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## **Palm oil, Power and Participation: The Political Ecology of Social Impact Assessment**

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### **Abstract**

The Roundtable on Sustainable Palm Oil (RSPO), as a form of neoliberal environmental governance operating beyond-the-state, seeks to address its democratic deficit and gain legitimacy through deliberative and consultative processes. The RSPO requires companies to conduct participatory Social Impact Assessment (SIA) for both new developments and existing operations in an attempt to identify and address the critical social impacts associated with palm oil production. Using a political ecology framework, and a mixed methods approach, this study explores SIAs as sites of power struggles, to understand the contestations, inequities, and marginalisations that occur in SIA processes. By exploring the nature of SIA as a market-led regime that privileges certain knowledges and politics, and is co-opted and controlled by powerful actors, the paper challenges the notion that SIA can ensure the inclusion of previously marginalised people in decision-making processes. Participation in SIA is found to be, at most, consultative and top-down, and risks the further disempowerment of affected peoples. By viewing SIA as a discrete intervention, without a clear wider political project for social change for local peoples and workers, the RSPO risks “rendering technical” and “marketable” the multifaceted social impacts associated with palm oil production as it simultaneously enacts particular global, neoliberal “participatory” strategies that are applied locally in ways that (re-)produce hegemony and legitimacy.

**Key words: palm oil; stakeholder participation; Social Impact Assessment; power; commodity roundtables; Roundtable on Sustainable Palm Oil**

## 1. Introduction

The Roundtable on Sustainable Palm Oil (RSPO) is one of numerous NGO and business-led commodity roundtables established since the 2000s to address sustainability problems associated with commodity production, including habitat destruction and deforestation, unsustainable and polluting operational practices, and land and labour rights issues. Like other initiatives, such as the Round Table on Responsible Soy (RTRS), Bonsucro for sugar, and the Roundtable on Sustainable Biomaterials (RSB), the RSPO promises to address the negative environmental and social impacts of commodity production primarily through auditable standards (developed through multi-stakeholder processes) and certification. Representing a form of governance operating beyond-the-state, commodity roundtables attempt to address their democratic deficit through the use and promotion of participatory and deliberative processes at various scales (Swyngedouw, 2005). While certification schemes have been seen as forms of resistance to neoliberalisation (Raynolds, 2000), they simultaneously keep with neoliberalism's fetish of market mechanisms for regulation (Guthman, 2007), and exist within the same parameters established by neoliberal agendas (Busch, 2014; McCarthy, 2012; Hiron, 2011). Key features of these certification standards include constant and ritualistic checking through audits (Busch, 2011; 2014), and the creation of new markets, alliances, and roles and combinations of actors in their governance (Fairhead et al., 2012).

As their names imply, commodity "roundtables" are portrayed as providing stakeholders with equal positions in negotiating and agreeing on the content of standards and processes for their implementation (Ponte, 2014). In doing so, they are perceived as offering accountability, transparency, and inclusion (of multiple stakeholders, local communities, smallholders and plantation workers) to address sustainability issues, while simultaneously allowing the continued expansion of monocrop oil palm plantations. However, from a political ecology perspective, narratives that emphasize the benefits of commodity roundtables as "win-win" solutions neglect sufficient attention to power and politics, including the challenges, contestations and negotiations encountered when requirements are translated between global and local enactments (Newell, 2008; Tsing, 2005).

The unevenness and difference between the idealistic global constructions and "on-the-ground" realities is evident when examining participatory Social Impact Assessment (SIA): a key requirement included in the RSPO Principles and Criteria (P&C) to address the negative social impacts in the palm oil industry. There is growing critical scholarly engagement with the power dynamics and knowledge politics surrounding (environmental) impact assessment (Bedi, 2013; Dokis, 2015; Spiegel, 2017; Cashmore and Richardson, 2013; Li, 2009) to ensure that local communities needs are not undermined by extractive practices; which also relates to analyses of Corporate Social Responsibility practices that seek to obtain a local (neoliberalised and neoliberalising) "social license to operate" (Hilson, 2012; Horowitz, 2010, 2015;

Meesters and Behagel, 2017), or even consciously seek local support in defending corporations against activists (Welker, 2009). However, specific social impact assessment practices, arguably intended to bring participatory practices in at local sites of governance – as required and enacted through market-led commodity roundtables – remains unstudied.

As commodity roundtables emerged in response to demands for “sustainable” commodity production, impact assessment requirements were encoded into the commodity roundtables’ requirements. In order to become certified and thus sell “sustainable” palm oil, producers of palm oil are required to conduct participatory SIA for existing operations: making, implementing and monitoring plans to mitigate the negative impacts and promote the positive ones<sup>1</sup> (RSPO, 2013: 34). For new oil palm plantation developments (RSPO 2015: 47), companies have stricter requirements to undertake “a comprehensive and participatory independent social and environmental impact assessment...prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations”<sup>2</sup>.

The RSPO standard stipulates that for new developments, participatory SIA is to be conducted “by accredited independent experts” (RSPO 2013: 45), and companies are able to decide on which third parties (consultants) to contract for assessments. Associated guidance (Colchester et al., 2015) states that local stakeholders should be able to alter the course, or even stop oil palm plantation development where such standards are not met. In the context of the RSPO, SIA is thus proposed as a mechanism for local peoples and other external stakeholders to voice concerns related to plantation development, and participate in mitigating negative impacts and enhancing positive benefits.

However, through exploring SIA processes as sites of power struggles in ten rural communities in Indonesia and Malaysia, with a focus on who participates in SIAs and how participation in SIA occurs – if it occurs at all – we argue that SIA cannot adequately ensure the inclusion of interests of those impacted by oil palm plantation developments. By viewing SIA as a discrete intervention, without a clear wider political project for social change for local peoples and workers, the RSPO risks “rendering technical” and makes “marketable” the multifaceted social impacts associated with palm oil production as it

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<sup>1</sup> Associated indicators include (RSPO 2013: 34): (1) a documented SIA including records of meetings and (2) evidence that the SIA was conducted with the participation of affected parties (3) plans for the avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, is developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.

<sup>2</sup> Associated guidance (RSPO 2015: 47) states that “impact assessment should be carried out by accredited independent experts” to ensure objectivity, and “a participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts.” The guidance states that “it is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.”

simultaneously enacts particular global, neoliberal “participatory” strategies that are applied locally in ways that (re-)produce hegemony and legitimacy.

The rest of the paper develops as follows. The next section situates participatory SIA, in the context of the RSPO, in relation to political ecology literature on private sector-led participatory processes. The methodology is then presented, followed by results analysing empirical accounts of SIA as sites of power struggles. The key themes that emerge include: (i) the need for time efficiency and cost-effectiveness, (ii) *whose* participation is deemed to count (and by whom)?, (iii) the nature of participatory processes themselves, and (iv) predetermined outcomes and notions of the inevitability of certain development pathways. We then further discuss these SIA processes in relation to political ecology, before concluding with the wider implications of this research. This paper thus contributes to political ecology by critically analysing SIA processes and evolving environmental politics that link local-global articulations of market-based governance mechanisms. Through a theorisation of participation and impact assessment through the RSPO, the paper unearths how neoliberal environmental governance mechanisms – despite premises of standardisation – unfold unevenly across space and time and intersect with existing inequalities.

## **2. Private sector-led participatory SIA processes**

Participation has become an established concept in development practices and environmental management since the 1990s (Cornwall, 2002), as it is claimed to enable interventions that are better adapted to local socio-cultural and environmental conditions, enhancing their rate of adoption and their capacity to meet local needs and priorities (Martin and Sherington, 1997; Reed 2007), as well as promote social learning (Blackstock et al., 2007). Partly as a result of mainstreaming participation from its radical roots, there has been extensive criticism that participation has been treated as a technical method or discrete intervention, rather than as a practice for empowerment, with participatory practices circumscribing local input and depoliticizing unequal social relations (Hickey and Mohan, 2004; Cleaver, 1999; Perreault, 2015). In describing the “tyranny” of participation, Cooke and Kothari (2001) argue that processes intended to empower previously marginalised groups may have unexpected and potentially negative interactions with existing power structures. Even if some level of participation is achieved, there is the risk that the entry of participants into the process from unequal positions of power may result in social, political and economic elites capturing the benefits of participation, and minority perspectives not being voiced (Abraham and Platteau, 2000; Fung and Wright, 2003; Obidzinski et al., 2012).

Despite such critiques, stakeholder participation is a central feature through which commodity roundtables gain legitimacy (Cheyns, 2011; Mena and Palazzo, 2012; Ponte, 2014). While the

importance of stakeholders is recognized in the business sector, who counts as a stakeholder, and the nature of their participation is less defined or accepted (Tallontire et al., 2014; Garriga and Mele, 2004). Commodity roundtables emphasise the importance of stakeholder inclusion at international and local levels, and the implementation of their requirements enrolls new configurations of (private sector) actors and alliances, creating new “spaces for participation” (Ribot, 2001; Cornwall, 2002; Gaventa, 2004, 2006). Participatory SIA, as required by the RSPO, constitutes a new space for participation; shaped by, and shaping, particular interests, politics and exclusions.

SIA is technology of governing that assumes that impacts of development can be identified and mitigated, and more desirable outcomes are achieved when local stakeholders are involved in decision-making processes (Esteves and Vanclay, 2009). Processes of participation through SIA, and impact assessment more broadly, reflect new forms of knowledge and sets of institutional norms shaped by: (1) neoliberal discourse and its rights-based orientation and (2) new disciplinary mechanisms of globalized environmentalism (Goldman, 2001b). SIAs can represent new sites of power struggles, as local people are made accountable for processes of land use change and deforestation by approving or rejecting interventions, and thus become new “responsibilized” productive citizens (Goldman, 2005; Rose, 1999) or “calculating individuals” within “calculable spaces” incorporated within “calculative regimes” (Miller, 1992). Such technocratic discourse takes a complex political economic problem, and deconstructs it into components that can be addressed by technical means (Chambers, 1997; Li, 2007), and accords with notions of pragmatism in neoliberal environmental governance, and “mentalities” of rule that render complex issues “practical” (Okereke et al., 2009).

Impact assessments have the potential to privilege certain scientific knowledges at the local level (Goldman, 2001a), and the RSPO has enrolled a whole new market of consultants with their own particular forms of “private” knowledge. Goldstein (2016) analyses how “alternate scientific research” has emerged and erroneous claims circulate that support certain political-economic interests that further land acquisition for large-scale oil palm plantations. Commodity roundtables have thus reinforced and renegotiated how certain scientific and “alternate scientific” knowledges are produced, while peoples and environments are restructured through a “self-regulating market” (Polanyi, 1944; McCarthy and Prudham, 2004). By producing and privileging particular forms of knowledge, these governing devices assign values to groups of people and the environment (Goldman, 2001a): in this case, local people’s participation and consent, and the knowledge that is extracted from them (Baker and Westman, 2018) in the SIA process become incorporated into the market for “sustainable” palm oil. However – as seen in the implementation of Fairtrade and organic certification – such initiatives can create a disconnect between expectations raised by labels and the lived experiences of small farmers and can reinforce socio-economic inequalities within the communities (Getz and Shreck, 2006).

Given the seemingly uncritical promotion of a depoliticized and technocratic version of “participation” and impact assessment that has been incorporated into commodity roundtable requirements, it is thus important to examine *who* is conducting participatory practices, *how*, and *with what effects*. Analysis of how SIA and participation occur in the context of the RSPO; who participates in SIA, and who does not; whose voices are privileged or marginalised and how; who benefits from participatory SIA and who does not; reveals power relations, contestations, and politics that shape these processes, and limit or enhance their capacity to mitigate the significant social impacts in the palm oil industry. Without greater attention to these critical questions of power and politics in the participation paradigm, improvements to commodity roundtables – and alternatives – to address social impacts will not be imagined.

### **3. Research context and methodology**

Oil palm is one of the most profitable land uses in Indonesia and Malaysia (accounting for a combined total of over 80% of global production of palm oil). Governments and companies commonly argue that oil palm production generates jobs, foreign currency, as well as improving the quality of life of poor farmers (Obidzinski et al., 2012). For example, the campaign slogan of the Indonesian Palm Oil Association is “Oil Palm, a gift from God for Indonesian welfare” (GAPKI, 2011). The Malaysian Palm Oil Council calls oil palm “nature’s gift to Malaysia, nature’s gift to the world” (MPOC, 2018). Despite the significant national incomes generated by the palm oil industry, the sector carries significant social impacts (Aiken and Leigh, 2011; Gellert, 2015; Varkkey, 2012). The NGO Sawit Watch identified 630 land conflicts in Indonesia between palm oil companies and local communities in 2010 (Jakarta Post, 2010). Palm oil producing companies have been associated with disrespecting customary land rights, violating national laws and court rulings (Colchester et al., 2013; McCarthy, 2006; McCarthy and Cramb, 2009). Photographic “documentation” has been used by companies to record, and misrepresent, “fair” compensation for land where small holders were dispossessed in contexts of violence where the former insurgency leadership aligned with the old elite of plantation companies (Lund, 2018).

Despite the promise of jobs frequently promoted by the industry, Li (2011) argues that poverty reduction at the local level is unlikely to result from plantation development because of the number and nature of the benefits received by people working in and around plantations: local peoples’ land is needed for plantations, but their labour is not. When corporations select sites for development with a low local population density, managers argue that labour is in short supply so must be imported from elsewhere (ibid.). Labour issues are also embedded in a wider regulatory context and history of both international and transnational patterns of migration, precarious employment, and a lack of unionisation or freedom of

association, in order to precaritize the labour force (Pye, 2009), to maximize the sector's profitability. The expansion of oil palm plantations is a highly gendered experience, and feminist political ecology research finds that women are disproportionately impacted by plantation development (Elmhirst, 2015; Li, 2015; Julia and White, 2012), and that ““participatory spaces”” of resistance and company consultations may further exclude women (de Vos and Delabre, 2018). There are numerous examples of spiritual and cultural values being undermined by palm oil companies, for example, Chao et al. (2013) found that in Central Kalimantan, sacred graves of the Dayak Temuan were destroyed when PT Mustika Sembuluh converted land to oil palm plantations without consultation.

This study uses discourse analysis to examine SIAs as power struggles, acknowledging that stakeholders hold diverse perspectives on social impacts and rights, resources, and the environment. Following Escobar (1996: 326), we suggest that a careful attention to discourse, understood as the critical articulation of the dynamics of societal power and knowledge relations, can reveal the gross limitations of elitist governance instruments such as SIA in securing true participatory governance in the context of unequal power- relations between actors. Hence, in our analysis of discourse and the participatory nature of SIA, we recognize the need for pluralism and reflexivity to “open up” the epistemic dimensions of sustainability and renegotiate these dimensions, including “whose knowledge counts”, “whose sustainability counts” (Smith and Stirling, 2010), and in this context, “whose participation counts”. The method used allowed us to understand the processes of participatory SIA in practice, and stakeholders’ discourses that shape and are shaped by these processes and their embedded politics, power dynamics and contestations.

Our discourse analysis draws upon mixed methods: (1) document analysis, including publicly available SIA documentation, certification documents, and NGO and media reports; (2) semi-structured interviews (n=43) (2014-2016) with grower companies, SIA consultants, RSPO certification auditors, NGOs, workers’ unions, and government representatives and (3) fieldwork undertaken in Sambas, West Kalimantan, Indonesia, and Telupid and Lower Kinabatangan, Sabah, Malaysia (2015), including interviews (n=44) and focus group discussions (n=10) with local communities. The researcher resided with communities; and informal interviews and participant observation of peoples’ day-to-day lives and working days on RSPO-certified plantations enhanced understanding of the everyday experiences of local people. To better understand the discourse related to sustainability in the palm oil industry, participant observation was undertaken at an RSPO Lead Auditor training course in 2014, and at two palm oil industry conferences. Workers and suppliers of a palm oil company, and local chiefs were interviewed during a company-invited visit to an estate in Perak, Malaysia. The researcher also visited two palm oil mills (one RSPO certified, and one seeking certification) in Sabah.



The fieldwork sites in Malaysia and Indonesia were in close proximity, or locations in enclaves of palm oil estates owned by RSPO member companies. The plantations were either certified under the RSPO, or were seeking certification. The parent companies of these subsidiaries had undertaken SIA (with most publicly available summaries available on the RSPO website), which allowed the researcher to analyse these brief summary documents triangulated with local accounts and observations.

Following transcription of interviews and field notes, the QSR-NVivo software package was used to organize and code data, which led to the identification of the themes of: (1) time is money: efficiency vs comprehensiveness, (2) whose participation counts, (3) top-down and controlled participation, and (4) “there is no alternative” and predetermined outcomes. Next, we present the results and discuss the empirical findings in relation to the main themes identified from our analysis.

#### **4. “Participatory” SIAs as sites of power struggles**

##### **4.1 Time is money: efficiency vs comprehensiveness**

Companies and SIA consultants stressed the imperative for time-efficient and cost-effective SIA processes, which has implications for how SIA is conducted, how participation occurs, and who is included and excluded from participatory processes. Firstly, it is important to note that for many RSPO member companies, SIA is considered a technical, tick-box exercise, so it lacks the potential to involve local communities in a meaningful way; and frequently, SIA is insufficient to even identify social impacts on a superficial level. According to an informant working for the RSPO Secretariat at the time of the interview: “it is a very rigid way of engaging the community – they just do what they need to do.” For local communities, descriptions of Social Impact Assessment processes were encompassed by the term “sosialisasi”, a New Order term commonly used in the context of development projects; but its very use implies a process of informing, rather than a two-way consultation process. To provide some indication of the extent of non-compliance by companies, the informant at the RSPO Secretariat stated that less than ten per cent of RSPO member companies conduct SIA in a “participatory” way. This informant was highly aware of the lack of attention paid by companies to comply with participatory SIA requirements, yet as an employee of the RSPO Secretariat, they freely shared their perceptions of member companies’ motivations and practices: making the RSPO open to scrutiny (and also supporting its legitimation), yet not directly defending or holding the RSPO to account for companies’ inadequacies.

Several SIA consultants, who were responsible for undertaking SIAs for companies, described how “other” SIA consultants produce desktop SIA reports which make no attempt to engage with local communities. In line with norms of transparency which constitute important features of commodity

roundtables including the RSPO, SIA summary reports are made publicly available on the RSPO's website; reflecting new, virtual, sites for accountability and governance and connections between spaces, as all interested stakeholders become "responsibilised" for reviewing and checking these documents as forms of proof of compliance with requirements. However, a review of these reports explicitly reveals a lack of compliance with the requirement to conduct SIA in a participatory way. For example, reports even stated that SIA was conducted without the involvement of local communities, for example: "The data were collected by reviewing literature like the EIA study, HCV Assessment report, and supporting literature from official sources" (SEIA and HCV Public Summary for PT. Bangun Nusa Mandiri 2013). Having these documents publically available reflects shifting norms and expectations of stakeholders at global levels of sustainability governance, and the need to make reports available online is likely to have been contested by companies. However, documents may be online, but not reviewed, demonstrating an important gap in accountability that comes with a push for transparency as a sustainability end in itself.

Consultancies specializing in the implementation of the RSPO requirements compete for large contracts with companies, and can thus demonstrate their value by delivering SIAs quickly, and tailor them to companies' needs, which may often be aligned with companies' interests to expand plantation areas at the expense of ecosystems and livelihoods. Companies interviewed admitted that they exert pressure on consultants and communities in order to achieve the necessary certification requirements. The sustainability lead for a palm oil company (company A) operating in Indonesia stated,

*"There are some consultants...who basically.... they know that the company is under pressure for time. So what they do is ensure that their methodology is sound, they ensure that they deliver something that is, more than usual in Indonesia, very thick, and full of quotes and whatnot. They have in a way fulfilled [their] contractual obligation to you, and you in turn have fulfilled your obligations towards the RSPO. How far in depth they go, is a different story."*

Acknowledging how time-saving and cost-effectiveness are prioritised over comprehensiveness in SIA processes, the informant went on to admit:

*"How much time do you have to actually get good information from the community – to get a good feel of what is the organisation of local community, what motivates them? How can you find that out? You could overcome that only through a long engagement and that's not an option we have."*

The RSPO's guidance (Colchester et al., 2015) states that to observe FPIC under the RSPO, all communities should be consulted. However, we found that this guidance is frequently sidelined in favour of either random or purposive sampling by companies or consultants. Although many of the SIA

consultants interviewed readily acknowledged that an effective SIA process would need to cover all communities, they stated that the challenge of scale, coupled with the exigencies of time and business needs make it impracticable to consult all communities at all times. Current sampling practices thus lead to certain stakeholders, and sometimes even whole communities, being systematically excluded from participation in SIA. Furthermore, the issue of “scale” being put forward as a reason not to comply with RSPO requirements is inadequate: using this same rationale, the extensive areas of land used for cultivation of oil palm means that social impacts could be extremely widespread and therefore their mitigation requires significant attention.

By privileging time-saving over comprehensiveness, SIA practices clearly respond to global pressures associated with market competition under which large corporations operate. Thus, sampling all communities may not be undertaken if doing so impinges negatively on profit. It is not surprising that the prevalence of a sampling approach, as a means of identifying affected peoples, results in significant deficiencies in gathering information, with entire communities sometimes being ignored or hurriedly co-opted into an SIA process. For example, when describing an SIA undertaken for an existing large plantation in Malaysia, one SIA consultant described how the assessment had been based on a random choice of units. She observed, however, that as the assessment was ready to be concluded, the trade unions drew her attention to another unit that had not been selected for sampling, where there were important human rights issues. By then, it was considered too late to undertake a full SIA in that unit, which resulted in an inevitably incomplete assessment of social impacts.

In order to address the RSPO’s democratic deficit and enhance its legitimacy, NGOs bring a “critical voice” and are responsible for holding the industry to account for high standards. In practice, however, many NGOs seem relatively unconcerned with the approach that places speed and expediency over rigour. For example, one representative of a social NGO that is an active member of the RSPO stated, *“I somehow sympathise with their [the companies’] frustration. Representation is a problem, and it’s easier said than done that they actually need to speak with everyone.”* While this view demonstrates a certain acceptance of other stakeholders’ perspectives as is promoted in commodity roundtables, it simultaneously reveals an example of the convergence of stakeholders’ views due to the knowledge and information flows in a multi-stakeholder setting, and the difficulties encountered when enacting standards that have rendered complex social relations “technical” or “practical”. Similarly, knowledge flows between different stakeholders in the RSPO, and specific managerial roles for CSR (Corporate Social Responsibility) and sustainability within palm oil companies means that companies are acutely aware of the shortcomings of the realities of implementing RSPO requirements. As seen above in the quote from the representative of company A, companies themselves acknowledge very explicitly the lack of depth of SIA processes and the need for a long engagement with communities, and they appear to understand the

complexity of the situation, but at the same time, these individuals are not necessarily advocating for change or enforcing stricter requirements on different parts of the business to ensure more effective implementation of the RSPO's requirements.

#### 4.2 Whose participation counts?

SIA consultants and companies play a key role in shaping the boundaries of participatory spaces, defining who may enter the spaces, and which interests, identities and discourses are considered legitimate. However, companies, consultants and NGOs had inconsistent views on who constitutes a stakeholder and therefore whose participation in SIA is, or is not, considered legitimate, and which stakeholders are excluded from participating. There were divergent views on whether workers, contractors, suppliers, traders, qualified as stakeholders in SIA processes. For example, a plantation company in Indonesia stated, *“we talk to internal stakeholders, workers, contractors; and external stakeholders, anyone who deals with the company; villages five to ten kilometres away, contractors, suppliers, FFB<sup>3</sup> traders and suppliers, smallholders”* while another plantation company operating in Indonesia stated, *“we considered that the SIA was [with] the communities, not on the workforce”*. These differences in framing “stakeholders” are not immaterial, given that the populations that companies choose to include or exclude affects the nature of participation, and the issues that may be identified during SIA. Crucially, by paying insufficient attention to identifying stakeholders, certain stakeholder groups, such as indigenous peoples may be further marginalised from decision-making processes. A consultant conducting SIA in Sabah stated how she had experienced companies who did not view indigenous groups as real or legitimate stakeholders:

*“At certain times I have been surprised to know that there were indigenous groups. The companies didn't see them as stakeholders. They didn't want anything to do with them”.*

The decision to tactically exclude indigenous communities as a legitimate group of stakeholders reflects a well-documented perception that they oppose development in Malaysia and Indonesia, or that they are “unproductive” citizens.

Those conducting SIAs observed local customs and norms by involving local leaders in the organisation of consultations in their communities, but this very role of organising translates to particular positions of power, as local leaders and consultants determine who participates in meetings and potentially, the eventual outcomes of consultations. Common practice amongst SIA consultants was to communicate the objectives of the consultations at the outset, and to instruct local leaders to invite certain

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<sup>3</sup> FFB is a common abbreviation referring to “Fresh Fruit Bunches” of palm fruit, “TBS” or Tandan Buah Segar (Bahasa Indonesia and Malaysia)

pre-defined categories of community members. This demonstrates the important role of consultants, and local leaders, in shaping the boundaries of these participatory spaces, the content on what is or is not discussed, and how the end goal for a discussion is already envisioned before these discussions start. In some cases, local chiefs who have close relationships with palm oil companies can even weaken the entire process of consultation by posing as the sole representative for a whole community. A palm oil cooperative leader in West Kalimantan, where plantations were being developed where local people had claims to the land, shared a telling experience saying, *“the company just wants to hold a meeting with the chief. However I insisted on inviting others to come to understand how things work.”* This leader said he recognised that a meeting with just the chief was inadequate especially given that the village chief had a good relationship with the plantation company and a vested interest in plantation development. Another informant in the same community believed the relationship between the company and the village chief contributed to the violation of the community’s land rights:

*“The chief of the village cooperated with the company, as he was pro-company and spoke about the benefits of the company coming, speaking about job vacancies. The chief became PR for the company and is paid by the company monthly, and he allowed the company to come here.”*

This account was not dissimilar to that of another village in West Kalimantan, where several interviewees in the community expressed the belief that the head of the village supported oil palm plantation development regardless of the impact on the community— a perception that resulted in considerable discord and friction between the villagers and the local chief. Some said they perceived that the head of the village benefits from his ties with companies, and that the chief withholds compensation for land acquisition paid by companies. Another male villager in a protest group opposing oil palm plantation development the same village reported that certain individuals deemed to be “trouble makers” are actively excluded from consultation processes by companies working in collaboration with local village heads:

*“Only those community members in favour of plantation development were invited to meetings with the company. Most of those who agree are those who don’t have any land, they get benefits and lose nothing. Other inhabitants are the ones who will suffer.”*

This demonstrates that where some individuals in a given community may perceive negative impacts of plantation development, others may perceive positive impacts, with differences in views depending on several factors such as age, class, occupation, location of residence and land ownership status. However, intra-community differences and conflicts are not often adequately captured in SIA public summary reports, which consistently describe communities as homogenous units. Importantly, the voices of

“trouble makers” who are excluded from consultation processes are deemed not to count, or not legitimate in SIA processes.

From the perspectives of SIA consultants, it was difficult to engage with groups and individuals, who had previously experienced conflicts with companies, in participatory processes. SIA consultants interviewed found that certain groups will keep their distance because they perceive consultants to be part of the company. However, it appears that SIA consultants are content to ignore “trouble makers” provided that they and the companies have the assured co-operation of the village heads and chiefs, whose support is considered critical in securing a positive outcome.

Another villager revealed an even more concerning aspect of the process, suggesting that village leaders are coerced and intimidated pushed into supporting plantation development by companies and their state allies. He said,

*“Leaders get a monthly salary from the company. If a leader does not follow, police will go to their house, and force them into having no choice and to follow the company’s idea. The leader’s house was surrounded by a lot of people, even the police were also there.”*

Companies are able to influence local leaders’ positions and approaches to consultations, and in some cases, use coercion and threats to secure the acquiescence of local leaders. A representative from the same company was interviewed and confronted with an account of elite capture and industry-sponsored intimidation. The representative denied coercing village heads but recognised the problem of elite capture, stating that it is *“very difficult to get transparent and representative leaders of communities”*.

Our study also revealed that SIA is a deeply gendered process. According to guidance from the RSPO, SIA should include an assessment of differential effects on women versus men. However, the social impacts for women cannot be adequately captured if women are under-represented in participatory SIA. Moreover, it is difficult to challenge social norms during the timeframe of SIA, as a discrete intervention. While the RSPO standard stipulates that women should participate in SIA processes, and despite efforts by companies and consultants to invite women to attend, “invited” spaces for participation are often experienced by women as “closed” spaces; women in certain cases may not have been invited at all, but and in other cases, prevailing social norms prevent women from actively participating (see also de Vos and Delabre, 2018).

Another significant issue relating to who participates in SIA is language, in sites where discourse and knowledge are produced. Many interviewees in the communities had been affected by the differences in the language used by those conducting the SIA processes. For example, when speaking about meetings between a community in West Kalimantan and company representatives, a villager stated:

*“They have city language, whereas we have village language. We understand what they say but do not feel confident to voice our opinions. Vocabulary is limited in the village. We can’t match our opinions and language with city language. People just complain after the discussion.”*

Whilst NGOs at the global level were well-intended in pushing for the inclusion of the principle of FPIC in RSPO requirements and SIA; at the local level, the use of technical terms such as “Free Prior and Informed Consent” by consultants and companies can be intimidating for some communities, privileging certain types of knowledge and non-local framings of rights. SIA processes thus emerge as particular sites of power struggles, where global rights regimes are renegotiated and repoliticised through their application in private sustainability standards at local levels. Importantly, such practices are empowering and/or disempowering in some contexts rather than others, and to certain people within communities and not others.

### **4.3 Top-down and controlled participation**

Consultants have an integral role in conducting assessments, and the quality of SIA and participatory processes depends upon the capacity and integrity of these third parties. Consultant and company interviewees stated that it was very important that communities were made aware that their opinions would not be shared with the company, and that third parties would make their opinions anonymous. Companies interviewed about the SIA process assured the researcher that communities and workers can engage with consultants as third parties so are free in what they share. Likewise, SIA consultants stressed that assuring communities that consultants are in fact independent parties was a very important part of the SIA process. For example, one consultant stated: *“you have to make it clear or they’re not going to be comfortable to give your their opinions, and actually they might be aggressive, because you’re [with] the company and they’re not happy”*. Regardless of careful attempts to act as neutral parties, third parties undertaking SIAs are inescapably associated with the company. Consultants are paid directly by companies, and may therefore wish to demonstrate value by undertaking favourable assessments quickly and cost-effectively.

Participants complained that meetings had been very top-down and coercive. A palm oil co-operative leader in West Kalimantan provided his account of a meeting:

*“The company uses the meeting to promote palm oil. They say that if you cooperate with the company they guarantee you’ll have a good livelihood and improve your welfare. Because the company brings government and police, people feel reluctant to argue with the company”*.

This meeting setting suggests that participants may feel intimidated and their participation constrained. While participation in SIA is intended to mitigate social impacts, the attendance of government and police at meetings is likely to further exacerbate power imbalances, and the meetings risk becoming forms of control; reflecting macro-narratives about corruption and patronage politics in Malaysia and Indonesia, which have created a favourable situation in which the palm oil industry is able to flourish, and in which social and environmental injustices occur. A villager in Telupid in Sabah described how a community group opposed oil palm plantation development on the land on which they depended, but when they attempted to make complaints, the police got involved. The villager stated that because they fear the police and government, their protest went quiet. In such contexts, limited efforts that claim to be “participatory” may further alienate populations and marginalize vulnerable groups. There were considerable inconsistencies between statements from CSR and sustainability managers working for plantation companies on the one hand, and communities’ perceptions, on the other. For example, plantation companies stated that they try to avoid land conflicts – referring to the somewhat convincing argument that land conflict are a “waste of time and money” – whereas local community members stated that the companies intentionally create conflict within communities, so that people are easier to control.

Because of the way in which SIA is implemented, participation in SIA in the context of the RSPO remains largely dependent on company strategy, which varies considerably both within and between companies. An SIA consultant operating in Malaysia stressed this point, stating “*it all comes down to, to what extent are companies willing to work on this?*” Although the RSPO as a certification standard attempts to standardize practices by enrolling new “neutral” actors such as consultants and assessors to undertake SIA, companies still retain considerable power and influence on these processes, and can determine what management practices are implemented as a result of SIA. In more contested landscapes and contexts, the control that companies retain in these processes make the standardization that is promoted by the RSPO ineffective, and arguably impossible to achieve.

When considering the extent to which participation can meaningfully affect a decision on plantation development, the informant at company A, operating in Indonesia stated:

*“We try to convince them, we are persistent. If they don’t want to sell, they don’t want to sell. It’s a disappointment for us, but that’s life.”*

While the notion of trying to “convince” a community may a surprisingly honest description of a company’s approach to coercing consent, it does imply that even when companies are persistent, communities are recognised to have some degree of power to veto plantation development, in certain situations.

Another important factor affecting how participation in SIA occurs, and whether it occurs at all, is whether the company is held to account. Auditing provides the most significant opportunity for



checking implementation of participatory SIA. During certification assessments, audit teams are required to assess whether the impact assessment is adequate, and there should be evidence that SIA was undertaken with “the participation of affected parties”. However, in current auditing processes, documents are the primary forms of evidence of companies’ compliance, and according to the informant working at the RSPO Secretariat at the time: *“99.9% of the time the auditor just looks at the document. It is not translated into a management plan. The audit is a tick-box of the requirement”*. A social NGO attributed the lack of compliance with RSPO requirements to conduct participatory SIA to a lack of will to comply by companies, and a lack of will by the RSPO to make them comply. The experiences of local communities also raise important questions about the suitability and effectiveness of audits in assessing a company’s compliance with SIA requirements. During a focus group discussion in Sabah, a male villager stated, *“We had a visit from the RSPO, a white person, from Australia. He just introduced himself and left, he did not ask any questions”*. Likewise, a male villager in West Kalimantan described his experience of an RSPO auditing procedure:

*“If there is no inspection, workers don’t want to wear safety equipment. The company says, just leave it, and gives them bad transport. During the inspection, they make them wear safety equipment and they provide decent vehicles. When the RSPO comes, all workers are told to treat the plantation well and to follow the standard. The RSPO only visits the village chief’s office because space is limited. They invite the people of higher status. The RSPO never comes to talk to the people.”*

#### **4.4 “There is no alternative”: predetermined outcomes**

Informants shared numerous accounts of companies’ consultation processes taking place only *after* they had started to plant oil palms on land used by local communities, and this was deemed unjust by community members. Communities were aware that consultation processes should be undertaken before starting to develop plantations, and if SIAs are not undertaken prior to plantation development, participants have no or limited power to influence the decisions being made. Where outcomes are predetermined, consultation processes themselves can result in feelings of powerlessness. According to a villager in Sambas in West Kalimantan, at the site of an intense land conflict between local community and a company (company B), *“the company stated that it was ‘unaware that the village existed’”*. This suggests a significant lack of attention to identifying who might be affected by business operations, or strategic exclusion of certain people from the SIA process. A representative of the parent company of company B who was interviewed, admitted that they had not used participatory processes: *“We inherited some of the social problem, but on our side, I can say that by not doing the due diligence, and also not*

*groundwork, we opened up some of their land...It's a very good experience for [this company], because we learned how to try to resolve conflict with the community*". Stating that this significant non-compliance had been a "good learning experience" appears inadequate, but convincing. However, at the time when fieldwork was being undertaken in the same village, there was concern about a new mill that was being built, and members of the community had not been consulted. This raises the question of whether the company has indeed learnt from this experience, and whether the individual interviewed from company B was able to influence the practices of the subsidiary company to indeed learn from the conflict in which the company had been involved.

Guidance for good practice SIA states that it should "determine the social changes and impacts that will likely result from the project and its various alternatives" (Vanclay et al., 2015: 45), but current SIA processes do not presently consider alternatives, or a "no development" option. This resonates to some extent with more global RSPO-led discourses, that say that "boycotts of palm oil will no stop deforestation", or "alternative crops to palm oil may have an even worse impact"; and are not considered necessarily false, but may preconfigure certain development pathways (in this case, monoculture expansion), and potentially limit the objective exploration of alternatives or alternative systems.

In practice, when SIA is conducted, it is already assumed that the development is going ahead. The plantation companies interviewed frequently spoke about local communities' demands, saying that meetings are used for developing a "wish list" by local communities, with some using defensive language, such as "we can't give them the moon and sun," "communities often have, how can I say this, ridiculous demands," and "we are not a charity". This discussion of compensation could be considered premature in the SIA process, and implies that the development is already proceeding, or is non-negotiable, while the SIA is being undertaken. In many cases, companies' broken promises create significant negative impacts, conflict, and distrust of companies by communities, as companies and their representatives can enter local sites and state that they are the only people who can improve local peoples' situation and provide much needed infrastructure. One villager in West Kalimantan stated:

*"The company promoted itself. It told us, 'you will no longer smoke cheap cigarettes and you will send your children abroad to study...In reality, all the children were to become [plantation] workers' "*

It was thus clear that companies disproportionately emphasise the positive impacts of plantation development to communities and in public SIA reports. Such positive impacts include initiatives, infrastructure, job opportunities and improved well-being. Thus, identifying "impacts" is mostly limited to what communities want, and what plantation companies can provide.

The objective of SIA as a process of identifying and managing the social issues of project development, and alternatives – when implemented in this context – is deemed too contested, complex or

impractical; so in practice SIA is enacted to gain a simplified and depoliticised “social license to operate”. While the right to FPIC is promoted as an important principle to observe in SIA processes, in practice, SIA is observed as a process in which (some) members of local communities respond to consultations in a binary way, of either supporting or opposing plantation development. If communities oppose, they are either strategically excluded, or are coerced into giving their consent.

## **5. Political Ecology of Participatory Social Impact Assessment**

In its current form, SIA in the context of the RSPO is extremely limited in its ability to identify and manage social impacts associated with oil palm plantation operations and developments. The significant power asymmetries that determine the nature of SIA processes mean that participation is a technical method of project work that can be easily translated to a document, regardless of its quality. This aligns well with apolitical, technocratic and econometric understandings underpinning neoliberal environmental governance (Chambers, 1997; Li, 2007; Okereke et al., 2009). The ways in which time-efficiency and cost-effectiveness are privileged from the start of SIA processes preclude any meaningful participatory exercise of allowing perspectives (let alone diverse perspectives of ways of knowing) to enter into SIA processes. Prevailing sampling approaches, justified by the need for expediency and efficiency, can result in the intended or unintended exclusion of indigenous peoples, women, protest groups, and in some cases entire communities.

Only certain “development-friendly” perspectives “count” in SIA processes, and uncontroversial participants are pre-selected as they are deemed to be legitimate by powerful actors (local leaders and political elites, consultants, and companies), who evidently control and shape the process and the boundaries of participatory spaces; so SIA risks further marginalizing certain individuals (Cooke and Kothari, 2001). This is also seen at in global-level multi-stakeholder settings, where “radical” or “emotional” voices are excluded (Cheyns, 2011), and managerial logics promoted (Djama and Daviron, 2010). Those who oppose plantation development are either excluded from consultations, or are convinced to consent to development through coercion, or are promised elaborate offerings in return for consent that may never be delivered and may result in further feelings of injustice. While communities may make certain demands on companies, regarding jobs and infrastructure in relation to the development of a palm plantation, in practice, companies were at liberty to determine whether or not to honour such requests. Furthermore, as Pellow and Brulle (2005) observe, businesses tailor their CSR responses to concerns according to local populations’ economic and political power, so that the more vulnerable the community, the more it can be coerced into accepting environmental and social harms in return for the promise of benefits (Horowitz, 2015).

The nature of participation in SIA is somewhat aligned with Cooke and Kothari's (2001) description of coercive, top-down or consultative participation, where elites and other groups of power, who set the conditions for participation in way that advances their ultimate objectives, of ultimately gaining market access, and implementing a new regime of self-governance, despite the promises of inclusiveness provided at a global level.

SIA consultants (and the "private" scientific and expert knowledges they represent) emerge as important new actors responsible for undertaking participatory SIA, which as a procedure may be highly inappropriate in certain sites (e.g. conflict areas) and at certain points in time (e.g. after development has started). The application of impact assessment in the context of the RSPO, reflects the ambitious nature of the roundtable to codify and depoliticize sustainability risks associated with the palm oil industry, and legitimise further expansion as long as documentary forms of proof are provided. The public availability of SIA summary reports can grant legitimacy of exploitative and manipulative processes, whilst enrolling a broader range of stakeholders to hold companies to account, who are far-removed from the on-the-ground realities of SIA processes.

SIA consultants bring with them new knowledge and language that in some cases intimidate or marginalize community members, and create new exclusions. However, even if consultants attempt to undertake SIAs in a comprehensive way, it is ultimately the company that decides how information is acted upon. Companies therefore remain ultimately in control of SIA processes and pay consultants to undertake this work, which enables them to outsource their risks to consultants. Actual social and ecological risks, however, are ultimately borne by local communities. Participatory SIA also brings with it an additional responsibility to local communities, to participate as productive citizens (as observed by Goldman, 2005), whose consent, "participation" and the knowledge that is extracted from them (Baker and Westman, 2018) become incorporated into the market for "sustainable" palm oil.

Here, participation is a mechanism for legitimisation of corporations' pre-defined plans or a form of "accommodation," making superficial changes to prevent more substantial ones (Hamann and Acutt, 2003), and as a promotional approach to build project support (García-López and Arizpe, 2010). The "end goal" for a discussion is already envisioned before discussions start by those controlling the participatory spaces for SIA. "No development" is not an option; rather, practices of convincing and coercion occur. This somewhat resonates with broader assumptions of advocates of neoliberal globalization, that "there is no alternative" which indeed typify the SIA process in which new political rationalities are constituted and routinized (Goldman, 2005).

We found that control, manipulation and lack of accountability are not solely "vertical" or top-down phenomena emanating from powerful state and company actors acting against local communities. Rather, there is a lack of "horizontal" accountability whereby leaders and powerful members of the

community control and manipulate the SIA process for their individual gains and at the expense of local communities' rights and social justice: local communities are therefore rarely a homogenous group with commonly defined interests. However, the fact that local chiefs could be intimidated and coerced into supporting the agenda of industries makes it difficult to know when local leaders are driven by personal greed and when their exclusionary actions are driven by the fear of other more powerful actors. While SIA processes result in differentiated impacts on different people, and can lead to the further disempowerment of the most marginalised, communities are treated as homogenous units in SIA reports, with common concerns and interests.

The RSPO creates conditions for new knowledge flows through the participation of stakeholders at local and global levels. At the global level, the interests of NGOs and companies appeared to converge in relation to acknowledging the shortcomings of current processes (by companies), and sympathy from NGOs about the difficult requirements for companies. This convergence or homogenization of attitudes and perspectives may be considered practical or pragmatic in attempting to address the significant impacts associated with the palm oil industry, yet at the same time depoliticizes highly contentious issues whilst allowing for continued and legitimized expansion of plantations. The current lack of accountability in the RSPO system for actually having to comply with SIA processes, means that companies can undertake the minimal requirements as long as documentary forms of proof are provided (Silva-Castañeda, 2012).

Following McGregor et al.'s (2015) work on REDD+ and governmentality, we found that the RSPO – rather than “standardizing” practices – constitutes a heterogeneous regime that gives rise to a complex regime of practices, which engages with existing political ecologies and interests of different actors, that takes particular forms in different places and lived experiences. The capacity, commitment and integrity of consultants, companies, auditors, local leaders, unions and NGOs are important to ensure the legitimacy and effectiveness of participatory SIA. These local and contextualised accounts indicate how the nature of participation is influenced by multiple factors, and calls into question the effectiveness of SIA in the RSPO, and its capacity to generate positive impacts, or at least, mitigate the most pressing negative impacts. Based on current practices, SIA in the context of the RSPO could be considered an attempt to re-legitimise market-led development and pacify resistant groups (as also described by Horowitz, 2015).

## **6. Conclusion**

We have drawn attention to the power and politics associated with participatory SIA in the context of the RSPO, including the challenges, contestations and negotiations encountered when requirements are translated between global to local enactments. By exploring different stakeholders'

perspectives and discourses at multiple sites, and the connections and differences between them, we argue that SIA processes are symptomatic of, and contribute to, local and global processes of neoliberalisation. Whilst uneven in their specific enactments, SIA processes risked compounding existing inequalities, which could risk the further exclusion of the most marginalised in communities.

At best, SIA is consultative and used to gain project approval, and at worst, participation is absent. Regardless of the quality of an SIA, a company can still become certified through the RSPO and market a “sustainable” product that embeds social and environmental values. By viewing SIA as a discrete intervention, without a clear wider political project for social change for local peoples and workers, the RSPO risks “rendering technical” and “marketable” the multifaceted social impacts associated with palm oil production as it simultaneously enacts particular global, neoliberal “participatory” strategies that are applied locally in ways that (re-)produce hegemony and legitimacy. Participatory SIA, in its current form, merely constitutes a weak form of resistance, which paradoxically serves to confer legitimacy to a pacifying regime essentially controlled by dominant actors and institutions in the palm oil industry.

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