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‘Roundtabling’ sustainability: Lessons from the biofuel industry

ABSTRACT

The willingness of public authority to delegate social and environmental regulation to the private sector has varied from sector to sector, but has generally led to the establishment of a large number of ‘voluntary’ standards and certifications on sustainability. Many of these have taken the form of ‘stewardship councils’ and ‘sustainability roundtables’ and have been designed around a set of institutional features seeking to establish legitimacy, fend off possible criticism, and ‘sell’ certifications to potential users. The concept of ‘roundtabling’ emphasizes the fitting a variety of commodity-specific sustainability situations into a form that not only ‘hears more voices’ (as in ‘*multi-stakeholder*’), but also portrays to give them equal standing at the table of negotiations (*roundtable*), thus raising higher expectations on accountability, transparency and inclusiveness. In this article, I examine to what extent these expectations are being met through the comparative case study of two sustainability certifications in the biofuel industry – in the context of a wider set of experiences in the agro-food and forestry sectors. I show that ‘roundtabling’ entails an ever more complex web of governance systems and procedures to meet ‘good practice’ in standard setting and management. This is opening space for competing initiatives that are less democratic, quicker, aligned with industry interests to establish substantial presence in the market for sustainability certifications. These tend to more easily discriminate on the basis of size (against small players) and geography (against actors in the South). The paper concludes with a reflection on what can be done, through appropriate regulation, to address this situation.

1. Introduction

The willingness of public authority to delegate social and environmental regulation to the private sector has varied from sector to sector, but has generally led to the establishment of a large number of ‘voluntary’ standards and certifications on sustainability. These are ‘voluntary’ in the sense that they are not set in regulation. But, in many ways, they are *de facto* mandatory for producers and other value chain actors if they want to supply the large processors and retailers (such as Unilever and Wal-Mart) that are moving towards sourcing increasingly proportions of ‘sustainable’ products in certain categories of goods (such as palm oil or seafood). In the agro-food and forestry sectors, many of these have taken the form of ‘stewardship councils’ and ‘sustainability roundtables’¹ that explicitly signal their multi-stakeholder nature in their titles. Although other sustainability initiatives, such as Fairtrade, also have important multi-stakeholder elements, stewardship councils and roundtables showcase them explicitly either from their very inception or soon after the basic design of the standard and certification system is set in place, usually by a small group of initiators. A particular set of institutional features is used by these initiatives to establish a legitimate presence as a governance

¹ Multistakeholder schemes in the agro-food and forestry sectors that have ‘stewardship’ or ‘roundtable’ in their title include: the Forest Stewardship Council (FSC, established in 1993), the Marine Stewardship Council (MSC, 1999), the Roundtable on Sustainable Palm Oil (RSPO, 2004), the Roundtable on Responsible Soy (RTRS, 2006), the Roundtable on Sustainable Biofuels (RSB, 2009), the Aquaculture Stewardship Council (ASC, 2010), and the Sustainable Beef Roundtable (SBR, under way). Other multistakeholder initiatives that take a ‘Better’ nomenclature and have similar institutional architectures are Bonsucro (formerly the Better Sugar Cane Initiative, 2008) and the Better Cotton Initiative (BCI, 2009). In addition to these, we find a host of other multistakeholder initiatives, including those that were developed in the coffee sector and then expanded to other commodities, such as Fairtrade (1989/1998), Rainforest Alliance (1993), Utz (2002), and 4C (2006).

instrument, to fend possible criticism, and to 'sell' their systems to potential users of certifications and labels.

There are significant differences between stewardship councils and roundtables, and within each category as well, both conceptually and in terms of how their operations have been carried out historically. The concept of 'stewardship' signals collective responsibility over a resource or a process that is owned or carried out by a person or legal entity. It links property with civic responsibility and is often mobilized to induce owners and operators to act in ways that do not disrupt environmental and social values for current and future generations (Lane and Watson, 2012). Stewardship indicates a paternalistic preoccupation with the subjects and environments that need protection – it suggests, explicitly or implicitly, that neither subjects nor their governments (national or local) are able to provide adequate protection (Vandergeest and Unno, 2012).

'Roundtable', at least definitionally, steers away from issues of responsibility, while signaling a focus on procedural quality – the possibility for a range of stakeholders to have a more equal seat at the discussion table, although in most existing instances governments are excluded or sit only as 'observers'.

Despite these definitional differences, in practice both sustainability roundtables and stewardship councils (collectively referred to SRs from now on) are increasingly built around a common set of 'must have' institutional features and procedural elements. Institutional features usually include an executive board or a board of directors; an assembly or council, often with specific chambers that represent different stakeholder interests; technical advisory committees of appointed experts; and an executive director with support staff that handle the

day-by-day operations. Procedural elements include a set of what are now considered 'best practices' in standard setting, certification and accreditation, and impact evaluation, which are built around the concepts of transparency, inclusiveness, consensus and accountability (Djama et al. 2011; Cheyns 2011). These best practices are inherited and adapted largely from the experience of the Forest Stewardship Council (FSC) model and have been subsequently codified by the International Social and Environmental Labeling Alliance (ISEAL) (see Bernstein and Cashore 2007, among many others).² ISEAL has developed a 'Code of Good Practice for Setting Social and Environmental Standards', a 'Code of Good Conduct for assessing the impacts of social and environmental standards', and a 'Code of Good Practice for Assuring Compliance with Social and Environmental Standards'. These are voluntary codes that members comply with to meet a 'minimum bar' requirements in the respective areas of standard setting, impact assessment, and assurance.³

The governance setup of SRs is meant to ensure (if not just signal) a degree of professionalization, participation of relevant stakeholders in key decision-making processes, and transparency. As a result, SRs are becoming ever more sophisticated in how they facilitate formal participation of relevant stakeholders, manage deliberation and use technologies that ensure *some* provision of input

² ISEAL is an association whose members are social and environmental standard-setting and accreditation organizations. It aims at developing guidance for and strengthening the effectiveness and impact of these standards. Its roots stem from a meeting held in 1999 by MSC, FSC, the International Federation of Organic Agriculture Movements (IFOAM) and Fairtrade to discuss the possibility of closer collaboration among standard setting organizations.

³ See <http://www.isealalliance.org/our-work/codes-of-good-practice>. It should be noted that complying with the codes does not necessarily entail an improvement on actual impacts on sustainability. The code on impacts, for example, tells managers of standard organizations to set up a monitoring and evaluation process to assess whether they achieve their own goals. All it demands is for managers to seek *improvements* in the effectiveness of their standard to achieve these goals and to improve the evaluation system itself. The code does not suggest in what timeframe goals and outcomes need to be reconciled, nor does it indicate what size gap between expectations and reality is acceptable.

even from more marginalized actors. Yet, as Cheyns (2011) and Djama et al. (2011) so vividly show, there are serious gaps between being part of deliberation and being able to shape outcomes. Process consultants employed in multistakeholder fora use the expedients of urgency, reaching consensus, and pragmatism to steer deliberation trajectories in specific directions, define categories of ‘stakeholder’ and frame acceptable formats of engagement (see also Silva Cataneda 2012).

With the concept of ‘roundtabling’ I want to capture a specific way of framing, managing change and especially *marketing* the governance of sustainability. A now substantial literature often refers to ‘multi-stakeholder initiatives’ (or MSIs) in denoting this group of approaches to sustainability. The term MSI aptly captures a set of specific institutional qualities, but does so statically. The term signaled something distinctive in the emerging debate on private authority in the 1990s, but since most private or hybrid sustainability initiatives have come to incorporate some multi-stakeholder features in one way or another, it now refers to the ‘new normal’. I argue that the term ‘roundtabling’ better emphasizes the current *process* of fitting a variety of commodity-specific sustainability situations into a form that not only ‘hears more voices’ (as in *multi-stakeholder*) but also portrays to give them equal standing at the table of negotiations (*roundtable*), thus raising higher expectations in terms of accountability, transparency, inclusiveness and ‘proper’ democratic process. This does not mean that I expect sustainability outcomes from SRs to be similar because they hark back to a common set of principles, best practices and institutional features. On the contrary, the different ways procedures have been strategically managed in

different SRs have lead to different distributional outcomes in relation to the size of players and their geographic location (Ponte 2012; Ponte and Cheyns 2013).

In this paper, I examine to what extent different degrees and formats of 'roundtabling' have facilitated the successful establishment of more democratic and inclusive initiatives in the 'sustainability certification marketplace', given that they compete with other schemes that are more top-down, less democratic, leaner, quicker, more commercially aggressive, and more tuned in with industry interests (Fransen, 2011). I also indicate the actual or potential distributional effects in terms of the geographical spread of existing certifications, with particular attention to North-South dynamics. As I have discussed elsewhere (Ponte, 2012), the market for sustainability standards is characterized by three main forms of competition: over securing enough suppliers that can meet the requirements of certification; over finding a retail market for certified products; and over securing support from, and alliances with, influential NGOs, other civil society groups, and if applicable, the public sector. Much of the literature on SRs has been concerned with this third aspect, often framed as a struggle to achieve different forms of legitimacy. While these discussions are certainly important in understanding the dynamics of how SRs unfold and operate, they are often examined irrespectively of their existing and potential position in the market and in relation to their direct and indirect actual impact on sustainability in practice.

In order to partly address this shortcoming, I will proceed as follows in this paper. In section two, I review the salient features of a now burgeoning literature on private authority and on sustainability standards and certifications to frame my analytical contribution to the relevant debates. In section three, I move on to

the case study of sustainability certification in the biofuel sector, and specifically a comparison between the Roundtable for Sustainable Biofuels (RSB) and its more commercial and mainstream competitor, International Sustainability and Carbon Certification (ISCC). The biofuel case study is particularly instructive because, differently from all other agro-food commodities, the EU requires only certified 'sustainable' biofuel to be used in member countries.⁴ This comparison provides a laboratory case where we can observe 'roundtabling' in action in a large and competitive sustainability certification market.

The material on biofuel presented in this article is drawn from secondary sources, semi-structured interviews with industry stakeholders and presentations attended at biofuel and bioenergy conferences between September 2011 and March 2012.⁵ In the empirical sections on biofuels, the information presented comes from biofuel conference presentations and interviews, unless other secondary sources are explicitly referred to. Interviewees were offered full confidentiality.

⁴ To be more precise, sustainability certification in the EU is required from operators to count towards mandatory national renewable energy targets.

⁵ I attended the 'World Biofuels Markets –Brazil' congress and exhibition (coded WBMB in the text) (Sao Paulo, 28-29 September 2011), the GreenPower Webinar 'Advanced biofuels: Steps to reaching the US EPA target of 20 bn gallons by 2012' (GPW)(online, 6 October 2012), the 'Copenhagen Cleantech Cluster Annual Conference' (CCCAC) (Copenhagen, 11 October 2011), the 'Bioenergy International Asia' expo & conference (BICA) (Kuala Lumpur, 7-8 December 2011), the 'ISCC Global Sustainability Conference' (ISCC) (Brussels, 8 February 2012), the 'World Biofuel Markets' congress and exhibition (WBM) (Rotterdam, 13-15 March 2012) and the 'Advanced Biofuels Leadership Conference' (ABLC) (Washington, DC, 15-17 April 2013). One of these conferences was organized by one of the two certification schemes analyzed in this paper (ISCC). Interview and presentation material explicitly referred to in this article is coded according to the conference acronym and a consecutive numeration system for each conference. During these biofuel-focused conferences, I attended 131 presentations on biofuels by industry actors, service providers, representatives of industry associations, certification initiatives, regulatory agencies, academics and civil society groups. I also established contacts that led to 78 interviews (face-to-face and/or via email or phone). Among these interviews, ten were carried out with representatives of biofuel sustainability certification initiatives, but many interviews with other actors covered issues related to biofuels sustainability standards and certifications.

2. Private authority and sustainability standards and certifications

2.1 The rise of private and hybrid authority

The putative advance of ‘private authority’ in governing economic, social and environmental phenomena (Cutler et al. 1999a; Hall and Biersteker 2002; Rittberger and Nettesheim 2008) has been a major focus of attention in pockets of the political science, international political economy and economic geography literatures. Analyses of private authority have sought to identify emerging structures and sources of (especially) international political and rule-making authority, where authority is said to ‘exist when an individual or organization has decision-making power over particular issues and is regarded as exercising that power legitimately’ (Cutler et al. 1999b: 5). This literature looks at the reconfiguration of governing and the legitimacy of different forms of global economic and environmental governance (among many others, see Cashore 2002; Levy and Newell 2005; Rittberger and Nettesheim 2008; Clapp and Fuchs 2009; Guldbrandsen 2010; Cadman 2011). It suggests that private authority has emerged as a result of *perceived* governmental failures in addressing global problems on the basis of bounded jurisdiction. First, it highlights that international agreement formation is a complex and time-consuming process requiring consensus building and thus is prone to deadlock. Second, it shows that while powerful states can deliberate or recommend actions within ‘exclusive clubs’ (such as the G-20), these tend to function effectively only when participation is limited or when facing imminent catastrophe (Hüllse and Kerwer 2007). When participation is too limited, however, exclusive clubs suffer from a representation and legitimacy deficit (Vestergaard 2011). Third, it argues that

inter-governmental governance itself has major legitimacy problems (Seabrooke 2007; Bernstein 2011; Brassett and Tsingou 2011).

The extent to which private authority has led to a wholesale retreat of the state or to a re-configuration of public and private spheres is a contentious issue (Hall and Biersteker 2002; Pattberg 2007; Büthe 2010; Guldbrandsen 2010; Cadman 2011). While there is broad common agreement that private authority is on the rise, some of the literature suggests caution: private authority may actually apply to areas that were never regulated by the state to begin with; when it addresses transnational problems, private authority can actually enhance state capacity by allowing the state to escape innate constraints and to focus more effectively on other areas of regulation; and, private authority often needs public authority to establish legitimacy, thus making it difficult to disentangle the two (Cashore et al. 2004; Büthe 2010; Gale and Haward 2011; Foley 2012a; 2012b; Guldbrandsen 2012). This suggests that what is normally conceived as private authority actually has salient hybrid features.

2.2 Sustainability standards and certifications: Analytical approaches

Within the broad field of private and hybrid forms of authority, growing interest had been paid by scholars to the study of sustainability standards and certifications and to the variety of institutional forms that underpin them, including SRs. Much of this literature, emanating from political economy and economic geography, has examined the territorial implications of the power dynamics that unfold as these initiatives develop their standards, governance features, certification procedures and accreditation (Hatanaka et al. 2005; Mutersbaugh 2005; Ponte et al. 2011). This literature has analyzed how

standards arise from (or shape) value chain restructuring, and how they shape inclusion/exclusion dynamics and their geographies, and welfare outcomes (Gibbon and Ponte 2005; Neilson and Pritchard 2009; Riisgaard 2009). It has also analyzed the role of trust and distrust in certifiers in motivating or demotivating producers (McDermott 2012), and how sustainability certification affects weaker players and/or actors in developing countries (Klooster 2005; Ponte 2008; 2012; Belton et al. 2009; 2010; McCarthy 2010; McCarty et al. 2012; Vandergeest and Unno 2012, Bush et al. 2013).

Other strands of the literature have unpacked the discursive, ideational and normative dimensions of sustainability standards, certification and SRs. Within this broad group of contributions, those inspired by actor-network perspectives have been particularly engaged in understanding how materials and techniques are deployed by actors (scientists, managers and so on) to enroll other actors, extend the range of application of standards and certifications beyond localized spaces and to apply, and/or adapt and ‘translate’ standards locally – often under a ‘depoliticized’ mantle (Oosterveer 2007; Eden 2009; Eden and Bear, 2010; Loconto and Busch 2010; Ouma 2010; Busch 2011; Wilkinson 2011; Elgert 2012). These approaches are important not only to highlight how standards and certifications entail ‘acting at a distance’ (Latour 1987) and govern through the application of calculative devices (Callon 1986), but also to question the often-held assumption in political economy approaches that all-powerful standards are meaningfully implemented at the local level and thus inculcated on to ‘the local’.

Other contributions, inspired by governmentality perspectives, have approached sustainability standards and certifications as technologies for the governing of

conduct (Djama et al. 2011) that reconstitute the social domains of the knowable and governable. Gramscian perspectives have approached them as a hegemonic force (Bloomfield 2012), while convention theory has been used to understand the ‘normative work’ behind their formation and management (Ponte and Gibbon 2005 – drawing on Boltanski and Thévenot 2006[1991]). The related sociology of ‘regimes of engagement’ (Thévenot 2006; 2007; 2009) has been employed to understand the ways in which actors ‘engage’ in sustainability standard-making processes and what elements enable these actors to make themselves heard (Cheyns 2011; Silva-Castaneda 2012; Ponte and Cheyns 2013).

Institutionalist perspectives, however, have been perhaps the most popular in the literature examining sustainability certifications and SRs as forms of private and hybrid authority. They have focused on understanding how sustainability standards and the organizations that drive them achieve legitimacy, often drawing on distinctions and overlaps between output legitimacy (stringency or standards, effectiveness in actually delivering sustainability outcomes and impacts), input legitimacy (participation, inclusion, balance in the geographic origin of stakeholders) and process legitimacy (governance set-up, system management, accountability, transparency) (Fransen and Kolk 2007; Auld and Guldbrandsen 2010; Tamm Hallström and Boström 2010; Beiermann and Gupta 2011; Partzsch 2011; Schouten and Glasbergen 2011; Elgert 2012; Guldbrandsen 2009; 2010; 2012).

For the purposes of this paper, I engage more specifically with the literature focusing on how SRs and more commercially-driven initiatives interact with each other – through competitive, cooperative and socializing processes (Overdevest

2010; Fransen 2011; Ponte and Riisgaard 2011; Guldbrandsen 2012). In the forestry sector, these interactions are said to be leading to the 'ratcheting up of standards' through benchmarking and public comparison (Overdevest 2010). In sector-comparative work, others argue that the landscape of competing standard schemes opens up large discretionary space in defining the substance and scope of how social and environmental issues are tackled in production. This allows multiple systems to coexist, with 'high' standard content only being achieved by those participating in 'niche' supply chains (Mutersbaugh 2005; Ingenbleek and Meulenbergh 2006; Reynolds et al. 2007; Macdonald 2007). Pressures for the internal differentiation of certifications towards more scalar systems ('plus' and 'minus' rather than certified or not certified) are also evident, especially in capture fisheries (Bush et al. 2013).

Some contributions in this literature (e.g. Gale and Haward 2011; Foley 2012a; 2012b; Guldbrandsen 2012) have highlighted that cooperation and competition between different certification schemes should be read against different types and levels of state engagement. First, during the agenda-setting and negotiation of standards, governments can provide expertise, and technical and financial support; they also influence the agenda through direct regulation. Second, they can be important in the certification implementation stage through public procurement and state-controlled operations. And third, monitoring and enforcement of standards is often dependent on effective and supportive regulation and the availability of public research results (Guldbrandsen, 2012).

In general, while 'roundtabling' is seemingly becoming more predominant across all certification schemes through processes of socialization (Dingwerth and

Pattberg 2009), we can also observe hybrid models, forms of experimentation and new trajectories. Fransen (2011), for example, highlights that while some form of multi-stakeholder governance is indeed becoming more common, business-driven initiatives tend to approach revisions in their governance system through 'pick-and-choose' approaches. These are often based on 'lighter' forms of interaction, such as improved communication, occasional interaction with societal stakeholders, and the organization of annual stakeholder discussion meetings. They can also take the form of partial procedural reforms, such as including in governing bodies individuals with relevant professional background but who do not officially represent a stakeholder group, franchising through affiliation to an existing multi-stakeholder initiative, and including stakeholders as representatives of groups but in ways that limits their influence (Fransen 2011: 15-16).

2.3 Lessons from the forestry, seafood and palm oil sectors

The Forest Stewardship Council (FSC) was the first established of its kind (in 1993) and has developed perhaps the most democratic governance structures and the deepest level of 'roundtabling' among all SRs (Klooster 2005; Pattberg 2007, Guldbrandsen 2010; Cadman 2011; Gale and Haward 2011). But because this meant a long inception period and complex deliberations, other forestry sustainability initiatives that were less inclusive and democratic, and had a much more industry-driven agenda (such as the Programme for the Endorsement of Forest Certification, PEFC) adopted quicker and more commercially-oriented procedures, and ended up taking a major share of the sustainability wood market (Klooster 2005; Overdevest 2010). In time, however, PEFC gradually

took on some multi-stakeholder features, thus FSC can be said to have had a positive overall influence on the overall depth and breadth of the sustainability certification market (Overdevest 2010), even though the FSC process to revise tree plantation certification standards failed to increase attention to social issues and community forest certification efforts (Klooster 2010). More worryingly, it seems that forest certification has had only limited effect in halting deforestation due to its predominant application in the global North (Marx and Cuypers 2010).

The experience of the Marine Stewardship Council (MSC, established in 1999), however, points to a different trajectory. Although generally inspired by FSC, MSC was designed around a much more corporate and top-down structure (Guldbrandsen 2010; Gale and Haward 2011), a narrower operationalization of ‘roundtabling’ (effectively excluding at least at the inception phase concerns that applied to fisheries based in the global South), and a much more aggressive commercial strategy. It was able to capitalize on first-mover advantage and has held a quasi-monopolistic position in the certification of capture fisheries and sale of ‘sustainable fish’ (Ponte 2008). This means that MSC did not have to face ‘watering down’ pressures from competing certification systems (although MSC did simplify some procedures; Ponte 2012). It also means that, in parallel to the experience of FSC, by failing to certify a substantial number of Southern fisheries, MSC is limiting the geographic reach of its potential sustainability impact.

The more recent Aquaculture Stewardship Council (ASC, established in 2010) has returned to a much more open and participatory process in comparison to MSC (but see critiques in Belton et al. 2009; 2010), especially when the participation of Southern stakeholders is concerned. Its creation came after a

long gestation process that took place through 12 Aquaculture Dialogues (ADs) established by WWF and focused on specific species. Its first products were finally coming to market at the time of writing (in Holland and the UK). However, ASC faces sharp competition from existing schemes, especially in North America, where the commercially-oriented Aquaculture Certification Council (ACC) has a strong presence.

These three examples suggest a possible inverse relationship between the degree of 'roundtabling' exhibited by a sustainability certification initiative and the size of market share in the sustainability certification market. In other words, SRs seem to be less successful in establishing a sizeable presence in the certification market when they are more participatory, transparent and adopt more democratic and complex procedures. SRs themselves are more successful in the sustainability market when their features lean on the more commercial and top-down end of the spectrum. However, the forestry sector experience also suggests that a higher degree of 'roundtabling' can lead to normative pressure on commercially-driven sustainability initiatives, typically originating from NGOs and transmitted through retailers (Overdevest 2010). In all three cases, the actual impact of certification on sustainability outcomes is at best limited and contingent, if not unknown.

A second observation from existing case studies arises from the experience of the Roundtable for Sustainable Palm Oil (RSPO). RSPO went through a complex series of negotiations, meetings and deliberations (Cheyins 2011; Djama et al. 2011; Schouten and Glasbergen 2011) in absence of a competing sustainability certification system at the global level (thus, in a similar situation to MSC in

capture fisheries). Yet, the amount of RSPO-certified palm oil has remained very small due to strong demand from China, India and Pakistan, where sustainability certification is not yet interesting in the market. The issue here is not that there has been competition from an even more commercial sustainability initiative, but rather that the overall market for sustainable palm oil has remained very small. The experience of RSPO is then one of a complex roundtabling process that is certifying a tiny minority of the commodity market even in the absence of competition, thus with little potential impact on sustainability on the ground.

In the rest of this paper, I aim at further explaining the complexities of interaction between SRs and commercially-driven initiatives in competitive sustainability markets and their potential to achieve sustainability. Much of the existing literature is concerned primarily with input and process legitimacy and with forms of outcome legitimacy that are linked exclusively to the stringency of standards (including their procedural elements). Relatively little effort in recent years has been carried out to actually document whether 'roundtabling' helps establish meaningful market shares in the market for sustainability certifications, whether the sustainability market itself has a visible presence vis a vis the non-certified market for the same commodity or group of commodities (often determined by larger value chain dynamics), and whether certification is achieving (or has the potential to achieve) sustainability in practice.

In order to do so, in the next section I examine the market for sustainability certifications in the biofuel industry. This case study is particularly instructive because the EU mandates sustainability certification for biofuels. This entails a strong relation between the regulatory framework and private certification

systems, and the possibility of forging a more conducive set of incentives to improve the quality of standards and of organizational procedures related to certification (Guldbrandsen 2010). This case study also allows the isolation of two main confounding factor that arise from the experiences of other SRs highlighted above: (1) the ‘small certification market’ factor that is plaguing RSPO (as well as other sustainability markets, with the possible exception of coffee and capture fish) does not apply to biofuels – all biofuel used in the EU has to be certified to qualify for financial benefits; and (2) the first-mover advantage that helped MSC to establish a dominant position in capture fish certification does not apply either – the first batch of EU-recognized biofuel certification systems were all allowed to start operating at the same time. By controlling for these factors, we can arrive at more solid conclusions on whether good quality ‘roundtabling’ helps or hinders the establishment of substantial market shares in the sustainability marketplace and with what consequences. At the same time, because labeling of biofuel content (and its ‘sustainability’) at the pump is still at its infancy in the EU, the biofuel sustainability market is special in that consumers are not asked to ‘choose with their wallets’.

3. Sustainability certification of biofuels

3.1 Background

Since the 1990s, governments in both the North and the South have been heavily promoting biofuels and enacting policies as a result of concerns related to climate change mitigation, energy security, and farmer support and rural

development. Policy discourses provided by lobbies have been based on the framing of lack of energy as an impediment to development and growth (Smith 2010; Wilksinson and Herrera 2010). The allure of biofuels is linked to addressing climate change, energy security and rural development at once without fundamentally altering energy consumption practices (Smith 2010; White and Dasgupta 2010). Industry sees most kinds of liquid biofuels as attractive also because they can provide 'drop-in' solutions -- they can be distributed through existing infrastructure (pipelines, storage facilities, fuel distribution networks) and existing end-user technology (internal combustion engines).

From the turn of the century to around 2006/07, the main biofuel producer countries/regions (Brazil, the United States and the EU) enacted policies that effectively forged the various regional foundations of an emerging industry. The EU and US set minimum mandates on the use of biofuels and provided a range of subsidies, research funding and investment facilities to farmers, processors, blenders, biotech companies and universities. Early Brazilian government support of the 1970s and 1980s had waned by the end of the century, but was revitalized in the 2000s. Agricultural lobbies (US corn, German rapeseed farmers), climate change activists seeking non-fossil fuel alternatives, and government departments concerned with energy and security provided a unique combination of interests that pushed biofuel-friendly policies in a generally favourable political environment (Dauvergne and Neville 2009; Gillon 2010; Lehrer 2010).

But increasing food prices and the related food riots starting in 2006/07 dramatically altered this picture. Biofuel production has been pointed out as a

major cause of increasing food prices because it takes land and water away from food production – although estimates of the actual impact of biofuel production on total food price increases vary from three to 75 per cent (Smith 2010: 5). Many studies have highlighted deeply problematic aspects of land investments, including shady deals, little benefit for local communities, lack of participation in decision-making at the local level, and environmental degradation (see, among many others, Borras et al. 2010; Vermeulen and Cotula 2010; Matondi et al. 2011). Doubts have also been cast on the impact of biofuel production on GHG emission reductions (Pimentel et al. 2010). Some feedstock-location combinations are deemed to be especially problematic in terms of GHG balance (e.g., corn in the US) or in terms of deforestation (e.g., palm oil in Southeast Asia). A wider methodological debate is also raging on how to take into account of crop residues and indirect land use change in the calculation of energy balance sheets and GHG emissions (see Smith 2010). To these arguments, pro-biofuel analysts respond that marginal land is indeed available for biofuel production and that with modern farm management and improved technology it is possible to produce a meaningful proportion of fuels for transport from biological resources without affecting food supply (Cortez et al. 2010). Counter-arguments to these highlight that land is often not actually ‘available’ even when labeled as such, that in marginal lands yields are much lower, and that faith in technology is misplaced (Levidow and Paul 2010; Smith 2010; Levidow 2013).

As criticism mounted on biofuels, the EU enacted demands for sustainability standards for the production, trade and use of biofuels in member countries (see below). The US fine-tuned its subsidies and regulation to increase support of ‘next generation’ biofuels. And Brazil increased its public relations effort aimed

at showing that sugarcane-based ethanol production in the country has indeed a positive impact on GHG emission reductions. At the same time, the biotech industry saw these developments as a window of opportunity to gain public support (and research funding, investment, financing) for ‘cleaner’ and less land-dependent versions of biofuel production, based on improved and new transformation processes of cellulosic material and other waste and on the development of algae feedstocks.

A considerable amount of attention has been paid in the literature to the development of biofuel industries (see, among others, Mol 2007; Dauvergne and Neville 2009; McMichael 2010; Smith 2010; Rosillo-Calle and Johnson 2010; Levidow and Paul 2010; 2011; Ponte, 2013) and of related ‘land grabs’ and other large-scale investments (especially in Africa) (Vermeulen and Cotula 2010; Matondi et al. 2011). But very little social science work has been published out so far on standards and sustainability certifications in the biofuel industry (for exceptions, see Partzsch 2011 on certification; and Levidow 2013 on EU sustainability criteria). This paper is a contribution to filling this gap.

3.2 The European Union: A captive market for ‘sustainable biofuel’

Within the EU, three main national-level initiatives exploring or seeking to regulate sustainability in the biofuel sector took place since the mid-2000s: the Cramer commission (in the Netherlands, in 2005/06) (see Partzsch 2011); the Renewable Transport Fuel Obligation (in the UK, in 2007); and the sustainability ordinances (in Germany, in 2008). But the most important outputs of the policy process at the EU level were the 2009 Renewable Energy Directive (RED)

(2009/28/EC) and the Fuel Quality Directive (FQD) (2009/30/EC). RED requires 20 per cent of energy use in the EU and 10 per cent of transport fuels to come from renewable sources by 2020; it sets sustainability requirements for the use of biofuels in the EU, including minimum GHG savings and double counting options for biofuels produced from waste and residues; and the use of voluntary certification schemes. FQD entails the obligation for suppliers of fossil fuel to gradually reduce life cycle greenhouse gas emissions by a minimum of 6% by 2020.

In June 2010, the Commission adopted a scheme for certifying sustainable biofuels under RED. Under this scheme, in order to receive government support or count towards mandatory national renewable energy targets, all biofuels used in the EU (whether locally produced or imported) have to comply with sustainability criteria including: land use (no conversion of land with high carbon stock or land with high biodiversity value); a minimum reduction of GHG emissions over the whole value chain (35 per cent less than gasoline);⁶ and a system monitoring the whole value chain from feedstock to the pump. No social or food security aspects were included in the sustainability criteria. At the industry conferences I attended, heated debates have also taken place on what aspects of indirect land use change should be included in the future (see also Al-Riffai et al. 2010; Levidow 2013).

Instead of asking member countries to establish their own schemes as originally expected (Franco et al. 2010: 668), the Commission decided to set up an accreditation system for voluntary certification schemes that meet its criteria. In

⁶ RED stipulated that, from 2017, GHG emission reductions would have rise to 50 per cent for existing production and 60 per cent for new installations.

July 2011, the EU recognized a first batch of seven certifications, followed by another six certifications in 2012.⁷

The EU-RED process has led to a veritable scramble in getting access to the captive market for sustainability certification in the biofuel sector. As we will see below, much of this market has been captured by one initiative (ISCC).⁸ Of the certification schemes currently approved by the EU under the current RED rules, only four cover a wide variety of possible feedstocks: the Roundtable on Sustainable Biofuels (RSB), International Sustainability and Carbon Certification (ISCC), REDcert, and NTA8080. The other schemes are either feedstock-specific (or cover only a few), country-focused, or private company schemes applied to internal supply chains. In the rest of this section, I will focus on the two broad

⁷ In 2011, the EC recognized: International Sustainability and Carbon Certification (ISCC), a private but German government-financed scheme covering all types of biofuels; Better Sugar Cane Initiative (Bonsucro) for sugarcane-based biofuels; Roundtable on Responsible Soy Association (RTRS), for soy-based biofuels; Roundtable on Sustainable Biofuels (RSB), covering all types of biofuels; 2BSvs, a French industry scheme developed in collaboration with Bureau Veritas covering all types of biofuels; and two private company schemes covering their internal supply chain (Abengoa and Greenergy). In July 2012, the EC approved a new batch of five certification schemes: Red Tractor (UK), Scottish Quality Farm Assured Combinable Crops Voluntary Scheme, REDcert (Germany), NTA8080 (the Netherlands), and a private company scheme (Ensus). In November 2012, the EC also approved the RSPO RED standard.

⁸ However, the basic rules in the biofuel certification market may be about to change. In October 2012, the European Commission released a proposal for a directive that would make significant changes to its biofuel policies. If adopted in its present form, the proposal would: (1) limit the global amount of land conversion for biofuel production; (2) include emissions from indirect land use change (ILUC) in assessing the rate of greenhouse gas (GHG) reductions that biofuels need to match to be considered 'sustainable'; (3) set a 60 percent minimum GHG saving threshold for new production (instead of the current 35 per cent – effectively cutting off a higher number of feedstock-location combinations); and (4) limit crop-based biofuels to only five per cent of transportation fuel by 2020, while reserving the other five per cent of the original ten per cent target to 'next generation' biofuels from non-food feedstocks, and especially those that do not create additional demand for land (such as algae, straw and waste). These changes are likely to revolutionize the sustainability certification market for biofuels given that biofuels already represent 4.5 per cent of fuel consumption for transportation, essentially all coming from food crops. This means that there will be only small room for expansion for sustainability certifications applying to traditional biofuel feedstocks in the near future, while a new captive market for next-generation biofuels is likely to emerge. See: http://ec.europa.eu/clima/policies/transport/fuel/docs/com_2012_595_en.pdf and Biofuel Digest, 13/9/2012 <http://www.biofuelsdigest.com/bdigest/2012/09/13/draft-eu-proposal-on-crop-based-biofuels-puts-advanced-biofuels-into-spotlight/>

schemes that had been approved by the EU at the time of fieldwork – RSB and ISCC.

3.3 The Roundtable for Sustainable Biofuel (RSB)

3.3.1 Genesis and main features

Talks about establishing a roundtable on sustainable biofuels started in 2005 at a time when the first critical questions on biofuels were being raised in policy and activist circles. The original vision of the initiator group was based on the twin observations that while agricultural expansion is a key global problem (driving deforestation and climate change), the need for food, feed and fiber (including for biofuel use) was not going to go away (Interview WBM8). The initiator group of environmental activists was internally divided on whether biofuels can be made sustainable – those concerned with climate change were in favour of finding such a solution, while those concerned with biodiversity were against it.

A first meeting was called in 2006 by the initiator group at the École Polytechnique Fédérale de Lausanne (EPFL) in Switzerland, where one of the key figures of the group was based. Key representatives from industry actors were also invited to this meeting (WBMB1 and WBM8).⁹ Technical working groups were later established along the lines of social and environmental issues, which eventually led to the establishment of twelve RSB principles. Originally, the focus was on establishing a standard, and only later the idea of a certification system

⁹ The first meeting was attended by eight participants from NGOs, three from governmental and intergovernmental organizations, seven from major industry players; and six from academia.

Source:

<http://rsb.epfl.ch/files/content/sites/rsb2/files/Biofuels/Steering%20Board/Documents/Notes-EPFL-28-11-06-SustBiofuels.pdf>

came into the fray. Different people in the initiator group had different visions – some looked at FSC for inspiration, others at RSPO, while a third group wanted an ISO-type process standard (WBMB1).

As the backlash against biofuels unfolded, following worldwide food price spikes and food riots, the momentum for establishing a system to certify the sustainability of biofuel production mounted (WBMB1). In 2008, with a grant from the Packard Foundation, RSB started developing a fully-fledged certification system and wrote a Version 0 of the standard. RSB organized outreach meetings, e-consultations and video conferences in all regions of the world and invited a wide variety of stakeholders to give comments, discuss in groups, and provide feedback for the revision of the standard (BICA1). In November 2010, following a period of field-testing in pilot projects and a two-month consultation period, RSB released Version 2.0 of its Global Sustainability Standard. This was later adapted to set up a different standard (RSB EU-RED) to comply with the RED definition of land use and with its GHG criteria. As mentioned above, the EU-RED version of the RSB standard was accepted by the EC in July 2011.

The RSB Global Sustainability Standard is based on twelve principles that address the areas of legality, impact assessment and stakeholder consultation, greenhouse gas emissions, human and labor rights, local development and food security, conservation, soil, water and air protection, use of hazardous technologies, and land rights.¹⁰ It is complemented by other sets of standards regulating rules and interfaces for the adaptation of principles and criteria to

¹⁰ Source:

[http://rsb.epfl.ch/files/content/sites/rsb2/files/Biofuels/Documents%20and%20Resources/FAQs%20RSB%20\(General\).pdf](http://rsb.epfl.ch/files/content/sites/rsb2/files/Biofuels/Documents%20and%20Resources/FAQs%20RSB%20(General).pdf).

specific feedstocks and geographic conditions, chain of custody, and accreditation of certification agencies. Of particular interest, from the point of view of equity, is the RSB standard for the possible adaptation to specific 'political, legal, customary and/or technical social, environmental, cultural, ethical and/or economic conditions in a particular geographic region'.¹¹

3.3.2 Governance structure and current operations

In 2009, RSB formally became a multi-stakeholder organization structured around 11 chambers (five for industry, five for civil society and one for government), a record in the field of roundtabling. However, soon after, it became clear that this structure was very difficult to operate. Some key stakeholders felt that 'too much time was being used by each chamber to examine each issue and reach consensus' (WBMB1). Some EU-based industry actors were very vociferous opponents of such a structure as they claimed it 'allowed too much influence from civil society groups' (WBM12). Interestingly, the original architecture had actually been proposed by UNICA, the Brazilian association of sugar cane producers, not by environmental NGOs (WBM8). The 11-chamber structure lasted one year, then was transformed into the current 7-chamber structure, representing the interests of:

1. Farmers and growers of biofuel feedstocks (15 members)¹²
2. Industrial biofuel producers (21)
3. Retailers/blenders, the transportation industry, banks/investors (10)

¹¹ Source: <http://rsb.epfl.ch/files/content/sites/rsb2/files/Biofuels/Certification/V2/11-03-14-RSB-STD-15-002-vers.2.0-Standard%20for%20adaptation%20to%20geographic%20conditions.pdf> p. 4

¹² Source: <http://rsb.epfl.ch/page-24931-en.html>; as of November 2012.

4. Rights-based NGOs (including land, water, human, and labour rights) and trade unions (4)
5. Rural development or food security organisations, smallholder farmer organizations or indigenous peoples' organizations or community-based civil society organizations (7)
6. Environment or conservation organisations, climate change or policy organisations (16)
7. Intergovernmental organizations (IGOs), governments, standard-setters, specialist advisory agencies, certification agencies, and consultant experts (25)

Clearly inspired by the FSC structure, RSB sought to balance private interests (chambers 1, 2 and 3) and civic groups (chambers 4, 5 and 6) with the 7th chamber as a 'catch all' category (it does not have voting rights). Large biofuel producers claim that civil society actors still have too much power (WBM12). Chamber 2 (biofuel producers) members in particular feel 'trapped between a rock (NGOs) and a hard place (fuel distributors)' (BICA1). They see feedstock farmers and growers as 'too friendly with the NGOs' (Ibid.). One of their members stated that 'it is more difficult to get RSB certification than a license to operate a nuclear plant!' (WBM12). As an indication of this internal strife, Chamber 2 does not currently fill its seats in the RSB Steering Board.¹³ RSB has currently around 100 member organizations dispersed in more than 30 countries.

¹³ Source: <http://rsb.epfl.ch/page-42453-en.html>

The Steering Board is formed by two members elected by each chamber with a rotating Chair elected by the board. Quite uniquely for a SR, almost half of the board is represented by actors based in developing countries and emerging economies. Decisions have to be made by consensus in each chamber, then by consensus in the steering board. According to a RSB Steering Board member, 'it's a very slow process, but it is very participatory . . . The balancing act between participation and efficiency is a tricky one to achieve' (WBMB1). Internal disagreements between chambers have also slowed down the standard and certification formation processes, as issues 'need[ed] to be discussed again and again' (BICA1).

RSB has not yet held a General Assembly, because its members would 'feel embarrassed by the GHG emissions that would come with it ... and because it is expensive to hold one' (WBM8). Steering committee work takes place mostly via teleconferencing.¹⁴ RSB (like FSC and MSC) is a full member of the International Social and Environmental Labeling and Accreditation (ISEAL) Alliance, therefore has to meet ISEAL's codes of good practice in standard setting, impact measurement and assurance.

The RSB secretariat, based at EPFL in Lausanne, has a staff of six and carries out the day-by-day work, including handling proposals to and from the chambers. Internal secretariat expertise covers social issues, biodiversity, and GHG emission assessment (WBM8). Other expertise is hired through consultancy contracts, especially on certification systems (WBMB1). In October 2011, a separate unit 'RSB Services' (RSBS) has been established to facilitate the

¹⁴ Twenty-one tele-meetings have taken place as of November 2012, as opposed to nine face-to-face meetings. Sources: Interviews WBMB1 and WBM8; and <http://rsb.epfl.ch/page-78534.html>.

adoption of the RSB Standards, ‘including the certification process and the oversight of licensing and use of the trademark’. As of June 2013, RSB had issued only seven certificates.¹⁵

3.3.3 Competition in the market for biofuel sustainability certification

The original idea behind RSB is that it would develop the biofuel component of sustainability standards for all sorts of feedstocks, while other roundtables would concentrate on sustainability standards for food uses (BICA1). Thus, RSB was meant to be a meta-standard for all feedstocks (and especially sugar cane, soy, and palm oil). Other commodity-specific roundtables, however, eventually decided to add their own GHG emission reduction component to gain (or attempt to gain) EU recognition under the RED directive. RSB representatives claim that they still have friendly relations with the other roundtables, as the idea in the longer term is to build benchmarks across the various initiatives (WBMB1 and WMB8).

Relations between RSB and ISCC, however, are far tenser (see details on ISCC below). A RSB member of the secretariat maintains that ‘ISCC took much of the work that RSB did, twisted it a bit, got German government subsidies and started peddling the standard aggressively with business. It overtook RSB to the market. ISCC is very business-friendly . . . RSB has a great standard. It is the true benchmark standard for biofuels . . . but it has been slow in selling it to companies and in preparing the tools to apply it in practice’ (WBMB1). Another member of the RSB Steering Board, stated that ‘RSB is a premium standard. It was created with a good process and has complete coverage of the relevant

¹⁵ Source: <http://rsbservices.org/certificates/>

issues' (BICA1). A third representative noted that 'having a gold standard actually helps making other certification systems better than what they would have been without it . . . in the same way that FSC made PEPF a lot better . . . The gestation period of RSB was not too long. There is value in doing things properly so not to lose credibility' (WBM8).

Thus, while RSB has so far failed to establish a substantial share even in a captive sustainability market, the implicit hope expressed above is that an FSC-like trajectory may take place, with RSB establishing at least some market presence, and acting as a normative point of reference to also stimulate the improvement of other, more commercially-oriented initiatives, ISCC in particular. RSB could leverage its full membership of ISEAL (ISCC is not a member), which means that it meets or is 'close to meeting the requirements of ISEAL's Codes of Good Practice in [its] ... own standards or accreditation practices'.¹⁶

However, while 'normative pressure' by NGOs through retailers in the forestry sector seems to have led to an overall improvement of commercially-oriented sustainability standards, there are three reasons to doubt the likelihood of this happening in biofuels. First, RSB does not have the head-start that FSC enjoyed. Second, biofuels are normally mixed in small blending proportions with regular fuels, thus making a NGO campaign calling for a consumer boycott more difficult to carry out. Third, FSC rode on environmental NGO boycotts to arm-twist retailers into buying certified forestry products; at the same time, it facilitated the creation of a social movement around market-based solutions to deforestation. RSB does not need to strong-arm biofuel users and distributors

¹⁶ <http://www.isealliance.org/our-members/full-membership>

into sustainability certification because EU regulation carries this function. Also, many environmental and social NGOs are against the use of biofuels in general, and sustainability certification in particular. In this context, it is unlikely that RSB can carry the same social movement-backed normative weight of FSC.

3.4 International Sustainability and Carbon Certification (ISCC)

3.4.1 Genesis and main features

ISCC was founded and developed primarily by a German consultant who saw a market opening for carbon certification in biofuels following media campaigns in Germany questioning their sustainability (WBMB8; BICA2). A small working group was established in 2007, which by 2008 had grown to about 20 people – mostly based in Germany and including representatives of WWF, academics, the German Ministry of Agriculture, biodiesel producers, oil companies, and the German rapeseed association (BICA2). Thereafter, a series of stakeholder workshops and public consultations were held, with ‘250 stakeholders involved in the process. It was not just a few guys sitting in a room’ (BICA2). In the words of one of the initiators of ISCC, this forced them ‘to get well prepared . . . [and] to have constructive discussions and feedback. We included a lot of changes that came from these, but not all of course’ (WBMB8).

ISCC developed criteria, a standard and a certification system with financial support from the German Federal Ministry of Food, Agriculture and Consumer Protection via the Agency for Renewable Resources. In January 2010, the ISCC certification system was recognized by the German Ministry of Agriculture and the first certificates for sustainable biofuel to be used in Germany were issued soon after. In 2010, *after* the standard and certification system had been

established and accepted by the ministry, ISCC founded an association, 'due to the increase in the number of interested stakeholders' (WBMB8). Third-party certification agencies that want to provide their services need to sign a cooperation agreement with ISCC and their auditors need to undergo training on the technical content of the standard.

The ISCC certification system requires compliance with sustainability requirements for biomass production and cultivation; greenhouse gas emission savings; and traceability and mass balance.¹⁷ Requirements for farms and plantations producing sustainable feedstock are based on: avoidance of biomass produced on land with high biodiversity value or high carbon stock; environmental responsible production; safe working conditions; no violations of human rights, labour rights, or land rights; compliance with all applicable regional and national laws and relevant international treaties; and 'good management practices'.¹⁸ As in most standards of this kind, each principle is broken down in a series of requirements, grouped as major and minor musts. To prove a minimum saving of 35 percent in GHG emissions, actor along the value chain can either calculate their own actual emissions or use disaggregated default values. In terms of traceability, ISCC uses a 'mass balance system' (also used by RSB) that allows consignments with differing sustainability characteristics to be mixed and provides for the sum of all consignments withdrawn from the mixture to be described as having the same sustainability characteristics, in the same quantities, as the sum of all consignments added to

¹⁷ Source: http://www.iscc-system.org/uploads/media/ISCC_EU_201_System_Basics_2.3_01.pdf

¹⁸ Source: http://www.iscc-system.org/uploads/media/ISCC_EU_202_Sustainability_Requirements-Requirements_for_theProduction_of_Biomasse_2.3_01.pdf

the mixture. This allows operators to minimize costs, as ‘sustainable’ biofuel does not have to be kept separate from non-sustainable biofuel as long as the proportion of sustainable content is specified.¹⁹

Along with RSB and others, ISCC was in the first list of recognized certification systems compliant with the RED directive, released by the EU in July 2011.

According to two ISCC members of the executive board, they did not have to change much in the original ISCC standard to fulfill the EU RED directive, as they already fulfilled the German sustainability ordinances of 2008.

3.4.2 Governance structure and current operations

Members of the ISCC association can participate in the annual General Assembly (so far, three assemblies have taken place). ISCC has no chamber structure. As of June 2013, the membership of the association includes 68 entities,²⁰ which are almost exclusively industry actors (biofuel refiners, traders and distributors, large-scale feedstock producers, service providers, and their associations).

Geographically, most members are based in Europe (especially Germany), with some representation from North America, Singapore, Brazil and Malaysia. A five-member Board is elected by the General Assembly and currently includes an academic and four industry representatives. The Board appoints the Executive Board, which takes care of the day-by-day management through the private company ISCC System GmbH.

ISCC was essentially developed as a private scheme that is industry-dominated and was only at a later stage expanded to include a parallel association. This

¹⁹ http://www.iscc-system.org/uploads/media/ISCC_EU_201_System_Basics_2.3_01.pdf, p. 12.

²⁰ Source: <http://www.iscc-system.org/en/iscc-association/membership-list/>

expansion took place *after* the main features of the system had been in place – and had already accepted by the German Ministry of Agriculture. As a result, although its current governance structure includes a General Assembly, a Board, an Executive Board and Technical Committees, its ‘roundtabling’ process has been shallow and cosmetic. This process follows closely what Fransen (2010: 9) has described as a ‘decoupling’ trajectory, where organizational change takes the form of window dressing.

In ISCC, social and environmental concerns are only represented by membership of WWF-Germany. There is very little representation of feedstock producers (and especially small-scale producers), with the exception of a Malaysian company that operates a smallholder jatropha scheme in India, whose representative also sits on the ISCC Board. ISCC also mentions the possibility of setting up national or regional initiatives, but these are framed in very generic terms (in contrast to the RSB adaptation standard).²¹

3.2.5 Dominating the market for biofuel sustainability

ISCC has so far recognized 23 bodies that can issue certifications on its behalf, all based in the global North.²² ISCC has come to quickly dominate the market for EU-RED certification on sustainable biofuels. In two and half years of certification activity (April 2010-September 2012), it issued a cumulative 1864

²¹ These initiatives could play an ‘important role when an adjustment of ISCC international standard is needed due to specific national or regional circumstances . . . The initiatives must act in a way to take into account the respective stakeholder interests of the countries under the terms of the General Assembly’ (http://www.iscc-system.org/uploads/media/ISCC_EU_201_System_Basics_2.3_01.pdf , page 9.

²² Most of these are based in Germany, two in Holland and in Italy, and one in Austria, Brazil, Sweden and the USA. See <http://www.iscc-system.org/en/certification-process/certification/recognized-cbs/>

certificates. Growth has been particularly pronounced since July 2011, when it was recognized as RED-compliant.

Mirroring the skewed North-South geographic distribution of MSC certification in capture fisheries (see Ponte 2012), of the 1128 ISCC certificates valid as of November 2012: 76% have been issued to operators based in Europe (fairly evenly spread-out, but with substantial presence in Eastern Europe), 14% in Asia (mostly in Malaysia and Indonesia), 6% in North America (in the US and Canada), 3% in Latin America (mainly in Argentina, with only two certifications in Brazil) and less than 1% in Africa and Oceania put together.²³ Virtually all certifications at the farm-level and first-gathering point are in the hands of plantation companies and other corporate entities.²⁴

ISCC views competition in the biofuel certification market clearly as a matter of cost minimization and efficiency. The language used by ISCC on its website and in public events is indeed quite different from that normally used by SRs. Its website claims that 'ISCC is experience based, efficient and effective . . . [it] provides more security for companies as it covers also social sustainability issues – at no or marginal additional costs . . . [and] requires less efforts and smaller audit teams than other existing schemes. Costs of certification are lower'.²⁵ ISCC prides itself in being business friendly, low-cost and efficient. Still, a couple of lines down on their site, we find the following statement: 'ISCC is not a closed shop – a balanced stakeholder representation and transparent processes are key features. This results in credibility in the public perception and

²³ Calculations based on list available at <http://www.iscc-system.org/en/certificate-holders/all-certificates/>

²⁴ Ibid.

²⁵ Source: <http://www.iscc-system.org/en/iscc-system/objectives/>

provides long-term security for companies using the scheme'. Here, lip-service is paid to 'balanced stakeholder' representation but not as a goal to ensure equitable access and fair representation of different interest (as in 'roundtabling' in its ideal form), but rather in terms of risk assurance against possible credibility threats. It is particularly telling that the ISCC System logo is followed by the slogan 'Secure, sustainable and eco-friendly', where 'secure' comes first and refers to business reputation. The ISCC considers its standard to be at 'high level' because it offers more security to the system users and because it goes 'beyond the legal minimum requirements'.²⁶

A member of the ISCC board aptly summarized their approach in these terms: 'ISCC is practical and robust. It is not rubber-stamping. The process leading to it was inclusive . . . At the same time, it is a practical tool, it is a business system and therefore cost efficient' (BICA2). When presented with claims that ISCC built upon RSB's standard (see previous section), the answer was that 'RSB is so complicated and bureaucratic. Producers are fed up and are coming to ISCC instead' (BICA2).

ISCC has clearly adopted a 'pick-and-choose' institutional revision path (Fransen 2010). First, it gradually increased its interaction with stakeholders through communication; then, it started organizing annual assemblies where 'information and criticism is exchanged between invited guests, but societal stakeholder groups are not granted a place in governance' (Ibid.: 14). ISCC was able to establish a strong lead in the sustainable biofuel market with only cosmetic changes to its Northern-biased and industry-friendly governance

²⁶ Source: presentation at the 2nd ISCC Global Sustainability Conference, Brussels, 8/2/2012).

structure. As mentioned before, there is currently no sign of the further improvements that other commercially-oriented certification initiatives (such as PEPF in forestry) have experienced.

4. Conclusions

In this paper, I have employed the concept of ‘roundtabling’ to explain the evolutionary dynamics of biofuel sustainability certifications in the context of current developments in other agro-food and forestry sectors. I examined how roundtabling unfolds in a competitive environment and with what consequences in terms of governance quality, share in the market for sustainability certifications, and distributional outcomes in relation to the geographic origin of certified entities. The case study of biofuel is particularly instructive as mandatory biofuel sustainability certification in the EU is the first of its kind in agro-food and forestry – it has created a captive market for sustainability. This allows analysts to focus on the key features of how competition unfolds in sustainability certification markets without the confounding factors of first-mover advantage and the restraints of a small market size for sustainability certification typical of many other products.

Sustainability roundtables and stewardship councils (SRs) have adopted an ever more complex web of institutional and governance features, development and managerial systems, time- and resource-consuming meetings, and the enactment of procedures to meet codes of good practice in standard setting and management. These slow down processes, add costs, and in the long run may create stakeholder fatigue. In one way, roundtabling is opening (or adding) space for mainstream competitors to establish substantial presence in the

market for sustainability certifications. Commercially-oriented initiatives are generally less democratic, leaner, quicker, and more tuned in with industry interests. They also tend to more easily discriminate against small players and actors in developing countries; they feature industry-dominated and top-down governance structures; and they do not attempt to give equal voice to stakeholders. But in another way, NGOs and social movements are using roundtabling to place normative pressure upon commercially-oriented initiatives via retailers and the threat of consumer boycotts. As a result, these initiatives are progressively adopting seemingly more inclusive procedures and institutional features. Still, they do so generally late in the standard development and certification process – sometimes even ex-post or as an afterthought – and do so in ways that heavily circumscribe effective participation by smaller or marginalized stakeholders. Thus, they rarely if ever go through a deep process of ‘roundtabling’.

Is this situation likely to change? The experience of FSC provides some hope. It features advanced ‘roundtabling’ elements that seem to have been used by NGOs to impart normative pressure on more commercially-driven competitors in forestry certification. As of 2009, FSC had certified 115 million ha of forest in 82 countries, while its main competitor PEFC had certified 225 million ha in 19 countries (mostly in the North). In other words, FSC has been able to maintain a substantial presence in the certification market – partly because it started earlier than its main competitor, and partly because of public procurement and regulatory support in key timber consuming countries (Guldbrandsen 2012). In capture fisheries, however, MSC features much lighter roundtabling characteristics even though it enjoyed the same head-start that FSC had over

competitors. After some initial resistance, MSC has also benefited from inter-governmental (FAO) recognition and governmental support in helping fisheries achieve certification (Ibid.). But, most importantly, MSC has used commercially aggressive strategies to convince major retailers (especially Wal-Mart) to use its labels as part of their move towards sustainability. This way, it was able to establish a quasi-monopolistic situation in the sustainability market. But in view of lack of substantial competitors, MSC has taken only minor revisions in its governance structure, remains more top-down and less inclusive than FSC and discriminates in practice against Southern fisheries (Ponte 2008).

RSB in a way went back to the original spirit of FSC by going through a deep roundtabling process. But differently from FSC, it had to face a commercially aggressive and lean competitor from the beginning. Public regulation through the EU RED directive essentially created a captive market for biofuel sustainability, but it did so for all recognized certifications, irrespectively of how strict their standards (beyond the minimum set of standards set in the directive) or how inclusive, equitable and transparent their governance structures. In the case of biofuel, regulation played a function of level-field formation in sustainability, but with a narrow take and main focus on GHG emission reductions. It disregarded or downplayed other important social and environmental issues. It raised the overall sustainability bar, but at a low level. National-level direct or indirect government support went behind selected private certifications (in Germany first, then in France, the Netherlands and the UK). The fastest and most aggressive mover in this context (ISCC) was able to establish a substantial presence in the market and thus close off, at least for the time being, the expansion of a far more inclusive and transparent certification

system (RSB). It is unlikely that RSB will be able to ride the normative wave that helped FSC to remain commercially relevant and that led to improvements in the features of its competitors. RSB did not enjoy the FSC's head-start over competitors, biofuels are mixed with regular fuel – making consumer boycotts difficult to carry out, and social movements and NGOs are generally against sustainability certification for biofuels, thus RSB is in a much weaker position in terms of mobilizing the normative push that it would need.

Appropriate regulation could indeed claw back some power from private authority and shape SRs and their commercially-oriented competitors to deliver common welfare gains for all players in global value chains (Mayer and Gereffi 2010). This would have been even more likely to happen in biofuels where regulation itself has created a captive market for sustainability certification. And yet, EU RED failed to properly include social issues and indirect land use change considerations (see Levidow 2013 for more details). It also failed to require a minimum set of standards on the quality of procedures, participation, transparency and accountability of EU-recognized certification initiatives. Including these features would have led to far more democratic certification systems, more meaningful participation from feedstock producers in the South (especially smallholders) and a more geographically equitable distribution of benefits. EU regulation, however, limited itself to indicate what parameters of sustainability should be included in certification systems (and especially GHG emission reduction) and provided little or no guidance on governance best practices. As a result, the most commercially-oriented, top-down and global North-focused biofuel certification scheme has monopolized the sustainability market thus far.

Revisions to EU regulation are still a possibility. NGOs and social movements with a less ideological stance against sustainability certification of biofuels could still pressure MEPs and the European Commission to include governance best practices to sustainability standards. However, even if it succeeded, the MSC experience teaches us that it is far easier to radically adjust governance systems during their development phase than during their further revision. And even when this is possible, some of the unequal features that emerged from the original standard-making process cannot be properly addressed ex-post. All in all, EU regulation on biofuels was a lost opportunity and does not bode well for the future of sustainability in agriculture and forestry.

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