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Exploring the potential of government and voluntary standards collaborations to scale up sustainable production and supply

David D'Hollander and Norma Tregurtha

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Abstract

At their core, Voluntary Sustainability Standards (VSS) are tools for tackling issues of public concern such as biodiversity, climate change or human rights protection, in global supply chains. They are often explicitly based on norms or commitments agreed by governments at an international or multilateral level. Because VSS provide a means to complement and fill in the governance gaps left by national regulation, governments have sought to engage and use them in various ways. This contribution emphasizes the emergence of 'supply side' interactions which aim to scale up the production of sustainably produced commodities. We argue that governments in producing countries are showing an increased interest in using and collaborating with VSS – a willingness to engage which was largely absent in the past. This growing interest has opened up new ways for governments to integrate VSS into public policy and co-regulation. This article provides three examples of such emerging interactions: in the Brazilian coffee sector in the state of Minas Gerais, cotton production based on a concessionary model in Mozambique, and sustainable palm oil production in Indonesia and Malaysia. By way of conclusion, the paper reflects on the potential and limitations of such new interactions and co-regulatory initiatives, and highlights key areas requiring further research.

1 The authors are part of the ISEAL Alliance's Policy and Outreach team. The ISEAL Alliance is the global membership organisation for sustainability standards. It defines good practice for private standard-setting organisations, with the aim of increasing the uptake and impact of sustainability standards.

Introduction – Private Standards and Public Regulation: old dichotomies and new realities

Voluntary Sustainability Standards (VSS) have emerged and proliferated over the past two decades, positioning themselves as private sector tools which are able to address key sustainability challenges in various sectors, industries and geographies (Potts et al., 2014; ITC, 2015).[1] The role of VSS as innovative forms of governance has been well documented (see, for example, Vogel, 2008; Abbott and Snidal, 2009). In focusing on their role as non-state and private in nature, some have viewed VSS as the 'outsourcing' of public regulation (O'Rourke, 2003). This assumes that VSS are crafted and implemented in isolation of governments – an assumption refuted by the growing evidence of the diverse forms in which governments interact[2] with VSS (ITC, 2011; Eberlein et al., 2013; Bendell, Miller and Wortmann, 2011; Vermeulen et al., 2011).

Building on the notion that governments and VSS can benefit from greater mutual recognition and interaction, this contribution outlines recent developments and examples whereby public bodies or authorities in producer countries engage with VSS to scale up production. These *supply-side* interactions taking place in producer or export economies differ from what can be labelled *demand-side* interactions undertaken by governments at the consumer-end of global supply chains. We argue that such new supply-side interactions and co-regulatory initiatives have the potential to expand the sustainable management of commodity production. This is pertinent as demand for certain sustainably-produced soft commodities such as palm oil or cocoa has been rising rapidly (WWF, 2012). This situation is likely to continue as a growing number of multinationals have set ambitious sustainability targets, while many governments are committed to creating more sustainable production and consumption patterns. Emerging global frameworks such as the UN Sustainable Development Goals or the renewed climate change agreements are providing a common agenda and language for these actors and the VSS they use.

In this context of political mobilization and market pressures, the space for new relationships between VSS and governments is growing. Instead of representing competing regulatory regimes, which challenge or substitute public regulation, credible VSS are tools to be used by a range of public actors. Importantly, several developments indicate that this understanding of VSS is gaining ground among governments in producer countries. The three examples in this article illustrate how public entities make full use of the content, expertise and assurance or verification services provided by private VSS.

Governments and VSS: old and new interactions

In asking the question: 'how private are private standards?' (Marx, 2015), observers and practitioners are becoming increasingly aware of the interplay between private standards and public policies.

In trying to fulfil their commitment to a range of international agreements and global goals, governments have been confronted not only with the limits of conventional regulation, but also with the limits of intergovernmental action (Abbott and Snidal, 2009). While mainly driven by non-governmental actors, the rise of private sustainability standards has been catalysed by international governmental agreements.. Although their content reflects broader informal norms and expectations, VSS are also tools

1 In using the term 'voluntary sustainability standards' or VSS, this article refers to a specific sub-set of private sustainability standards that are active and applicable in multiple countries, and accessible to and constituted by international actors. This excludes ISO standards which are set by national standard-setting bodies.

2 By "interactions" we mean the myriad ways in which governance actors and institutions engage with and react to one another (Eberlein et al., 2013, p. 2).

for implementing international agreements such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Biological Diversity (CBD), and the International Labour Organization (ILO) conventions including the 1998 Declaration on Fundamental Principles and Rights at Work (Marx, 2015, p.7).[1] Whereas they may not be designed with the intention of becoming a tool in government policy or regulation, they offer policy makers a flexible alternative to traditional regulatory policy.

This is coupled with a better understanding among policy makers of how, a 'mix' of policy instruments and institutions is necessary to tackle specific sustainability issues (Cashore and Stone, 2012; see also Young, 2002). Policy-makers and sustainability experts are finding that developing a portfolio of interventions and 'stacking' different interactions is likely to be more effective than approaches focussing on one piece of regulation. The examples in this article illustrate how international VSS are often a binding element in the mix of policy instruments that can be deployed.

Emerging Supply-side Interaction, Collaboration, and Co-regulation

This contribution focusses on emerging between governments in commodity-producing countries and international VSS. These interactions aim to support and stimulate the *supply* of certified goods and services. These examples relate to soft commodity production in three geographic contexts: coffee in Brazil, cotton in Mozambique and palm oil in Indonesia and Malaysia.

These individual examples should be seen in a broader context in which national governments at the production end of global supply chains are taking steps to address sustainable production. A notable set of initiatives in this regard are the various national commodity platforms, supported by the United Nations Development Program (UNDP) which have been launched in ten commodity exporting countries.[2] In certain cases, commitments and action plans are linked to scaling up certification as part of 'greening' export industries, such as the government of Ecuador's ambition to have all cocoa produced certified and traceable (UNCTAD, 2016). Another example, further illustrated below, is Mozambique's policy to become the first country certifying 100% of its cotton production as sustainable (BCI, 2014). With a specific focus on interacting with VSS, national platforms have been set up under the umbrella of the United Nations Forum for Sustainability Standards (UNFSS). The first of such was launched in India (UNFSS, 2016) and similar platforms are planned to be launched in Brazil and China.

To improve and scale up sustainable production, national governments, ministries, government agencies and local governments have a range of measures at their disposal. Policy makers can adopt new regulations prescribing production and harvesting practices, support the development of appropriate technology such as new plant varieties, and provide producers and firms with information and support services to reduce the transaction costs associated with more sustainable practices. In such planning efforts, existing international VSS are coming to the fore as market-oriented tools with international reach.

The examples below indicate how new policy approaches can leverage the expertise and functionality of international VSS in various

1 Marx notes that because they integrate and implement existing international agreements and conventions, this implies that 'some international agreements are enforced in countries which have not ratified them such as for example the United States with regard to the Convention on Biological Diversity or other countries which have not ratified ILO conventions.' Marx. 2015, p. 7.

2 These diverse initiatives are part of the UNDP Green Commodity Programme, see http://www.undp.org/content/undp/en/home/ourwork/environmentandenergy/projects_and_initiatives/green-commodities-programme.html (accessed 10/06/2016).

ways. The first two examples illustrate how governments can develop their own voluntary standard or certification programme using the expertise of international VSS, with the aim to enter into mutual recognition arrangements with existing VSS. The second example highlights how governments can shape emerging efforts to re-think the scope of standards and certification, moving from individual production units to whole jurisdictions.

Mutual recognition between government and private voluntary standards

There are a number of reasons why governmental bodies may choose to set up a national voluntary sustainability standard rather than adopt new legislation or regulation. These can range from seeing the development of a national standard as an opportunity to meet the demands of international buyers , to exercising greater control over value chains, improving access to capacity-building for smallholders, and enhancing the local relevance of standards to meet the needs of domestic producers and firms (ISEAL, 2013). In setting up a national standard, governments can rely on the International Organization for Standardization (ISO) framework and their national standards-setting body (which fall outside the scope of this article), rely on technical experts to determine and design the standard, or adopt a more inclusive multi-stakeholder approach for setting a sustainability standard. Regarding the latter, notable examples include the TrusTea standard in India, the System Indonesian Sustainable Palm Oil (ISPO) for palm oil in Indonesia, and the Florverde standard for floriculture in Colombia (ISEAL, 2013).

While government-driven sustainability standards often address similar sustainability issues (land use, agricultural practices, labour rights, deforestation, etc.) and share a stakeholder base with existing international voluntary sustainability standards, this does not automatically imply interaction. As noted above, establishing government VSS at a national level is one way of challenging the presence of existing international VSS (ISEAL, 2013). The two examples below provide a contrasting approach of engagement and mutual interaction, whereby a government standard and certification programmes pursue integration and collaboration with international VSS.

Brazil - Minas Gerais State: sub-national certification scheme linking to international value chains

Minas Gerais State is the largest coffee producing region in Brazil and is responsible for more than 50% of the country's coffee harvest. The sector faces significant sustainability challenges including forced slavery, excessive pesticide use and other negative environmental impacts, all of which are exacerbated by international coffee price volatility. To address these challenges and ensure the long-term growth of the agricultural sector in Minas Gerais, the Certified Minas Coffee (CMC) standard and certification programme for coffee was launched in 2006 by the Minas Gerais Secretariat of Agriculture, Livestock and Supply. The programme developed a standard and certification protocol for sustainable coffee production, and set up capacity-building

and extension services for coffee producers to support them to comply with the 'local' standard. The verification and capacity-building activities of the programme are linked – private extension services are funded by the state government to provide training on the standard and certification procedures, whilst the Agriculture and Livestock Institute of Minas Gerais (IMA) provides technical support for the internal audit process (ISEAL, 2013). External audits are provided by two third-party, nationally accredited certification bodies.

To expand market access, CMC has collaborated with two international sustainability standards; UTZ and the Global Coffee Platform (GCP – formerly the 4C Association[1]). In the case of UTZ, this private VSS has been active in Minas Gerais since 2002 and the uptake of its Code of Conduct (standard) has been growing in the region. As a result, the CMC standard was able to use and integrate several elements from the UTZ Code of Conduct right from the start. Rather than generating tension and competition between these two standards, the substantial overlap and shared geography of these two systems led to closer cooperation. In 2012, this resulted in a Memorandum of Understanding (MoU), which envisaged even closer cooperation and the 'promotion of international recognition of the UTZ program and CMC using the Certifica Minas program as a stepping stone model' (UTZ, 2012). The agreement established the framework for mutual recognition based on the different performance levels of the two standards. As a result, a CMC certification was recognised as being equivalent to 'year 1' in the UTZ programme. Through this collaboration, producers gained international access to buyers as well as to the UTZ traceability system (ISEAL, 2013). This mutual recognition increased efficiencies between the assurance models of the two standards by promoting joint (combined) audits and common training of producers.

To establish connection to sustainable coffee value chains further, the CMC entered into an additional agreement to undergo a technical benchmarking against the Common Code for the Coffee Community (4C, 2013). This is an international entry-level standard for sustainable coffee production, which has recently evolved into the new entity, the Global Coffee Platform. The conclusion of this benchmarking led to a further mutual recognition or 'equivalence' agreement allowing CMC-certified farmers to obtain a 4C Licence and sell their coffee as 4C compliant without additional verification (4C, 2015).

The mutual recognition agreements with UTZ and 4C are useful examples of how mutual recognition or equivalence processes can replace competition between government-driven standards and existing international VSS. It is important to note that in the case of the CMC programme, its certification programme

1 For clarity, in this article we will still use the previous name 4C and refer to the 4C code.

provided an adequate degree of credible assurance, which allowed both the content of the CMC standard and its level of verification to be considered for mutual recognition by the existing international standards.

Mozambique: sustainability in the concessionary production of cotton and the Better Cotton Initiative

Cotton is one of the most important agricultural exports for Mozambique, where more than 90% of national production is undertaken by approximately 300,000 small-scale household farmers (Silici et al., 2015). In addition to various environmental impacts relating to soil and water usage, cotton production is also associated with poor labour conditions including child labour. To manage cotton production, the Mozambican government uses a concessionary-license model whereby a private company is granted exclusive rights to procure all cotton produced by farmers from a specific region at an agreed national price (IAM, 2011). In return, an obligation rests on the concession holder to support the farmers within that region, providing production inputs and technical assistance.

Recognizing some of the inherent weaknesses of the concession model and faced with decreased production output, a Cotton Value Chain Revitalization Plan was adopted in 2011 to increase the productivity and the sustainability of the sector (IAM, 2011). Prior to this, the Government's Cotton Institute of Mozambique (IAM) introduced measures to minimise the use of chemical inputs and increase erosion control in cotton fields, but these measures and the extension services provided by concession holders were found to be inadequate. The renewed focus on sustainable production led the IAM to engage the Better Cotton Initiative (BCI), an international VSS. BCI assisted in developing improved extension services in line with its principles and criteria and the first 'better cotton' harvest was achieved in 2013.

After this initial engagement, deeper interaction between Mozambique government policy and BCI developed in several stages. The first of these was embedding the BCI's principles and criteria in the revised national cotton regulation ('*regulamento a cultura de algodoa*'), which applies to all concession agreements. This put Mozambique on track to become the 'first country to make 100% of its cotton production Better Cotton' (BCI, 2016). The second step, currently ongoing, is IAM's development of a national standard for sustainable cotton production, which will mirror the criteria and indicators developed by BCI as well as include additional sustainability criteria related to parts of the production chain not covered by the BCI standard. In addition, the verification and certification process, currently still managed largely by BCI, will be transferred to IAM as a third step. To this end, BCI and IAM are training and developing competent Mozambique-based certification bodies to carry out the external third-party audits. Once the national-level standard and verification process has been finalised, an agreement of 'equivalence' will ensure Mozambique-produced cotton will enter international markets as BCI certified cotton.

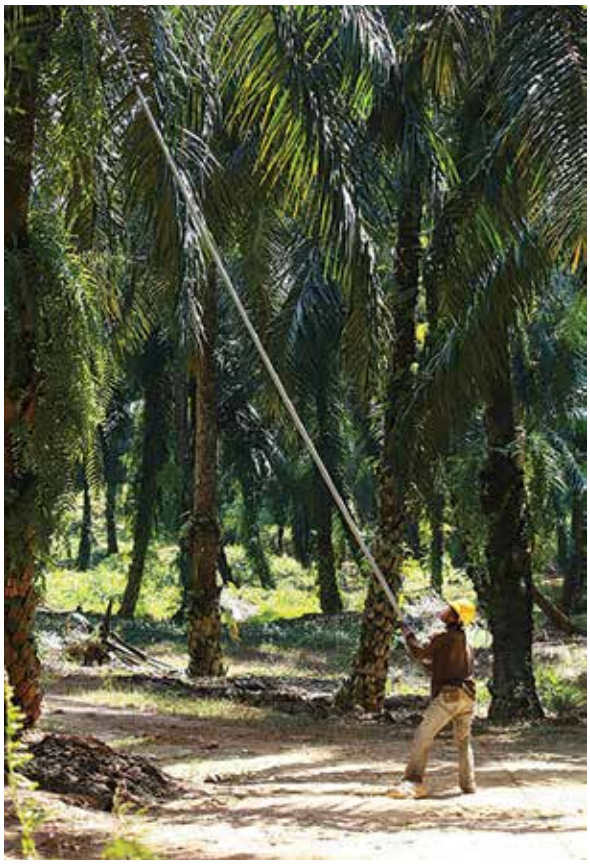
Adapting the scope of certification: emerging jurisdictional approaches

The development of jurisdictional approaches is a novel policy concept, part of the broader field of landscape approaches (Mallet et al., 2016; Denier et al., 2015; Kissinger et al., 2013; Sayer et al., 2013). Both landscape and jurisdictional approaches differ from the traditional certification model as they see sustainable practices being applied on a scale broader than individual producer units (farms, factories, forestry plots, fisheries, etc.), which many standard systems take as their primary scope of assessment. The main benefit of this approach is that it can help scale up the uptake of sustainable practices and potentially reduces the cost of verification for producers.

Government buy-in is seen as central to the implementation of such approaches. This is clearly illustrated by the example of the Roundtable on Sustainable Palm Oil's (RSPO's) role in designing and piloting a jurisdictional approach to sustainable palm oil certification in Indonesia and other Southeast-Asian countries.

Indonesia and Malaysia: sub-national jurisdictional approaches and the Roundtable for Sustainable Palm Oil

The rapid expansion of the palm oil sector in Southeast Asia has generated various negative sustainability impacts, including on deforestation rates and biodiversity (see, for example, Shiel et al., 2009). The RSPO was set up as an international, multi-stakeholder roundtable in 2004 to develop and implement standard for addressing such major sustainability concerns. While RSPO certification rates have grown at a rapid pace over the past decade to above 20% of global production (ITC, 2015), the standard's uptake needs to be significantly scaled up if deforestation rates are to be reduced – particularly in those countries where it has expanded rapidly. While Indonesia and Malaysia provide by far the largest share of sustainably certified palm oil, their total certified area accounts for only 17% and 24% of their total palm production area respectively (ITC, 2015).



To address this, sub-national governments have sought to engage oil palm companies, district heads and national government to accelerate progress towards scaling up sustainable palm oil production (Havemann and Kusumajaya, 2015). In this context, a consortium of partners came together to look at the possibility of broadening the scope of RSPO certification from individual plantations to whole jurisdictions at the district and provincial level (RSPO, 2015; Earth Innovation Institute, 2016). In this approach, local governments will play a central role in adapting the RSPO standard for local application linked to the development of palm oil development plans. These put into place supportive measures and incentives for the certification for plantations within the jurisdiction.

As of early 2016, public commitments from the governors of Sabah (Malaysia), Central Kalimantan and South Sumatra (Indonesia) have been issued (Mallet et al., 2016). While many areas of implementation are still being developed, the RSPO's jurisdictional approach exemplifies a new way of how local authorities, international actors and companies can shape models of governance which use localized, established political boundaries. In addition to consolidating the position of local plantations and producers in the palm oil supply chain, a jurisdictional approach based on an international VSS offers local governments a tool and framework for developing environmental policies, and addressing critical issues relating to land rights.

Opportunities, Challenges and Risks

The examples of constructive engagement described above illustrate not only the extent to which private standards have become embedded in global supply chains but also how standards are increasingly being considered and actively used by governments as part of their policy response to pressing sustainability and competitiveness issues. While such interactions are still nascent and their sustainability impacts remain to be assessed, the emergence of these 'supply-side' interactions opens up new possibilities for accelerating sustainable production. However, a number of outstanding concerns, constraints and challenges will need to be addressed from both the public and private sector side of the equation.

Addressing relevance, legitimacy, and accessibility

Certain countries have expressed concerns around the growing prevalence of private VSS in global value chains. Reservations include the arguments that such private standards lack relevance to local contexts and local stakeholder involvement. Importantly, a major concern is that VSS limit market access for small producers due to the costs associated with compliance and certification (UNFSS, 2014). Such issues are related to a particular challenge; the status of private sustainability standards in the international trade architecture, in particular the WTO Technical Barriers to Trade (TBT) regulation.[1]

Criticisms around the lack of transparency and stakeholder participation in the drafting of standards are not without foundation. However, here it is crucial to distinguish between the different types of private or voluntary standards that exist. Without delving into the various typologies and the literature on legitimacy strategies of non-state actors (see notably Cashore, 2002; Abbot and Snidal, 2008), it is necessary to emphasize that 'credible' multi-stakeholder standards represent standards systems which actively seek to address these concerns. To this end, various measures are taken including (but not limited to) actively engaging and addressing constraints faced by disadvantaged stakeholder groups in setting the standard and subsequent verification processes, ensuring the transparency and availability of the standard, investing in the translation of relevant documents, and developing national adaptations or interpretations of the standard. Moreover, in committing to periodic standard revisions, credible standards systems allow stakeholders to voice concerns at periodic intervals once the standard has been set.[2]

The issue of smallholder accessibility is another legitimate concern. There are various contextual factors which determine whether certification is economically viable for smallholders. VSS have been found to be effective tools for 'upgrading' the production systems of smallholders, thereby improving their productivity, reducing costs and increasing output quality (Blackmore et al., 2012). While high-performance VSS might indeed be challenging to achieve for small or medium producers which lack access to finance, standards systems can facilitate broad uptake and function as a 'conduit' for channelling resources to capacitate small producers. For example, BCI emphasizes the need to invest

1 The question of whether non-governmental VSS fall under the TBT regulation has not been fully resolved (see, among others, Arcuri, 2013). The TBT regulation aims to sanction unwarranted protection by governments, but allows measures which are driven by public interest and consumer welfare (Delimatsis, 2016). As private VSS are further integrated into public regulations and policies, the question of the WTO's regulating power over VSS is likely to become pertinent. It should be noted that supply-side co-regulations are unlikely to be disputed at the WTO level as they do not impose a barrier to trade.

2 As a body of international meta-regulation for private sustainability standards, the ISEAL Alliance has developed Codes of Good Practice which cover both concrete measures and broader principles related to credible standard-setting. For additional guidance on how international VSS can ensure global consistency and local applicability in their standard-setting processes, see ISEAL Secretariat, 2015.

in capacity-building 'upfront' instead of only focusing on outcomes in terms of certification (BCI, 2016). Crucially, the examples above illustrate how government measures can further facilitate smallholder access to VSS. In the Certifica Minas Café example, reducing the cost of compliance for producers through capacity-building support and facilitating their access to international markets were key goals shared by the local government bodies and the VSS involved.

In discussing smallholder access to global value chains, it is important to bear in mind that VSS are the practical result of market pressures, which seek to reward more sustainable production. If no transparent, multi-stakeholder standard is in place, such market pressures are likely to be channelled through more opaque and inaccessible sourcing conditions set by individual actors, creating further barriers for producers.

Challenges and risks for effective public-private governance interactions

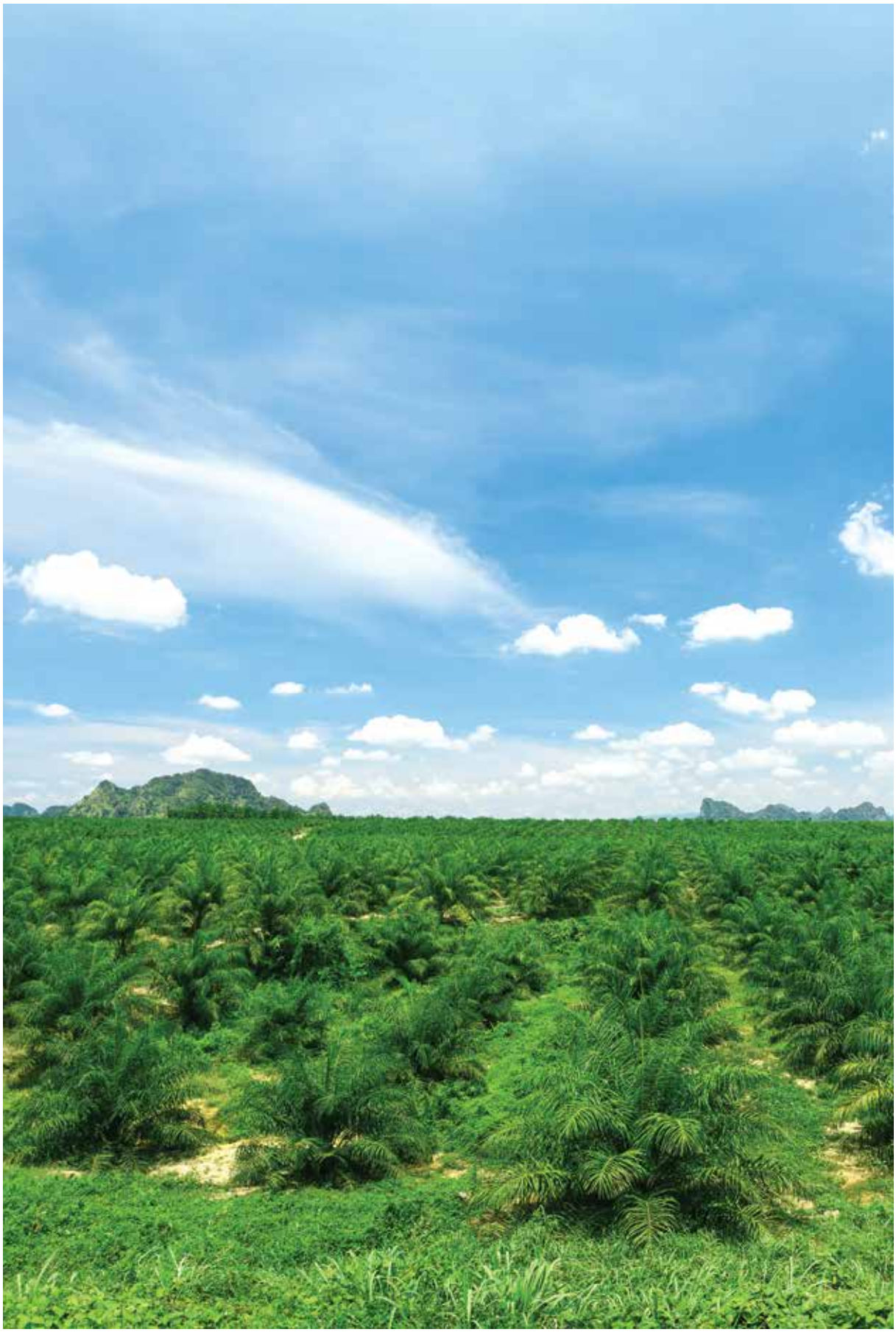
While a body of academic and grey literature addresses government-VSS dynamics in the forestry sector (see, for example, Gulbrandsen, 2014; Cashore and Stone, 2012), experiences and approaches in other sectors are less developed and documented. Arguably, one key challenge in fostering new interactions is improving the understanding of policy-makers, particularly in producer and export-oriented economies, about how private VSS function can be used. This includes insight into the different types of VSS, and the implications of different forms of co-regulation.

Each interaction between public actors and private VSS implies a recognition process, which can be formalized to different degrees. Depending on the scope of recognition and whether or not it relates only to the content of a standard or also integrates verification and conformity assessment, recognition processes will have to account for different types of factors. To ensure the effectiveness, legitimacy and credibility of a co-regulatory initiative, the recognition process would need to cover various process, and management principles, and potentially even outcome and impact criteria. If the threshold for recognizing VSS is too low and does not cover the integrity of compliance activities as well as factors relating to accessibility, transparency, organizational structure, and accountability, co-regulation risks being ineffective and open to criticism.[1] This also applies to interactions of mutual recognition between a private VSS and a government-run certification system as in the Brazilian and Mozambican cases above. When an international private VSS recognizes a public VSS, the credibility and integrity of the government-run VSS becomes a crucial dimension.

As they develop, new interactions and co-regulatory efforts can deal with concerns around relevance, legitimacy, integrity and accessibility of VSS, and such aspects also apply to the co-regulatory process as a whole. Efforts have been made to identify guiding principles for VSS to engage with public policy (Ward and Ha, 2012). Policy-makers, apart from looking at the broad principles included in the TBT regulation, can use several non-governmental resources to guide recognition or benchmarking processes.[2]

1 Studies commissioned by the World Wildlife Fund (WWF) and the International Union for Conservation of Nature (IUCN) which assessed the recognition of private VSS by the European Commission under the EU Renewable Energy Directive (EU RED), found the recognition process lacking in stringency and scope, and recommended moving towards a more comprehensive recognition process. See Schlamann, et al., 2013: IUCN NL, 2013.

2 These include the ISEAL Codes of Good Practice and the WWF's 'Principles for actively endorsing or recognizing standards and certification schemes'. In addition, some broad practical principles have been elaborated by Wood and Johannson based on insights from environmental management in Canada, see Wood and Johannson, 2008.



Looking forward: understanding and shaping future government-VSS interactions and co-regulation

A growing awareness of the importance of sustainability is creating a fertile environment for new public-private governance interactions. Global and national sustainability frameworks such as the Sustainable Development Goals and new climate agreements are mobilizing a widening range of stakeholders. Greater market pressures to scale up sustainable supply chain management are building up. In addition, public authorities in producing countries seem increasingly aware of the challenges and opportunities of these trends and are open to the possibilities of action. These are important drivers in creating new modes of co-regulation – at both the national and local level.

Governments which seek to drive more sustainable supply chains and international VSS can strengthen each other's effectiveness and impacts through mutual engagement. Public bodies can provide international VSS with the means to scale their uptake, lower their compliance costs, and confer legitimacy, political support and 'local ownership'. On the other hand, private VSS can provide governments with expertise on specific sustainability issues, offer access to international convening platforms, assist in developing capacity-building and extension services for producers, and provide these producers with access to global value chains. Moreover, both the content of a standard and the verification or assurance model of a credible standards system are tools that can be integrated in public policies which aim to increase the supply of and demand for sustainably-produced products and goods.

This contribution does not provide a systematic overview nor a rigorous methodology for assessing these interactions. More in-depth research is needed to trace such new pathways, to understand their political and economic contexts, and assess their sustainability outcomes and impacts. Instead, this contribution aims to foster further discussion between policy-makers, sustainability practitioners and the academic community concerning the implications of emerging interactions. A policy-oriented research agenda is needed to tackle various questions; how can new interactions create positive sustainability impacts? What are the risks posed by private VSS deeply engaging national or local governments, and vice versa? In what ways should policy-makers rethink regulatory approaches to connect more effectively to the existing private regulation provided by VSS? How can international VSS adapt and reconfigure their systems to fit the needs of governments better? Do the concerns of some countries about the status of private standards within the context of the TBT Agreement need to be resolved in order to see further interaction? Addressing all of these issues will be crucial in shaping how sustainability is managed through global supply chains in the future.

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