



Contesting legitimacy of voluntary sustainability certification schemes: Valuation languages and power asymmetries in the Roundtable on Sustainable Palm Oil in Colombia



Victoria Marin-Burgos^{*}, Joy S. Clancy, Jon C. Lovett¹

Twente Centre for Studies in Technology and Sustainable Development–CSTM, Institute for Innovation and Governance Studies, Faculty of Management and Governance, University of Twente, PO Box 217, 7500 AE, Enschede, The Netherlands

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ABSTRACT

Voluntary certification schemes aimed at assuring producer compliance with a set of sustainability criteria have emerged as market-based instruments (MBIs) of sustainability governance. However, the impacts they tackle can be part of a complex arena of socio-environmental conflict, where values and powers of business and local actors compete. Legitimacy of these schemes not only results from compliance by business actors; but also depends on acceptance by local actors affected by, or resisting the industries that these mechanisms aim to govern. This paper explores the influence of different local actors' values and powers on legitimacy granting or contestation by local actors during national processes of sustainability criteria development. We analyse the case of the Roundtable on Sustainable Palm Oil (RSPO) in Colombia using an approach that combines concepts of ecological economics and political ecology with the legitimacy literature based on critical sociology. In Colombia, the palm oil industry led the initiative to implement certification under national interpretation of RSPO principles and criteria. However, the national interpretation process revealed power asymmetries among stakeholders and clashes between their different values. This resulted in strong contestation of RSPO legitimacy by local actors who resist expansion of oil palm cultivation.

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1. Introduction

Voluntary certification schemes aimed at ensuring producer compliance with a set of sustainability criteria have emerged as market-based governance responses to concerns about socio-environmental impacts of industries based on agricultural, forest, mineral or marine resources. These schemes constitute innovative forms of global sustainability governance beyond the state (Arts, 2006; Bernstein, 2005; Cashore, 2002; Pattberg, 2005; Take, 2012). They are market-based instruments (MBIs) of governance, operating within broader governance systems that fall into the specific category identified by Cashore (2002) as non-state market-driven governance systems, i.e. “deliberative and adaptive governance institutions designed to embed social and environmental norms in the global marketplace that derive authority directly from interested audiences, including those who seek to regulate, not from sovereign

states” (Bernstein and Cashore, 2007: 348). Legitimacy is a major concern when dealing with this type of governance system and has become a focus for research (Bäckstrand, 2006; Bernstein, 2005; Bernstein and Cashore, 2007; Biermann and Gupta, 2011). This concern is grounded in two characteristics: i) there are neither electoral nor representative legislative processes, which are the sources of legitimacy for rule-making in national democracies (Bäckstrand, 2006; Tamm Hallström and Boström, 2010), and ii) these governance systems involve many issue areas affecting different groups of actors at different scales (Bernstein, 2011). However, due to their market-driven nature, the governance systems may not be responsive beyond the need for consumer confidence and commercial viability (Klooster, 2010).

Most socio-environmental effects that MBIs of governance seek to address are experienced locally, such as alteration of environments that sustain local peoples' livelihoods, and have negative impacts on access to natural resources. Such effects are often at the centre of socio-environmental conflicts, i.e. conflicts over access to natural resources and over the burdens of environmental impacts, that are rooted in differences in values and inequalities in power and wealth among human groups (Escobar, 2006; Martínez-Alier, 2002). Typically, local actors involved in such conflicts have opted for self-exclusion from the industrial commodity chain because participation does not fit with their values (Hospes and Clancy, 2011). Thus, they are stakeholders that may grant or contest legitimacy, depending on how their values

Abbreviations: Fedepalma, National Federation of Oil Palm Growers; MBI(s), Market-based instrument(s); NI, Colombian National Interpretation of the RSPO Principles and Criteria; RSPO, Roundtable on Sustainable Palm Oil; WWF, World Wildlife Fund.

^{*} Corresponding author. Tel.: +31 53 4894377; fax: +31 6 4894850.

E-mail addresses: marinvicky@gmail.com (V. Marin-Burgos), j.s.clancy@utwente.nl (J.S. Clancy), j.lovett@leeds.ac.uk (J.C. Lovett).

¹ Present Address: School of Geography, Faculty of Environment. University of Leeds, LS2 9JT, UK.

are reflected and power is mobilised in processes that are used to develop sustainability criteria.² Legitimacy of MBLs of governance in relation to these local actors is important for two reasons. Firstly, because it increases the chances that they will participate in decision-making and implementation processes, thereby ensuring that social and environmental impacts that affect them are actually taken into account. Secondly, because legitimacy contestation by local actors undermines the potential of market-based governance systems to protect business actors who participate in such systems, because they consider that participation in the system protects them from naming and shaming boycott campaigns (Cashore et al., 2004; Nikoloyuk et al., 2010).

However, granting of legitimacy by local actors involved in socio-environmental conflicts has not been the subject of extensive empirical research. Most work on the legitimacy of market-based sustainability governance instruments and systems uses a priori legitimacy criteria (Bäckstrand, 2006; Risse, 2006; Take, 2012) and focuses on how internal governance and standard-setting processes are structured and developed at the international level (Auld and Gulbrandsen, 2010; Klooster, 2010; Partzsch, 2011; Schouten and Glasbergen, 2011). This type of approach is not well suited to exploring how legitimacy is actually granted or contested in a specific local context. Therefore, in this paper, we adopt Bernstein's concept of legitimacy as acceptance of a rule by 'relevant audiences' as appropriate and justified (Bernstein, 2005, 2011; Bernstein and Cashore, 2007). Most empirical analyses based on this notion of legitimacy focus either on legitimacy granting by actors within the commodity chain (Cashore et al., 2004, 2007), or on the international dimension of market-based sustainability governance mechanisms (Schouten and Glasbergen, 2011; von Geibler, 2012).³ Very few studies have included local actors in their analyses (Johansson, 2012; McDermott, 2012). To fill this gap, research on perceptions of legitimacy is needed at the local level to broaden understanding of legitimisation processes (Bernstein and Cashore, 2004; Schouten and Glasbergen, 2011).

This paper's objective is twofold: Firstly, to explore how different values and power deployed in national processes of sustainability criteria development influence legitimacy granting or contestation by local actors involved in socio-environmental conflicts, and secondly, to contribute to the study of legitimacy of market-based sustainability governance instruments and systems, by integrating concepts from ecological economics and political ecology into the analysis of legitimacy dynamics of acceptance or contestation at the national scale. To do so, we analyse the process of adoption of the Colombian National Interpretation of the Roundtable on Sustainable Palm Oil (RSPO) Principles and Criteria by combining the legitimacy literature based on critical sociology with concepts of valuation languages and procedural power.

Global palm oil production and consumption have increased at an accelerated pace since 2000, becoming the world's most consumed vegetable oil in 2005.⁴ World demand for palm oil increased sharply in the period 1995–2010 (+ 32 million tonnes). In 2010, 46.8 million tonnes of palm oil were consumed (MVO, 2010). Global production increased from 21.8 million tonnes in 2000 to 45.8 million tonnes in 2010 (Oil World, 2001, 2011). The RSPO was formed in 2004, as an initiative of Unilever and the World Wildlife Fund (WWF), to respond to sustainability

concerns associated with accelerated growth of the palm oil industry worldwide.⁵ The generic RSPO Principles and Criteria were released in 2007 as approved for use, while the certification mechanism was adopted in 2008. As a condition for certification of local producers, the RSPO system requires a national interpretation of the international RSPO Principles and Criteria to be carried out in the producer countries (RSPO, 2007).⁶ None of the research studies on the RSPO found by the authors focuses on national interpretation processes (Castañeda-Silva, 2011; Hospes, 2011; Nikoloyuk et al., 2010; Partzsch, 2011; Pesqueira and Glasbergen, 2012; Schouten and Glasbergen, 2011 and von Geibler, 2012). Colombia is particularly interesting for this type of study because most of the palm oil production sustainability concerns relevant for local actors are at the core of socio-environmental conflicts. Colombia is the fifth-leading palm oil producer in the world and first in the Americas. Increasing palm oil production in the country has entailed an accelerated expansion in industrial cultivation of oil palm, especially since the year 2000. The land area devoted to oil palm increased from 157,000 ha in 2000 to 404,000 ha in 2010 (Fedepalma, 2005 and 2011), and this growth has been accompanied by cases of socio-environmental conflicts between the agro-industry and peasants or Afro-Colombian communities. There is also substantial opposition to expansion of oil palm cultivation from several civil society organizations. At the core of these conflicts there are sustainability concerns related to alteration of ecological and environmental characteristics; and modification of land access arrangements in areas considered by rural dwellers to be their territories. The palm oil industry represented by Fedepalma (National Federation of Oil Palm Growers) responded to social and environmental concerns by: i) becoming a member of the RSPO, and ii) paving the way for producer certification through adoption of the Colombian National Interpretation of the generic RSPO Principles and Criteria (NI). Although the NI process was meant to develop the generic Principles and Criteria in accordance with local concerns through a participatory process that included several stakeholder meetings, the RSPO system and the certification mechanism have been strongly contested by local actors. Therefore, analysing the case of the NI process in Colombia sheds light on how legitimacy granting or contestation by local actors is shaped by the way values and power are deployed in national processes of sustainability criteria development.

This paper is structured as follows. In the next section we explain the conceptual framework used to integrate the concept of legitimacy with those of valuation languages and procedural power. Section 3 introduces the case study and contains a description of the data collection methods. Sections 4 and 5 contain the results and discussion. The paper finishes with some conclusions about issues identified that are relevant for legitimisation of MBLs of sustainability governance.

2. Legitimacy, Plurality of Values and Procedural Power in Market-based Sustainability Governance

Bernstein's conceptualization of legitimacy underpinning our analysis states that "legitimacy always rests on shared acceptance of rules and rule by affected groups, who constitute the community that grants legitimacy and on the justificatory norms they recognize" (Bernstein, 2011:21; Bernstein, 2005; Bernstein and Cashore, 2007). Bernstein refers to the affected groups as 'relevant audiences', and his approach acknowledges that legitimacy requirements of global governance schemes depend on the "historically contingent values, goals, and practices" of such 'relevant audiences' (Bernstein, 2011:24). Therefore, to understand legitimacy

² Local actors who resist extractive activities include individuals, communities, and civil society organizations. These actors are not a homogeneous group. They differ between the categories of actors and also within categories. They may hold different positions and interests, and pursue different objectives, which may even be in conflict. Therefore, we are aware that categories such as local communities, civil society organizations and local actors are contested. However, for analytical purposes, in this chapter we use the category of local actors to refer to individuals, communities and civil society organizations that resist expansion of industrial oil palm cultivation and contest legitimacy of the RSPO.

³ A commodity chain can be defined as "sets of interorganizational networks clustered around one commodity or product, linking households, enterprises, and states to one another within the world-economy" (Gereffi et al., 1994: 2).

⁴ In this paper we use the term oil palm to refer to the tree and differentiate it from the oil extracted from its fruits, i.e. the palm oil. The difference is relevant because not all oil palm growers are palm oil producers. However, when we refer to the palm oil industry or agro-industry, it includes both palm growers and palm oil producers.

⁵ Unilever is a multinational company that produces food, cosmetic, and household care goods. Since palm oil is one of the raw materials used to produce these consumer goods, Unilever is an important buyer of palm oil in the international market.

⁶ If a national interpretation process has not been carried out in a specific country when a producer seeks certification, the international RSPO Principles and Criteria will be applicable. "Where the international RSPO Criteria are being used, the certification body must develop local indicators through a consultative process, available in the local language" (RSPO, 2007:18).

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