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**Sustainable palm oil or certified  
dispossession? NGOs within  
scalar struggles over the RSPO  
private governance standard**

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## **Sustainable palm oil or certified dispossession? NGOs within scalar struggles over the RSPO private governance standard**

### **Abstract**

Palm oil has become a contradictory and highly controversial resource for biofuel production in the context of emerging bioeconomy policies in Europe and Southeast Asia. While producers point to the outstanding efficiency of the oil palm in terms of output per hectare and its benefits for rural development, NGOs and social movements associate the expansion of plantations on Indonesia's outer islands with deforestation, land grabbing and exploitative working conditions. Referring to the theoretical *politics of scale* framework, I analyse the launch of the *Roundtable on Sustainable Palm Oil* (RSPO) private governance standard as a spatial transformation of the regulation of palm oil production, which is driven – and opposed – by different groups of actors with diverging interests. The current paper will focus on the role of NGOs in the process of standard negotiation and implementation in different locations and at different levels of society – from the remote regions where local activists investigate palm oil plantations and support local communities, to the transnational space of discursive contestation and the development of private regulations. I argue that Indonesian NGOs can profit from engaging on the global scale because this expands the scope of their activism and enables them to develop networks with NGOs from the Global North. Moreover, they have been relatively successful in advocating the rights of local disfranchised population groups such as palm oil workers, small farmers and affected communities in international negotiation processes. However, I also assert that the lack of enforcement of the standards on the ground seriously undermines NGO advocacy within the framework of the RSPO. The certification scheme's complaints system is ineffective and does not provide NGOs with the necessary mechanisms to address breaches of the standard and restore the rights of local communities. These findings suggest that actors shaping the outcomes of bioeconomy policies cannot solely rely on private governance standards to prevent social and environmental problems arising as a result of the production of energy crops.

### **Biographical note**

Janis Wicke studied sociology and economics in Hamburg and Jena. He was a research assistant in the Research Group *Bioeconomy and Inequalities*.

### **Keywords**

Bioeconomy, biofuels, palm oil, private governance standard, certification, Roundtable on Sustainable Palm Oil, politics of scale, NGO, RSPO

## **Nachhaltiges Palmöl oder Zertifizierung von Enteignung? NGOs in skalaren Kämpfen über den *Private Governance Standard RSPO***

### **Abstract**

Als Ausgangsstoff für die Produktion von Biodiesel ist Palmöl im Kontext aufkommender Bioökonomie-Strategien in Europa und Südostasien zu einem widersprüchlichen und kontrovers diskutierten Rohstoff avanciert. Während Produzenten auf die einzigartige Flächeneffizienz der Ölpalme und den Beitrag der Plantagenwirtschaft zur ländlichen Entwicklung verweisen, haben NGOs und soziale Bewegungen die Expansion der Anbaufläche in Indonesien mit der Abholzung von Regenwald, der Enteignung lokaler Communities und ausbeuterischen Arbeitsverhältnissen in Verbindung gebracht. Das Paper nimmt Bezug auf die theoretische *Politics of Scale* Debatte und analysiert die Entstehung des *private governance standard Roundtable on Sustainable Palm Oil* als eine räumliche Transformation der Regulierung der Palmölproduktion, die von verschiedenen gesellschaftlichen Kräften mit divergierenden Interessen forciert – oder opponiert – wird. Der Fokus des Papers liegt auf der Rolle von NGOs im Prozess der Aushandlung von Standards und ihrer Implementierung auf verschiedenen Schauplätzen und Ebenen der Gesellschaft – von den abgelegenen Regionen in denen Umweltaktivisten die Ausbreitung der Palmölplantagen dokumentieren und den Widerstand lokaler Communities unterstützen bis zu den transnationalen Ebenen der diskursiven Auseinandersetzung über und Produktion von Regulierungen. Ich argumentiere, dass NGOs dazu in der Lage waren die Interessen marginalisierter Bevölkerungsgruppen, wie Plantagenarbeiter\*innen, Kleinbäuer\*innen und lokalen Communities auf die Internationale Ebene zu übersetzen und ihre Rechte in den Standards des RSPO zu verankern. Jedoch unterminiert die fehlende Durchsetzung der Standards auf der lokalen Ebene eine erfolgreiche Interessenvertretung und schwächt die Rolle von NGOs innerhalb des RSPO. Das Complaint-System des RSPO ist ineffektiv und stellt NGOs nicht die notwendigen Mechanismen zur Verfügung, wirksam gegen Verletzungen der Standards durch Unternehmen vorzugehen und die Rechte lokaler Communities wiederherzustellen. Die Ergebnisse legen nahe, dass sich Akteure bei der Ausgestaltung von Bioökonomie-Politik nicht ausschließlich auf private Zertifizierungsinstrumente verlassen können, um soziale und ökologische Probleme bei der Produktion von Bio-Kraftstoffen zu adressieren.

### **Kurzbiographie**

Janis Wicke hat in Hamburg und Jena Soziologie und Wirtschaftswissenschaften studiert. Er war wissenschaftliche Hilfskraft in der BMBF Nachwuchsforschungsgruppe *Bioökonomie und soziale Ungleichheiten*.

### **Schlagworte**

Bioökonomie, Agrartreibstoffe, Palmöl, Private Governance Standard, Zertifizierung, Roundtable on Sustainable Palm Oil, politics of scale, NGO, RSPO

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## 1. Introduction

In recent years, a range of countries and supra-national organisations – including Germany, the USA, Malaysia and the European Union (EU) – have introduced bioeconomy policies to address global challenges such as climate change and the scarcity of fossil resources while promoting technological development, creating new job opportunities and fostering green growth. The common underlying vision of all these policies is to transform the foundation of the present energy and production system from fossil and finite to biological and renewable resources, such as forestry and agricultural commodities (Backhouse et al. 2017; Lühmann 2019; Puder 2019). In many countries, the development and production of biofuels constitutes an integral part of the bioeconomy strategy. While strategy papers contain ambitious plans for the role of so-called second-generation biofuels made from cellulose, algae and agricultural waste, to date, the feedstock for the production of biofuel comes almost entirely from plant-based oil and sugar (Backhouse et al. 2017, 23).

In the European Union, the subsidy of biofuels is still part of the Renewable Energy Directive to mitigate carbon emissions in the transport sector (EU 2003, 2009, 2015). As Europe's agricultural land is limited, the biofuel industry has met their production feedstock needs with large-scale imports of plant-based oils produced in the tropics. Critical voices have linked this trend with the rapid expansion of agroindustrial monocultures, land grabbing and rampant deforestation in countries of the Global South (Gerasimchuk/Koh 2013; Backhouse et al. 2017, 23; Oxfam/Planet 2016). The recent controversy over palm oil is paradigmatic of this development. An alliance of NGOs and global protest networks, particularly in Europe and North America, has invoked images of burning rainforests, dying orangutans and indigenous peoples deprived of their livelihoods to attack the palm oil industry in Southeast Asia and to call for a boycott of palm oil products and agrofuels (Pye 2008, 2010, 2016). Against the backdrop of these NGOs' highly effective media campaigns and as a reaction to growing levels of public pressure, the European Parliament decided to exclude palm oil from biofuel subsidies in 2018. Indonesia and Malaysia, which produce 85 percent of the world's palm oil, have responded to this decision with sharp criticism and announced their intention to sue the EU through the regulations of the World Trade Organization (WTO). The Malaysian Minister of Raw Materials and Plantations Mah Siew Koeng has accused the EU of "imposing a harvest apartheid on small farmers in Malaysia" (quoted from Steinmetz 2018), while the Indonesian Ministry of Commerce is considering imposing punitive tariffs on imports from Europe (Sawit Indonesia 2018).

Southeast Asia's palm oil industry reacted to ongoing criticism and negative publicity long before the transnational conflict escalated. Palm Oil producing business groups from Malaysia, Indonesia and Singapore joined with global consumer goods corporations and international conservation and human rights NGOs to launch a private multi-stakeholder sustainability platform: The Roundtable on Sustainable Palm Oil (RSPO).

The RSPO has introduced a set of international standards targeting deforestation, labour conditions and the recognition of local land rights in the palm oil producing regions. This paper examines the role of NGOs in the complex field of private standard setting and implementation by the RSPO. It asks why some NGOs, such as Greenpeace or Friends of the Earth have openly refused to collaborate with this multi-stakeholder initiative denouncing it as a greenwashing programme, while others have seized the opportunity to participate in international negotiations on sustainable development and have become official members. Global networks such as the WWF, but also regionally based groups from Southeast Asia, such as the Indonesian organisation Sawit Watch, have played a vital role in setting up the certification system and their members occupy prominent positions within its working groups and on its board of governors. These networks have been rather successful in pushing the RSPO to strengthen its standards in favour of local disfranchised groups, such as plantation workers, small farmers and local communities (Pesqueira/Glasbergen 2013). I will argue that this was thanks to their ability to connect their actions across multiple vertical levels of society, communicate the grievances of the local populations in rural Indonesia to the international forum of the RSPO and generate global publicity. However, critical voices, also from within participating NGOs, have complained that the RSPO does not enforce its own standards and is reluctant to impose sanctions on companies that breach their commitments (Greenpeace 2008, 2009; Colchester 2007; Pye 2016, Int. 1, 2, 5, 6, 8-11). I will further argue that this is seriously undermining the effectiveness of NGOs activities within the RSPO and shows the limitations of their cross-scale engagement. Moreover, I ask, how useful the RSPO's complaints mechanism is as a tool for NGOs to counter the weak enforcement mechanism and urge the RSPO to restore the land rights of local communities.

My paper draws on the theoretical *Politics of Scale* framework (Swyngedouw 2000, 2004; Smith 1992; Wissen et al. 2008) to analyse the interplay of NGO activity in different locations and at different levels of society – from the remote regions where local activists investigate palm oil plantations and support local communities, to the transnational space of discursive contestation and the development of regulations. It suggests that private governance standards like the RSPO mark a spatial transformation of governance and discourse arenas by introducing new scales of negotiation and regulation at a global level. It examines the reasons why some NGOs benefit from the rescaling process and actively take part in shaping it, while others oppose the shift of negotiations and regulations to a global scale. The empirical data is based on two months of field research in Indonesia. I conducted 12 qualitative expert interviews (Meuser/Nagel 2009) with NGO staff in Jakarta, local activists in the province of Central Kalimantan and a community outreach manager from the RSPO regional office in Jakarta. The selection of organisations to be interviewed was based on online and literature research and was later complemented by additional interview partners chosen using the snowball sampling approach. The aim was to include a broad range of NGOs engaging on the issue of palm oil based on their thematic focus (conservation, human

rights, environmental justice) and the scale they are predominantly operating on (regional, national, global). This comparison of different types of NGOs allowed me to examine differences and similarities between them. After partially transcribing the interviews, I analysed the data based on features of the grounded theory method using the software MAXQDA. I conducted most of the interviews in English. However, some of the interviewees occasionally switched to Bahasa Indonesian. These parts of the interviews were translated and interpreted with the help of a native speaker. Nevertheless, there is always a risk of misinterpretation in a multilingual research project. I therefore handled ambitious statements with utmost caution and reflected on possible misunderstandings throughout the interpretation process.

## **2. Theoretical starting points**

### **2.1 Politics of Scale**

The theoretical debate on the *Politics of Scale* emerged from Anglo-American radical geography and is based on the fundamental assumption that space is socially produced (Swyngedouw 2000, 2004; Smith 1992; Wissen 2008, 2007; Belina 2008). According to this approach, the spatial organisation of society is embedded in vertical scales, such as the household, the community, the region, the nation state and the international sphere. This spatial structure is not ontologically given, but the result of an ongoing social process, which is characterised by struggles over influence and power. The approach is based on a dialectical understanding of the relationship between structure and action: Social life is organised on and confined by scales, but actors can alter and change this structure, which is itself an outcome of social action. As Smith (1992, 66) argues, "scale demarcates the sites of social contest, the object as well as the resolution of contest."

The scale approach seeks to analyse processes of *rescaling* that generate a change in the spatial structure of society and constitute an "integral part of social strategies and struggles for control and empowerment" (Swyngedouw 2000, 70). Swyngedouw, for instance, has examined spatial transformations in the context of globalisation: Companies have joined forces to create international groups operating on the global scale, where they are able to sidestep government regulations and labour unions bound to the national scale. Governments have reacted by relocating political competences from the national level to newly established international institutions, such as the European Union, the United Nations or the World Trade Organization. In some regions, however, regional parliaments have been strengthened (e.g. in Great Britain (Marshall 2003) or Indonesia (Croissant 2016, 130-135)) while metropolitan areas and financial centres have become important subnational sites – while at the same time being integrated into a global market. Swyngedouw has described this parallel upscaling and downscaling of political competences, production structures and trade networks accompanied



by the production of new scales on the international and regional levels as “glocalization”. Rival social groups and actors seek to gain advantages over their opponents by “jumping” up or down different scales (Smith 1992), lifting conflicts, discourses or regulations to other scales to enlarge the scope of their action or include or exclude other groups from access to resources or decision making processes. “These scale redefinitions”, argues Swyngedouw (2000, 70) “alter and express changes in the geometry of social power by strengthening power and control of some while disempowering others.” Following Wissen (2008) and Arts (2004) and in line with my own empirical outcomes, I will argue in this paper that particularly social movements and NGOs can benefit from jumping onto the global scale, because this enables them to exchange and combine their ideas as well as financial and personnel resources, generate international publicity and exert a greater degree of influence on international decision-making processes.

Towers (2000) introduced the analytical differentiation between *scales of meaning* and *scales of regulation* to the debate. Flitner/Görg (2008) and Hein (2016) have further developed the concept for empirical analysis. Scales of regulation refer, on the one hand, to the level where laws, norms and other regulations are produced and, on the other hand, to the scope of their legal force. The European Union, for instance, develops and introduces a variety of regulations on a supra-national scale, which are enforced within the territories of its member states. This paper, however, will deal with non-state actors establishing new scales of regulation, i.e. companies and NGOs creating a private governance standard to approach and regulate sustainability and human rights issues alongside the palm oil value chain. A distinction can be drawn between scales of regulation and scales of meaning. The latter refer to the discourses, interpretive schemes and images that link a given phenomenon to a certain scale. Hein (2016, 19) refers to different “conflictive scalar narratives attributing different meanings to places and landscapes express social conflict on scales of meaning” (Hein 2016, 19). He describes how competing social groups attribute the rainforest on the Indonesian island of Sumatra with different meanings linked to particular scales: While indigenous people on the community scale see the forest as a hunting ground, the colonial forces viewed it as a source of material wealth for the Dutch Empire. Today, environmentalists and Northern governments have framed the tropical forest as a carbon stock linking it to the protection of the global climate (ibid.). This paper will discuss how NGOs participate in the construction or deconstruction of scalar discourses to underpin or oppose the certification of palm oil through the RSPO.

## **2.2. NGOs as actors on the stage of global scalar transformations**

To examine how NGOs engage in scalar transformations first requires clarification of the category non-governmental organisation (NGO). This is not as straightforward as it would seem, however. There is in fact no coherent definition of the term non-governmental organisation either among international institutions or in the academic research literature. A definition which merely differentiates NGOs from the government

apparatus, as directly suggested by the term NGO itself, is too vague to allow us to clearly determine the type of organisation being referred to (Klein et al. 2005; Brand et al. 2001; Hirsch 2001; Roth 2001). For the purpose of this study, I rely on Hirsch (2001, 16) who defines NGOs using four criteria: (1) formal, organisational and financial independence from the state apparatus, (2) non-profit orientation/pursuit of the common good, (3) representative advocacy, (4) professionalisation and organisational durability. This set of criteria, however, provides an ideal type definition. In reality, many NGOs are not completely independent from the state and commercial businesses as they rely on funding from governments and companies to provide a stable financial base that helps them to develop a durable organisational structure. Moreover, to realise and implement their agenda, NGOs depend on the legislative and executive capacities of states or the self-regulation of business corporations (Hirsch 2001, 15). If NGOs in Indonesia want to stop deforestation or the exploitation of palm oil workers, they need to either convince the government to introduce and enforce laws for forest protection and labour rights or urge palm oil companies to change their business practices. Hence, some NGOs seek to influence companies or state institutions through collaboration and official partnerships. The RSPO constitutes a long-term partnership between NGOs and business actors. Participating NGOs are operating in a contradictory field and need to balance the advantages of collaboration against the threat of becoming too dependent on or coopted by companies. The third and fourth criteria reflect the distinction between NGOs and social movements. In contrast to social movements, NGOs have a durable organisational structure and engage a professional team of staff. These employees are often not personally affected but rather play the role of advocates for marginalised groups or a common good (Klein et al. 2005, 60; Take 2002, 367). NGOs can be part of movement networks or can emerge from them. They can, however, also develop an organisational self-interest, which can be in conflict with their original advocacy role and non-profit agenda.

The scalar transformations in the context of globalisation have expanded the scope and influence of NGOs. Nation states are increasingly entangled in a range of international organisations and less institutionalised forums for the (de-)regulation of the world market and the configuration of global capitalism (UN, WTO, WHO, G7/G8, Davos etc.) that involve many non-state actors, such as transnational companies and NGOs (Brand et al. 2001, 9). As Hirsch (2001, 21) argues, "the formulation and enforcement of political decisions is more than ever shifted into – in the broadest sense – corporate structures and state-private negotiation systems." This complex and sometimes opaque transnational network of new scales of negotiation and regulation is becoming the field of engagement and gateway for NGOs (Roth 2001, 49–50). They operate within or alongside international forums and institutions, contribute their expertise and knowledge on issues such as climate change, human rights or biodiversity and seek to influence the political decision-making process. Sustainability standards, such as the RSPO, represent a model of global private governance where state actors are completely absent in the negotiation and standard-setting process. I will argue

that the establishment of the RSPO is opening up new spaces of engagement and influence for NGOs on a global scale. I will examine why and how some NGOs participate in shaping this spatial transformation while others reject the idea of taking part in the production of private regulations on an international level. Alongside their global engagement, many NGOs are involved in complex networks comprising local grassroots organisations, social movements and activist groups. As Arts (2004, 502) has argued, “by ‘thinking globally, acting locally’ (...) as well as by ‘thinking and acting globally, as well as locally’” NGOs are “linking up scales” and “organizing beyond scales”. As I will go on to outline in the following section, Indonesian NGOs such as Sawit Watch and WALHI have strong ties with the grassroots activists and local communities impacted by the expansion of palm oil plantations. Thus, my empirical analysis will also address the question of whether these NGOs can make the interests of local (often marginalised) social groups a topic in the international negotiation process within the RSPO panels and whether local people ultimately profit from this multi-scalar NGO engagement.

### **3. Palm oil expansion in rural Indonesia in the context of global contestations over biofuels**

The oil palm is a highly efficient plant producing up to seven times as much oil per hectare than comparable species, including, for instance, rapeseed or soy. Due to its low price, its versatile application in the chemical and food industries and its favourable processing properties, palm oil is now found in every second supermarket product (Noleppa/Cartsburg 2016, 6). The fact that palm oil can be used as biofuel feedstock has further increased its global demand in recent years. However, the oil palm can only be cultivated in the humid, tropical regions near the equator. In Indonesia, the plantation area has increased fivefold from two to over ten million hectares in the last 20 years (Cramb/McCarthy 2016). With a market share of 55 percent, the country is now the world’s number one producer. Malaysian and Indonesian business groups dominate the sector and are driving the expansion of agroindustrial plantations on Indonesia’s outer Islands.<sup>1</sup> They have diversified in other sectors and are so intertwined with state capital and government institutions that Pye (2016, 428–436; Pye 2008) suggests the formation of a “palm oil industrial complex”.

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<sup>1</sup> “Outer islands” is the term used to refer to the Indonesian islands apart from the main island and political center of Java. They are characterised by a large land mass, much lower population density, weak infrastructure and an abundance of natural resources (wood, oil, mineral resources and plantations). They have been politically marginalised and their natural resources exploited by the regime in Jakarta for a long time (Pichler 2013).

Driven by an escalating demand on the world market, a highly suitable climate and agricultural environment and an abundant pool of cheap labour, the rapid expansion of the oil palm sector has substantially transformed society-nature relations in rural Indonesia. The development of new plantations brings rampant destruction of tropical rainforest in its wake, causing a serious loss of biodiversity (Cramb/McCarthy 2016). The transformation of peat forests into plantations and the prolonged use of fire for land clearing have released large amounts of carbon dioxide and meant that Indonesia rose to third position, just behind China and India, in the list of the world's largest greenhouse gas emitters in 2014 (Margono et al. 2014). The local population is suffering the effects of the smog caused by recurrent forest fires (Marlier et al. 2013) and the pollution of rivers and lakes with effluent from palm oil mills (Cramb/McCarthy 2016, 7). Moreover, land conflicts and the expropriation of local and indigenous communities accompany the rapid enclosure of formerly collectively used agricultural areas and forests. While palm oil has contributed to economic development and increasing revenues in remote regions, these gains in productivity are distributed in a highly uneven way, which has exacerbated social inequalities and fostered the concentration of land in the hands of companies, local elites and a small number of dominant farmers. Many smallholders who have been integrated into the palm oil sector as contract farmers have plots that are too small for them to earn a decent living for their families. Meanwhile, parts of the local population have been stripped of their lands and forced to become wage labourers on the neighbouring plantations, typically on poor terms (McCarthy 2010; McCarthy/Zen 2016; McCarthy et al. 2012; Li 2016). Labour conditions have been reported to be problematic: Low wages, insecure working conditions with no contract or long-term security, poor housing and inadequate sanitary facilities – sometimes including a lack of access to clean water – have come to characterise work and life on the plantations. Women are commonly assigned to work with agrochemicals and pesticides, often without adequate protection gear, exposing them to particularly high health risks (Li 2015, 2016; White/White 2012; Cramb/McCarthy 2016, 43–46).

During the Suharto dictatorship (1967–1998), local protest against the land grabbing, exploitation and environmental destruction at the hands of the palm oil companies and their patrons in the state administration was fragmented and unable to unify on a higher scale. Since the collapse of the repressive regime in 1998 and the transition to a democratic system, three social movements have evolved around the topics of environmental justice, indigenous rights and land reform. These movements have the common goal of resistance against the expansion of agroindustrial plantations (Peluso et al. 2008; Pye 2010). They have evolved into large cross-scale networks comprising growing numbers of groups of local activists, resistant communities, labour unions and peasant organisations and are consolidating around national NGOs such as AMAN (*Aliansi Masyarakat Adat Nusantara*, Alliance of Indigenous Communities of the Archipelago), WALHI (*Wahana Lingkungan Hidup Indonesia*, Friends of the Earth Indonesia) or Sawit Watch (Palm Oil Watch). While the national NGOs remain connected with

grassroot activists and support the local population in their struggle against land grabbing and environmental pollution, they have also established ties with international organisations such as The Forest People Program, Greenpeace or Friends of the Earth. They have been able to connect spatially fragmented spaces across scales and combine their protest efforts on a global level (Pye 2010). NGOs from the Global North have then started to draw attention to the link between the EU's biofuel programme and the expansion of palm oil plantations in Indonesia. They have revealed how the burning of forests releases large quantities of greenhouse gases and places the suitability of palm oil-based biofuels as a strategy for mitigating climate change under question (Friesinger 2011). Campaigns using headlines such as "How the Oil Palm Industry is Cooking the Climate" (Greenpeace 2007) have framed the expansion of palm oil, which is localised in Southeast Asia, as a global problem while drawing a direct link between its negative social and environmental impacts and trade and climate policies in Europe.

The EU has reacted to public pressure by defining sustainability criteria for biofuel subsidies (EU 2009) and by reducing the blending quota for conventional petrol with biofuels from ten to seven percent (EU 2015). Consequently, the palm oil industry in Southeast Asia has become increasingly aware of the damage caused by the campaigns of international NGOs to the image of palm oil and their ability to influence political decisions in the Global North. Worried about losing access to the European market, actors from the industry and their allies in the state apparatus have started to engage in the emerging transnational battlefield of discursive contestations over the sustainability of palm oil and biofuels. Malaysian and Indonesian state representatives have denounced the EU's mandatory sustainability criteria as imposing a structural system of discrimination against palm oil, consequently blaming Brussels for the advancement of "green protectionism" (Pichler 2013, 179). The *Indonesian Palm Oil Commission* and the *Malaysian Palm Oil Council* (MPOC) point out the contribution palm oil makes to rural development and the reduction of poverty as well as the active role of the industry in wildlife conservation (Suharto 2009; Pye 2008; Ng et al. 2017). With its own publication series, the *Journal of Oil Palm, Environment and Health*, the MPOC locates palm oil as a bio-energy resource in a global sustainability discourse, while constructing the notion that green palm oil plantations, rainforests and orangutans can peacefully coexist in Indonesia (Vogelgesang et al. 2018; Ng et al. 2011; Ng et al. 2017; Suharto 2009).

#### **4. Rescaling the regulation of palm oil production: The Roundtable on Sustainable Palm Oil (RSPO)**

Against the backdrop of growing international awareness of the negative impacts of palm oil production described above, in 2004, the *Malaysian Palm Oil Council* joined with Unilever and the WWF to launch the foundation of the Roundtable on Sustainable

Palm Oil (RSPO 2018b). The RSPO represents one of a whole series of business-led sustainability standards established alongside distinct commodity chains over the last 20 years.<sup>2</sup> Academic research has referred to them as "*private governance standards*" (Schouten/Glasbergen 2011; Schouten et al. 2012; Beisheim/Dingwerth 2008), "*multi-stakeholder standards*" (Fortin 2013; Schouten et al. 2012) or "*voluntary certification systems*" (Pichler 2013, 185; Brown/Getz 2008). The different labels refer to the four main characteristics shared by these sustainability initiatives: First, membership is voluntary; second, they are composed of a wide range of business stakeholders collaborating with NGOs; third, they operate on a global scale; fourth, they produce private regulations in the absence of state actors. The RSPO currently comprises 1,778 ordinary members in seven categories: Banks and Investors (17), Consumer Goods Manufacturers (843), Oil Palm Growers (177), Palm Oil Processors and Traders (613), Retailers (73), Environmental and Conservation NGOs (44) and Social and Developmental NGOs (11). Representatives of all members participate in the *General Assembly* at the annual Roundtable Meetings and elect the *Board of Governors* (formerly *Executive Board*) which comprises two representatives from each member category<sup>3</sup> (RSPO 2018a). The standards of the RSPO are written into the *Principles and Criteria* (P&C, Table 1). The P&C are central to the following analysis. They entail the regulations companies must follow if they want their plantations to be certified and thus to claim that they produce *sustainable palm oil* according to the statutes of the RSPO. The P&C are negotiated and drafted in *working groups* and *task forces* comprising representatives of the member categories and are approved by the *General Assembly* after endorsement by the *Board of Governors*. Decision-making in the groups and boards adhere to the consensus principle (RSPO 2016, 2017).

Klooster (2010) has pointed out that multi-stakeholder certification systems face a tradeoff between rigour and scope: Certification systems base their value, legitimacy and ability to engender change on compliance with strict standards, but the more rigorous the criteria, the less companies are willing to bear the costs of implementation. The RSPO was not set up to create a certificate for a small niche market. Instead, the goal of this multi-stakeholder platform was to integrate and transform the whole value chain. To do so, it seeks to find a compromise between NGOs and the biggest business players in the industry. This compromise is reflected in standards that are not comparable with organic or fair-trade labels. The P&C include the protection of High Conservation Value and High Carbon Stock forests as well as peatlands. However, the use of agrochemicals is barely restricted, which causes large-scale industrial monocultures to be framed as sustainable agriculture. In terms of social and human rights issues, the P&C include standards for the protection of labour rights and the adaptation of the

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<sup>2</sup> E.g. *Forest Stewardship Council* (FSC, founded 1993), *Marine Stewardship Council* (MSC, 1997), *Roundtable on Responsible Soy* (RTRS, 2006), *Better Cotton Initiative* (BCI, 2007).

<sup>3</sup> With the exception of palm oil growers who are represented with four seats.

Free Prior and Informed Consent (FPIC)<sup>4</sup> principle for the protection of local communities' land rights. Third party auditing bodies control compliance with the standard on certified plantations, but RSPO members are not obliged to certify all operations nor to deal exclusively with certified palm oil. This means that only a variable share of the RSPO members' value chain is actually integrated in the certification process and, thus, monitored for standard compliance. Moreover, researchers and NGOs frequently criticise that the RSPO lacks rigorous mechanisms to sanction non-compliance with certification standards and rarely takes action against companies violating the P&C. As a result, several researchers have pointed to a gap between the standards set out in the P&C and their actual implementation on the ground (Schouten/Glasbergen 2011; Nikoloyuk et al. 2010; Pye 2016; Pichler 2013).

*Table 1 – RSPO Principle and Criteria*

<b>Principles</b>	<b>Criteria (overview)</b>
<b>Principle 1: Behave ethically and transparently</b>	Provide adequate information to relevant stakeholders on environmental, social and legal issues; Management documents are publicly available
<b>Principle 2: Operate legally and respect rights</b>	Compliance with all applicable local, national and ratified international laws and regulations
<b>Principle 3: Optimise productivity, efficiency, positive impacts and resilience</b>	Implemented management plan for long-term economic and financial viability; mandatory social and environmental impact assessment for new plantings; occupational health and safety plan is implemented; adequate training of staff
<b>Principle 4: Respect community and human rights and deliver benefits</b>	Adhere to Free Prior and Informed Consent for land acquisition (see footnote 4); implement system for dealing with complaints; contribute to local sustainable development; land is not legitimately contested by local communities; appropriate compensation is payed when buying land from communities
<b>Principle 5: Support smallholder inclusion</b>	Support improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains
<b>Principle 6: Respect workers' rights and conditions</b>	Pay and conditions for staff and workers always meet at least legal or industry minimum standards and provide decent living wages; right to organize trade unions and collective bargaining;

<sup>4</sup> According to the RSPO (2015) "Free, Prior and Informed Consent (FPIC) is the right of indigenous peoples and other local communities to give or to withhold their consent to any project affecting their lands, livelihoods and environment. This consent should be given or withheld freely, meaning without coercion, intimidation or manipulation (...). It should be sought prior to the project going ahead (...). It should be informed, meaning that communities must have access to and be provided with comprehensive and impartial information on the project".

<p><b>Principle 7: Protect, conserve and enhance ecosystems and the environment</b></p>	<p>prohibition of child labor and forced labor; policy against sexual harassment; adherence to human rights; anti-discrimination policy; working environment is safe and without undue risk to health</p> <p>Pests, diseases, weeds and invasive introduced species are effectively managed; pesticides are used in ways that do not endanger health or the environment; land clearing since 2005 has not replaced primary forest or any High Conservation Values (HCVs) or High Carbon Stock (HCS) forest area; no fire for land clearing; no new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly; reduce, reuse, recycle and dispose waste responsibly; maintain soil fertility, minimize and control erosion and degradation of soils; maintain the quality and availability of surface and ground water; efficiency of fossil fuel use and the use of renewable energy is optimized; reduction of greenhouse gas emissions</p>
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*Source: RSPO 2018c*

From a scale perspective, I suggest looking at the establishment of the RSPO as an attempt to rescale the palm oil sector by setting a new scale of regulation on a global level. As I have outlined in Section 2, a process of rescaling can include new actors in the spaces of political decision-making while excluding others. This might help to explain why some actors support the spatial transformation while others oppose it. In the past, palm oil production was shaped by government legislation at the national level, state bureaucracies at the provincial and district level and the strategies and practices of plantation companies operating on multiple scales. The rescaling now allows a range of previously uninvolved actors to participate in the regulation of the industry. These include NGOs, banks and multinational business groups – mainly from the Global North – who process palm oil and trade with consumer products. Oil palm producers must accept the involvement of other stakeholders in the regulation of their plantation business. However, they might also profit from the green image that the RSPO is constructing on a global scale as this could help them to maintain access to European markets and may also foster a broader acceptance of palm oil among politicians and consumers in the Global North. Moreover, the European Union had accepted the RSPO certificate as evidence of compliance with the sustainability criteria established by the Renewable Energy Directive, which is a requirement for producers to participate in the biofuel subsidy programme. The Indonesian government, however, saw the emergence of the RSPO as illegitimate interference of Northern NGOs and corporations in their national affairs (Wijaya/Glasbergen 2016). The establishment of Indonesia’s own, government-run certification system Indonesian Sustainable Palm Oil (ISPO) constitutes an attempt to challenge the RSPO and shift regulation compe-



tencies back to the national level. The Association of the Indonesian Palm Oil Producers (GAPKI) has subsequently chosen to withdraw from the RSPO and join the ISPO because they believe their organisation can have greater influence on the national level.

Consequently, understanding the RSPO as a spatial transformation of palm oil regulation can help us to analyse the reasons for the strategic engagement – or non-engagement – of different actors with the certification system. As I will demonstrate in the empirical analysis ahead, this is particularly the case for the study of NGOs. I will start by discussing how Indonesian NGOs can benefit from engaging on a global scale as doing so extends the scope of their actions and networks. Then, I examine how NGOs link their work with disfranchised population groups on the local scale with their engagement inside the global sustainability platform and ask whether they can transmit the grievances of workers, small farmers and local communities to the international standard setting process. I will then discuss the limitations of this multi-scalar advocacy and highlight possible tensions inside NGO networks between actors on different scales. Finally, I ask whether the RSPO's complaints system is a useful tool for NGOs to counter the RSPO's failure to enforce its own standards and to restore the land rights of local communities.

## **5. NGOs as the link between the local and the global scale**

### **5.1 Jumping scales and global-local networks**

On the various panels of the RSPO, NGOs from the Global South have come into contact with staff from organisations from the Global North and they have used this platform to establish networks enabling them to share resources and information and coordinate their strategies. The Indonesian NGO Sawit Watch has worked together with international NGOs such as Oxfam, the Forest People Program, Aid Environment and the WWF to campaign for higher standards and advocate for the interests of affected population groups from the palm oil regions (Int. 8 Sawit Watch). For large international NGOs such as Oxfam, small local groups like Sawit Watch are important partners because they have a large network of local activists and members, they are connected with smallholders, plantation workers and local communities and they can share knowledge and expertise on the situation in the field. Moreover, they monitor the practices of palm oil companies on Indonesia's outer islands and report any instances of standards not being properly implemented. Sawit Watch, by contrast, has used the link to international NGOs, to mobilise financial resources and institutional support for their own work. Often, the large NGOs based in the global North provide funding to their smaller Indonesian partners (Int. 11 Sawit Watch). Moreover, Sawit Watch used the international network to address a global public and draw international attention to the negative social impacts of palm oil expansion for local communities and the

exploitation of labourers. For the small NGO, which used to be tied to the national scale, participation in the RSPO has opened up the opportunity for them to jump onto the global scale and significantly expand the scope of their work. A member of staff explains:

"We still need RSPO for our international advocacy forum. (...) We are a small (...) NGO. Not like (...) Greenpeace, I don't know in how many countries Greenpeace is established. (...) And WALHI also has a strong connection with Friends of the Earth. So how about us? We still need an international forum and I think we (...) have good experience in RSPO and we also got in touch with the Northern countries" (Int. 11 Sawit Watch).

Engagement within the RSPO made it possible for small NGOs to develop networks on a global scale, which extend beyond the activity within the framework of the sustainability standard. For instance, Sawit Watch staff had the opportunity to meet high-ranking German politicians and spoke in the European Parliament about the social impacts of oil palm plantations and the consequences of biofuel production for countries in the Global South (Int. 11 Sawit Watch). This would not have been possible without the NGO's engagement within the RSPO, which helped Sawit Watch to overcome the limitations of the national scale and become valued and respected partners for organisations and politicians from the Global North.

## **5.2 Transferring the interests of marginalised groups to the global scale**

Indonesian NGOs have played a vital role in connecting the global standard system with activist networks and the local population in rural Indonesia – the scale on which palm oil expansion is physically taking place. When Sawit Watch joined the RSPO in 2004, the standard's focus was on biodiversity and deforestation, while social concerns, such as land grabbing, exploitation and the poverty of small-scale farmers were not being discussed as problematic issues. From the beginning, Sawit Watch has fought inside the Executive Board and the working groups for the incorporation of social issues into the P&C and the recognition of labourers, smallholders and local communities as important stakeholders (Int. 8 Sawit Watch). In fact, the NGO perceives itself as an advocate of these marginalised groups who are most seriously affected by the palm oil expansion and yet have no representatives on the global scale:

"The role of Sawit Watch in the RSPO is to make sure that the communities that are impacted [by the palm oil plantations] also benefit from the palm oil industry and the RSPO, [and] the smallholders and the labourers do [as well]. They also have to benefit. So, if there are negative impacts and positive impacts, they need to be balanced, they also need to have a share of the positive effects. This is the role of Sawit Watch in the RSPO" (Int. 8, Sawit Watch).<sup>5</sup>

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<sup>5</sup> Own translation from Bahasa Indonesia. Original quote: "Sawit Watch dalam peranya di RSPO harus memastikan bahwa komunitas yang terdampak, impacted community, itu bisa mendapatkan manfaat

Together with the international developmental NGO Oxfam, Sawit Watch was able to transfer the interests of these groups from the local to the international scale institutionalising them within the RSPO system: They have managed to implement a smallholder taskforce, a labour taskforce and a *Free Prior and Informed Consent (FPIC)* working group, which addresses the land rights of local and indigenous communities (Int. 7 Sawit Watch). Pesqueira and Glasbergen (2013, 298), who analysed Oxfam's strategies within the RSPO from a scale perspective, argue that these NGOs have created a "space of engagement" on the global scale "where the context and details surrounding the concrete social impacts of palm oil production could be defined, and this domain became the responsibility of NGOs". Alongside negotiation inside the RSPO panels, Sawit Watch also enabled those groups to advance to the global scale. Together with other NGOs and labour unions, they organised public protest rallies such as the demonstration of palm oil workers at the 2013 Roundtable Meeting in Medan (Sumatra, Indonesia). Moreover, they facilitated the attendance of smallholders at the RSPO's assembly to speak about their negative experiences with palm oil companies (Int. 8, Sawit Watch).

Thus, NGOs such as Sawit Watch and Oxfam have participated in the rescaling process that characterises the emergence of the RSPO and have contributed to shaping the agenda and the institutional structure of the global standard system. As a result of the efforts of these NGOs, the rights of local social groups have been integrated in the P&C of the RSPO, thus becoming mandatory for all members. Pesqueira/Glasbergen (2013, 298) have described this as "creating a space of formal interdependence".

### **5.3 Limitations of advocacy and tensions between scales**

However, the representational function of NGOs and their intermediary role between the local and the global scales have always been precarious. There are two reasons for this: First, local groups seldom speak directly at the RSPO panels nor do they have an opportunity to become part of the decision-making process. Their interests are advocated by NGO staff who do not belong to those groups themselves. Their appearance in person on the global scale underpins the negotiation process and supports the position of NGO advocates, but direct representatives of labourers and local communities have not yet been recognised as ordinary stakeholder groups with participation and voting rights. However, this is slowly changing as the RSPO tries to integrate smallholder and labour representatives into the negotiation process and opens the working groups and task forces up to labour unions and the Union of Indonesian Palm Oil Workers (SPKS, Serikat Petani Kelapa Sawit).

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juga, benefit, dari industri sawit dan RSPO. Untuk smallholer untuk labor. Mereka juga harus dapat benefitnya. (...) Jadi kalau impact, ada yang negatif, ada yang positif, jadi ini harus balance, mereka juga harus dapat yang positif. Disitu rolenya Sawit Watch di RSPO" (Int. 8, Sawit Watch).

Second, local groups do not benefit from the integration of their rights into the global standard, if the P&C are not implemented on the ground. The experience among these groups that RSPO-certified companies still trigger land conflicts with local communities and fail to recognise worker's rights has led to ongoing discontent among local activists and impacted communities. In the case of Sawit Watch, the grassroots members working with the impacted communities started to file complaints against those companies through the RSPO system. They were hoping that the RSPO would impose sanctions on the companies responsible and reinstate the land rights of local farmers. When it transpired that the RSPO had dragged out complaints for many years and not taken any decisions against the companies, the discontent among the ground-level activists and communities with Sawit Watch's engagement in the RSPO was reinforced. By contrast, for the NGO's staff in Jakarta, the RSPO became an attractive field of engagement, enabling them to connect with international NGOs to secure funding and participate in global campaigns. All of a sudden, they found themselves occupying a prominent position on the Executive Board of the global standard system and sitting next to high-ranking managers from international NGOs and business groups. By the same token, they were convinced that they could influence the development of the standard in a way that favours smallholders, workers and affected communities and that they could integrate their interests in the P&C. However, because these achievements at the international level did not result in visible changes on the local scale, Sawit Watch staff were unable to communicate the advantages of their engagement within the RSPO to the grassroots members. The latter became increasingly dissatisfied with the presence of the Jakarta staff inside the RSPO, sitting in the convention centres of five-star hotels at the negotiation table next to the representatives of the very companies they struggled with in the field. A member of Sawit Watch staff recalls:

"Since the RSPO [was] established, we sent complaint letters, at least 40 complaint letters, to the RSPO and the people, the community, asked us to resolve the cases (...) But the function of RSPO is not to be a judge. They just care about the certification and how to improve the P&C. They never give any decision. (...) but you know, sometimes we got, like, attacking from the [local] people, when they said: you just using us to get fund from your donors" (Int. 11 Sawit Watch).

The local members no longer felt properly represented by Sawit Watch's national staff and were unhappy with the role the NGO played inside the RSPO. They perceived the bureaucratic process that was far-removed from their situation in the field as useless. The latent conflict between the top-level staff and the grassroots members was amplified by the RSPO's code of conduct, which prohibits member organisations from criticising the RSPO or other members in public. This made it difficult for Sawit Watch to maintain a critical distance from the RSPO in public and draw attention to shortcomings of the certification system. Local members felt that Sawit Watch had become too close to the RSPO and palm oil companies. A member of staff recalls:

Person 1: "Especially, I remember, there were some concerns from the [Sawit Watch] members because they are helping local communities, who are in conflict with RSPO

members [palm oil companies]. They felt like we are at the RSPO side and not, especially [when we've been] in the Executive Board, they felt like we fail them in terms of representing..."

Person 2: "Representing the RSPO rather than our own NGO"

Person 3: "Our own members (...) feel like we are not doing well in the RSPO, being in EB [Executive Board], that we are not on their side, but when we are on their side, when we go public, like make a press conference on conflicts that involving RSPO members [palm oil companies], RSPO Secretariat will complain and saying that we are violating the code of ethics [conduct]"

(Int. 5, former members of Sawit Watch staff).

The role of intermediary between the local and global scales became increasingly precarious for Sawit Watch's staff as the grassroots members and the RSPO both demanded loyalty from them. While local activists urged the staff to dissociate from the RSPO, the staff themselves did not want to give up their bargaining position on the global platform. At Sawit Watch's annual congress in 2012, the conflict escalated when the majority of the members voted for complete resignation from the RSPO. After long discussions, the staff were able to persuade the members to stay in the standard system but agreed to withdraw from the Executive Board and take up a less prominent position to demonstrate their distance from the certification system's policy. Subsequently, several members of Sawit Watch's staff who had been among the most active within the RSPO were so frustrated that they resigned from the NGO. This bears testimony to the magnitude of the conflict.

This example shows that the RSPO's failure to enforce its standards seriously undermines the advocacy role of NGOs within the certification system. The upscaling of local interests by NGOs does not help disfranchised groups if the RSPO does not downscale and thus implement its regulations on the local level. Nevertheless, Indonesian NGOs might still be able to benefit from engagement within the RSPO as it allows them to extend the scope of their action to the global scale and secure funding from organisations based in the Global North. However, if they cannot explain the benefits of this engagement to their grassroots members, conflicts are likely to occur.

## **6. Scaling up conflicts – Can the complaints system strengthen multi-scalar NGO advocacy?**

The RSPO's internal complaints system was established to investigate and resolve breaches of the standards reported by NGOs. If NGOs witness palm oil companies violating the rights of plantation workers, farmers or local communities they can file a complaint to the RSPO. The case will then be processed by the dispute settlement facility or the complaints panel, which can impose sanctions on the company. Most of the cases are related to land conflicts, which occur if companies set up a new plantation on land claimed by local communities. NGOs help the local community to document

the case and compile evidence. They then write a complaint letter to the RSPO and assist the community in following the hearings and mediation procedure. The complaints system is thus supposed to function as a mechanism to control and underpin the enforcement of the standards and should serve to strengthen the position of NGOs as intermediary advocates between the local and the international scale.<sup>6</sup> However, in reality, the complaints system became a major source of NGOs' discontent with the RSPO and has undermined their efforts to recover the rights of disfranchised population groups. I will now examine the reasons for the system's failure to address the grievances of local communities, despite NGOs' advocacy efforts. I will then discuss how NGOs are trying to overcome the shortcomings of the complaints system by rescaling conflicts from the local to the international level.

Seven out of the nine NGOs interviewed described their experience with the complaints system as largely negative. The RSPO has drawn out most of the cases for years without any proper solution. Cases where the RSPO has imposed sanctions on companies that are perceived as being adequate and as solving the underlying conflict are reported to be rare (Int. 1 COP, Int. 2 WALHI, Int. 3 LINKS, Int. 5 Greenpeace/Sawit Watch, Int. 7 Sawit Watch, Int. 8 WALHI Kalteng, Int. 9 Progress). The notion of consensus decision-making, which is the foundation of the RSPO's statutes, is reflected in the style in which the RSPO deals with complaints. The RSPO perceives itself as a mediator and not as a judge. Instead of investigating cases and issuing judgements, the RSPO tends to facilitate a mediation process between the conflict parties. An RSPO manager explains: "We can invite them to sit together, to understand what is the issue, to explore what is the opportunity or room for moving forward, that's the role of the RSPO" (Int. 11 RSPO). However, according to most NGOs, these mediation processes do not result in a solution and are repeatedly postponed. NGOs and local communities become frustrated because they collect evidence against the companies and expect the RSPO to take a court-like decision that restores their land rights. Nevertheless, the RSPO maintains its role as a mediator and continues to propose ever more meetings, none of which bring about a solution. In the words of a member of Sawit Watch: "The RSPO cannot say yes or no, but they say: please discuss it with the company" (Int. 7 Sawit Watch). And Greenpeace explains:

"This happened over and over again, where they don't even spend extra effort (...) to go to the field to verify whether the complaint is really happening. Instead they

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<sup>6</sup> This is reflected in a statement from an RSPO official: "If we are talking about certification, of course there are two types of monitoring or control that happening on the ground. One is (...) the certification body will be doing regular audit (...) On the other hand, the other monitoring role is actually coming from the civil society organisation, for example the NGO themselves, because NGOs, those are the key actors or stakeholders which (...) will be able to give some criticism to the RSPO or its members when they think that there are breaches to the standards. So they can always scream, can always put some report, they can always also do some advocacy when they feel that the standard is being breached" (Int.11 RSPO).

just ask the (...) company itself: is this true, are you doing this? So, it's just like another meeting and the company will try to prove: no, we are not doing this. But if you don't go to the field, how would you know, if you only listen to what the company is saying" (Int. 5 Greenpeace).

The mediation and consensus approach characterising the complaints procedure does not acknowledge the power imbalances between the conflict parties. In many cases, companies have already established a profitable oil palm plantation on the disputed land. Thus, they have no interest in a settlement with the community and in fact benefit from continued protraction of the case given that the RSPO rarely halts production on disputed land. By contrast, local communities dispossessed of their land have lost their main source of income and are in an increasingly precarious situation the longer the conflict lasts. The power imbalance between local communities and multinational companies is further entrenched by the financial strength of the latter. Companies can bribe local state-based actors or offer community leaders or individual groups within the community lucrative jobs and other financial privileges in exchange for supporting the companies' targets and persuading the village to surrender their land titles. In this way, they instigate horizontal conflicts within the community between the proponents and opponents of the company's activities or between village communities and their corrupt representatives. This practice is undermining community resistance and allows the company to obscure its own role in the conflict. This pattern has been clearly described by other researchers in the palm oil context (Gillespie 2016; McCarthy/Zen 2016; Pye et al. 2017) and is widely acknowledged among NGO activists who have described the companies' strategies using the *divide et impera* (divide and conquer) adage (Int. 9 WALHI Kalteng). Although this asymmetry frequently distorts the mediation process, the RSPO has not yet found a way to address the power imbalances within the complaints procedure.

NGOs further criticise that the conflict solutions offered by the RSPO almost entirely focus on financial compensation. Yet, this does not address the root of the conflict, as an NGO activist explains:

"According to the RSPO staff in Indonesia, there is no case we cannot negotiate. But everything we negotiate that involves land issues is about giving [financial] compensation. It can be in the form of money or in the form of plasma.<sup>7</sup> But I say: this is not negotiating the case because the object, the land is already converted in its very nature, it became money or plasma. Basically, it's land that is demanded back [by the communities]. (...) They [the RSPO] don't have the sense to understand, so

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<sup>7</sup> Plasma refers to land that is owned by local peasants but planted with oil palm and integrated into an industrial palm oil plantation. Peasants cannot use or access their land but receive a small monthly rent from the palm oil companies. Typically, this rent is not enough to provide a living for a peasant family and thus the former peasants are forced to engage as wage labourers on neighbouring plantations.

they think, if compensation has already been given for the land, that means everything has been negotiated" (Int. 7 Sawit Watch).<sup>8</sup>

By dispossessing the local population of their land and quickly establishing new plantations on the disputed area, palm oil companies create facts before the complaint reaches the RSPO. The latter, however, does not challenge this practice by imposing a restitution of land, but rather reinforces it by focusing on financial compensation. Local people who have been peasants their whole lives cannot build a new existence on a one-off payment that will not cover their family's expenses in the long term. Peasants are thus degraded to landless labourers with no choice but to take jobs as hired workers on the surrounding plantations. The financial compensation the companies have to pay barely makes a dent in their huge budgets. Taken into account a priori, the financial penalty imposed on them does not constitute a real incentive to change their practice. Thus, the financial compensation comes close to an ex-post legitimization of de facto dispossession. By failing to address land restitution, the RSPO facilitates the displacement of small scale farmers by large-scale agribusiness.

While some NGOs have stopped using the complaints system due to the absence of positive results, many still file complaints to the RSPO even though they do not expect the mediation process to lead to an effective solution of the case. They do not solely rely on the RSPO complaint but use it as one tool which they combine with other actions to put companies under pressure. RSPO companies are more concerned about their public image because they want to export their palm oil to the European market. Particularly smaller Indonesian NGOs, which are tied to the local scale and are operating in remote regions on the outer islands, have insufficient resources to confront a large multinational company. Although they reject or even oppose the RSPO as an institution and do not expect the complaints panel to intervene in the conflict, they choose to file a complaint because they hope to raise the conflict to a higher scale. To do so, they try to engage larger national and international NGOs in support of the complaint. When combined with a media campaign, a complaint to the RSPO can help to capture public attention on an international scale.

The rare cases where the complaints panel took decisions against a company and then imposed serious sanctions had the support of prominent international NGOs (Int. 5 Greenpeace, Int. 6 ELSAM, Int. 7 Sawit Watch). They were able to move the conflict to an international scale and generate global publicity putting the RSPO under pressure.

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<sup>8</sup> Own translation from Bahasa Indonesia. Original quote: "ini orang RSPO Indonesia, tidak ada kasus yang tidak bisa dinegosiasikan. Semua bisa kita dinegosiasikan, termasuk dengan tanah, itu bisa diberikan kompensasi. Bisa dalam bentuk uang, bisa dalam bentuk plasma. Yang aku bilang: itu bukan menegosiasikan kasusnya, ini hanya karena objeknya tanahnya itu bertransformasi nilainya menjadi uang, menjadi plasma. Basicnya itu adalah tanah yang diminta, tapi ada transformasi nilai yang terjadi. Na, yang seperti ini mereka tidak punya sense menangkap, jadi mereka pikir, ya sudah kalau diberikan kompensasi atas tanah itu ya berarti semua bisa dinegosiasikan" (Int. 7 Sawit Watch).



Moreover, these larger NGOs are in a position to approach international corporations which source palm oil from Indonesian companies and are careful to maintain a sustainable image. NGOs can push these global brands to sever their relations with the palm oil company in protest. For instance, in 2017 the RSPO imposed a stop-work order on seven subsidiary companies of the Good Hope group. Good Hope was involved in conflicts with indigenous communities and the clearing of forest areas on the island of Papua. The RSPO's unusually strict intervention followed a joint complaint made by ELSAM, Yayasan Indonesia, Greenpeace, the Environmental Investigation Agency, the Forest People Program<sup>9</sup> and the small local Papuan NGO Pusaka. The NGOs launched a press conference, planned to coincide with the Roundtable Meeting in Bangkok, where they published evidence against the company and, in front of the international media, demanded that the RSPO investigate the case. Moreover, they called upon the international HSBC bank to stop financing the Good Hope group. Consequently, HSBC demanded clarification of the issue by the RSPO. Later, the CEO of the RSPO supported the complaint and endorsed the complaints panel's decision to impose the stop-work order until the case was resolved.

This example suggests that the success of complaints depends heavily on the interplay between NGOs on different scales and their ability to mobilise international pressure. However, the majority of complaints facilitated by Indonesian NGOs are drawn out into long mediation processes and generally reach a stalemate on the local level. Only if local NGOs are able to enlist the help of international partners to bring the conflict to the international scale, can they urge the RSPO to take action.

## **7. Conclusion**

This paper proposed to analyse the international negotiations over sustainability standards within the Roundtable on Sustainable Palm Oil as a process of rescaling the regulations of palm oil production. From this perspective, it aimed to explain the actions and strategies of different NGOs participating in or opposing this spatial transformation. Based on an analysis of various interviews with NGOs in Indonesia, the paper demonstrated that Indonesian NGOs can benefit from engagement in the RSPO system, because they can use the international platform as a stepping stone to the global scale and as a way of extending the scope of their activism. Working inside the various panels and working groups of the RSPO enabled them to develop networks with NGOs from the Global North to access funding and organise global campaigning. Although they are acting on the global level, they are still in touch with the networks of local activists and disfranchised population groups impacted by the palm oil expansion. Thus, Indonesian NGOs can function as a critical link connecting the RSPO with

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<sup>9</sup> The Forest People Program and the Environmental Investigation Agency are headquartered in England.

groups of actors on the local scale in rural Indonesia. NGOs were able to take the interests of smallholders, plantation workers and affected communities to the international negotiation process, institutionalising them in working groups and making them part of the P&C. However, local groups do not benefit from the integration of their rights into the standards if they are not implemented or enforced on the ground. In light of this, Indonesian NGOs may have problems explaining the point of their engagement in the international arena to their grassroots allies, given that it does not bring about visible changes on the local scale. This makes it increasingly difficult for these NGOs to play a mediating role between scales and can foster internal conflicts between the national staff and local members thus undermining successful advocacy.

I also asked whether NGOs' use of the complaints system to report companies that were violating the standards could help to overcome the lack of enforcement and contribute to restoring the rights of local communities. It transpires, however, that the RSPO draws out the majority of complaints into a long and fruitless mediation process. Instead of investigating the cases on the ground to verify breaches of the standard, the RSPO tends to retreat to a mediating role and facilitate meetings between the conflict parties. The naïve notion that land conflicts can be solved by simply seating representatives of local communities and transnational business groups at the same table and watching them negotiate simply reinforces power imbalances within the mediation process. The focus on financial compensation as the RSPO's preferred medium of conflict resolution neglects the communities' demands for restitution of dispossessed land. Thus, the RSPO is facilitating and legitimising a structural transformation in rural Indonesia that is separating the local population from their lands, transforming peasants into wage labourers. Although the P&C of the RSPO include the protection of local land rights, NGOs have very limited means to stop this development within the RSPO framework.

Nevertheless, local Indonesian NGOs still file complaints to the RSPO with the aim of move conflicts between local communities and oil palm companies to a higher scale to mobilise the support of national and international NGOs. In a few cases, international pressure exerted through multi-scale NGO campaigns has altered power imbalances and helped push the RSPO to process complaints more quickly and impose sanctions on companies. However, this does not automatically imply that NGOs' multi-level engagement to scale up complaints has the potential to overcome the shortcoming of weak standard enforcement. Cross-scale international campaigning has not yet resulted in a structural reconfiguration of the complaints system that improves its overall performance. The RSPO would have to address power imbalances between local communities and transnational business groups. This would include freezing companies' production on disputed land, engaging a professional and independent fact-finding team to investigate the substance of complaints on the ground and moving from mediation to a more court-like process issuing clear decisions supported by sanctions. These sanctions should favour restitution of local land rights over financial compensation. In the absence of such structural changes to the complaints system, the

success of a complaint depends solely on international pressure. However, international NGOs can only mobilise public pressure in a small proportion of the several hundred complaints. Hence, most of the complaints made by Indonesian NGOs still reach a dead-end on the local level. This does not strengthen but rather undermines the position of NGOs within the certification system.

Against this backdrop, it becomes obvious that actors participating in shaping the emerging bioeconomy cannot solely rely on private governance standards to ensure that the production of biological resources bring about social and environmental improvements over their fossil fuel predecessors. Policymakers need to reconsider whether the energy use of food crops requiring large areas of fertile soil and large amounts of water and agrochemicals are a sustainable alternative to fossil fuels. Multi-scale NGO activism has already helped instigate a process of revaluation within the institutions of the European Union. Several NGOs, among them Greenpeace, the Center for Orangutan Protection and WALHI refused to participate in the RSPO from the outset. They criticise the certification system for constructing the image of green and sustainable palm oil production that does not reflect the reality on the plantations. Since the EU had accepted the RSPO's certificate as proof of compliance with the sustainability criteria of the Renewable Energy Directive, they were particularly concerned that the RSPO is undermining their efforts to campaign against palm oil as biofuel feedstock. Through alternative press conferences and protest rallies held in parallel with the annual Roundtable Meetings, they have used the RSPO's international platform to inform the media about the ongoing deforestation and human rights violations they are witnessing on the local level – despite the commitment that palm oil companies demonstrate inside the RSPO. With the help of campaigns conducted by large international NGOs such as Greenpeace or Friends of the Earth, their protest has reached Europe. Pointing out that voluntary certification schemes such as the RSPO cannot guarantee the protection of forests and the recognition of local communities, they have, again, demanded a stop to the use of palm oil as biofuel feedstock. This has increased the pressure on political decision-makers within the European Union. The decision of the European Parliament to exclude palm oil from the biofuel subsidy programme was approved by the European Commission in March 2019. The compulsory decision for all member states is a clear indication of the success of the protest strategy employed by NGOs. It demonstrates that multi-scalar NGO activism has the potential to influence the policy process that shapes the configuration of the bioeconomy transformation project.

This development has substantially weakened the RSPO. If Southeast Asian business groups cannot sell their palm oil to biofuel producers in Europe, they might reconsider whether an RSPO membership is still beneficial. So far, it remains unclear whether multi-scalar NGO activism will push the RSPO to improve its enforcement mechanism so that it can regain trust and credibility. In February 2019, the large Indonesian conglomerate Indofood announced its withdrawal from the RSPO after the complaints panel had investigated 23 breaches of the P&C on Indofood's plantations and urged

the business group to take immediate corrective actions (Neo 2019). This development reveals the contradictions underlying the RSPO. A stricter implementation of its standards would be necessary for it to regain credibility on the European markets. However, a strict enforcement of the standards is not in the interests of Southeast Asia's palm oil producers who are not willing to substantially change their production patterns and tend to leave the RSPO if they are pushed to do so. Indonesia and Malaysia launching their own state-based sustainability programmes with much lower standards puts the RSPO further under pressure (Wijaya/Glasbergen 2016). Indofood has announced its intention to engage with the government-run Indonesian Sustainable Palm Oil initiative. However, global food brands such as Nestle, Cargill and Unilever have announced that they are cutting trade relations with Indofood (Neo 2019). While the battle over biofuels seems to be lost, the RSPO might now shift its focus to certifying food and consumer products containing palm oil.

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