

“Crop Apartheid” or “Role Model”?

Perspectives of Bioenergy Sustainability Certification

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Biofuels certification under the EU RED

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EU Biofuel certification
Legitimate & effective?
RED II & Palm Oil Ban
Discussion + Conclusion

- EU Renewable Energy Directive (RED)
 - 10% target for biofuels to be reached in 2020
- Target is tied to (ecological) sustainability criteria
 - Compliance with these criteria can be proven via an voluntary (private) certification scheme (VCS) that is recognized by the European Commission (EC)
- A hybrid (public-private) governance system, promising legitimacy and effectiveness
 - Can it live up to this promise?
 - A 'role model' for the bioeconomy?

Overview of EC-recognized VCSs

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System	RED-cert	ISCC	Bon-sucro	RSB	2BSvs	RSPO	HVO	KZR IniG	SQC	Gafta	UFAS	TASCC	AACS	Better Biom.	Red Tractor	RTRS
Owner	Agr. Ind.	Assoc./MSI	MSI	MSI	Agr. Ind.	MSI	Firm	Firm	Agr. Ind.	Agr. Ind.	Agr. Ind.	Agr. Ind.	Agr. Ind.	Assoc./MSI	Agr. Ind.	MSI
Region	Germany	World wide	South Amer.	World wide	France	S-E Asia	Finland	Poland	GB	GB	GB	GB	Austria	World wide	GB	South Amer.
Feedstock	Wide range	Wide range	Sugar cane	Wide range	Wide range	Palm Oil	Oil-seeds	Wide range	Wide range	Wide range	Wide range	Wide range	Wide range	Wide range	Wide range	Soy
Supply Chain	Full	France	Full	Full	Full	Full	Partly	Full	Partly	Partly	Partly	Partly	Full	Full	Partly	Full
Scope	Mandatory	Extended	Extended	Extended	Mandatory	Extended	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Mandatory	Extended	Mandatory	Extended

Legitimacy of private governance

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- When can private (or hybrid) governance be considered democratically legitimate?
- Following a framework to evaluate democratic legitimacy of governance, legitimacy is distinguished into 3 subcategories
 - Input legitimacy
 - Participation and decision-making structure
 - Throughput legitimacy
 - Transparency, control and accountability
 - Output legitimacy
 - Effectiveness and social acceptance

Input legitimacy

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- De jure: what does the EC require?
 - Nothing
- De facto: what do the EC-recognized VCSs actually do beyond that?
 - Not much
 - Only 6 of 16 VCSs are multi-stakeholder schemes
 - RSB, RSPO, Bonsucro, RTRS, ISCC, Better Biomass
 - Even these MSI are mostly dominated by industry actors
 - Adequate procedures to ensure equal participation of all affected stakeholders are rarely installed

Throughput legitimacy

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- De jure: what does the EC require?
 - Documentation management system
 - Transparency and reporting obligations
 - Independent audits of certified firms
 - Certain skills and no conflict of interest of auditors
- De facto: what do the EC-recognized VCSs actually do beyond that?
 - Again, only MSIs go beyond EC requirements, e.g.
 - Mandatory local stakeholder consultation
 - Sophisticated grievance procedures

Output legitimacy

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- Only ecological sustainability criteria are considered under the RED
 - Only the 6 MSI go beyond these and include social criteria
- Practical implementation often deficient because of
 - Poorly specified criteria and indicators
 - Varying auditing standards
 - Varying knowledge and competence of auditors
 - Questionable financing of audits
- Seems to lead to a ‘race-to-the-bottom’ in the biofuels certification market
 - Biggest market shares for least ambitious (and therefore often cheapest) VCSs

Conclusion on legitimacy and effectiveness of the EU biofuels sustainability governance system

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- The promise of private-public governance is – at best – partly fulfilled in EU biofuel sustainability governance
- However: biofuel Certification under the RED is a field trial and should therefore not be dismissed right away

→ Can it still be a ‘role model’ for the bioeconomy?

Excursus: RED II and conflicts over palm oil

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- Recast of the RED (RED II) in 2018
 - Not many changes to the certification system
 - But a palm oil ban was discussed and proposed by the European Parliament
- Led to massive protest from Malaysian and Indonesian politicians, companies and citizens
 - “Crop apartheid”, “colonial attitudes”, etc.
- The palm oil ban was eventually removed from the final version of the RED II
 - Be it for the protests or not...

Discussion: Sustainability certification (from the Global North) under fire

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- From the North (or the feedstock importing countries) itself
 - Being accused of serving as a fig leaf for environmental degradation and human rights violations by Civil Society Organizations
- From the South (or the feedstock producing countries)
 - Being accused of disrespecting their sovereignty and of neo-colonial behavior
 - Malaysia and Indonesia have already initiated alternative sustainability certification schemes (MSPO and ISPO)
 - With the support of the respective industries, who have partially left RSPO in this context

Conclusion: no 'role model' just yet...

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- The hybrid governance system of biofuel sustainability certification under the RED does not exactly live up to its promise of legitimacy and effectiveness
 - Even though it shouldn't be abandoned just yet
 - Sustainability claims from the Global North are increasingly challenged by (some) countries of the Global South
 - That already begin to withdraw and develop alternative systems
- If the hybrid governance system of biofuel sustainability certification under the RED is to be a 'role model' for the bioeconomy, aspects of democratic legitimacy have to be taken more seriously
- Otherwise, it's not going to work...

