



## Green Governance or Green Grab?

The Roundtable on Sustainable Palm Oil (RSPO) and its governing processes in Ecuador

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LDPI  
Working  
Paper

54

# **Green Governance or Green Grab? The Roundtable on Sustainable Palm Oil (RSPO) and its governing processes in Ecuador**

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*Published by:*

**The Land Deal Politics Initiative**

www.iss.nl/ldpi

landpolitics@gmail.com

*in collaboration with:*

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Published with support from the UK Department for International Development (DfID), Atlantic Philanthropies, Inter-Church Organization for Development Cooperation (ICCO), Ford Foundation and Miserior.

## Abstract

This paper analyzes a new collaborative 'green' governance arrangement known as the Roundtable on Sustainable Palm Oil (RSPO) in Ecuador and how this space can be a new site of institutionalizing environmental policies that sanction cases of land dispossession and facilitate incentives for new forms of land enclosures. In Ecuador, the RSPO has emerged as a collaborative governance institution that aims to negotiate the adverse social and environmental effects that can accompany legal and illegal land acquisitions for palm cultivation. The initiative involves major palm oil companies and buyers, the World Wildlife Fund and smaller domestic nongovernmental organizations and calls for actors to prioritize environmental and social 'sustainability' as non-negotiable conditions for palm oil development across the region. However, increasing evidence suggests that instead of ameliorating inequalities in the palm oil industry, the RSPO is a market-based mechanism that merely 'greens' an already 'shady' business. Furthermore, many point to RSPO meetings as establishing a terrain for 'green grabbing'. This paper engages with Michel Foucault's notion of governmentality to argue that certain disciplining processes that the RSPO regime promotes, such as land-titling schemes, exclusionary participation, and capitalist meeting culture, can further exacerbate social and environmental conflicts by structuring collaborative debate while establishing qualifying criteria that encloses upon certain opportunities for the future. This paper relies on discourse analysis, participant observation during RSPO meetings, and fieldsite visits to analyze the extent to which this 'power-sharing' institution is an 'alternative' mechanism in palm oil governance or rather, a vehicle for circulating capitalist perspectives that increasingly structure policy and ultimately encourage and legitimize the material practice of land acquisitions in Ecuador.

## About the Author

**Adrienne Johnson** is a critical human geographer and a PhD Candidate at the Graduate School of Geography, Clark University, USA. Her current academic research interrogates various political and social aspects of the global palm oil industry with a specific focus on Indonesia and more recently, Ecuador. Broadly, her research interests include the political ecology of environmental resource 'meeting culture', commodity chain governance, agrarian change, and the intersections of resource governance and post-neoliberalism.

## Acknowledgements

I would like to thank the Land Deal Politics Initiative for funding this research and in particular, Dr. Wendy Wolford and her research assistant Sara Keene for reviewing the paper and providing helpful comments. I would also like to thank my PhD supervisor, Dr. Anthony Bebbington, and Clark University students from GEOG 376 for their insight feedback which helped me develop my arguments more clearly. Lastly, a big 'thank you' goes out to the several communities and comunas, palm cultivators, and institutional personnel who made this research possible. I am grateful for your time and knowledge.

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## 1 Introduction

The renewable energy industry of Latin America has recently experienced unprecedented growth as a result of increased global demands and supportive government policies. In 2011, the region was noted as investing \$14 billion in the renewable energy sector, much of which was directed towards biofuels production, in order to increase the viability of plant-based fuels against petrol commodities (Frankfurt School-UNEP 2012). This large-scale investment comes at a time when several Latin America countries, since 2007, have made significant efforts to reassert state control over their natural resource sectors and dismantle neoliberal policies while proposing new development agendas that emphasize the redistribution of social wealth – initiatives that counter years of foreign domination of resource industries and perpetual fiscal crisis. Ecuador has taken a particularly strong lead in restructuring its governing institutions and increasing domestic capital by bolstering its national palm oil industry – efforts that are said to be illustrative of ostensibly new ‘post-neoliberal’ government policies. In recent times, the national government has enacted several pro-palm oil investment and land acquisition policies that have enabled rapid palm oil frontier expansion by national private firms – a necessary step that is believed to lead to more employment opportunities, energy security and an overall improved social and environmental well-being, especially for those in rural communities (Albán and Cárdenas 2007). These seemingly contradictory processes – the state’s reclaiming of natural resources and the expansion of private capitalist investment – are being accompanied by a growing private sector commitment to ‘cleaning up’ the industry via adherence to voluntary certification standards after years of negative social and ecological effects and vulnerabilities resulting from its expansion. Rapid deforestation, conflict, and displacement resulting from the legal and illegal large-scale acquisitions of land for palm cultivation (Wilcove and Koh 2010; Acción Ecológica 2001; Misión de Verificación 2007; Benalcázar 2009; Nuñez Torres 2004) have long been dominant traits of the sector which have significantly impacted the livelihoods of Ecuador’s most marginalized groups such as various indigenous groups, Afro-Ecuadorians, and small-scale farmers. In an attempt to reform the palm oil system in Ecuador – but also to reconcile new economic objectives with social ones – the national government, domestic palm oil companies, NGOs, and other actors have placed growing emphasis on the multi-stakeholder governance institution known as the industry-led Roundtable on Sustainable Palm Oil (RSPO). This, along with its voluntary certification standards, is viewed as a way of rectifying major power inequalities in the industry while forging positive and inclusive social, economic, and environmental pathways for the energy sector.

The RSPO’s objective is to ‘increase synergies’ (cf. Bebbington and Bury 2009) between palm oil production, environment, and livelihoods. Beginning in 2004 in Southeast Asia, this institution has sought to create a space for commercial interests (e.g. Unilever, Cargill) to negotiate with representatives of local actors, especially farmers, and cooperatively devise production regulations to ensure socially and environmentally-sound production. Internationally lauded by institutions such as the World Bank and the International Finance Corporation as a governance model driving effective voluntary, market-driven certification standards in countries like Indonesia, Thailand, Ghana, and Colombia, the RSPO in Ecuador has emerged as a collaborative governance mechanism involving major palm oil companies and buyers, the World Wildlife Fund (WWF), and smaller domestic NGOs with some government involvement. While these actors justify the presence of the RSPO as an alternative way to establish environmental and social sustainability as non-negotiable conditions for palm oil development across the region (RSPO.org 2012b), concern has been raised over whether a business-led initiative promoting voluntary standards can reduce social and environmental inequalities and improve access to governing the sector *while* maintaining high profits for private actors. Along with concerns raised over the supposed ‘newness’ of the socio-economic governing assemblage, increasing evidence suggests that instead of ameliorating inequalities in the palm oil industry, the RSPO is a market-based mechanism that merely ‘greens’ an

already ‘shady’ business (GRAIN 2010; WRM 2010). Further, many point to the RSPO and its processes as establishing a terrain for ‘green-grabbing’ (see Vidal 2008; Fairhead et al. 2012) – the appropriation of land or resources for commercially ‘green’ and ‘sustainable’ palm-growing purposes (WRM 2009; RAN 2011; Zhou 2010). Given Ecuador’s institutional restructuring and skepticism surrounding the private sector’s uptake of voluntary regulation, two fundamental research questions emerge: Can the RSPO mechanism, by promoting adherence to voluntary standards, truly carve out an *inclusive* system of palm oil governance, amid severe power inequalities? And furthermore, what are the practices of governing – its dispositions of power and knowledge (Foucault 1991) – that the RSPO deploys to secure and maintain conditions of palm oil production amid new political commitments to national social well-being and building criticism?

The aim of this paper is to study the connections between voluntary certification standards and the ‘enclosing’ or ‘territorializing’ tendencies of such initiatives that may ultimately promote or encourage the phenomenon of green land-grabbing. It is argued that the standards and criteria associated with the RSPO have the potential to further exacerbate the social and environmental conflicts involving land by structuring collaborate debate while establishing qualifying criteria that encloses upon certain opportunities for the future. Therefore, I am interested in examining the RSPO’s social, political, and economic modes of government – its ‘conduct of conduct’ (Foucault 1991; Lemke 2002) – that shape the production of sustainable palm oil in Ecuador amidst a supposedly new political moment in the country’s socio-history. I look at the ways in which the RSPO and its governing processes structure the possible field of action of RSPO actors so as to shape production conditions in a particular way. Specifically, this is achieved by making RSPO certification dependent on the acquisition of land titles, regulating knowledge production and political contestation by limiting stakeholder participation to a particular set of pro-capitalist actors and finally, by promoting a problematic capitalist meeting culture that projects a supposedly ‘clean’ and ‘smooth’ vision of the palm oil industry that is free of social conflict and environmental destruction.

This paper is based on research findings gathered between 2011-2013 from in-person interviews with key representatives from ANCUPA, the Ecuadorian Government, and NGO representatives in Ecuador. First-hand participant observation was conducted at the III Latin American RSPO meeting in Ecuador and its associated activities in 2012. Interviews with smallholders and communities affected by palm plantation expansion were conducted mainly in the provinces of Esmeraldas and Sucumbios.

## 2 Background

As the second largest producer of palm oil in Latin America behind Colombia (Albán and Cárdenas 2007; ANCUPA 2011), Ecuador continues to expand production in order to keep up with increasing domestic as well as global biofuel demands. With 280,000 hectares of land dedicated to palm cultivation (ANCUPA 2013), in 2010, Ecuador produced more than 400,000 tons of palm oil with over 50% of this output exported to Venezuela and Europe (ANCUPA 2011). The valuing of palm oil production as a viable economic strategy is widespread; for instance, the government of Ecuador continues to tout the production of palm oil as an economic growth model that will provide significant revenue for the country through import substitution (of fossil fuels) and export growth (of biomass/biofuels) (Mol 2007). Recently, the president of the country, Rafael Correa, was cited as praising Ecuador’s ‘untapped agricultural potential’ by stating that biofuels have the potential to boost the local farming sector while ensuring energy security (Biopact 2008). Since 2010, the government has implemented a national biofuels program called ‘Ecopais’ that promotes the mixing of 5% palm ethanol with petrol for personal vehicles (USDA-Biofuels 2012). Earlier in 2012, the Minister of Industry and Productivity began talks with members of the National Association of Palm Cultivators of Ecuador (ANCUPA) to draw out a long-term plan that will see the production of palm

oil jump significantly for the purposes of biofuel production (MCPEC 2012). While Ecuador's palm oil output is moderate in comparison to Colombia, there is agreement that Ecuador is well positioned to become a major global producer in the near future (Bleviss et al. 2006). Given the potential of biofuels to mitigate climate change, sequester carbon, and provide alternative energy (Tilman 2009; Dufey 2006) to Ecuador and other countries, there is little debate of the claim that palm oil cultivation for biofuel is creating a promising new industrial sector (Albán and Cárdenas 2007).

Despite the 'win-win' sentiments attached to the expansion of the palm oil industry in Latin America and particularly in Ecuador, the industry has generated enormous controversy because of its environmental and social impacts. There are concerns regarding impacts on Ecuador's biodiversity, land rights, and food sovereignty (Hazelwood 2012). In the province of Esmeraldas, a presidential decree in favor of commercial agro-commodity development has allowed the legal and illegal concentration of land in the hands of palm oil companies thus triggering the displacement of many small-scale farmers in the lowlands region. Due to the declining availability of land, these farmers have oftentimes migrated to territories occupied by Afro-Ecuadorian or Awá and Chachi indigenous villages, a situation that has provoked several social conflicts between these groups (Buitrón 2002; Schenck 2007) and palm oil companies. Environmental analysis of the region suggests that the conversion of forestlands into palm oil plantations and the expansion of the biofuel frontier is a primary factor driving deforestation rates. An example of this type of deforestation was documented in 2001 by the Ecuadorian environmental group *Acción Ecológica* (Environmental Action), where 4,550 hectares of forests were cut down in the areas of San Lorenzo and Eloy Alfaro of which 2,500 had been primary forests, and some of which were part of the pristine *Chocó-Manabí Corridor* (Albán and Cárdenas 2007). Furthermore, the diversion of agricultural land away from food production to fuel production is generating concern (e.g. Dauvergne and Neville 2010) as some begin to question whether the country will be able to continue to produce food for its people in the near future, despite food sovereignty being officially declared a State objective in 2008 (López and García 2009).

The election of Rafael Correa as Ecuador's new president in 2007 signaled new promise for a reshaping of the country's political future as he was democratically elected on the basis of his bold 'anti-neoliberal' political platform. Along with other left-leaning South American presidents, Correa has enacted several political reforms that capture a combination of Keynesian welfare politics, socialism, and social democracy in what is often referred to as the 'post-neoliberalism' project (Grugel and Riggirozzi 2012; Kennemore and Weekes 2011). Resource rich countries such as Ecuador, Bolivia, and Venezuela have prioritized efforts to create more equitable distribution of revenues generated by foreign oil and gas companies via negotiation strategies to increase welfare spending. Despite, however, the transformative claims and objectives of Correa's re-founding of Ecuador, many question the logics underlying such changes. To some, the newness of a post-neoliberal framework remains questionable (Bebbington and Humphreys-Bebbington 2010; Kennemore and Weeks 2011; Burbach 2007; Walsh 2010; Becker 2009) as current economic policies involving the extractive and agricultural industries have not signaled a dramatic shift towards a new economic model but rather repeat many of the same historical dependencies on authoritarian resource extraction. Although much academic attention has been given to analyzing how the Ecuadorian government's political and social reforms have restructured the hydrocarbon and oil industries, much less attention has been paid to how these post-neoliberal reforms bear on the country's palm oil industry. The establishment of national projects that promote the use of domestically-produced biofuels for vehicles and the entrenchment of Constitutional objectives that encourage the use of clean alternative energy are clear evidence of the government's dedication to growing the domestic sector. Less clear, however, are the reasons behind the government's endorsement of the market-based RSPO initiative as it can be interpreted as a move to address the historical social and environmental problems stemming from the palm oil industry by shaping the

production system in a way that contains and pre-empts social opposition. This cloaks the harmful behaviors of commercial RSPO actors under the discourse of 'green' and 'sustainable' efforts so that business can proceed 'as usual'. The RSPO is therefore important to study given the emergence of non-state forms of resource governance and the convergence of these and post-neoliberal development objectives and in particular, the overall appearance of a new governing structure that enables palm oil production amidst accusations of land grabs. Furthermore, this project raises questions surrounding the voluntary modes of governance in contexts that are post-neoliberal and challenges normative theoretical assumptions embedded in explanations which posit the post-neoliberal trend as a new resource development model.

### 3 (Post-?)Neoliberal Natures and the Rise of Global Private Resource Governance

In geography, there has been sustained academic interest in examining the uneven geographies of neoliberalism and how these intersect with nature. While according to Peck et al. (2010), neoliberalism is a dynamic, variegated pattern of regulatory restructuring in which crises and contradictions prevail, McCarthy and Prudham (2004) suggest it has a certain meta-logic characterized by four recurring tendencies. These are: (i) the gradual privatization of resources; (ii) state reliance on fiscal and administrative cutbacks to regulate society; (iii) the 'hollowing out' of the state through the rescaling or devolution of state responsibilities to 'lower' governmental bodies; and (iv) increasing shifts to more flexible regulatory frameworks that rely on market-based, voluntarist regulations while increasing the 'participation' of members in civil society (also see Bridge and Perreault 2009). Although these thematic clusters characterize the logics of neoliberalism, it is important to stress that they become manifest at different times, at different scales, and in different contexts thereby illustrating its historical and geographical contingent forms. To speak of a so-called 'post-neoliberal' era then, in light of its predecessor's contingencies, presupposes an understanding of neoliberalism as a unified and static political project. Therefore, given neoliberalism's hard-to-pin-down nature, it becomes increasingly difficult to pinpoint where exactly neoliberalism ends and where post-neoliberalism begins (Kaup 2010). The identification of this 'fuzzy' boundary has significant relevance for the palm oil sector given the Government of Ecuador's support of *both* state and private resource initiatives. Therefore looking in more depth at this phenomenon will deepen our understanding of what the term 'post-neoliberal' actually means and whether it is useful at all.

In the environmental realm, geographers have taken a keen role in examining the multiple ways in which natures are reconfigured under neoliberalism and capitalism. This literature covers a diverse set of topics including neoliberal policies of water governance and privatization (Bakker 2003), wetlands management (Robertson 2007), timber governance (Prudham 2004), and the assignment of property rights to oceans and fisheries (Mansfield 2004; 2007; St. Martin 2007). In Latin America, thoughtful studies have looked at the variegated material effects of neoliberalism's policies on rural water management (Perreault 2008), hydrocarbon laws (Perreault 2006), petroleum governance (Valdivia 2008), and conservation (Ojeda 2012; Zimmerer 2011). Despite the doubt that shrouds Correa's 'new' ways of governing the economy and natural resources, his efforts have forged some innovative policy pathways in terms of environmental governance in Ecuador. For instance, the state was the first ever to grant nature explicit constitutional rights, as embedded in Article 71 of the country's Constitution. Many believe the move to institutionalize well-defined rights for nature was carried out in order to create a legal barrier to protect nature from neoliberal capital (Arsel 2012). However, this new policy path comes at a time when the state is looking to secure funds for poverty alleviation programs and social investment by *expanding* extractive industries and *intensifying* the production of agricultural crops as a pillar of macroeconomic strategy. These seemingly contradictory actions sit uneasily with the government's further endorsement of non-state



mechanisms that incorporate a variety of actors – with an emphasis on private companies – to govern the agro-industry through market-based and self-regulatory tools.

Novel to neoliberal resource governance is the wide array of actors involved in environmental decision-making processes. Classified as ‘governance beyond the state’ (Swyngedouw 2005), environmental governance and negotiation processes have opened up to include a network of private actors such as experts, environmentalists, NGOs, and multinational corporations. Recent scholarship has highlighted the autonomous role of many of these actors in creating and disseminating knowledge, shaping powerful discourses on environmental problems and adequate solutions to them, influencing negotiations through ideas and expertise, and implementing solutions on the ground (Biermann and Pattberg 2008). The rise of these actors as important authorities in agenda-setting and policy-making has signaled the creeping privatization of global environmental governance, and more specifically, the emergence of multi-stakeholder certification measures as a way to manage natural resources in more ‘sustainable’ ways. Voluntary environmental standards and codes of conduct such as the International Organization for Standardization (ISO) guidelines (Clapp 1998) and the Forest Stewardship Council (FSC) and Marine Stewardship Council (MSC) certification measures (Cashore et al. 2005; Pattberg 2005; Gulbrandsen 2009; Cummins 2004) are examples of governance structures developed with multiple actors to achieve good environmental behavior particularly among companies. While some contend that voluntary standards have the potential to improve hazardous working conditions and unequal terms of trade (Potoski and Prakash 2005), others remain critical of the intentions actually driving such efforts and dismiss the initiatives as new tools of ‘greenwashing’ (Greenpeace 2009; Pye 2010).

Despite their critics though, multi-actor governance initiatives appear to be growing in popularity. Another more recent manifestation of collaborative resource governance relevant to this project involves the emergence of ‘roundtables’, which are multi-stakeholder platforms where private members are allocated decision-making power (Schouten & Glasbergen 2011). Some examples of these include roundtables on sustainable palm oil, sustainable beef, responsible soy, and better cotton. Since 2003, the RSPO has gained significant institutional influence in governing the production of palm oil and has set the trend for the initiation of roundtables in other commodity chains (ibid). Initially convened by WWF and Unilever in Indonesia, the RSPO brings together major actors in the sector such as producers, smallholders, commodity chain actors and investors, and environmental and social NGOs to collectively devise production criteria. Since its inception, the RSPO has generated regional environmental and social standards by which palm oil is produced, with the ultimate goal of making ‘certified palm oil’ the global norm. It is believed that certified palm oil will address many of the sustainability issues often associated with the palm oil industry such as loss of biodiversity, rapid deforestation, and violation of social and environmental rights. Through consultative measures, the RSPO’s executive board established the golden Principles and Criteria (or ‘P&Cs’ as they are referred to in official RSPO meetings) that are to be followed by any industry actors who would like to be recognized as a certified producer of sustainable palm oil. A national interpretation of the standards is initiated if there is enough civil society and commercial interest in a particular country, to ensure that voluntary actors implement similar industry standards across the country. The national interpretation process of the RSPO’s P&Cs is usually organized and led by the national palm growers’ association of that country. To date, countries such as Indonesia, Malaysia, Thailand, Papua New Guinea, the Solomon Islands, Nigeria, and Ghana have initiated and approved national interpretations of the P&C thus attempting to streamline production within the country. In Latin America, Colombia completed and approved its interpretation in 2011, thereby leading RSPO efforts in the region. Ecuador is in the early stages of interpreting the P&Cs so they align with, and not contradict national environmental laws and policies. Guided by the National Association of Palm Oil Cultivators (ANCUPA), the national interpretation of the RSPO’s P&Cs is beginning to take shape. The most recent RSPO meeting in Latin America was held in Ecuador in 2012, thereby bringing

together representatives from major companies involved in palm oil production and triggering fast recognition and uptake by major industry players. Corporate actors already certified by the RSPO in Ecuador include Industrial Danec, Industrial Ales, and La Fabril. The company Palmeras del Ecuador is in the later stages of having its membership application reviewed and approved while several other major companies such as Energy Palma and Agroparaiso South America have expressed serious interest in implementing the RSPO's production standards.

### 3.1 The 'Conduct of Conduct' within the RSPO

The gradual trend towards more participatory, non-state forms of resource governance and the opening up of space for diverse actors to engage in governing practices marks what many have termed the move from government to governance (Stoker 1998; Newman 2001; Kooiman 2003; Swyngedouw 2005; Taylor 2007). Such analyses emphasize power as being associated not with 'social control' but with 'social production' where power is negotiated between partners. Similar to governance theorists, scholars who have drawn on Foucault's theoretical framework of governmentality have become interested in how power is produced from a variety of sites and alliances 'at a distance'. Government, understood in the Foucauldian sense, is mainly concerned with 'the conduct of conduct...the right disposition of things' (Foucault 1991). Put in another way, governmentality for Foucault was concerned with strategies of political rule enacted by those seeking to shape and control human relations through multiple calculated and complex practices. This was not achieved through coercive control, but through a more complex and subtle diffusion of techniques and forms of knowledge. By replacing the forceful imposition of law with normalizing exercises and the construction of knowledge, populations would accept certain modes of government because they would be deemed 'appropriate' (Foucault 1991). It is significant to note that the structuring of the possible field of action of individuals does not necessarily signify that power is used *against* the interests of others in an intrinsically *bad* way (i.e. removing the liberties of others); rather it highlights the multiple dimensions of the guiding tendencies of power. Using governmentality as a theoretical base, this paper examines the RSPO as a space of convergence whereby control is implemented not by force but by the circulation of various truths, discourses, methods, and practices about palm oil. For the RSPO then, a central concern is *whose* knowledges are being conducted in this governing space and *through what means*. Answering these questions will clarify the forms of knowledge that are deemed 'acceptable' within the RSPO space and whose interests they represent and/or reinforce to the detriment of other actors.

## 4 Green Governance or Green Grab?

The RSPO deploys several governing processes to structure the palm oil industry in a way that maintains high levels of agro-production while addressing and containing social and environmental problems – albeit temporarily. In this section, I discuss three major processes and their disciplining effects that are encompassed by Ecuador's National Interpretation of the RSPO's P&Cs in Ecuador. These processes appear to address many historical social and environmental problems, but I argue they may facilitate the commodification and unequal ownership of land, thus leading to the onset of green-grabbing activities.

### 4.1 Land-titling

A major requirement that qualifies an industry actor (such as a palm oil processor, trader, or grower) to be a certified member of the RSPO is the demonstration of official title to land that is being cultivated. This general policy is embedded in Criterion 2 of the RSPO's P&Cs, which refers to general compliance to applicable laws and regulations of the home country. Criterion 2.2 states that certification is given if "*The right to use the land can be demonstrated, and is not legitimately*

*contested by local communities with demonstrable rights”* (RSPO’s P&Cs 2007). Official ‘indicators’ which confirm that this criteria has been met are legal documents showing ownership of the land, documents which show the actual legal boundaries of the land, evidence which demonstrates that consultative practices have been carried out with previous occupants or owners, and that fair compensation has been given. A similar criterion is targeted toward independent farmers, or smallholders as they are referred to in RSPO literature. According to official RSPO documentation,

*“independent smallholders while very varied in their situations are characterised by their: freedom to choose how to use their lands, which crops to plant and how to manage them; being self-organised, self-managed and self-financed; and by not being contractually bound to any particular mill or any particular association. They may, however, receive support or extension services from government agencies”.*

RSPO 2010

In Ecuador, the majority of independent farmers are represented by ANCUPA who also facilitates the smallholder RSPO certification as well. According to the organization, they represent 6,000 cultivators in Ecuador. In terms of land holdings, it is estimated that approximately 3% of all independent cultivators own over 100 hectares of palm plantation while 97% own less (SIPAE 2011).

In order to address and further prevent social and environmental conflicts from emerging due to palm oil expansion, land registration is made mandatory. At the most recent Latin American RSPO meeting in Ecuador, this process was strongly promoted to companies as a way to address current conflicts with communities surrounding palm oil plantations as well as a method to prevent future conflicts. To independent farmers attending the RSPO meeting and even during follow-up regional workshops on the RSPO process in Ecuador, representatives from ANCUPA praised land registration as a ‘progressive’ measure that is ‘a-must’ due to its likelihood of preempting conflict even before it starts. With land registration and proof of land ownership, it is believed that no other third party – company or community – can contest ones claims to land. This will lead to smooth relations with surrounding communities and ultimately a problem-free plantation environment.

Within the RSPO, the registering of private property can be interpreted as a positive practice that can lead to future social and financial gains for society. As Feder and Nishio (1999) and other mainstream scholars working on land tenure issues would agree, land titling has the potential to bring many benefits such as more land security, agricultural productivity, access to a larger selection of credit and bank loans, and a general higher value associated with the land (Firmin-Sellers and Sellers 1999; Durand-Lasserve et al. 2007). In Ecuador, land issues are large in number and are very complex as it is widely agreed that the country’s land distribution is severely unequal (Pichón 1997; Deere et al. 2013). It is estimated that many properties in Ecuador lack land title. For example, the International Development Bank estimates that 12% of all 2.7 million rural properties in the country lack title with 60% of those lacking current records (USAID-Ecuador 2011). Organizations such as USAID have pushed the practice of land titling in Ecuador as a way to combat weak bureaucratic processes and poor and corrupt record-keeping and more importantly, as a way to increase access to formal urban land markets especially for the poor, to strengthen women’s rights, to support indigenous rights to land and forest resources, and to mitigate deforestation (ibid). But as other critical scholars have discussed (for example, Hirsch 2011), the practice of land titling is very contested, with many divided on what exactly the advantages are and for whom. A key observation related to land registration as a necessary requirement for RSPO certification is the fact that land titling makes lands ‘market-ready’ and more susceptible to land-grabbing practices. Although this may not be the original intention, purchasing a land title enables plots of land to be ‘taken up’ more easily by market-based mechanisms like the RSPO regime since they become more ‘legible’ to market representatives and therefore can be commodified at an increasingly rapid pace. The RSPO’s

national interpretation is not the only market-based mechanism in Ecuador that facilitates the commodification of land. The government's conservation program known as 'Socio-Bosque' is a payment for ecosystem services scheme which provides direct financial incentives to individual land owners and local and indigenous communities to protect hectares of native forest and ecosystems. At the most recent RSPO meeting in Ecuador and during follow-up interviews with government representatives, market-based mechanisms such as the RSPO and Socio-Bosque were lauded as progressive initiatives that figure as a solution to environmental problems which also have the potential to address issues of poverty. As with RSPO certification, the rationale for land titles remains the same: participants in the program must possess formal land title so that landholders can easily be identified and social conflicts can be avoided (de Koning et. al 2011). Since the program's initiation in 2009, the government has embarked upon a rigorous plan to assist groups and individual to formalize their landholdings, however the project has proved extremely costly and time-consuming (ibid).

Along with making land more legible so that it can be assimilated into market-based mechanisms more readily while increasing the land's vulnerability to land-grabbing practices, other problems associated with land registration and its requirements can be noted. For example, in the case of the RSPO, land titling does not necessarily prevent conflicts from occurring. This is true in the case where there are several legal systems functioning in a given location. In Ecuador, the *Ley of Comunas* (Law of Communes) is an institution that allocates legal communal and ancestral recognition of land, among other things, to registered *comunas*. (Becker 1999). This system, which gives administrative powers to populations who share communal resources, is an autonomous one that functions within the centralized system of Ecuador's government. Despite, however, *comunas* having legal title to their land, certain palm oil companies have taken advantage of this 'system within a system' context and the ambiguities that it engenders to illegally accumulate land. For example, research has shown particularly in the Eloy Alfaro region which is an area inhabited by many Afro-Ecuadorian *comunas*, that a palm oil company continues to steal land and not give fair compensation to surrounding populations. It does this by not recognizing the land claims of Afro-Ecuadorian *comunas* and their autonomous governing framework and instead insists that the country's centralized governing system is the one that should govern land claims (author's own research observations).

The application process through which one can obtain land title and later RSPO certification provides another opportunity for palm companies to accumulate and monopolize land. To apply for land title in Ecuador, one needs to provide a cadastral map showing the exact coordinates of the property to be registered. To many smallholders and communities, the fees associated with having a land survey conducted and maps produced are extremely high and almost impossible to afford. But companies have taken advantage of this situation to increase their land holdings. For instance, it is noted that one particular Ecuadorian palm oil company made efforts to formalize their land claims and therefore hired teams to survey and measure their plantations. The company offered these same services to surrounding communities as a 'free' service since the company was having the work completed anyway *and* they were also aware that the communities were interested in registering their land. The communities agreed. But after the surveys were completed and the maps were generated, community members whose land neighbored the company and was located in strategic expansion zones began being pressured by company representatives to sell their land to them. This happened because the company now possessed copies of all official information showing the exact demarcations and measurements of land claimed by surrounding communities and therefore knew exactly who to target (author's own research observations).

## 4.2 Stakeholder participation in RSPO meetings and Ecuador's National Interpretation

Besides outlining specific standards that certified members must abide by, the RSPO regime deploys consultative activities that involve a wide array of stakeholders in the palm oil industry to help identify and frame important issues. Since the RSPO is known for 'setting the bar' in terms of agricultural roundtables, the RSPO and its executive board widely promote the fact that representatives from NGOs are invited to take part in the criteria-setting meetings of the institution. At the global level, four NGOs have official NGO status in the RSPO. These organizations include: Sawit Watch, WWF International, Conservation International, and Oxfam. In order to translate the global standards into ones that are more appropriate to a specific country context, a convening organization in the country is identified (in this case, ANCUPA in Ecuador) who then is required to have several major civil society organizations involved in the national interpretation process. This process can take up to two years from start to finish. In Ecuador, the national interpretation process has attempted to include some of the country's biggest and well-known environmental NGOs and development organizations, such as Acción Ecológica, WWF-Ecuador, and SNV-Ecuador. So far, the process has included the submission of the Ecuadorian version of the P&Cs to these organizations with accompanying invitations to local RSPO workshops and meetings near palm-growing environments. Organizations are asked to read the national interpretation and its principles and eventually submit comments back to ANCUPA representatives. Following this step, a final draft containing the revised document will be sent to the RSPO's Executive Board for final approval.

Although the RSPO aims to include a variety of stakeholders in decision-making and standards negotiations, some important actors in the environmental sector have been left out of the collaborative process thereby raising important questions about the existence of opposition within the forum and the actual definition of 'participation'. As mentioned above, a variety of environmental and development organizations have been invited to become involved in RSPO decision-making processes however not all organizations have made the decision to take part in its processes. Ecuadorian organizations that are active in the RSPO regime and its decision-making are WWF-Ecuador and SNV-Ecuador – organizations that support the idea of market-led sustainable development. Conspicuously absent from the RSPO's activities is the more outspoken organization Acción Ecológica, who dedicates a significant portion of its programming to raising awareness about and rallying against monoculture agriculture and biofuel materials such as palm oil. Maintaining strong connections to indigenous groups and organizations, the NGO is also very much opposed to corporate domination of the agricultural sector and has refused to fulfill a negotiating role with corporate actors in previous instances. When asked why this organization was not a formal member in RSPO meeting talks, a representative from ANCUPA responded by saying that the organization had been contacted but showed no interest in taking part in any of the RSPO meeting events or national interpretation activities. Regardless, ANCUPA plans to go ahead with the national interpretation (personal interview 2012). The absence of Acción Ecológica from the RSPO draws attention to the need for more examination into how resistance and articulations of alternative agendas are managed *within* voluntary regulation and roundtable fora. The RSPO's lack of further investigation into the reasons behind Acción Ecológica's rejection of participation raises interesting questions surrounding the social regulation of contestation within the RSPO as this move can be viewed as a means to govern the behaviors of potential resisters to the palm oil industry *alongside* regulating the behaviors of private investors so they are socially more responsible.

## 4.3 The RSPO's meeting culture and the facilitation of enclosures

In analyzing the production and circulation of knowledge in meeting settings, it is important to direct attention to how actually existing multi-stakeholder meetings are organized, run and promoted. This is because as market-based tools like the RSPO become more common and powerful mechanisms

through which to manage and control the environment via capitalist relations, they begin to play a key role in deciding how conflict or dissent occurring in the multi-stakeholder meetings is managed. Also, such meetings 'set the bar' in how the industry itself is seen and interpreted by attendees and eventually the networks they are a part of. In this way, meeting culture plays an extremely powerful role in governing the conduct of industry actors and the industry itself. In his provocative piece that examines the performative aspects of conservation governance, MacDonald (2010) points to meeting culture as a central 'site' through which regimes such as conservation are shaped and structured. Therefore, because meetings have long-term effects in terms of their institutional and organizational actions, it is crucial that we study the events that facilitate the intentional interactions between key players in such regimes. MacDonald identifies three effective concepts through which meetings can be analyzed. These three devices – structure, orchestration, and spectacle – will be used to view some important elements of the RSPO meeting forum.

### **Structure**

Structure is a major component in meeting analysis because it directly affects the ways in which knowledge is legitimized and transmitted and dictates what types of interactions are possible. These outcomes have direct effects on material struggles in more localized settings. For instance, the most recent RSPO meeting in Latin America was held in Quito. Although this city is Ecuador's business center along with Guayaquil, it is quite far from many of the palm-growing 'hotspots' such as outside of Coca (in the Amazon region) and San Lorenzo (in the Coastal region). This issue automatically excludes many farmer stakeholders from attending. Another structural issue that prevents actors from attending RSPO meetings is the high price tag attached to the entrance fee for the conference. For the most recent meeting held in 2012, the registration fee started at \$200 USD, meaning that if any smallholders wanted to attend the conference, they most likely had to seek out sponsorship from an NGO or the cultivator's association ANCUPA to subsidize their attendance. The official language of the RSPO meetings is another structural issue that highly influences the topics that are discussed and how interactions take place. Although a majority of the last RSPO meeting was conducted in Spanish, many of the official documents shown during the conference were not translated from the RSPO's official language of English. As stated in a presentation by ANCUPA during the global RSPO meeting in Malaysia in 2011, the fact that English is the official language of the conference alienates industry stakeholders who do not speak the language, particularly farmers (ANCUPA 2011). These elements significantly structure 'how' palm oil governance is enacted and what issues receive the most attention. Given the evidence above, the RSPO is an inherently exclusive forum that mostly caters to the interests of large commercial actors. It is very difficult for more locally based actors to participate in such meetings due to the distance factor, expensive costs and language barriers involved. Because of these factors, the more pressing issues relating to livelihood practices are not discussed in order to make room for capitalist income-generating topics such as sustainable management practices of plantations and soil. In terms of civil society actors, only pro-capitalist organizations were official speakers during the RSPO meeting, such as WWF-Ecuador.

### **Orchestration**

Orchestration refers to the coordination of the events within the meeting. These events are key as they draw actors together to form the general assembly of the RSPO meeting and inform the discussion that takes place. Typical RSPO meetings take place over the course of three days and are jam-packed with panels and sessions mostly led by industry 'bigwigs'. As was the case for the last RSPO meeting in Ecuador, sessions were organized each day around cluster themes such as 'Social Considerations in the RSPO Vision', 'The Reality of Sustainable Palm Oil', 'Market Objectives of Certified Palm Oil', and 'Agricultural Best Practices of Sustainable Palm Oil'. Although the sessions were informative, they did not include any formal opportunity for 'real-life' experiences of Ecuadorian farmers to be shared with the general RSPO attendees. Orchestrating the RSPO meeting

in a way that does not incorporate actual palm oil farmers creates a ‘sanitized’ picture of the palm oil industry. Furthermore, it obscures the numerous conflicts relating to land and unjust labor arrangements because there is no organized space for these issues to be discussed. Therefore, conference attendees leave the meeting without being exposed to the harsh realities surrounding the palm oil industry in Ecuadorian local agrarian spaces.

The RSPO’s ability to conceal the controversial issues surrounding the palm oil industry is also evident when analyzing the agenda for the ‘delegate fieldtrip’ which was an excursion planned for RSPO meeting attendees who wanted to observe the Ecuadorian palm oil industry ‘in action’. The meeting’s program proudly boasted a technical visit that “...will allow the opportunity to see the beauty of palm oil production zones and its harmony with the Ecuadorian Amazon” (RSPO2012.com 2012a) in the province of Sucumbios. This field trip was designed to introduce excursion participants to the viable economic livelihood strategies of the Ecuadorian palm oil industry as provided by the company, Palmeras del Ecuador. What the orchestration of this field trip *did not* show was the major human-rights violations and cases of land dispossession that take place in Ecuador – events that are largely linked to military, territorial, and political conflicts within the country, particularly in the Amazon region where participants were taken as well as in the pacific lowlands near the Ecuador-Colombia border. Rather than exposing RSPO meeting attendees to the dangerous politics of palm oil violence, attendees were shown a ‘brighter side’ of the industry, which illuminated the ‘opportunities’ and ‘benefits’ in a relatively conflict-free area. For example, Palmeras personnel proudly showed off the company’s clean water filtration system – a system that removes harmful chemicals used in the cultivation of palm and circulates it back to the local natural water source so that it can be consumed by neighboring communities. Therefore, orchestration in terms of how the meeting is run plays a powerful role in setting the tone of the meeting by presenting the supposed ‘facts’ of organized resource governance.

### **Spectacle**

This analytic of meeting culture refers to the production mechanisms that configure the aural and visual experiences of attendees. Analyzing the spectacle nature of meetings regarding contemporary resource governance is important because according to MacDonald (2010: 267), “spectacle imposes a sense of unity onto situations of fragmentation and isolation; and spectacle is an omnipresent justification of the conditions and aims of the existing system”. In the context of the RSPO, the element of spectacle plays a crucial role in circulating and perpetuating the dominant discourses of ‘green’ capitalism and development. This is demonstrated when reviewing the floor plan of the most recent RSPO meeting referred to above. The floor plan resembled a trade fair of sorts, with stalls housing palm oil industry actors trying to sell their products in the front part of the conference venue and a plenary hall in the back of the venue that accommodated seating for a few hundred people (‘Floor Plan’, RSPO2012.com 2012b). Official numbers state that there were over 350 people in attendance. Building on MacDonald’s insights, this bounded space gives the impression that the palm oil sector is a seamless, conflict-free industry that is constituted by palm oil buyers, sellers and the deals that are made between them. Furthermore, the RSPO gives the impression that whomever and whatever is contained within the meeting hall *is* the palm oil industry. In its totality, the spectacle of the RSPO sends the message that high-profile forums complete with flashy stalls and business meetings are the *correct* way to way to address injustices in the production of palm oil. There is little thought given to the fact that the RSPO meetings might in fact be the cause for the persistence of social inequalities and loss of livelihoods for many palm oil growers.

## **5 Conclusion and further discussion points**

Throughout this paper, I have argued that the RSPO governance regime is involved in normalizing palm oil development as a ‘good’ industry through governing processes that further legitimize a

controversial industry and conceal its many problems under the cloak of social and environmental improvement. By establishing certain principles and criteria based on supposedly 'sustainable' practices and requiring all commercial actors to follow them, the RSPO universally codifies the 'green' aspects of these practices as non-negotiable standards of the industry, ultimately sanctioning cases of land dispossession and facilitating incentives for new forms of land enclosures. Given a closer examination, the RSPO and its unfolding governing processes in Ecuador are revealed as extremely flawed. For example, making the possession of formal land titles a major requirement for companies and groups of smallholders to qualify for RSPO certification, in some cases, prepares land for commodification and further uptake by market-based environmental programs. In other cases, land titles do not prevent conflicts from emerging and in fact they can aggravate disputes. Although I am not arguing that all land registration and titling is inherently bad, I believe that more attention must be brought to why land titling is being encouraged and who stands to benefit from this practice, and especially, what the effects might be. Actual RSPO meetings and stakeholder activities remain important elements when analyzing enclosure-facilitating processes of the RSPO. For instance, some of Ecuador's more outspoken NGOs have refused to take part in the designing of a national RSPO framework. Rather than further examining the causes behind this refusal of participation, the RSPO convening body is interpreting this non-participation as an approving 'green light' rather than opposition that could trigger a re-evaluation or a complete dissolution of the RSPO regime. In light of these findings Foucault's notion of the 'conduct of conduct' in relation to collaborative spaces becomes particularly important as it highlights how powerful actors act to define terms of engagement while seeking to maintain their dominance, *in practice*. In this way, the RSPO can be interpreted as a mechanism used to preempt and control public contestation, shaping it in a way that supports capitalist environmental objectives. Additionally, meetings are structured in a way that shows 'the bright side' of the palm oil business and the positive business opportunities that can arise from further involvement in the RSPO and continued palm expansion. This kind of structuring of environmental meeting culture has major implications for the way the Ecuadorian palm oil industry is understood since it creates a sanitized impression of the sector that is free from its violent realities. This observation highlights the need to see meetings as actual research 'sites' and for more academic research to examine the inner-dynamics of governance meetings and the effects these have on environmental sectors.

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## LDPI Working Paper Series

A convergence of factors has been driving a revaluation of land by powerful economic and political actors. This is occurring across the world, but especially in the global South. As a result, we see unfolding worldwide a dramatic rise in the extent of cross-border, transnational corporation-driven and, in some cases, foreign government-driven, large-scale land deals. The phrase 'global land grab' has become a catch-all phrase to describe this explosion of (trans)national commercial land transactions revolving around the production and sale of food and biofuels, conservation and mining activities.

The Land Deal Politics Initiative launched in 2010 as an 'engaged research' initiative, taking the side of the rural poor, but based on solid evidence and detailed, field-based research. The LDPI promotes in-depth and systematic enquiry to inform deeper, meaningful and productive debates about the global trends and local manifestations. The LDPI aims for a broad framework encompassing the political economy, political ecology and political sociology of land deals centred on food, biofuels, minerals and conservation. Working within the broad analytical lenses of these three fields, the LDPI uses as a general framework the four key questions in agrarian political economy: (i) who owns what? (ii) who does what? (iii) who gets what? and (iv) what do they do with the surplus wealth created? Two additional key questions highlight political dynamics between groups and social classes: 'what do they do to each other?', and 'how do changes in politics get shaped by dynamic ecologies, and vice versa?' The LDPI network explores a range of big picture questions through detailed in-depth case studies in several sites globally, focusing on the politics of land deals.

### Green Governance or Green Grab? The Roundtable on Sustainable Palm Oil (RSPO) and its governing processes in Ecuador

This paper analyzes a new collaborative 'green' governance arrangement known as the Roundtable on Sustainable Palm Oil (RSPO) in Ecuador and how this space can be a new site of institutionalizing environmental policies that sanction cases of land dispossession and facilitate incentives for new forms of land enclosures. In Ecuador, the RSPO has emerged as a collaborative governance institution that aims to negotiate the adverse social and environmental effects that can accompany legal and illegal land acquisitions for palm cultivation. The initiative involves major palm oil companies and buyers, the World Wildlife Fund and smaller domestic nongovernmental organizations and calls for actors to prioritize environmental and social 'sustainability' as non-negotiable conditions for palm oil development across the region. However, increasing evidence suggests that instead of ameliorating inequalities in the palm oil industry, the RSPO is a market-based mechanism that merely 'greens' an already 'shady' business. Furthermore, many point to RSPO meetings as establishing a terrain for 'green grabbing'. This paper engages with Michel Foucault's notion of governmentality to argue that certain disciplining processes that the RSPO regime promotes, such as land-titling schemes, exclusionary participation, and capitalist meeting culture, can further exacerbate social and environmental conflicts by structuring collaborative debate while establishing qualifying criteria that encloses upon certain opportunities for the future. This paper relies on discourse analysis, participant observation during RSPO meetings, and fieldsite visits to analyze the extent to which this 'power-sharing' institution is an 'alternative' mechanism in palm oil governance or rather, a vehicle for circulating capitalist perspectives that increasingly structure policy and ultimately encourage and legitimize the material practice of land acquisitions in Ecuador.



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