<td>2004</td>
<td>In operation</td>
</tr>
<tr>
<td>Roundtable on Responsible Soy (RTRS)</td>
<td>2006</td>
<td>Version 1.0 approved; certification should start in 2011</td>
</tr>
<tr>
<td>Roundtable on Sustainable Biofuels (RSB)</td>
<td>2006</td>
<td>Version 1.0 approved; now pilot testing</td>
</tr>
<tr>
<td>Better Sugar Cane Initiative (BSI)</td>
<td>2005</td>
<td>Production Standard formally adopted; certification to start soon</td>
</tr>
<tr>
<td>International Sustainability &amp; Carbon Certification (ISCC)</td>
<td>2006</td>
<td>In operation</td>
</tr>
</tbody>
</table>
### Selected social criteria coverage in bioenergy certification initiatives

<table>
<thead>
<tr>
<th>Initiative</th>
<th>No child labour</th>
<th>Minimum age (in years)</th>
<th>Freedom of discrimination</th>
<th>Freedom of forced labour</th>
<th>Freedom of association and collective bargaining</th>
<th>Right of indigenous people explicitly mentioned</th>
<th>Safeguarding local food security</th>
<th>Land Rights explicitly mentioned</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSPO</td>
<td>Yes (ILO 138, 182)</td>
<td>15 or older</td>
<td>Yes (ILO 100, 111)</td>
<td>Yes (ILO 29, 105)</td>
<td>Yes (ILO 87, 98)</td>
<td>Yes (ILO 169)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>RTRS</td>
<td>Yes (ILO 138, 182)</td>
<td>15 or older</td>
<td>Yes (ILO 100, 111)</td>
<td>Yes (ILO 29, 105)</td>
<td>Yes (ILO 87, 98)</td>
<td>Yes (ILO 169)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>RSB</td>
<td>Yes (ILO 138)</td>
<td>14 or older</td>
<td>Yes (ILO 111)</td>
<td>Yes (ILO 29)</td>
<td>Yes (ILO 87, 98)</td>
<td>Yes (ILO 169)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>BSI</td>
<td>Yes (ILO 138, 182)</td>
<td>15 (non-hazardous)</td>
<td>Yes (ILO 100, 111)</td>
<td>Yes (ILO 29, 105)</td>
<td>Yes (ILO 87, 98)</td>
<td>Yes (ILO 169)</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>ISCC</td>
<td>Yes (ILO 138, 182)</td>
<td>18 (hazardous)</td>
<td>Yes (ILO 100, 111)</td>
<td>Yes (ILO 29, 105)</td>
<td>Yes (ILO 87, 98)</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Sources: van Dam et al. (2010: 15-16) and information from the initiatives’ web sites.
Membership Structures in Selected Bioenergy Certification Initiatives

![Graph showing membership structures in different bioenergy certification initiatives. The graph compares membership numbers for Producers/Finance/Industry, NGOs, Government/Science/Consultants, and Other across RSPO, RTRS, RSB, BSI, and ISCC. RSPO has the highest number of members at 343, followed by RTRS with 102 members. RSB has a significant number of members, particularly in the NGO category with 29 members. The other initiatives have much lower membership numbers.]
Auditing & Grievance Procedures of Selected Bioenergy Certification Initiatives

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Field visits required</th>
<th>External stakeholder consultation required</th>
<th>Validation certification contract (years)</th>
<th>Possibility of unannounced visits</th>
<th>Grievance and Conflict Resolution Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSPO</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
<td>No</td>
<td>Grievance panel established that also non-members can appeal to</td>
</tr>
<tr>
<td>RTRS</td>
<td>Yes</td>
<td>Yes</td>
<td>5</td>
<td>No</td>
<td>Exists for members only, but poor information is provided on details</td>
</tr>
<tr>
<td>RSB</td>
<td>Yes</td>
<td>Yes</td>
<td>Ranging from 3 months to 2 years(^a)</td>
<td>No</td>
<td>Formally established dispute resolution procedure that only constituents can appeal to</td>
</tr>
<tr>
<td>BSI(^b)</td>
<td>O</td>
<td>O</td>
<td>O</td>
<td>O</td>
<td>(Supposedly) Exists for members only, but only vaguely mentioned</td>
</tr>
<tr>
<td>ISCC</td>
<td>(yes)(^c)</td>
<td>(no)(^e)</td>
<td>1</td>
<td>Yes</td>
<td>Formally established grievance procedure that external stakeholders are entitled to appeal to</td>
</tr>
</tbody>
</table>

Sources: van Dam et al. (2010: 22) and information from the initiatives’ websites.
### Analysis: Democratic Legitimacy and its relation to social criteria coverage

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Legitimacy through stake-holder inclusion</th>
<th>Legitimacy through control and accountability</th>
<th>Coverage of selected social criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSPO</td>
<td>Not fulfilled: Dominance of business and industry</td>
<td>Mainly fulfilled: established grievance panel (also for non-members) and auditing procedure (without unannounced visits)</td>
<td>Only partly included: ILO Conventions included entirely, but no food security and land rights only vaguely mentioned</td>
</tr>
<tr>
<td>RTRS</td>
<td>Not fulfilled: Dominance of business and industry</td>
<td>Rudimentarily fulfilled: poor information on conflict resolution and auditing procedure</td>
<td>Only partly included: ILO Conventions included entirely, but no food security and land rights only vaguely mentioned</td>
</tr>
<tr>
<td>RSB</td>
<td>Mainly fulfilled: Rather balanced membership structure</td>
<td>Mainly fulfilled: established grievance mechanism (only for constituents) and auditing procedure (without unannounced visits)</td>
<td>Largely included: ILO Conventions included entirely as well as food security and land rights (both principles in its own right)</td>
</tr>
<tr>
<td>BSI</td>
<td>Not fulfilled: Dominance of business and industry</td>
<td>Not fulfilled: no information on (supposedly existing) grievance nor on auditing procedures</td>
<td>Only partly included: ILO Conventions included entirely, but no food security and land rights only vaguely mentioned</td>
</tr>
<tr>
<td>ISCC</td>
<td>Not fulfilled: Dominance of business and industry</td>
<td>Mainly fulfilled: established grievance (also for non-members) and auditing procedure (without external stakeholder inclusion)</td>
<td>Only partly included: ILO Conventions included except indigenous peoples’ rights, but food security as well as land rights are included, although rather vaguely mentioned</td>
</tr>
</tbody>
</table>
Specific Conclusions concerning Bioenergy Certification

- Results may be preliminary, but are rather sobering nonetheless
  - All in all, the initiatives haven’t made much progress on their way to achieving legitimacy
- There (at least partly) is a connection between democratic legitimacy and the coverage and enforcement of social criteria
  - Only the RSB can be evaluated as having a rather sound basis for achieving democratic legitimacy
  - It remains highly questionable if the other initiatives can make further progress on their ways to democratic legitimacy unless they intensely deal with legitimacy issues
  - This would, however, be important as the use of voluntarily certified bioenergy is expected to rise massively during the coming years (at least in the EU)
- Perspectively important: what will be the impact „on the ground“ of increased bioenergy certification?
General Conclusions

- Results show the challenge of tapping the potentials of voluntary certification regarding the inclusion of social criteria
  - In line with other results from the agrifood sector, certification in the bioenergy sector seems to be mainly driven by corporate interests
- However, voluntary certification should not be condemned right away
  - It may still help promote social and environmental sustainability
- Voluntary certification cannot, and should not, replace state regulation
  - The challenge is to make use of the complementary and dynamic relationship between public and private regulation to promote social justice and ecological concerns in global markets
- The relations between international trade regulations and global environmental (and social) governance are crucial for understanding the problem of the social dimension of global environmental change
Thank you for your attention.

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Research Field
Sustainable Energy Systems
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