

## ***Supplementary material for “Corporate contentious politics: How palm oil companies deal with land conflicts in Indonesia”***

This document describes the research process that underlies the materials presented in this article. For this article we used our documentation of 150 conflicts between palm oil companies and rural communities. This material was gathered through a research collaboration between Royal Netherlands Institute for Southeast Asian and Caribbean Studies (KITLV), Andalas University, Wageningen University and six Indonesian NGOs (Scale-Up, Walhi West Sumatra, Gemawan, Walhi Central Kalimantan, Epistema and Huma), as part of the research project ‘Palm Oil Conflicts and Access to Justice in Indonesia’ (POCAJI) funded by the Netherlands Research Council (NWO) and the Indonesian Ministry of Research, Technology and Higher Education (Kementerian Riset, Teknologi, dan Pendidikan Tinggi (Ristekdikti))

In this document we discuss this documentation process: we discuss the case selection, the actual documentation process, and the analysis of this material.

The 150 case reports which form the basis for this article, can be found in the DANS data station social sciences and humanities: <https://doi.org/10.17026/dans-xbn-wmrj>

### **Case Selection**

For this project we defined a palm oil conflict as *a publicly expressed disagreement between members of rural communities and oil palm companies and/or state institutions over the establishment and management of plantations*. With this definition we thus excluded from the research conflicts between smallholders, between companies, and simmering feelings of discontent that were not publicly expressed through, for example, a demonstration or a petition.

With this definition in mind our partner NGOs in four provinces made a long list of conflicts in their province taking place during the last twenty years, using their own experiences as well as, newspaper reports and government reports. They ended up identifying 544 conflicts (218 in Central Kalimantan, 69 in West Kalimantan, 226 in Riau, and 31 in West Sumatra). From this long list, we used excels randomization function (=RAND) to randomly selected 220 conflicts (60 conflicts for Riau and West Kalimantan, 70 for Central Kalimantan and 30 for West Sumatra). During the first months of the actual research, it emerged that some of these cases were (too) difficult to research due to the remoteness of the location or the difficulty of finding sources and/or informants. For that reason we replaced these cases (again randomly) with other cases from the long list. In this way we replaced 36 cases.

In the second phase of the research process (when such replacements were no longer possible) we decided to drop cases for which we could not find enough material. During the process itself we dropped 34 cases. As a result we ended up with 186 cases for which we wrote full case reports. After the actual research was completed, we checked the quality of the resulting reports. To ensure the reliability of the findings, we decided to exclude from the analysis all

the cases for which less than six sources (newspaper articles, interviews etc.) were available. In this way we ended up with a dataset of 150 conflicts.

### **Research team and research protocols**

These conflicts between palm oil companies and communities were documented between May 2019 and February 2020 through an extensive collaboration involving 19 researchers. In the four provinces in total 11 local researchers participated in this project (three in Riau, two in West Sumatra, three in West Kalimantan and three in Central Kalimantan). These researchers collected materials by engaging in interviews and collecting reports. At the same time their work was supported by four interns (one per province) based in the Netherlands, who collected and analyzed the newspaper reports and other sources of material, and helped writing the final reports on these conflicts.

At the beginning of project, the 11 researchers were trained and prepared for the research process during two trainings: one training in May 2019 in Padang (West Sumatra) at the start of the research, and one training in August 2019 in Pekanbaru after several months of research. During the first training the researchers were provided with a number of research protocols. An interview protocol was discussed, which contained pointers for introducing the research process to informants, an informed consent protocol and information on how we maintain the anonymity of informants. For an overview of some of the key questions in this interview template, see below.

During the first training we also discussed the case report template, which informed the researchers with about the different kinds of information they needed to collect on each case. The case report template was used to ensure a comprehensive documentation of the underlying grievances, the character of the conflict parties, the trajectory of the conflict, the usage of conflict resolution mechanisms and the outcomes of each case.

In the Netherlands four interns received a similar training. They subsequently cooperated with the local researchers on documenting the conflict cases, first by collecting newspaper articles and then by helping to inserting this information into the case reports. Through WhatsApp and regular skype meetings the interns and the researchers collaborated to divide tasks, spot missing information, interpret newspaper reports, etc.

These processes were overseen by the project coordinator and the project's postdoc, who read and commented on the case reports, identified gaps, missing information, unclear formulations (etc.) to ensure the reliability and clarity of the case reports.

### **Case documentation process**

In this vein the conflicts were documented using eight different sources of material:

1. *Interviews with community representatives.* For each of the studied cases we endeavoured to interview at least two villagers involved in organising or leading protests against companies. These interviews served various purposes: they served to check and complete the chronology of events (which we (generally) had prepared before the interview on the basis of newspaper reports), to discuss the grievances underlying the conflict, their organisation (including involvement of NGOs), the conflict resolution process, the (reasons for) the choices made during this process. Particularly important for the analysis in the second part of this paper was also their assessments of the outcomes of the conflict, as they were asked to assess to what extent the community had

succeeded in addressing their grievances. For these interviews the above-mentioned template was used. Due to the remoteness of some locations, some of the interviews were conducted via phone. The duration of interviews was between one and two hours, and most of them were recorded.

2. *NGO reports.* Through our local researchers we endeavoured to collect the documents that NGO activists worked while working on these conflict cases. This ranged from lengthy descriptions of the chronology of conflicts to notes of field visits to transcriptions of interviews.
3. *Newspaper articles of regional newspapers.* For each of our provinces we collected the digital archives of a local newspaper: Riau Pos (2010-2019, not complete), Kalteng Pos (2010-2018, complete), Pontianak Pos (2010-2018, complete) and Padang Express (2010-2019, complete). We used these digital archives to identify articles reporting events related to these conflicts, such as demonstrations, hearings, blockades, an occasional interview, etc.
4. *Online news sources.* We also searched online for news sources on our conflict cases, searching both Indonesian-language and English media.
5. *Court documents.* For cases that went to court, we checked the website of the relevant courts (the *situs informasi penelusuran perkara* or SIPP) for documents related to (the outcome of) these court cases. See for example <https://sipp.pn-negara.go.id>, or for Indonesia's Supreme Court, <https://kepaniteraan.mahkamahagung.go.id/perkara/>
6. *RSPO's case tracker.* In a similar vein the RSPO websites provides documents and information related to the cases reported to RSPOs complaint system. The RSPO thus provides considerable information for the cases reported to this mechanism through its 'case tracker': <https://askrspo.force.com/Complaint/s/casetracker>
7. *Government materials.* Occasionally our researchers could make use of government reports related to our cases, such as police reports or reports of mediation processes.
8. *Social media.* Particularly in later years communities posted on (particularly) demonstrations and statements on social media such as Facebook, thus providing another source to document protest events.

This information was used to write the case reports on each of the conflicts. These case reports synthesized the information gathered through these sources, and contained sections on a. the grievances that gave rise to these conflicts, b. the character of the conflict parties, c. the trajectory of the conflicts including an overview of protest events, d. the usage of conflict resolution mechanisms and e. outcomes.

The table below provides an overview for the numbers of different sources that were collected and used for documenting our 150 conflict cases.

**Table A.1.** Sources used

	Central Kalimantan	Riau	West Kalimantan	West Sumatra	Total
<b>Interviews (May 2019-February 2020)</b>	91	86	53	53	283
<b>Newspaper articles</b>	216	123	168	54	561
<b>Online sources</b>	190	273	143	71	677

<b>Government documents</b>	26	15	10	112	163
<b>NGO and community documents</b>	49	16	27	62	154
<b>Academic studies</b>	2	16	5	4	27

### *Detailed study*

To further acquire insights into specific dynamics, we also engaged in more lengthy fieldwork for in-depth studies on 14 out of these 150 cases to study in more detail. Particular attention were paid to compare cases that

- a. Went to court
- b. Went to RSPO's facility
- c. Supported by NGOs
- d. Used adat and non-adat claims

The fieldwork particularly focused on identifying pathways that influence the trajectories of conflicts as well as the accessibility and effectiveness of dispute resolution mechanisms. We, for example, compared cases with (and or without) NGO involvement, with attention for conditions that explain the success (or failure). Similarly, in analysing cases that went to court, we compare cases where communities win (or lose) in the court. We asked what are the obstacles faced by affected communities? Why few wins, and when communities win, why so rarely implemented? The analysis will also include judge decision analysis (taken from SIPP websites). For cases that involved RSPO members, we compare cases that was successful and unsuccessful, and find out what can explain such outcomes.

### **Analysis**

These case reports formed the basis for further analysis to arrive at the descriptive statistics presented in this paper. After all the 150 case reports were finalized, the project's coordinator and postdoc, supported by the interns, used these case reports to code the main features of the character, trajectory and outcomes of each conflict. In this way we arrived at a dataset with information on, for example, the grievances of community members, whether the case went to court, how many demonstrations took place, whether a community reported receiving support from an outside NGO, if and how many people were arrested and their outcomes. While some of this coding of the case reports was relatively straight forward, some elements of required some categorization and/or related on interview question. Here we clarify a number of such elements:

#### *Documenting grievances*

We endeavoured to document the different kinds of grievances expressed by villagers, using both their statements in newspapers as well as the interviews. *During the interviews they were asked:*

1. What is the problem(s) that people here have with the palm oil plantation of [name of company]? (*probe: Why is that a problem for people? If land, how much land is taken/contested?*)

2. To address these problems, what kind of solutions do people want? What should the company and/or the government do?
  1. Apa masalah (-masalah) yang masyarakat miliki dengan perkebunan kelapa sawit milik [nama perusahaan]? (*selidiki: Mengapa hal itu menjadi masalah untuk masyarakat? Jika terkait lahan, berapa lahan yang diambil/diperebutkan?*)
  2. Untuk menangani masalah ini, solusi seperti apa yang diinginkan oleh masyarakat? Apa yang harus dilakukan oleh perusahaan dan/atau pemerintah?

To facilitate the analysis, we categorized these statements about grievances into *9 main types of grievances*:

1. Land taken without consent
2. Problems with profit-sharing (plasma)
3. Pollution and environmental impacts
4. Plantation violates regulations
5. Inadequate compensation
6. Refusal of new plantation
7. Loss of access to village and fields
8. Labour conditions
9. Other types of complaint

The complexity of documenting community grievances lies in, first, the fact that such conflicts are often animated by more than one grievance, which also often emerge in different moments in time. For this reason we endeavoured to document this range of grievances, as well as the moment when this grievances was first expressed (using, mainly) the newspaper reports.

A second challenge concerns the difficulty of categorizing these grievances, as this categorization sometimes required some interpretation by the researchers: while most grievances were common and straightforward (e.g. complaints about land grabs or implementation of joint-venture schemes) in some cases the grievances were multiple and overlapping – for example in a community some members might complain about not having received any monetary compensation, while other members did receive some compensation but complained about this amount being too low. Our general category in such a case (‘inadequate compensation’) subsumed such complexity (while we also collected interview material about (estimates of) the share of the community that received compensation. The second challenge relates to dynamic nature of conflicts across time. Many of the studied conflicts have been going on for years or even decades, which unsurprisingly went through some changes within this period of time. For example, a company was a member of RSPO in the beginning of conflict, but in later years, it left the RSPO membership. Or, some companies changed its ownership (i.e. were sold) from one to another. Also, some conflicts were still in the middle of court processes during data collection, so it was not easy to identify the final outcome. Sometimes we need to wait until there is a final outcome from that court process and to see whether or not the outcome was implemented.

#### *Protest Events*

We spend considerable time and energy trying to document all the different kinds of protests that took place in relation to conflict cases. We defined a protest event as *a public gathering*

where claims are expressed regarding the establishment and management of oil palm plantations. So this can include a demonstrations, hearings, adat rituals, blockades, a press conference, but also public land mapping sessions, violent attacks on property, protest harvesting (i.e. taking away oil palm fruit bunches). This meant that recorded events need to be *public* (i.e. open, visible for all, not behind closed doors) and they need to be a *gathering* (i.e. involve more than two people).

We used both our archives of newspaper articles as well as the interviews for this purpose. We used the information thus gathered to build a ‘protest event catalogue’, which involved a range of protest events, from demonstrations, hearings and blockades, to customary rituals, protest harvesting, land mapping and land occupation. Apart from recording the character of the event, we also documented – wherever available information allowed this – the time, location, number or arrests, whether violence occurred, and statements made by community members. This process allowed us to produce descriptive statistics about the number of (different kinds of) protests, numbers of injured, dead and arrested.

#### *Use of conflict resolution mechanisms*

For each of the conflict cases, we documented whether four main types of available conflict resolution mechanisms – the courts, RSPO’s complaint system, informal mediation and negotiation – were employed, and we documented (using websites of the (local) courts, the RSPO, as well as newspaper articles and interviews, the outcomes.

For cases that went to the court, in addition to analysis of data that we collected through interviews and newspaper and NGO reports, we further analyse the published court judgments on these cases to analyse the character of the legal reasoning that both claimants and judges employ in dealing with land conflicts. In doing so we collaborate with academics with law background to identify the common legal obstacles in the studied cases as well as to analyse it within the broader context of legal mechanisms in Indonesia and other countries.

For the cases that were brought to the RSPO complaints system, we took a close look at the documents available in the case tracker available at the RSPO website. From this we can gain a better understanding about how communities access the RSPO complaints system (e.g. whether or not they gained supports from NGOs), how RSPO handled these cases and their outcomes. From this we can produce descriptive statistics about the number of cases that are handled by the dispute settlement facility (DSF), the Complaint Panel (CP) or resolved through bilateral engagement. We also calculated the outcomes, such as the number of cases that are “closed”, dismissed, resulted in an agreement, etc.

In the case of informal mediation, using data from interviews and newspapers records we calculated and create descriptive statistics about how often different actors (e.g. village head, district head, local politicians) facilitate mediation process, and whether or not an agreement was reached, and whether the agreements were implemented.

#### *Outcomes*

An assessment of the outcomes of conflict cases is particularly complex, because there is generally no clear ‘end’ to these conflicts and because such an assessment is unavoidably subjective as, for example, a company may feel that it has addressed community grievances while community members feel that nothing has been done because (for example) the monetary compensation never reached them or because a promised *plasma* (i.e. profit-

sharing) was never actually provided. For this reason we opted not to attempt to identify an ‘objective’ identification of the outcome of this conflict, but instead document the personal and, hence, unavoidably subjective assessments of community leaders.

During our interviews we asked these community leaders to assess to what extent they feel that they succeeded in addressing their grievances, with answer categories ranging from “1. not at all” to “5. Fully succeeded” – see the English and Indonesian versions of this question below.

In your view, to what extent did you and your community succeed in finding a solution for your grievances? Please pick one of these answers: 1. We did not succeed at all; 2. Barely (i.e. very small results); 3. Partially (some results) 4. To a large extent (most aims were met); 5. Fully (we achieved everything we wanted).

Dalam pandangan anda, sampai sejauh mana anda dan komunitas anda berhasil menemukan solusi untuk keluhan anda? Pilih salah satu dari jawaban ini: 1. Kami tidak berhasil sama sekali; 2. Nyaris tidak (hasil yang sangat kecil); 3. Sebagian (beberapa hasil); 4. Sebagian besar (hampir semua tujuan terpenuhi); 5. Sepenuhnya (kami mencapai semua yang kami inginkan)

To enhance their reliability, we asked not only two community leaders for such assessments, but also the local researcher studying this case. His (or her) experience in studying a range of conflicts – and hence being able to compare – provided the researcher with a vintage point to assess the outcomes of particular conflicts.

One indicator of the reliability of these assessments is the extent to which these different informants agree. The table below provides an overview: in 84 percent of the studied cases all informants agreed. In 15 percent two out of three informants agreed, while the answer of the third varied just one point. In 0.7 percent of the cases the answers differed two points or more. In such cases when our informants disagreed, we took the highest (i.e. most positive) assessment. But as this table illustrates, such disagreement turned out to be surprisingly rare.

	<b>Central Kalimantan</b>	<b>Riau</b>	<b>West Kalimantan</b>	<b>West Sumatra</b>	<b>Total</b>
All informants agreed	38	46	26	16	126 (84%)
Varied one point	7	2	5	9	23 (15.3%)
Varied two points or more	0	0	1	0	1 (0.7%)
<b>Total</b>	<b>45 cases</b>	<b>48 cases</b>	<b>32 cases</b>	<b>25 cases</b>	<b>150 cases</b>

*Cross-checking of the coding*

To ensure the accuracy and consistency of our coding, we undertook some re-checking of the initial coding by the project coordinator and post-doc. Our interns in four provinces undertook this re-checking process, by comparing the data in the case reports and the coding file. Some

coding were adjusted, for example when there was an update or changes in the case report by the local researcher after the initial coding was completed.

### **Extensions of the case documentation**

On three specific subtopics we build on the data obtained through the case documentation to collect additional information and, in so doing, extent our material. We did this for three aspects of palm oil conflicts: the nature of NGO's involved in these conflicts, the character of the companies and mediation process.

#### *NGOs*

The case reports allowed us to identify 105 different NGOs that were – according to interviewed community members – involved in helping communities addressing their conflicts with companies, and the intensity of their involvement. For each of these NGO's we used the websites and social media presence to identify the nature and aim of the organization, their scope of operations (local, national or international) and whether there were indications of collaborations with other NGO's.

#### *Companies*

In a similar vein we collected information on the character of the palm oil companies involved in these conflicts. Using a combination of ORBIS database, company websites, and financial reports (where available), we collected material on operating locations, scope of operations (local, national, or international), market, and RSPO memberships. Where available, we also identified whether a company is a subsidiary of a parent company, part of a corporate group, or a standalone company.

#### *Mediation*

From the case reports we identified how often mediation was used by conflict parties in palm oil conflicts. In addition, we extended our analysis further by looking in more detail to each of these mediation attempts (172 in total), to understand who facilitated the mediation (e.g. By District Head, local civil servant, local politician, NGO, etc.), when the mediation started (i.e. to understand what triggered a mediation process to start), their outcomes (e.g. was agreement reached and implemented), and how community representatives perceived what factors lead to the success or failure of the mediation process.