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Experimental biofuel governance: Historicizing social certification in Brazilian ethanol production

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ABSTRACT

Amid debates questioning the social sustainability of ethanol, Brazilian industrialists sought an exportable social verification that could accompany sugarcane ethanol technology transfers to global South countries. Despite an effective national anti-slave labor pact and marketing campaigns promoting the sustainability of ethanol, in 2008, members of the federal government orchestrated a series of meetings between representatives from the state, sugarcane industry, and national labor organizations to discuss labor practices. They created “The National Commitment to Labor Conditions in Sugarcane Activity,” a voluntary certification program that they hoped would attest to fair working conditions on plantations and provide acknowledgment for participating businesses. After reports revealed gross violations of labor practices on complying plantations, the certificate was abandoned in 2013.

In this paper, I trace the conditions that enabled this certificate to emerge and then fail as a state-sanctioned instrument for governing social justice in the Brazilian ethanol industry. I contend that understanding the emergence of neoliberal governance schemes requires analysis of the historical relationships that intersect with new geopolitical formations. In this case, the state engaged in an experimental form of governance in attempts to export a social certificate alongside technology transfers. This led to the conversion of rights into privileges with no official means for punishing non-complying companies, causing the certificate to lack efficacy and fail. I argue this by connecting the intersecting histories of labor unions, the ethanol industry, and the state to the contemporary factors that led to the need for a mechanism to attest to social sustainability.

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1. Introduction

In the early 2000s, the Brazilian government faced criticism domestically and internationally for several aspects of its national biofuel policy and practices. Foremost among these critiques were challenges to scientific reports extolling the virtues of ethanol as an economically and environmentally sustainable fuel and allegations that the labor practices required for sugarcane ethanol production were unjust, exploitative, and socially unsustainable. Together with the sugarcane industry, the government responded with a two-pronged campaign to prove scientifically that greenhouse gas (GHG) emissions were reduced from sugarcane ethanol production and use, and to create and publicize alliances between sugarcane industry representatives and national social justice

organizations to ameliorate negative perceptions of the labor conditions during sugarcane harvesting.

The office of the Secretary General of the President of Brazil¹ orchestrated a series of meetings between industry representatives, labor organizations, and governmental departments. The resulting pact, called the National Commitment to Labor Conditions in Sugarcane Activity (henceforth, National Commitment), went into effect in June 2009. The National Commitment was a voluntary “social certificate” intended to encourage Brazilian plantation owners to implement specific labor practices through the receipt of a publicized compliance certificate verified through industry-funded audits by external firms. Modeled on international biofuel sustainability certification programs that use industry-funded audits to govern the environmental and social impacts of biofuel production outside of governmental standards, such as the Roundtable on Sustainable

¹ Henceforth “Secretary General.” The primary duty of this unique Brazilian office is to assist the President in coordinating and implementing activities between government and social organizations as well as between the public and private sectors. The office is headed by a presidentially appointed minister.

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Biofuels (RSB) and Bonsucro,² the National Commitment uniquely incorporated input from representatives of government and several labor organizations into the creation and implementation of this industry-funded initiative through a “Dialogue Table.” The certificate’s stated objectives were to ensure fair labor conditions for workers and provide public acknowledgment for participating businesses.

The National Commitment lasted almost four years. In April 2013, when the terms of the certificate were set to expire, the National Commitment was not renewed by the federal government, and the project was quietly abandoned. From the start, radical social organizations challenged the certificate for excluding key labor issues, such as the provision of meals to workers. In 2012, the national newspaper *O Globo* reported dozens of cases of labor violations at allegedly compliant plantations, and the Ministry of Labor found at least 60 of the 169 businesses had “irregularities in labor relations” (Rodrigues, 2012). In 2013, the activist organization *Repórter Brasil* reported that the certificate had been granted to blatantly non-conforming plantations and to businesses on the Ministry of Labor’s “Dirty List” of companies that use “slave labor” practices (see next section) (Hashizume, 2013). The Ministry of Labor filed seven civil lawsuits against “certified” companies, citing various “problems, failures, mistakes, and frauds” over the course of the certificate’s tenure. The Secretary General’s office made no announcement concerning its cancellation. It simply told *Repórter Brasil* that “the agreement was not continued because it lost validity (*perdeu a vigência*),” and amended the heading of the online database of complying companies to state in bold red letters that the list was “valid until April 30, 2013” (Secretaria-Geral, 2013).

Mitchell (2011) has described industrialized “carbon democracies” that rely upon the energy derived from oil to maintain the political, social, and economic forms they have built from its use, and a similar case might be made for Brazil. Using biofuel governance mechanisms (Hunsberger et al., this issue) Brazil has developed one of the most successful ethanol industries in the world. Extensive subsidies and financial support for land, infrastructure, technology, and ethanol research and development, as well as high domestic blend mandates and international promotion of biofuel production and consumption have resulted in (1) the continued strength of a sugarcane industry that supports GDP growth—an endeavor that dates back to Brazil’s colonial origins; (2) a thriving domestic automobile industry that developed flex-fuel cars, resulting in a degree of fuel autonomy and a highly mobile population; (3) multiple generations of scientific and technological biofuel innovators who contribute to a lively scientific community and keep “intellectual capital” in the country; (4) a position for both the Brazilian government and ethanol corporations as “biofuel experts” in environmental, energy, and social sustainability, increasing their international influence and level of inclusion in global affairs; and (5) the ability to forge South–South agriculture–energy alliances, where new markets are created for energy and social technologies.

As scientists and technologists strive to overcome the limits imposed by fossil fuels through alternative fuel technologies, Brazil is positioned as an economic and environmental leader. Despite the existence of the National Pact for the Eradication of Slave Labor

in Brazil, an effective, market-driven agreement between the various industries and the Ministry of Labor (discussed below), the ethanol industry and members of the federal government’s executive branch sought an exportable biofuel governance mechanism to accompany production technologies overseas, one that would include the “voices” of both industry and social justice organizations as it eliminated the vigilance of the state in favor of independent auditors.

The creators of the National Commitment social certificate hoped that it would diffuse internationally along with the production technologies and practices for which it was meant to attest. Certificates incentivize the internalization of environmental and social limits, thus accommodating economic–political ideals that eliminate state regulation. However, in the case of the National Commitment, the state created a fissure in its ability to regulate labor conditions as the Office of the Secretary General supported the granting of audit-approved social certificates to the very same production facilities that were penalized by the Public Prosecutor’s Office (MPT) for slave-like practices.

By tracing the historical conditions that led to the emergence of the National Commitment social certificate, I argue that certificate governance of Brazilian ethanol labor practices converted political struggle into flat criteria that were based on the impression of participatory consensus. Through this audit-based form of biofuel governance, the state attempted to move away from its role as law-maker and enforcer in favor of an experiment in mediation between industry and labor organizations that had a long and complex history of interaction and conflict. The resulting lack of de facto rights for workers and enforcement mechanisms under the National Commitment ultimately led to its ineffectiveness and termination. By situating this failed social justice instrument into the history of the three groups that came together in 2008–2009 to create the certificate—representatives from the Brazilian ethanol industry, social justice organizations, and the federal government under President Lula (and later Dilma)—I aim to show that emergent forms of neoliberal governance are products of long histories that coalesce around new geopolitical formations.

While scholarship on social justice in the ethanol industry has focused on social conditions, including on-the-ground labor conditions, food security, and impacts on subsistence farmers (e.g., articles in Borras, Jr., et al., 2010a), this article analyzes a government–industry intervention that attempted to forestall such debates by creating a document that they contended could attest to social justice. Analyses of the increasingly prevalent certificate as a valid form of social governance in the biofuels sector are urgently required to understand its legitimation, implications, efficacy, and the conditions under which these governance mechanisms arise (cf. Hunsberger et al., 2014; Fortin and Richardson, 2013; Wilkinson and Herrera, 2010).

This paper mainly relies on primary source textual analysis, including the National Commitment itself, as well as various reports and publications from the Brazilian government, ethanol industry, and social organizations. I rely on secondary sources to retrace the histories of Brazilian ethanol and politics and draw upon interviews with members of the Brazilian Secretary General that were conducted in July 2012.³ Using these sources, this paper explores what happens when contemporary concerns for social justice in the context of the biofuel market expansion become incorporated into technocratic regulations of labor conditions that stem from decades-long interactions between the state, industry, and social justice organizations.

The paper begins by contextualizing the certificate through a brief explanation of labor in the sugarcane industry and by

² This trend can be seen in the European Commission (EC)’s recent approval of seven certification schemes to ensure the ethical integrity of imported ethanol (Kaminski, 2011). These include the RSB, which is the largest private biofuel certifier in the world, and Bonsucro, the scheme the EC had been using to guide decision making about ethanol importation. The RSB uses a system of twelve “principles and criteria” in assessment, including: “Legality, Human and Labor Rights, Local Development & Food Security, [and] Use of Hazardous Technologies” (RSB, nd). Bonsucro employs five principles in assessment: “1. Obey the law. 2. Respect human rights and labor standards. 3. Manage input, production and processing efficiencies to enhance sustainability. 4. Actively manage biodiversity and ecosystem services. 5. Continuously improve key areas of the business” (Bonsucro, 2012).

³ The names of informants have been anonymized.

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