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Competing Logics in the Further Standardization of Fair Trade: ISEAL and the Símbolo de Pequeños Productores

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Abstract. In light of the rise of the (semi-)private regulation of markets through standards systems, this article explores the underlying processes by which private governance is developed through two case studies of fair trade. We illustrate how there are competing logics playing out in different parts of the movement with regards to how the core values that the system is supposed to promote (i.e. fairness and smallholder empowerment) are being defined. We show that participation, as a core type of input legitimacy, is still highly contested even when it is present. Moreover, there is an intricate relationship between the tools of governance and participation. We argue that the focus on the tools is currently overriding the values of fairness on which they are supposed to deliver. We therefore propose that attention be paid to how these tools are used and by whom, so to value which aspects of fair trade.

Introduction

As noted in the literature (e.g. Busch and Bain, 2004; Giovannucci and Ponte, 2005; Henson and Reardon, 2005; Bernstein and Cashore, 2007; Busch, 2007, 2010, 2011; Hatanaka and Busch, 2008; Fouilleux, 2010), we are witnessing the retreat of the State from direct regulation of agri-food markets and the parallel emergence of new forms of (semi-)private regulation of these markets. Of note are those systems of standards and their accompanying models of certification (e.g. third party) that guarantee the compliance of products to these standards. A number of actors are central to the definition of these systems, particularly non-governmental organizations (NGOs), which have created various niche products based on specific quality aspects (e.g. organic, fair trade, bird friendly). These products meet socially rooted values that respond to a specific consumer demand in certain sectors (e.g. coffee, handicrafts, and textiles). In the agri-food system, they seek to guarantee that the food is not only healthy and safe for human consumption, but also environmentally friendly, protects animal welfare, excludes child labour, and is bought at a fair price. These (semi-)private standards are often voluntary, which means that only those who wish to must comply. In reality, the need to comply with these standards is, in

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some cases, more coercive than laws and regulations as non-compliance translates into exclusion from the market (Weatherspoon and Reardon, 2003; Hatanaka and Busch, 2008; Busch, 2010).

These standards constitute truly private codes of conduct around which maintaining compliance and certification are the basis for the organization of many agri-food value chains. Their use is generalized at a global scale and is representative of the broader socio-political phenomenon of transnationalization (Fouilleux, 2010). Yet there remains a need to improve our understanding [of] how private standards are used to govern agri-food systems and their implications for relationships of power and inequality, which is the purpose of this special issue. Specifically, there is both a conceptual and empirical linkage that is missing between what is achieved and the 'underlying processes by which private governance is developed, adopted and implemented' (Henson, 2011, p. 446). This article contributes to this debate as it explores one of the most 'mature' and studied systems of private agri-food governance: fair trade.

With a 12% increase in global sales over 2010–2011 and with its Fairtrade mark heralded as the 'world's most recognised ethical label', fair trade serves as an illuminating case study (FLO, 2012c). Yet to achieve this market success fair trade has relied upon mechanisms and tools such as consumer labels, private standards and third-party certification, which are typical of neo-liberal modes of governance (e.g. Guthman, 2007; Busch, 2011) and are not specific to the core fair trade values of equity and smallholder empowerment. The influence of the market and of the chosen tools have fostered changes in the regulatory institution of fair trade (Fairtrade Labelling Organizations International, FLO) and its certification body (FLO-CERT), which have both become professionalized. These processes have created distance between producers and promoters of the initiative, resulting in divergence within the movement. This divergence exposes an empirical question that we explore in this article – that is, what is the relationship between the tools of private standards and participation of smallholders in the legitimacy of fair trade? What trade-offs are made and what does this mean for the future of the movement?

This article compares two directions through which various fair trade actors are orienting themselves through the creation of new standards and illustrates the importance of who is involved in the creation of standards and how this participation influences the way in which fair trade is changing. On the one hand, FLO is furthering the deepening of a techno-procedural logic in the development of 'sustainability' standards within the auspices of the International Environmental and Social Accreditation and Labelling Alliance (ISEAL). In this process, emphasis is placed on the establishment of rules for the creation and harmonization of standards, mechanisms to measure impacts and to control the certification processes. These codes are purposively technical and procedural, without taking into account the politics and core values that underlie the definitions of quality outlined by the fair trade standard. In this case, we argue that FLO is ceding some of its power as the sole authority on defining fair trade through this technical activity of meta-standardization, which serves a pre-competitive purpose within the broader sustainability standards movement (cf. Reinecke et al., 2012).

On the other hand, unresolved conflicts within the heart of the FLO network have led small producer organizations like the Latin American and Caribbean Coordination of Fair Trade Small Producers (CLAC) to question its hegemony. Anxious to return to the founding principles of the Fair Trade concept and to regain control over

the definition of fair trade, they have launched their own label – the Símbolo de los Pequeños Productores (Small Producers' Symbol, SPP). As in the past, this strategy turns to the market, employs third-party certification bodies and sets standards defining quality for the use of the label. The differences are that the regulating body (Foundation of Organized Small Producers, FUNDEPPO) is run by small producers and the standards are not procedural but rather overtly political, consisting of a code of principles and inalienable values defined through consensus among the small producers. This approach is designed to avoid the perceived dilution and mission drift seen in the principles as they have been maintained by FLO.

The main assumption of this article is that standard systems are not 'neutral', but rather the outcome of the interests of those who participate in their creation (e.g. Bowker and Star, 1999; Busch, 2011). Put differently, standard setting is a process of closing down debates over the boundaries of a legitimate definition of quality, in this case, what is meant by 'fair trade' practices or products. We further argue that once established the standards also determine the orientation and direction of the future of fair trade as a social movement. We contend that the complexities of legitimacy based on participation (Fuchs et al., 2011) are tied to the tools used to confer such legitimacy.

The article continues as follows. In the next section, we situate our analysis within the framework of existing theories on standards and models of third-party certification as mechanisms of legitimate global governance for markets and agri-food systems in a neo-liberal policy environment. We place an emphasis on the strong connection that exists between the standards and the power that they confer, despite their appearance as neutral, technical tools (Busch, 2011). In the following section we situate our cases within the controversy over the domination of FLO in the definition of fair trade standards (Ballet et al., 2012). This contestation stems first from internal processes where producer organizations are dissatisfied with their lack of participation, and second from external processes driven by competition from a multiplicity of other sustainability labels that have led to consumer confusion and allegations of 'greenwashing'. This last point has led FLO to surrender some of its authority to the ISEAL.

The two cases are then presented; first the case of FLO as an actor within the ISEAL and then the SPP as an actor that challenges FLO from within the movement. We use qualitative case-study methods (interviews, participant observation and document analysis) to document the above-noted trends in the fair trade movement. For the ISEAL case, data were collected from: participant observation at the ISEAL annual meetings, participant observation in the Assurance Code Steering and Technical Committees, analysis of public documents, standards and websites, and interviews conducted with ISEAL members between 2010 and 2012. For the SPP case, data were collected from: analysis of documents, standards and code of ethics from FUNDEPPO and CLAC; and from interviews with directors of SPP, FUNDEPPO and CLAC. In both cases we analyse the standards across three themes: 1. how the standard is developed; 2. who is involved in the definition of legitimacy as illustrated by participation in the standard-setting process; and 3. how the identified principles are mobilized within the standard-setting process. Discussions of the outcomes of these cases are not feasible as both processes are currently ongoing and results are not yet available. Therefore these cases serve to highlight current and potential conflicts in the dynamics of private governance. Finally, we draw conclusions as to the influence of these two different processes on the governance of 'fair trade'.

Standards, Power and Participation

Standards come in different forms. Brunsson and Jacobsson (2000, p. 4) have classified them as 'standards about being something, about doing something, or about having something'. Traditionally, standards are considered to be of two types: product or process. Product standards codify characteristics or qualities that the product should meet, while process standards codify what must be done in order to create a certain product. Recent studies push the boundaries of these definitions. For example, both product and process standards can be performance standards, which consist of measurements based on the behaviours or results of tests that are expected for performance to be considered satisfactory (Egyedi and Spirco, 2011). There is also a growing body of literature that refers to principle-based regulation, where process standards are based on vague overarching principles or desired outcomes that are used to build consensus and allow for wide-scale application (e.g. Demortain, 2012).

With the objective of guaranteeing that products conform to the standards and increasing consumer confidence in quality labels, standard setters have built complex systems of verification and certification. In the beginning, those who created the standards were those who certified their validity. With time and with an interest in obtaining greater objectivity, there was a large-scale shift by most of the certification schemes to rely upon 'third party certification' (TPC), carried out by specialized professional certification bodies. TPC's reputation of objectivity and neutrality proceeds from their independence from both buyers and sellers (cf. Power, 1997). In order to guarantee objectivity and professionalism, these same agencies have become certified by other public or private agencies that monitor and accredit conformance to national or international standards, such as those of the International Organization for Standardization (ISO) (Mutersbaugh, 2005; Hatanaka and Busch, 2008). This framework of standards, certification and accreditation is a new form of trade regulation that some authors have called a 'tripartite standards regime' (Loconto and Busch, 2010; Busch, 2011; Hatanaka et al., 2012). Many TSRs are hybrid – that is, the standards are public but certification is conducted by private enterprises and accreditation is conducted by international or state-authorized accreditors, some of which are private and others are public. Other TSRs, like fair trade, are non-state dominated or privately regulated (cf. Bernstein and Cashore, 2007). Here the standards are developed by NGOs and there is not (yet) state intervention in their governance, despite discussions to that effect in France, Belgium and the European Union.

The process of certification guarantees that products conform to standards, but it does not provide any information about the standards. Put differently, the standards can be wrong, inappropriate or overly stringent (Busch, 2011) but the certification agency will not record this in the audit. The certification agencies do not have to do much more than guarantee that the products meet those criteria that are already fixed in the standard. They do not question the legitimacy of the definition, nor who established it (Renard, 2011). The role of TPC is thus seen purely as a control mechanism, rather than a feedback mechanism. As a control mechanism, the technical criteria have emerged as the easier elements to check in an audit (Riisgaard, 2010); therefore, technical requirements have taken on more importance than social aspects. This technical salience is reflected in the shift of both the standards and the certification audits toward more generalizable criteria that focus on procedures, systems and policies that are easier to audit.

The relationship between standards and certification elucidate the academic interest in standards as tools of governance. A standard consists of criteria that form

the basis for a judgment about how well the product or process conforms to the value or principle that has been codified in the standard. This act of judgement is a demonstration of power by those who take certification decisions (Mattli and Buthe, 2003; Hallstrom and Bostrom, 2010). The power is real despite its discrete nature as these standards must be complied with actively, as opposed to norms or conventions that are complied with often out of habit or mimesis. Here power appears anonymous since, once established, standards seem natural, technical and neutral and have lost clear identification of who created them, how and for which reasons (Busch, 2011). Beyond standard-setting processes, compliance is required in order to be allowed to use the label that symbolizes the desired quality and hence to participate in this particular market. In other words, standards constitute criteria of market entry and exclusion, and for the redistribution of income between actors inside the value chain, converting them into a source of power for those who control them (e.g. Burch and Lawrence, 2007). Here again, not everyone is allowed to participate in the negotiations leading to the creation or use of standards (Busch and Bingen, 2006). Thus while the relationship between standards and power is well noted generally, the relationship between the type of standard and the power that it confers remains a black box.

The neutral appearance of standards also overshadows the fact that the power of who sets the rules is also the power to legitimate the definition of quality – in this case, the quality of 'being fair' (Renard, 2005). A much noted gap in the literature is the relationship between participation, representation and inclusiveness in the democratic legitimacy of private standards (Bostrom, 2006; Bernstein and Cashore, 2007; Borraz, 2007; Auld et al., 2008). A core feature of some private standards is stakeholder participation. Yet where participation may be open to the public, often only those people with 'interests' are represented. Moreover, the ability to be 'interested' is also constricted by financial and economic power (as this work is most often voluntary), where marginalized groups, particularly those from southern parts of the world, are often not considered (Hallstrom and Higgins, 2009). The dynamics of participation and legitimacy are further complicated by the fact that social and environmental standard setting is dominated by a consensus-building model (Bingen and Busch, 2006; Busch, 2011). This model supposes that participation in consensus-building meets democratic legitimacy requirements and that conflicts are resolved through this process. Yet conflicts may remain unresolved and can re-emerge later in time only to be resolved in light of new controversies, as may occur with the push towards mutual recognition in the case of the ISEAL. Alternatively, they may lead to a schism between participants, as we will illustrate in the case of the SPP. In sum, standards are almost always the result of a negotiation between the various 'interested' parties involved in that particular market. This poses the empirical question of how participation produces standards that legitimately define the quality of 'being fair'.

Challenging FLO Hegemony

A global movement for fair trade was the result of collaboration among national labelling initiatives (NIs), such as Max Havelaar and TransFair. These NIs created the umbrella organization of FLO in 1997, and since then FLO has dominated the qualification and standardization of fair trade around the world. This domination has persisted, even to the point where alternative trade organizations (ATOs), who

were initially opposed to FLO's strategy to mainstream fair trade through conventional market channels, have even begun to adopt the FLO label (Ballet et al., 2012).

This hegemony over the definition of fair trade and its standards is nonetheless questioned both within and outside of FLO. From the inside, producer organizations such as the CLAC have long been contesting the direction of the fair trade movement promoted by FLO. As noted by other scholars (Renard and Pérezgrovas, 2007; Renard, 2010, 2011; Jaffee, 2012), the growth of fair trade and the professionalization of its administrative and regulatory bodies has resulted in a marginalization of producers in the system. Over the years, the distance between the bureaucratic hub of FLO and the small-producer organizations increased dramatically as did the control by Northern countries over the activities of Southern producers (Yépez and Mormont, 2006). Many of the decisions that were made by the administration of FLO were completed 'behind the backs', or contrary to the opinion, of the producer organizations; the latter, in turn, were marginalized in the processes of registration for members and users of the label, the standards development process, and the commercial decisions taken by NIs and integrated committees of Northern representatives. Thus while claiming representation, inclusiveness was not the result.

For years, producers organized in CLAC fought to achieve a greater balance of power in the FLO decision-making bodies, specifically in the FLO Board, which was made up exclusively of Northern NIs. They succeeded in securing four positions for producer representatives on the Board (Renard and Pérezgrovas, 2007). Nevertheless, they are still a minority compared to the five NIs, two commercial representatives (one ATO and one conventional), and three 'external experts', all of whom come from Northern countries. All full members can participate in the Annual General Assembly, which translates into more than 20 NIs and the three producer networks: CLAC, Fair Trade Africa and the Network of Asian Producers (NAP).[1] This also represents an imbalance of power between producer and consumer countries. Ample presence of producers is not found in the other committees (standards, finance and nominations) either.

The FLO standards are elaborated within a single technical unit, the Standards Unit, and are supervised by the Standards Committee, which is dependent on the Board. Both stakeholders (producers, NIs and traders) and external experts participate in the Standards Committee, but too often producer opinions are not taken into account. A recent example of this is the adoption, by FLO, of standards for Fairtrade gold (from Peru) against opposition from Latin American organizations and their counterparts in Africa and Asia. The producers argued that the mine should not be certified for Fairtrade based on ecological (soil erosion and water contamination) and social reasons (work conditions, child labour and the danger it poses to subsistence agriculture), all of which go against the principles of fair trade (CLAC, 2009).

Finally, in the movement towards increasing the independence and impartiality of the certification process, the audits and certification decisions have been separated from the other FLO activities with the creation of a separate entity called FLO-CERT (est. 2004). This body holds a monopoly on certification against FLO standards, meaning that no other certification body can provide these services.

Among the unresolved conflicts between FLO and producers are the criteria that govern who can be certified. On the supply side, the producer organizations criticize the increased certification of plantations. The argument is made that fair trade was created to empower the small-producer cooperatives and that plantations were allowed initially only for those products, such as tea, that were mostly cultivated on

large holdings.[2] Over the years, pressure from NIs, particularly from TransFair USA, introduced the certification of plantations for the majority of products in the FLO system. This opened fierce competition with small producer cooperatives, as in the case of bananas (Barrientos et al., 2007; Renard and Pérezgrovas, 2007). Producer resistance impeded the entrance of coffee, cocoa and sugar plantations into the system. This was, at the time, the reason for the exit of TransFair USA from FLO, who fought for the inclusion of coffee plantations to satisfy the demand from Starbucks and other corporations in the US. On the demand side, the producers criticize FLO for allowing the certification of transnational corporations who only purchase a small amount of their supply according to fair trade conditions. This has been qualified as 'fair washing' and constitutes unfair competition with those buyers who purchase 100% of their supply under fair trade contracts (Renard, 2005; Jaffee, 2007; Reed, 2009). Corporate pressure, despite producer protest, also kept the minimum price for coffee frozen until 2007 even though producers suffered, in real terms, a 39% loss in price (Bacon, 2006). The purchasing power and the volumes that these corporations handle have contributed to a dilution of the FLO standards, particularly on those points that distinguish the FLO model from other 'fair' models, i.e. the guaranteed minimum price and the types of producers allowed to participate.

As noted above, the hegemony of FLO in the definition of fair trade was further put into question when in 2011, TransFair USA changed its name to Fair Trade USA (FTUSA) and announced its split from FLO and its associated standards. This decision was justified as follows:

> 'We merely seek to apply the fair trade standards consistently across all producer groups in all product categories. Today fair trade standards successfully support both cooperatives and farm workers simultaneously in tea, flowers and bananas, but not in coffee, sugar or cocoa. As a model that seeks to alleviate poverty and empower farming communities, this inconsistency and systematic exclusion within the fair trade system is no longer acceptable' (Fair Trade USA, 2012).

This justification illustrates the key point of contention – that is, which type of farmer can participate in 'fair trade'. Thus while FLO stood its ground in terms of its promotion of smallholders, both CLAC and FTUSA challenge the hegemony of FLO to define 'fairness'. The market motivation of FTUSA is clear. FTUSA never adopted the blue–green product label of FLO, preferring to keep its own white–black TransFair label. The power that FTUSA's high volume turnover and the large quota afforded to them within FLO explains why the use of the alternative label was tolerated for so many years. This also allows FTUSA to easily create distance from FLO since US consumers already equate the FTUSA label with fair trade. In turn, FLO has now announced that its blue–green label will also be available in the US market, thus ushering in a fight for that fair trade market.

The hegemony of FLO is also challenged by the presence of other competing labels in the market. In response to fair trade's market success, a multiplicity of 'sustainability' and social responsibility labels created by NGOs and multi-stakeholder initiatives are now seen (e.g. Rainforest Alliance and UTZ Certified, adopted mostly by large corporations such as Nestlé, Sara Lee, Mars Chocolate, and Unilever). As FLO-CERT possesses a monopoly on the certification of fair trade, the leading certification agencies specialized in sustainability standards also created their own 'fair' labels. Examples of the latter are the Fair for Life label by the Institute for Market-

ecology (IMO Control) and the Fair Choice programme from Unión Control. These alternative labels were adopted by a handful of US coffee roasters who purchase 100% of their product under fair trade terms and by Equal Exchange, a pioneer ATO in the US. Equal Exchange discontinued the FTUSA model in 2004 because of the model's corporation-friendly policy (Jaffee, 2010). Finally, there is a push towards increasing certifications for additional qualities – for example, certification models for environmental or 'green' products, beyond organic standards, fair trade criteria plus ethical criteria and additional standards that focus on labour conditions. Fierce competition between labels is rampant, contributing to consumer confusion and a loss of confidence in the certification mechanisms in general.

The response to these tendencies is movement in two, seemingly opposite, directions. First, there is an interest in collaboration among the largest 'sustainability' standards to develop a set of meta-standards (within ISEAL) that govern different aspects of their creation, monitoring and assurance and thus attempt to reduce competition and increase the credibility of participating standards. In the other direction there is an attempt by producers to return to the initial principles of fair trade, utilizing the same market tools (standards, labels, third-party certification), but under the control of the producers rather than international NGOs, through the SPP. In the next sections we explain the dynamics of these two directions by focusing on participation in the standard-setting process and how the principle of 'fair trade' is contested.

The ISEAL Process

In their public statement regarding the fissure between FLO and FTUSA, FLO justified its vision of 'fair trade' by appealing to the legitimacy that FLO gains from its compliance with and commitment to the ISEAL standards (FLO, 2012b). ISEAL is a member-based organization, officially created in 2002, with the purpose of increasing collaboration and sharing amongst its members.[3] By encouraging collaboration, ISEAL attempts to remove some of the competition between members by trying to differentiate between 'credible standards' and 'greenwashing'. This differentiation is the basis for the development of their credibility tools, which create legitimacy for ISEAL and its members within the broader sustainability movement (Fouilleux and Loconto, 2012).

Processes and Performance: The Credibility Tools

The Standards Code came into force in 2004 and the revised version came into effect in 2010. With the revised version, ISEAL members were given one year to become fully compliant with the code. ISEAL members must comply with all of these 'meta-standards' within one year of their approval by the ISEAL Board; i.e. the Standards Code (2004, 2010), the Impacts Code (2010) and the Assurance Code (expected 2012). The revised standards code also introduced the requirement that all standards (members' and ISEAL's standards alike) must be reviewed and revised every four years. This transition period coincided with changes that were being made to the FLO standard, specifically the Generic Environmental Standards (GES) project and the New Standards Framework (NSF) project (FLO, 2011b). FLO first became compliant with the ISEAL standard in 2006 and this new FLO standard is also in compli-

ance with the ISEAL standard and reflects how FLO has interpreted ISEAL guidance (FLO, 2007).

ISEAL introduces both a standardized process for developing standards and standardized content (in terms of outline) for its members' standards. There is a procedural nature to the standard, as is illustrated by its terminology and content (cf. Fouilleux and Loconto, 2012). Much of the guidance is left undefined in terms of content so that members have the ability to define what procedures they will use and how they justify them. This strategy leaves FLO the sovereignty to determine how it defines sustainability (i.e. social, economic and environmental development) and how it defines fair trade. However, the vagueness of these requirements often blurs the comprehension of the intent, particularly when the standard is implemented and controlled during an audit.

To address this problem, ISEAL standards require members to simplify their standards and make them easier to implement. When principles are used, the standard must contain 'statements of intent for each principle that define the principle's aims and that provide a link between the criteria and the relevant principle' (ISEAL, 2010, p. 14). This point is reinforced with the requirement for content where 'standards shall be expressed in terms of process, management and performance criteria, rather than design or descriptive characteristics' (ISEAL, 2010, p. 14). ISEAL requires that member standards be oriented towards management systems and performance, which may be based on principles, but must be written in a way that makes the link clear and the criteria actionable. This approach is justified by an illustrative comment from the public consultation:

> 'there are just too many schemes out there which are mainly based on policies and procedures, not on performance. An assurance code should include the requirement that any scheme which does not address primarily performance, is mostly useless, and undermines the credibility not only of the particular scheme, but of sustainability efforts in general' (ISEAL, 2012a, p. 10).

In sum, FLO is receiving pressure from the ISEAL to make its standards performance based, rather than principle or value based.

Accommodating Stakeholder Interests: Expanding Inclusiveness

Concern has been raised over the involvement of different stakeholder voices in the meta-standards development process (Boström, 2006). Indeed, the standard-setting code requires that 'standard-setting organisations shall identify parties who will be directly affected by the standard and those that are not adequately represented and proactively seek their contributions' (ISEAL, 2010, p. 9). The development of the Assurance Code provides insight into this point. The content, terminology and broader goals of the standard are debated within technical and steering committees, which were created through a nomination process by members and the secretariat. The composition of these committees represents the ISEAL requirement of balanced interests in that there is a good mix of the three different categories of membership (full, associate and affiliate) and non-members, as well as different types of organizations representing the public, private and NGO sectors. However, there is clearly no producer representative within this committee, despite the fact that changes made to member assurance systems will affect directly the audit experience of certified

producers. The lack of a producer representative was lamented by ISEAL. They had difficulty involving producers in both the scoping of the Assurance Code and the first round of public consultation; there were only two Northern Apex organizations representing producer and worker interests out of the 43 organizations that participated in the public consultation (ISEAL, 2012a). A representative of one of the Northern Apex organizations criticised the language promoted by the code: 'Who is the audience? If this is intended to be a useful guide for those looking for less bureaucratic type schemes then language is off-putting… Terminology about audits freaks farmers out' (ISEAL, 2012a, p. 10)

When asked about the degree to which those persons participating in the technical committee received input from colleagues and management in their individual organizations, the consensus was that the involvement in the code development was an individual activity by these 'technical experts'. This was the case with FLO, who was represented by FLO-CERT. The representation of stakeholder voices, particularly those of small producers, within the meta-standards that govern FLO activities and standards is determined by FLO and its internal governance structure, not by its participatory bodies.

Translating ISEAL Procedures into FLO

The underlying principles of the ISEAL suite of standards is that social and environmental standards systems should be sharing with each other, learning from each other, and collaborating to normalize sustainability (ISEAL, 2010, 2012b). In practice, this means that ISEAL works diligently to encourage collaboration and consensus amongst its members. We can discern two immediate effects of the ISEAL process on FLO.

First, initial motivation for the development of the Assurance Code was to find a way for the members to collaborate at the level of producer audits (ISEAL, 2011). For example, FLO demonstrated compliance with this aspect of the standard as part of its shrimp standard development process. The proposal was put forward that 'an auditor does not need to check those Fairtrade requirements where it can be shown through an SA 8000 audit or ETI certificate that those requirements were met. However, a Fairtrade audit is still carried out' (FLO, 2011c, p. 1). This proposal was accepted by FLO's new Standards Committee with the rationale that it will 'make the certification system more efficient for producers' (FLO, 2011a, p. 2). To date no empirical studies have tested this rationale.

Second, the principles that fair trade continues to promote (social, economic and environmental development) are no longer explained in the SPO standard itself, rather they are listed on the website (FLO, 2012a). Indeed, in line with ISEAL guidance, the principles have become the following purpose: 'Fairtrade is a strategy that aims to promote sustainable development and to reduce poverty through fairer trade… The purpose of the Generic Fairtrade Standard for Small Producer Organizations is to set the requirements that determine participation in the Fairtrade system' (FLO, 2011a). These requirements have become simplified and focus on the promotion of processes and performance of SPO management systems.

The changes seen in FLO's standards and assurance system illustrate the power that ISEAL holds in the fair trade process (i.e. dictating the standard's structure and the structure of the assurance system). However, ISEAL's power is limited, specifically because of the procedural nature of ISEAL's standards. Thus, what is 'fair'

remains the prerogative of FLO. As standards are tools of power, ISEAL's influence is observed in the certification and accreditation processes. For example, the push on the part of ISEAL for FLO to increase mutual recognition means that those producers who have first joined other programmes can be included within Fairtrade without really being part of the fair trade network or part of the producer organizations that create FLO standards. Moreover, the push from ISEAL to create the ISO 65 model of separate certification and accreditation means that FLO-CERT is increasingly autonomous and there are no clear mechanisms of oversight where the producer organizations can influence what happens in the certification system. Finally, FLO-CERT is accredited by the German accreditation body (DAkkS) for ISO 65 and not for fair trade specific standards. This means that the German accreditation body is determining that FLO-CERT is competent to audit, but not to check that the systems that it audits are actually 'fair'. This influence poses significant challenges to linking the input legitimacy of participation with the maintenance of standards systems.

SPP – El Símbolo de los Pequeños Productores (Small Producers Symbol)

Against the background of constant conflicts with FLO, in 2006 the small producers of CLAC – 300 organizations in 21 countries in Latin America, around 200,000 individuals and families affiliated and one million beneficiaries (<http://clac-comerciojusto.org/paises-y-productos, accessed June 2012>) – decided to create their own label, the SPP. The SPP is intended to be an initiative by and for small producers and under their control. Despite the negative experience with the professional certification system of FLO-CERT, they opted for the model of a standard, third-party certification and a label so to gain greater credibility but also to control potential abuses. However, they established a system of registration and certification designed to avoid the mission drifts that they criticize in the FLO system (FUNDEPPO, 2012).

Principles, Standards and Code of Conduct: The Three pillars of the SPP

The initiative rests on three pillars: first, the Declaration of Principles and Values, which is the 'philosophical and socio-political foundation behind the label, based on the principles and values of small producers'. The organizations that founded the SPP claim themselves to be organizations that go beyond mere economic functions:

> 'not only are they economic organisations, i.e., production and marketing cooperatives, but in essence are social organisations seeking to effectively and efficiently dignify the life of affiliated farmers, their families and their communities… The Declaration of Principles and Values also allows these organisations of small producers to distance themselves from the prevailing principles, values and practices of the current dominant global economic system, which are neither sustainable nor inclusive economically, environmentally, or socially' (Declaration of Principles and Values, v. 1, 5 November 2010, edn. 2).

The Declaration of Principles and Values is the foundation of all other codes and standards must reflect it. It covers three areas: one is the democratic organization, which has to be participatory, self-managed, collective, with solidarity, justice and equity, and promoting confidence, plurality and respect for local cultures. The sec-

ond area is economic justice, where the economy provides a decent living and is based on smallholders – an economy with direct marketing, quality, a sustainable price, a local market and local value addition. The third area is respect for the environment and health.

These principles and values are translated into a General Standard, the second pillar, which governs the use of the label. It contains criteria for organizations of small producers,[4] for buyers, collective marketing, brokers and manufacturers. Some are critical criteria, which mean that they are compulsory and evaluated in all cases. Others are minimum, in other words compulsory but evaluated only when there is a field inspection, and others are criteria of continuous improvement. The criteria can be categorized as organizational, productive, environmental, human health, labour, decent life, transparency and traceability of the commercial supply chain between producers and buyers, pre-financing, quality and criteria of origin (%) in the products. The sustainable price includes a minimum price, an organic premium and a SPP premium.

A third pillar was added to the model in order to avoid abuse, since a standard can never be all encompassing. This third pillar is a Code of Conduct that all partners, producers, buyers and manufacturers must follow. The Code of Conduct acts as a second level of protection to deter prospective members who may comply with the standard yet nonetheless engage in practices that run contrary to the General principles; for example, those who pay the minimum guaranteed price for a percentage of their products, but resort to unethical practices for the rest of their production. To sign the Code of Conduct, the members of the SPP system commit to behave according to the values of inclusion, sustainability, solidarity, respect, transparency, freedom, equity, diversity, consistency, local economy, responsibility, justice, integrity, confidentiality, honesty, quality, anti-child labour, and professionalism (Code of Conduct, v. 1, 1 December 2010, edn. 2). Any non-compliance with this code may lead to exclusion from the system. To ensure that applicants to the SPP system do indeed respect the Code of Conduct, their applications are published and disseminated. Those who object to their inclusion in the SPP system can challenge it using the complaints process laid out by the certifying body. A complaint can also be made after the fact by reporting to the Commission of Nonconformities (to date, formed by the President of the Council, the President of the Supervisory Board and the Chairman of the Standards Committee, all of whom are producers). All three pillars were approved by the General Assembly of CLAC.

The criteria that come from the Declaration of Principles and are set out in the General Standard resituate the notion of equity in trade and economic justice (i.e. fair trade itself), because they cover the dimensions of environment, labour and health with specific criteria on these issues. In the definition of who can participate the emphasis is placed on the promotion of small-scale, local production; plantations are excluded. On the side of buyers, corporate buyers may be certified. Some products such as bananas would have virtually no market if these were excluded. However, mechanisms have been put in place (i.e. the complaints and appeals processes based on the Code of Conduct) to prevent 'fair washing' strategies. In addition, the Assembly of October 2011 agreed to establish a requirement of access based on a minimum purchase volume in the SPP system: every buyer must commit to making a purchase of at least 5% of total purchases according to SPP conditions by the end of the first year of registration (General Standard, criterion 5.4.3). This decision was the subject of fierce debate in the Assembly. Interestingly it was not the producers who,

fearful for the possible loss of market, had proposed and defended this decision. Rather it was some buyers who wanted to avoid the presence of unfair competition. ATOs have finally supported the measure even though for many of them who are members of FLO, the SPP represents a double certification, since current market conditions are not yet ripe for the SPP to replace the FLO label. These ATOs wanted to be exempt from this requirement because they consider themselves to be fair trade organizations. However, the heart of the debate is precisely that the definition of fair trade according to FLO has been placed on trial resulting in this alternative. It was further decided that a certification system cannot make exceptions for the verification of its own standards. In the end, the producers argued that the balance of interests that emerged from debate represents a level of inclusiveness that is still missing from the FLO model of participation, as this space for dialogue does not exist within FLO. That is, when participation is inclusive, the dialogue is just as important as the results. Thus, the legitimating factor of participation is found through the process of participating.

Regulatory and Certification Bodies

The SPP is operated by the Foundation of Organized Small Producers (FUNDEPPO), which is a regulatory body. Its governing bodies are a Board of Directors and a Supervisory Board, comprised of representatives of small producers. They depend upon the Standards Committee and the Committee of Disagreements. At an Assembly held in October 2011, it was agreed to integrate two representatives of buyers, one each from North America and Europe, into the Board of Directors to join the five producer representatives. They were also allowed into the Standards Committee (where there are four producers) in order to bring the views of this sector into the decision-making process and reach a compromise between their respective interests.

The Executive Directorate, the administrative body of the initiative with headquarters in Mexico, is composed of four people (as of June 2012): the Executive Director, appointed by the Board of Directors, and those responsible for the areas of certification, administration, promotion and communication. The example of the growth of FLO's bureaucratic apparatus[5] led the SPP to establish mechanisms to avoid repeating history. It eliminates the incentive to inflate the administration by making sure that a hypothetical increase in the volume of SPP labelled product sales would not lead to the retention of the label licensing fees by the administration of FUNDEPPO. Rather, mechanisms would be put into place to ensure that the producers are reaping the benefits from these resources.

The agencies licensed for verification and certification for the SPP, authorized by FUNDEPPO, are: 1. Certimex, based in Mexico and accredited for ISO 65; and 2. BioLatina,[6] certifier of organic products with headquarters in Peru and presence in many other Latin American countries. FUNDEPPO are contemplating the pertinence of finding a certifier in Europe, for the verification of buyers, but the problem is that those whose philosophy coincides most closely with the SPP already have their own label (e.g., Ecocert).

The SPP presents a challenge to the relationship between the standard, participation and third-party certification. The proximity between standards bodies, certifiers and producers, who are the ultimate beneficiaries of the system, runs counter to the widespread opinion that the greater the distance between who verifies, certifies and benefits, the greater the guarantee of impartiality and objectivity. Put differently, the

greater the proximity to beneficiaries, the lower the credibility. This discourse has been erected in the legitimization of the models of third-party certification, which are presented as objective and disinterested. Yet an emerging body of research has shown that the reliance on techno-scientific methods is often used as a smoke screen to shield from view the reality that true objectivity and impartiality are rarely found, even in third-party certification (Bain et al., 2010; Hatanaka, 2010). According to some of the earliest fair trade activists, this argument about the inverse ratio of proximity to credibility that opened the door to the certification professionals runs counter to the very rationale of fair trade (Pauline Tiffen in Jaffee, 2012). Alternatively, producers are most concerned about the ability to have a label that distinguishes their product and that is credible not to negatively affect their reputation; pointing to the dominant power that TPC holds as a standard for TSRs.

It remains to be seen whether the utilization of the market tools is compatible with the pretext of following values different from those of the dominant FLO market-based model. Adopting the certification mechanisms that are dominant in non-state TSRs opens the door of the 'proceduralization' of processes and initiatives. The question that remains is whether the control that the small producers exert over the regulators of the SPP will be sufficient to avoid the loss of the centrality of its principles in exchange for the market principles of efficiency and competitiveness (Renard, 2011).

Conclusions

The history of fair trade provides context to the questions addressed in this article. As argued elsewhere (Guthman, 2007, 2008; Reed, 2009; Jaffee, 2010; Jaffee and Howard, 2010), when left in the hands of professional bodies (the certification agencies), the control of the standards escape from their original promoters and enter into the logic of competency. Combined with this, the labels turn into an instrument of market differentiation and expansion (Daviron and Vagneron, 2011). This is particularly evident when these standards are dominated by market actors who are more interested in the profit gain to be found in these niche markets. The market power that these actors wielded led to a dilution of the original principles of fair trade standards (Jaffee and Howard, 2010). The professionalization of the regulatory agencies led to a bureaucratization of the standards schemes. This bureaucratization has, in turn, created distance between standard setters and those producers for which these standards were originally created, resulting in a further marginalization of producers in the decision-making process (Renard, 2010). This leads to conflicts that can translate into the decline of a TSR as its legitimacy is questioned through competition from new, emerging standards (Hannin et al., 2006). This questioned legitimacy poses a clear challenge to the relationship between participation and the tools used to establish legitimacy in these systems.

The cases in this article show that fair trade has bifurcated. In one direction, within ISEAL, FLO attempts to enrol 'neutral' standards without political pretences. These consist of a common protocol with other labels in the attempt to avoid competition between them and reinforce their credibility in the eyes of confused consumers who have too many labels to choose from. The point here is that this is an eminently procedural approach, concerned more with how things are done and developing the processes of verification and certification to ensure that things are done properly, rather than who is benefiting and how. In the other direction, the SPP does not hide

the fact that they are directly seeking to benefit small producers, returning to the original objectives of the first fair trade labels (e.g. Max Havelaar). Neither do they hide their strong ethical–political positioning in the face of the dominant trade model. We find that both sets of standards represent those stakeholder interests that were present in their construction. This demonstrates that whoever sets the standards also has the power to define the future of 'fair trade'. In the case of SPP, the participation of small producers in standard setting brought criteria and certification processes based on principles and values of fairness that are meant to be embodied by movement participants. On the contrary, in the case of ISEAL the predominance of professional technical experts produced performance-based standards, 'meticulous' and standardized processes, that are meant to construct strong and fair systems – indifferent to who participates. It is attention to these nuances that may prove important to the future of the movement.

Our cases shed light on the dynamics within one of the oldest standardized systems of private agri-food governance. We illustrate how there are competing logics playing out in different parts of the movement with regards to how the core values that the system is supposed to promote (i.e. fairness and smallholder empowerment) are being defined. These logics are important because of the reliance of private agri-food governance on the tools of standards, third-party certification and accreditation, as well as the push towards harmonization across sustainability standards systems. We show that participation, as a core type of input legitimacy, is still highly contested even when it is present. Moreover, there is an intricate relationship between the tools of governance and participation. We argue that the focus on the tools is currently overriding the values of fairness on which they are supposed to deliver. We therefore argue that attention needs to be paid to how these tools are used by which participants to value which aspects of fairness. We argue that the tension between being overtly political and being overtly apolitical are two approaches to a similar outcome – the bifurcation of the movement where, on the one hand, smallholder participation becomes increasingly representational and, on the other, smallholder participation means the creation of a new standard with different values. We argue that indeed we cannot look at macro-indicators of participation or professionalization as a means to judge the legitimacy of fair trade. Rather, more careful analysis is needed of the ways in which values, like participation, empowerment and fairness, are defined through interaction in international, regional and local arenas. Through this type of analysis we can begin to understand the consequences of private governance on power and inequity.

Notes

1. Unlike CLAC, which is composed exclusively of small producers, Fair Trade Africa and the NAP include many representatives of plantations. Following the exit of TransFair USA, FLO announced that producers will have a 50% participation in the General Assembly (12 of the 24 representatives). However, it is unclear how these seats will be distributed amongst the different types of producers. In any case, the General Assembly holds less power than the FLO Board.
2. This vision of tea as purely a plantation crop has also changed over the years as the top two tea exporting countries are dominated by smallholder production: Kenya (60%) and Sri Lanka (76%) (see Loconto and Simbua, 2010).
3. As of 1 July 2012 there were 15 members (12 full, 3 associate): 4C, Accreditation Services International (ASI), Alliance for Water Stewardship (associate), Bonsucro (associate), Fairtrade Labelling Organizations International (FLO), Forest Stewardship Council, Good Weave (associate), International Organic Accreditation Services (IOAS), Marine Stewardship Council, Rainforest Alliance/Sustainable Agricul-

ture Network, the Responsible Jewelry Council, Roundtable on Sustainable Biofuels, Social Accountability Accreditation Services (SAAS), Union for Ethical BioTrade, and UTZ Certified.
4. Defined as those farmers with up to 15 hectares in production or one covered hectare, or beekeepers with up to 500 hives in production (General Standard, v. 5, 24 January 2012, edn. 1, art. 4.1.1).
5. Its administration employs more than seventy people in the Bonn offices.
6. BioLatina has been authorised to certify SPP compliance only since December 2011.

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