Unpacking the Power of NGOs

How Non-Government Organizations
Use Norms to Influence Trans-National Industries

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Abstract

This thesis asks how activist non-government organizations (NGOs) are able to exert influence on transnational companies and industries that are apparently so much more powerful than them politically and materially, and to push them in the direction of increased social and environmental responsibility. Existing literature analysing the role of NGOs in the global governance of business has documented the use by NGOs of discursive forms of power, based on a widely-held expectation that companies should operate in a socially and environmentally responsible manner. Yet significant questions remain regarding how NGOs translate the normative expectation of corporate responsibility into power and influence on business entities that are driven primarily by commercial considerations, how they exert influence on business actors when in dialogue with them, and the extent to which material forms of power (instrumental and structural) play a role in NGOs ability to influence corporate actors.

This thesis contributes new insights into the complex power dynamics of NGO-business influence, building a novel theoretical framework that integrates insights from literatures that analyse how norms affect behaviour. The thesis uses this framework to guide empirical analysis of two case studies of NGOs influencing transnational industries (the palm oil and hydropower industries). This empirical analysis identifies in detail the processes by which power and influence is transmitted from NGOs to their primary business targets, when campaigning against them and when in dialogue with them, and the power dynamics involved. It reveals that different types of actors are involved in this process that play different roles in the transmission of power, the different ways in which these actors employ discursive and material forms of power, and how these interact with one another. In doing so, it also identifies the factors that assist or obstruct this transmission of power and the ability of NGOs to exert influence on transnational industries.

This thesis provides insights into the nature of discursive power, the different ways in which it can exert influence, and the relationship between discursive and material forms of power. It finds that NGOs use their discursive power in three different ways that have different effects on different audiences - to sanction business entities regarded as behaving irresponsibly, to activate those who value certain principles or norms, and to persuade those who are open to sound arguments. It also provides an increased understanding of how NGOs, who play a significant role in the informal regulation of transnational companies and industries, are able to play that role, and what they are and are not able to achieve as influencers of transnational business.

Declaration

This is to certify that:

1) the thesis comprises only my original work towards the PhD,
2) due acknowledgement has been made in the text of all other material used,
3) the thesis is fewer than 100,000 words in length, exclusive of tables, maps, bibliographies and appendices.

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Abbreviations

ECAs	Export Credit Agencies
FoE	Friends of the Earth
FPIC	Free, prior and informed consent
FPP	Forest Peoples Programme
FSC	Forest Stewardship Council
GAR	Golden Agri Resources
HCV	High conservation value
HSAF	Hydropower Sustainability Assessment Forum
ICA	Intermediate corporate actor
IHA	International Hydropower Association
MPOA	Malaysian Palm Oil Association
NGO	Non-Government Organization
OECD	Organization for Economic Cooperation and Development
P&Cs	Principles and Criteria
RSPO	Roundtable on Sustainable Palm Oil
SCORE	Sarawak Corridor of Renewable Energy
UK	United Kingdom of Great Britain and Ireland
UNESCO	United Nations Educational Scientific and Cultural Organization
US	United States of America
WCD	World Commission on Dams
WWF	Worldwide Fund for Nature

Introduction

It is now well accepted that the regulation of companies and industries that operate transnationally is problematic, as national state regulatory regimes are confined to national borders, and inter-governmental regulatory regimes have proved to be of limited effectiveness. Trade and production in many sectors continue to be globalized, despite the recent resurgence of economic nationalism and protectionist politics (Gunther 2022, Maltsev 2024, Nedumpara 2024). Many companies and industries continue to be highly transnational in nature, sourcing their products or raw materials in one (or several) countries, processing them in another, and selling them in a range of countries. Despite disruptions due to the COVID pandemic and recent geo-political trade tensions, companies are still able to move their investments and their sourcing of raw materials and products between countries according to where their interests are best served (Charpin and Cousineau 2024). This means that they have bargaining power vis-a-vis the governments of sourcing countries that are competing for their presence and their investments. As John Ruggie observed: ‘Multinationals enjoy a number of intrinsic sources of structural power. Above all, states are territorially fixed entities competing for investment, while multinationals typically have locational options’ (Ruggie 2018: 323). Countries, particularly poorer ones, still need to attract foreign investment and transnational companies that bring economic benefits. There is a reluctance on the part of many governments to regulate transnational companies effectively for fear of them moving elsewhere (Mayer and Gereffi 2010, Lauwo, Otusanya et al. 2016, Ruggie 2018, Abbott and Snidal 2021). As Mayer and Gereffi have said: ‘Governments in those developing countries where production increasingly took place lacked the ability, and to some extent the will, to regulate production in their jurisdictions’ (Mayer and Gereffi 2010: 4). This has given rise to what has been referred to as a ‘governance gap’ in the regulation of transnational corporations (Ruggie 2018: 329, Abbott and Snidal 2021: 505)

In the late twentieth century, some activist non-government organizations (NGOs), frustrated with this inability or unwillingness of national governments to deal with the environmental, labour and human rights problems associated with transnational industries, began turning to direct action, pressuring the companies involved through public campaigns to take responsibility for the negative impacts of their activities and to change the way they operated (Newell 2001, Vogel 2009, Mayer and Gereffi 2010: 2, 5). The NGOs being referred to here are organizations such as Greenpeace, Friends of the Earth, Oxfam or Worldwide Fund for Nature (WWF), non-government not-for-profit organizations that were established to promote causes related to environmental protection or human rights, and that do so by attempting to influence decision-making processes. They are sometimes referred to as 'advocacy NGOs' or 'activist NGOs', but for simplicity in this thesis I will refer to them simply as NGOs. They can be local, national or international in scope, but given the emphasis in this study on transnational business, it will be advocacy NGOs that have an international presence or operate internationally that will be the main focus of this thesis.[1]

By using strategies such as media publicity, boycotts, petitions, demonstrations and other direct actions (Townsend, Johnson et al. 2023), they have pressured companies and even whole industries into changing the ways they responded to environmental, labour and other social issues associated with their operations. Commenting on NGO campaigns to improve working conditions and wages for workers in poorer countries, Macdonald and Marshall said:

> The emergence of such campaigns can be understood as being in part a response to globalization of systems of production and trade, and the increasing perception that corporate decision-makers who were accumulating increased power should be

[1] However, local and national NGOs also form part of the analysis as they are important elements in the transnational advocacy networks that the international NGOs belong to and rely on.

> held directly accountable for the impacts of such power on affected individuals and communities. (Macdonald and Marshall 2010: 19-20)..

Through their campaigns, NGOs have created a new politics of pressure to which business has had to respond, and a new agenda of social and environmental responsibility that companies and industries have had to take on board. One result of this was the appearance of a plethora of company codes of conduct and voluntary industry standards. International and inter-governmental initiatives were also put in place, such as the UN Global Compact and the Global Reporting Initiative, and more recently the European Union's 2024 Directive on Corporate Sustainability Due Diligence. There is now a multiplicity of bodies involved in the informal governance of business, made up of various combinations of government, business and NGOs, and having varying degrees of governance authority (Mende and Hoff 2022). The result is what Abbott and Snidal described as:

> [A] decentralised but increasingly dense and interlinked constellation of private and private-public rule-making arrangements drawing on many sources of expertise and relying on soft law (Abbott and Snidal 2021: 509-510).

NGOs have played a significant role in many of these 'private and private-public rule-making arrangements', and are now regarded as legitimate and influential actors in the informal governance of business, influencing governance norms and policies and complementing the role of the state (Vogel 2008, Davies 2019, Khan, Shoaib et al. 2024). As Davies said: 'NGOs and other transnational actors provide order in parallel with the international order provided by the society of states' (Davies 2019: 70).

Issue that this study addresses

The fact that NGOs have been able to create this new agenda of social and environmental responsibility that companies and industries need to respond to is somewhat surprising given the economic, political and material power that these corporations and industries have been shown to wield, and the relatively weak material and political position of NGOs by comparison. How is it then that NGOs that are apparently so much less powerful politically, economically and materially than transnational companies and industries have been able to exert sufficient influence on them to cause them to change in the direction of environmental and social responsibility? Addressing this question is the motivation for this thesis.

In terms of political and structural power, the contrast between transnational corporations and NGOs is marked. The dependence of governments, particularly those of poorer countries, on transnational corporations for the revenue, job creation and general economic development that they bring means that governments are likely to take their interests into account. In their efforts to provide a business-friendly and investor-friendly environment, governments may be loath to impose or enforce regulations on transnational corporations in case that encourages them to leave. Ruggie (2018: 317) refers to and describes 'the political power, authority, and relative autonomy of the contemporary multinational corporation'. NGO do not have this level of economic bargaining power or political influence. In some countries they are barely tolerated by governments and may even be harassed and repressed because of their public criticisms of government and/or corporations (Toepler, Zimmer et al. 2020, Chaudhry 2022). In Indonesia for example Greenpeace has found itself under harassment by the government and other bodies because of its criticism of the forestry and palm oil industries in that country (Deutsch 2011, mongabay.com 2012).

In terms of the financial and material resources available to them, the contrast between transnational corporations and NGOs is also marked. This is illustrated by a comparison between two of the larger organizations involved in the anti-sweatshop campaign that was aimed at improving working conditions in the globalized clothing and footwear industry. Oxfam International was one of the largest and best resourced of the NGOs involved in this campaign. At the height of the anti-sweatshop campaign in 2015-2016, Oxfam International had a total income of 1,071 million Euros (approximately US$ 1,200 million) according to its annual report (Oxfam 2016: 94). In that same period, fiscal year 2015, the US-based sportswear company Nike that was a major target of the NGO campaign had a gross income of US$ 13,492 million (WSJ 2020), more than ten times the total income of Oxfam International.

Despite this imbalance of political, economic and material power, activist NGO have been able to exert influence on transnational industries, a fact that is now widely accepted in the academic literature (Boström and Hallström 2010, Bloomfield 2017, Auld 2018, Sisaye 2021). However, debate still continues on the effectiveness or otherwise of these campaigns and of NGO-led multi-stakeholder initiatives (Will and Pies 2017, Hale 2020, Taggart and Abrahams 2024), and on the sources and types of power they use to exert influence on business (Weber and Partzsch 2018, Wilhelm, Bhakoo et al. 2023, Go and Brummer 2024). Two examples of NGOs influencing transnational industries are the iconic and well-studied campaigns to save the tropical rainforests, and to improve working conditions in the transnational clothing and footwear industry. They are briefly described here to illustrate the central starting point for this thesis - that despite being apparently so much less powerful politically, economically and materially than the corporations involved, NGOs have been able to exert significant influence on the companies they targeted, through campaigning and through multi-stakeholder initiatives.

NGO campaigns that have influenced an industry

The first example - the campaign to save tropical forests - is an NGO campaign directed at companies regarded as operating in an environmentally irresponsible way. During the 1980s, environmental and other NGOs in North America and Europe and their supporters staged protests and put pressure on their governments to do something about the rapid pace of tropical deforestation. Inter-governmental negotiations to limit deforestation through such bodies as the International Timber Trade Organization (ITTO) or major meetings such as the UN Conference on Environment and Development in Rio in 1992, failed to produce an international solution. Divergent state interests meant that by 1992 the inter-governmental negotiations on forestry were dead-locked and had produced only a meagre non-binding agreement at the Rio meeting that year (Cashore, Auld et al. 2007, Moog, Spicer et al. 2015). It was in this context that activist NGOs Friends of the Earth, WWF and other international environmental groups that had long been campaigning on the issue at an inter-governmental level turned their focus to the companies that processed and/or sold tropical timber, using negative media publicity, letter writing campaigns and demonstrations outside home improvement stores that sold timber (Moog, Spicer et al. 2015: 477).

In 1993 a number of NGOs launched a collaborative initiative with companies from the international wood and wood-products trade to institute a certification scheme for timber that was produced sustainably. This was the iconic and now widely analysed Forest Stewardship Council or FSC (Gale and Haward 2004, Cashore, Auld et al. 2007, Moog, Spicer et al. 2015). The assumption was that tropical timber certified as sustainably produced would have an advantage in the market. Timber retailers under pressure from their concerned customers joined the scheme. Negotiations and dialogue within the FSC resulted in a set of standards for the timber industry, the ‘FSC Standards and Principles’, which were a set of core principles guiding the sustainable management and harvesting of timber. The FSC had its limitations as a regulatory mechanism, and was not without its problems (Moog, Spicer et al. 2015). However, it did represent an instance in which campaigning by NGOs resulted in companies in an industry being put under pressure and feeling the need to institute a set of industry standards and a system of certifying its products as sustainably produced.

The second example is a campaign that has also become iconic and widely analysed - the ‘anti-sweatshop’ campaign directed at companies that NGOs claimed were exploiting vulnerable workers. This was directed at an industry that NGOs regarded as socially, rather than environmentally, irresponsible, and was aimed at improving working conditions in the globalized clothing and footwear industry. Through exposure of scandals in the media, street protests, letter writing campaigns and other activities, coalitions of labour, human rights and student organizations put pressure on brand-name manufacturing and retailing companies in the industry to improve the working conditions in the factories from which they sourced their clothing and footwear products. In many cases this sparked responses from the targeted companies in the form of codes of conduct for themselves and their suppliers, and this practice quickly diffused to other companies that had not been targeted by the NGOs (Bartley and Child 2011).

One of the more important brand-name companies singled out as a target was Nike, a US-based company that marketed sportswear manufactured in poorer countries. There were several media exposures of poor conditions in the factories where Nike sportswear was being made, an international boycott of Nike products, and demands to the company by university student bodies in the US. Initially resistant to the demands of the activists, Nike eventually admitted that its products had become synonymous with exploitative working conditions, and that consumers did not want to buy clothing or footwear made under such conditions. The company adopted a set of measures that were aimed at improving working conditions in the factories of its suppliers (Baron 2003, O'Rourke 2005). While activists continued to regard the company’s practices as inadequate in terms of workers' rights, Nike had nevertheless moved and changed significantly as a result of this pressure from NGOs and others over a number of years.

In 1999 several leading clothing and footwear companies joined with labour and human right NGOs, consumer groups, university representatives and others to form the Fair Labor Association (FLA), whose aim was to establish standards for the industry. Companies that joined the FLA committed themselves to upholding the FLA Workplace Code of Conduct, and to establishing internal systems for monitoring workplace conditions and maintaining the Code's standards throughout their supply chains. In addition, the FLA conducted independent and unannounced audits of factory conditions to evaluate or verify compliance with the Code.

In each of these two campaigns, NGOs aimed to influence the industry involved to the extent that it felt the need to take account of the environmental and social impacts of its operations, and in some cases to establish industry standards and systems of certification. Commenting specifically on the tropical forest and anti-sweatshop campaigns, Gereffi, Garcia-Johnson and Sasser have said that:

> Although definitive conclusions may be premature, the forestry and apparel experiences underscore the growing power of NGOs to compel corporations to adopt new environmental and labour standards (Gereffi, Garcia-Johnson et al. 2001: 6).

Whether these new environmental and labour standards were reflected in improved practices at the forest or factory level is an open question – although some authors believe that they were.

> That such developments have had an impact is not in question. Fair Trade coffee, 'sweatshop free' collegiate apparel, and Forest Stewardship Council certified lumber have all altered specific production practices. (Mayer and Gereffi 2010: 2).

The tropical timber and anti-sweatshop campaigns are among the more well-studied campaigns that have been waged by NGOs in recent decades. But there have been many others that similarly illustrate that activist NGOs have been able to exert significant influence on transnational industries. These include campaigns aimed at reducing the negative impacts of the mining industry (Deegan and Blomquist 2006, Bloomfield 2017, Islam and van Staden 2018), of over-fishing and the depletion of certain fish species by the fishing industry (Kalfagianni and Pattberg 2013, Ponte and Cheynes 2013, Gulbrandsen and Auld 2016), and of companies that produce genetically-modified food (Schurman 2004, Reis and Guedes 2017, Valentinov, Hielscher et al. 2019). These campaigns still continue. An example of a recent one is the campaign to reduce or eliminate single-use plastics and the amount of plastic waste in the world's oceans. One of the NGOs campaigning on this issue is Greenpeace, which has directed its campaign specifically at the excessive use of plastic packaging by the beauty products company Dove. Their campaigning activities in 2024 have included a street demonstration in London in September that closed Dove's head office, and the release of an on-line video entitled 'Toxic Influence' (Andrivet 2024, Greenpeace 2024b).

Aim and scope of this study

What these examples illustrate is that NGOs have been able to create pressure on transnational companies and industries and a need for them to be seen to be operating in a more socially and environmentally responsible manner. The research question that this thesis seeks to answer is: how is it that they have been able to do this? How have NGOs that are apparently so much less powerful politically, economically and materially than transnational companies and industries been able to exert sufficient influence on them to cause them to change in the direction of environmental and social responsibility?

To answer this question, this study begins by drawing insights from a number of literatures. It first of all draws insights from the literature on the global governance of business, and specifically on that part of this literature that analyses the role of NGOs in influencing business. Amongst other things, this says that NGOs exert influence on companies through the strategic use of widely-held values and norms in society - by promoting the widely-held expectation of companies that they should operate in a socially and environmentally responsible way, and then holding them publicly accountable to this expectation (Yaziji and Doh 2009, de Bakker 2012, Levy, Reinecke et al. 2016). The use of the normative expectation of responsible corporate behaviour in this way is described by several scholars as the use of an ideational or discursive form of power by NGOs, as opposed to more coercive or material forms of power (Arts 2003, Schaper 2007, Ruggie 2018, Van de Ven 2018). Yet significant questions remain regarding how NGOs translate the norm of corporate responsibility into power and influence on business entities that are driven primarily by commercial considerations and profit maximisation, how they exert influence on business actors when in dialogue with them, and the extent to which material forms of power (instrumental and structural) play a role in NGOs ability to influence corporations.

This thesis contributes new insights into the complex power dynamics of NGO-business influence, building a novel theoretical framework that integrates insights from other literatures that analyse how norms affect behaviour. It identifies three mechanisms that underlie the ability of a norm such as responsible corporate behaviour to influence behaviour. These are the social sanctioning of those who violate the cultural value, and persuasion of actors to accept what a norm implies (Checkel 2001, Johnston 2001, Checkel 2005, Johnston 2005), as well as the activation of those who value the norm (Schwatrz 1977, Stern, Dietz et al. 1999, Turaga, Howarth et al. 2010). If the discursive power that NGOs use to influence business is based on a norm, and a norm can exert influence via these three mechanisms, it follows that NGOs should be able to use their discursive power in three different ways based on these three mechanisms. This thesis proposes that NGOs use their discursive power in three different ways that have different effects depending on to whom it is directed - to sanction business entities regarded as behaving irresponsibly, to activate concerned individuals who value certain principles or norms, and to persuade business actors to accept a certain interpretation of what responsible behaviour involves. It also proposes that the use of discursive power in these ways initiates processes by which material power (instrumental and structural) is generated and exerted on corporate actors.

It uses this theoretical framework to guide empirical analysis of two case studies of NGOs influencing transnational industries (the palm oil and hydropower industries). It identifies that NGOs used the transnational nature of these industries to exert influence by linking the situation in the countries where the problems were occurring but opposition was ineffective, with actors in other countries who were able to bring pressure to bear that might correct the situation. The thesis analyses the power dynamics involved in this transnational process, and the way in which influence was transmitted from NGOs to their primary business targets when campaigning against them, and also when in dialogue with them.

It uses this theoretical framework to guide the empirical analysis of two case studies of NGOs influencing transnational industries (the palm oil and hydropower industries). This empirical analysis identifies the processes by which power and influence is transmitted from NGOs to their primary business targets when campaigning against them and when in dialogue with them. It reveals that different types of actors are involved in this process that play different roles in the transmission of power, the different ways in which these actors employ discursive and material forms of power, and how these interact with one another. In doing so, it also identifies the factors that assist or obstruct this transmission of power and the ability of NGOs to exert influence on transnational industries, in campaigning and in dialogue. This thesis provides an increased understanding of how NGOs, who play a significant role in the informal regulation of companies and industries, are able to play that role, and what they are and are not able to achieve as influencers of transnational business. It also provides insights into the nature of discursive power, the different ways in which it can exert influence, and the relationship between discursive and material forms of power.

Overview

Following this introductory chapter, there is a chapter that examines in detail the literature on the role of NGOs in influencing business (Chapter 1) and draws relevant insights from it that help answer the research question. These include the key insight that NGOs exert influence on companies by promoting the normative expectation of responsible corporate behaviour and holding companies accountable to it. In Chapter 2, other literatures are examined that analyse the different ways in which a norm can influence behaviour, and hence the different ways in which NGOs' discursive power based on a norm can be used. Chapter 3 sets out the research method that is used to answer the research question, the reasons why a case study method was chosen, and why the two particular industries, palm oil and hydropower, were chosen as the cases to be studied.

This is followed by four chapters that set out the two case studies. These include two chapters (Chapters 4 and 6) that provide detailed studies of the campaigns that international NGOs ran to influence these two transnational industries. These trace the processes by which NGOs' discursive power was transmitted and translated through a chain of influence to the companies that the NGOs wished to influence, the different types of actors involved in these chains and the different types of power used by them. There are also two chapters (Chapters 5 and 7) that provide detailed studies of NGOs exerting influence in the two standard-setting forums that resulted from these campaigns, and which also identifies the different types of actors involved and the different types of power they exert.

The four case study chapters are followed by a discussion chapter (Chapter 8), which looks at how the different ways in which NGOs used discursive power interacted with one another and generated material forms of power, the role of material power in NGOs ability to influence corporations, and the factors that assisted or obstructed the ability of NGOs to exert influence on business actors in campaigning and dialogue. This is followed by a chapter (Chapter 9) that looks at what the NGOs were able to achieve in terms of practical outcomes in influencing these two industries, and in doing so identifies the strengths and limitations of the role that NGOs can play in the global governance of transnational business. The thesis then concludes (Chapter 10) by bringing together the findings of the thesis to answer the main research question and sub-questions, summarizing the theoretical and practical implications of the findings and suggesting future research to take these findings forward.

Chapter 1
NGOs’ Influence on Business

A useful starting point for addressing the research question that this thesis seeks to answer, is the literature on the global governance of business, and in particular the authors within this literature who focus on the role that NGOs play in this. This literature suggests that to influence the behaviour of corporations NGOs use the widely-held cultural value or expectation that companies should operate in a socially and environmentally responsible manner. They shape and promote this expectation, and hold companies accountable to it. This is described as the use of discursive power by NGOs, power that is derived from norms, ideas and societal institutions and reflected in discourse and communicative practices (Fuchs and Lederer 2007, Schaper 2007, Ruggie 2018, Van de Ven 2018). Another relevant insight from this literature is that NGOs use third parties such as consumers and financial institution who can generate financial pressure on the targeted companies. Rather than discursive, this suggests a more coercive or material form of power. These insights are the first step in identifying the theoretical and analytical framework that this thesis will use to explain how NGOs are able to translate the norm of responsible corporate behaviour into power and influence on corporate entities that are driven primarily by commercial considerations and profit maximising.

The campaigns that NGOs have mounted in recent decades highlighting irresponsible corporate behaviour have contributed to an increased academic interest in the global governance of transnational business. As Bartley and Child have said:

> These campaigns have reinvigorated debates about corporate responsibility within and across borders and increased interest in commodity chain structures that tie transnational corporations to sites of exploitation. (Bartley and Child 2014: 653-4)

This has given rise to an academic literature that amongst other things has analysed and discussed the issue raised in the previous chapter of the ‘governance gap’ in the international regulation of transnational corporations and how it might be addressed (Mayer and Gereffi 2010, Ruggie 2014, Ruggie 2018). One strand within this broader literature of most relevance to this thesis is that on the specific role that NGOs play in this, and their influence on companies and industries.

This literature on NGO influence on business is quite diverse in both content and theoretical perspectives. Within it there are authors who address particular aspects of NGOs’ interactions with business, such as the factors that affect their choice of corporate targets for their campaigning (Hendry 2006, Yaziji and Doh 2013, Bartley and Child 2014, Eesley, Decelles et al. 2016). Others analyse the factors that affect whether an NGO’s approach to business is confrontational or cooperative (Comi, Lurati et al. 2015, Auld 2018, Dzhengiz, Barkemeyer et al. 2021, Ho, Bohm et al. 2022) or why certain companies are more likely to concede to NGO campaigns (King 2008, McDonnell, King et al. 2015, Islam, A et al. 2025).

Authors within this literature take a number of different theoretical approaches. There are those who take an institutionalist approach (Bartley 2007, Yaziji and Doh 2009, Yasuda 2015), or who use social movement theory (Bartley and Child 2014, Hyatt and Johnson 2016, Peng, Jia et al. 2022, Islam, A et al. 2025), or stakeholder theory (Burchell and Cook 2011, Thijssens, Bollen et al. 2015). Several authors use a combination of these, for example Den Hond and De Bakker analyse the effect of NGOs on business using a combination of institutionalist and social movement theory, while Peng, Jia et al use a combination of stakeholder and social movement theory. There are however insights that can be drawn from this diverse literature that are useful in answering the research question that this thesis is addressing of how NGOs that are apparently so much less powerful than trans-national corporations have been able to influence them to change in the direction of environmental and social responsibility.

Insights from authors who use institutionalist theory

The most important insight comes from the authors who base their analyses on institutionalist theory and who highlight the role of NGOs as ‘institutional entrepreneurs’ that introduce, shape and promote new standards of what is considered responsible corporate behaviour (Doh and Guay 2006, Bartley 2007, den Hond and de Bakker 2007, Yaziji and Doh 2009, de Bakker 2012, Dashwood 2014, Yasuda 2015). These authors view the principle of corporate social responsibility as a normative social institution, and NGOs as ‘institutional entrepreneurs’ that promote and influence it, and use it as a source of influence on corporations.

Within institutionalist literature the word ‘institution’ is used to mean the structures or mechanisms of social order that govern the behaviour of a set of individuals within a given community. They are of three types – formal institutions, informal institutions, and organizations. Formal institutions are the constitutions, laws, policies and formal agreements that citizens put in place, the rules and procedures that are created, communicated and enforced through channels widely accepted as official. Informal institutions are the customs, traditions or behaviour pattern important to a society, the generally unwritten societal rules and norms embedded in society. Within any institutional setting, organizations form to advance collective interests, often with the objective of having these interests codified as informal practices, formal rules, or both (Doh and Guay 2006: 49, Yasuda 2015: 33).

In the 1990s, institutionalists moved away from a more formal, legalistic and descriptive approach to institutions, to a more explanatory one that sought ‘to elucidate the role that institutions play in the determination of social and political outcomes’ (Hall and Taylor 1996: 5). This approach, referred to as ‘new institutionalism' or 'neo-institutionalism', focused on informal institutions and analysed them from a sociological perspective (Hall and Taylor 1996, March and Olsen 1998, Dashwood 2014: 555-7, Yasuda 2015: 31-33).

Neo-institutional scholars within the literature on NGOs and business regard the principle of corporate social responsibility (CSR) as an informal institution, and the private non-state forms of transnational corporate regulation that result from it, such as voluntary industry standards and certification systems, as more formal institutions that codify the principle. Levy and Kaplan, for example, describe CSR as 'a multi-actor and multi-level system of rules, standards, norms, and expectations' and as such they say it constitutes an informal institution (2008: 440). Schouten, Vellema et al see voluntary industry standards as 'an institution that defines the rules of the game' (2016: 3).

Among the issues that neo-institutionalism is concerned with are: how and why are institutions formed, and how are they changed. On the first of these, how and why informal institutions such as CSR, or formal institutions such as voluntary industry standards, are formed one view is that they are formed by actors wishing to solve collective problems, that they are the result of cooperative action for collective benefit. Another view says that they are politically constructed, the outcome of contestation, conflict and institutional entrepreneurship among a variety of actors (Hall and Taylor 1996, Bartley 2007, Dashwood 2014). They can also be the result of both of these processes. Bartley for example has argued that the generation of the institution of private non-state transnational corporate regulation was the result of 'both problem solving in markets and political contention' (2007: 297), the result of corporations wishing to solve a common problem of threats to their reputations, but also the result of pressure and contention from campaigning NGOs, social movements and others. This political pressure by NGOs and others is important. As Bartley says 'political manoeuvring by non-market actors can create new industry governance institutions' such as certification systems that guarantee certain products as being sustainably produced (2007: 339). The most important of these non-market actors are activist NGOs, whom both Bartley (2007: 309-310) and de Bakker (2012: 214) refer to as ‘institutional entrepreneurs’ that introduce and help shape new normative institutions such as CSR.

On the question of the processes by which institutions are changed, den Hond and de Bakker make the point that ‘old institutions first need to become de-institutionalized and disentangled before new or adapted ones can be re-institutionalized’ (den Hond and de Bakker 2007: 905). In the case of systems of transnational corporate governance, this means that traditional forms of governance need to be challenged and newer ways promoted that stress the environmental and social responsibilities of corporations. According to De Bakker, the agents of these challenges are primarily NGOs and social movements, and their challenging and promotion of more socially and environmentally responsible corporate behaviour involves striving for institutional change.

> When activist groups try to change the institutional conditions in an organizational field, they want to change the standards and norms within an industry or within an organizational field. Changing norms on what is considered responsible corporate behaviour within an organizational field often involves striving for institutional change (de Bakker 2012: 215).

Yaziji and Doh make a similar point, referring to campaigning NGOs as ‘institutionally proactive agents’ that ‘pursue institutional change through their campaigns against firms’ (Yaziji and Doh 2009: 59).

A key insight that I draw from these institutional scholars is that NGOs act as institutional entrepreneurs. They introduce and help shape new normative institutions such as CSR. Through their political manoeuvring and pressure, they pursue institutional change and create new industry governance institutions. De Bakker talks of ‘the role of activists, and especially the role of networks of activists, in the process of (re)defining, and sometimes innovating, the role of firms in issues of CSR'. He sees these activists as institutional entrepreneurs that develop new practices and standards of what is to be considered responsible behaviour (de Bakker 2012: 212, 214).

De Bakker notes that different activist groups will pursue different goals in the pursuit of such institutional change. Some will focus on the de-institutionalization of an established, disavowed corporate practice through the use of contention and contestation, while others strive for the institutionalization of new, alternative practices through a process of collaboration with corporations (de Bakker 2012: 216). While many NGOs have taken the former approach, mounting confrontational public campaigns against companies or industries (to de-institutionalize established practices), others have focused on the latter, sitting down with business and industry representatives to dialogue or negotiate with them (to build new institutions such as industry standards). This distinction between groups that engage in contestation with companies and those that take a more cooperative approach highlights the fact that there are these two different approaches to business that NGOs can take, confrontational and cooperative. Winston describes the two approaches thus:

> Confrontational NGOs tend to employ moral stigmatization, or 'naming and shaming' as their primary tactic, while NGOs that favour engagement offer dialogue and limited forms of cooperation with willing MNCs [multi-national corporations]. (Winston 2002: 71)

There are authors who focus on these different approaches that NGOs can take to business and analyse the factors that determine which of these two approaches an NGO is likely to take (Comi, Lurati et al. 2015, Auld 2018, Dzhengiz, Barkemeyer et al. 2021, Ho, Bohm et al. 2022). However, the fundamental insight that is of interest to this thesis is that NGOs can adopt two different modes of engagement with business, a confrontational campaigning mode or a cooperative dialogue mode.

Insights from authors who use social movement theory

Another important insight into how NGOs are able to influence business can be drawn from scholars within the literature on NGOs' influence on business who base their analysis on social movement theory (Bartley and Child 2014, McDonnell, King et al. 2015, Hyatt and Johnson 2016, Islam and van Staden 2018, Saunders and Roth 2019, Peng, Jia et al. 2022, Islam, A et al. 2025). This is that cultural changes in the corporate sector regarding what is acceptable behaviour have created opportunities for influence by social movements, of which NGOs form a part.

Social movement scholars see NGOs as organizations within otherwise large, diffuse and uncoordinated social movements that provide the coordination needed to transform the shared concerns or grievances of a movement into effective collective action. NGOs are also seen as organizations that can effectively mobilise resources, acquire and deploy material and human resources so as to mobilize change-oriented collective action and achieve the movement's goals (de Bakker, den Hond et al. 2013:576, Saunders and Roth 2019).

An important concept from social movement theory that is relevant to the research question is that of 'political opportunity'. This refers to the fact that certain political contexts are more conducive to social movement influence than others. The 'political opportunity' literature suggests that the emergence and efficacy of social movements depends largely on the external environment in which they operate, on the structure of political opportunities that they face. Different political and institutional configurations create political openings and closures for social movements, rendering their efforts more or less successful (Peng, Jia et al. 2022: 388-9, Islam, A et al. 2025). For a social movement seeking to influence an industry or companies, the particular political opportunities that it may take advantage of include the structure of the industry or companies that it is targeting.

> [C]ertain industry structures will create openings for challengers, while others will make it harder for social movements to gain headway against their adversaries in the corporate sphere (Schurman 2004: 262).

Characteristics of a firm that can affect the political opportunity offered and the extent of social movement influence include its size and influence within its industry, its position in a supply chain, its past engagement in pro-social activities, and the ideological orientation of the firm's leadership(McDonnell, King et al. 2015: 656).

Some authors have recognized a cultural dimension to political opportunities (Schurman 2004, Bartley and Child 2014, Hyatt and Johnson 2016). These authors argue that cultural changes in the corporate sector, particularly with regard to environmental and social responsibility, have created opportunities for influence by social movements, including NGOs. Social movements are able to shape cultural values and frames, and generate new cultural models that provide political opportunities for influence, including the expectations of corporations with respect to managing environmental impacts (Bartley and Child 2011: 425-6). Culture shapes people's expectations of political institutions including corporations, their sense of their rights as citizens, and their sense of their own power. In recent years, social movements' promotion of new cultural values such as CSR have been recognized as creating new political opportunities, as new interpretative frameworks and meanings begin to take hold. The social movement literature has argued that culture and cultural values are an important political resource upon which social movements can draw (Schurman 2004: 246, 262). The implication of this is that as a social movement promotes and shapes a new cultural value regarding corporate behaviour, organizations within that social movement, such as NGOs, can use that cultural value as a political resource to influence corporations. The cultural activities of the social movement that promote new expectations of corporations can create political opportunities for the movement as a whole and for the organizations within it, such as NGOs.

Two aspects to the use of CSR by NGOs

The two different theoretical approaches in the literature on NGO influence on business examined so far, neo-institutionalist and social movement theory, give a slightly different emphasis to the role of NGOs. Those who take a neo-institutionalist approach emphasis the role of NGOs as institutional entrepreneurs who promote and shape CSR as a normative societal value or expectation of companies. Those who use social movement theory stress the role of NGOs as the users of that principle of CSR to exert influence on business. The fact that there are these two aspects to the use of the principle of CSR by NGOs – their promotion and shaping of it as a societal value, and their use of that societal value to exert influence on companies - has been recognised and articulated by several authors (Wapner 2002, Arts 2003, Levy, Reinecke et al. 2016, Faroque, Quader et al. 2022). Wapner for example describes NGOs as generating new cultural values and expressions and shepherding them into social formations, and then using them as levers for change to alter the actions of state and economic actors (2002: 58).

A number of authors have argued that the first of these aspects, the promotion and shaping of the principle of CSR, is the more useful one for NGOs as it has longer term and more sustainable benefits than its strategic use, which generally has more specific and short-term objectives (Wapner 2002, Arts 2003). Wapner says that ‘from the perspective of long-term change, NGO cultural challenges may have more political significance than direct and obvious forms of political activism and engagement’ (2002: 38). Arts likewise says that NGOs’ cultural challenges can lead to more fundamental and long-term change than their lobbying and advocacy.

> [They] may be able to change values and norms in a society as a whole and therefore may contribute to fundamental social and political change. According to many, such deep change is needed to achieve a just and sustainable world order. Lobbying, advocacy and monitoring do not and cannot aim at such far-reaching objectives, because these strategies are embedded in short-term, and often reformist, policy-making. (Arts 2003: 25).

Other authors focus on the second aspect, the strategic use of the principle of CSR by NGOs to influence companies by holding them accountable to it. Levy and Kaplan regard CSR as a powerful tool that activist NGOs can use to influence corporations:

> Activists and academics have found CSR to be a powerful discourse that can be deployed strategically to influence corporate norms and practices. Advocating for CSR can generate legitimacy for stakeholders, shift societal expectations of business, create media attention, directly pressure business, bring attention to win-win opportunities, and even shape market environments to expand those opportunities (Levy and Kaplan 2008: 446).

However, while acknowledging the value of what Wapner and Arts have said, it is the strategic use of the principle and the aspect of holding companies accountable to it that is the focus of this thesis. The interest of this thesis is NGOs as the influencers of business rather than NGOs as the promoters of certain values in society. It should be acknowledged however that the two are fundamentally inter-connected and that the successful promotion of the cultural value is an essential pre-condition for the holding of companies accountable to it. Nevertheless, the primary aim of this study is to analyse how NGOs are able to use it strategically to influence companies and industries.

Types of power

To understand the ability of NGOs to exert influence, power has to be seen as more than just the ability to coerce. The ability of ideas, values and norms to exert influence has to be also taken into account (Willetts 2010: 13). Davies (2019: 64) says that one of the principal ways in which NGOs wield power over business is through their cultural influence, and their capacity to reframe actors' understandings of their values, interests and identities. The use of a cultural value or normative principle to exert influence is described by several authors as the use of discursive power, as opposed to the more coercive or material forms of power (Arts 2003, Fuchs and Lederer 2007, Schaper 2007, Ruggie 2018, Van de Ven 2018). Referring to the role of non-state actors (NSAs), Arts says:

> The basic argument is that NSAs – by shaping and disseminating politically relevant values, norms, theories and stories – co-determine the behaviour of states and other participants in the global arena. In this paper, that phenomenon is called discursive power (Arts 2003: 23).

Discursive power is not coercive. It is socio-cultural or ideational in nature, relying on the ability of ideas, principles and shared values to influence behaviour. Drawing on a typology of different forms of power developed by Doris Fuchs (Fuchs 2007, Fuchs and Lederer 2007), Schaper describes discursive power thus:

> Instead of exerting direct influence over another actor or controlling the policy agenda, discursive power shapes the frames of policy debates, creates and modifies norms and acceptable behaviour and even creates interests (Schaper 2007: 3).

The typology of power referred to above proposed by Doris Fuchs is a useful one for this thesis as it was developed to describe the different types of power that business can exhibit. In other words, it was developed specifically to describe the use of power in global governance by a class of actor that is relevant to this study. It has since been widely used by authors interested in the role of NGOs in the global governance of business (Schaper 2007, Ruggie

2018, Van de Ven 2018) and used by them to describe the types of power exerted by NGOs as well as business actors.

Fuchs’ typology divides power into three types – instrumental, structural and discursive. Instrumental power refers to the direct coercive influence of one actor on another, the ability of A to have B do something that B would not otherwise do (Fuchs and Lederer 2007: 4-5). Structural power is the ability of an actor to limit the behavioural options of another actor by being in a position to set the agenda, to determine what does and does not get negotiated or considered (Fuchs and Lederer 2007: 5-8). These two forms of power are coercive in nature, and I will refer to them collectively as material forms of power. Discursive power on the other hand is not coercive. It is described by Fuchs as power that is a function of norms, ideas and societal institutions, and reflected in discourse and communicative practices (Fuchs and Lederer 2007: 8-11). In this thesis I will use this typology to describe the different types of power exerted by both business and NGOs.

As mentioned above, an insight from the stakeholder theorists is that NGOs can also employ material power via third parties such as consumers or financial institutions (Zietsma and Winn 2008, Yaziji and Doh 2009). Consumers who are persuaded by NGOs to boycott a company, or banks that are persuaded to disinvest and withdraw their financial support, can potentially damage the commercial welfare of a company. Through the use of third parties such as these NGOs can generate pressure on the targeted companies that is financial in nature, that involves the potential loss of income or financial support, and impinges on the economic well-being of the company. This means that these companies are subjected to power that has an element of coercion about it. In other words, the companies are subjected to material forms of power. This raises the question of the extent to which NGO use, or perhaps rely on, the exertion of material forms of power as well as their discursive power.

Two papers in the literature on NGO influence on business argue that it is NGOs use of discursive power that is important not material power, that it is through discursive means rather than commercial pressure that NGOs exert influence. Levy, Reinecke et al (2016), analysing NGO influence on the coffee industry, argue that NGOs exert influence through 'a negotiation process that leads to mutual accommodation'. They refer to a sequence of challenger's moves that 'induce incremental accommodation from incumbents that over time accumulate to more extensive change'. In other words, it is the NGOs' use of discursive power to persuade that is the basis of their influence. Bloomfield (2017), investigating NGO influence on the gold mining industry, says that what drives change in global supply chains is not direct financial pressure but companies accepting the new agenda and new norms of expected behaviour that NGOs have introduced. In other words, it is the promotion of new societal expectations by NGOs through discursive means that is the source of their influence, rather than their strategic use of those expectations, or any material power that they can harness. This question of the relative importance for NGOs of material as against discursive power is one that will be explored empirically in this thesis.

Insights from authors who use stakeholder theory

Returning to the diverse literature on the influence of NGOs on business, there are further useful insights that can be drawn from another group within this literature, namely those who base their analysis on stakeholder theory (Burchell and Cook 2011, Dentoni and Peterson 2011, Thijssens, Bollen et al. 2015, Peng, Jia et al. 2022). Stakeholder theory is concerned with determining the relative importance of the various organizations and individuals that can affect the successful operations of a company, and how much attention corporate managers need to give to each. A useful insight from these authors is the observation that NGOs can increase their low salience or importance in the eyes of corporate decision-makers and managers through the use of ‘stakeholder allies’ who have a high salience with the targeted corporations (Zietsma and Winn 2008, Yaziji and Doh 2009).

An influential paper by Mitchell, Agle and Wood in 1997 proposed that corporate managers take stakeholders into consideration and ascribe importance or salience to their claims on the basis of the degree to which they possess one or more of three key attributes - power, legitimacy, and urgency. According to this paper a stakeholder has power ‘to the extent it has, or can gain access to, coercive, utilitarian or normative means to impose its will in the relationship’. Legitimacy is defined as ‘loosely referring to socially accepted and expected structures or behaviours’, while urgency is reflective of ‘the degree to which stakeholder claims call for immediate attention’ (Mitchell, Agle et al. 1997: 865-7). Different authors assign different degrees of significance to these three key attributes or combinations of them.

Authors who take a stakeholder theory approach generally regard the NGOs that challenge the operations of a company as having a low salience in the eyes of corporate decision-makers. NGOs are not the company’s primary stakeholders, the organizations such as its investors, suppliers or customers without whom it could not survive. NGOs are classed as secondary stakeholders that do not have the direct financial leverage over companies that investors, suppliers and customers have (Thijssens, Bollen et al. 2015: 874).

However, some authors have argued that NGOs are able to gain salience in the eyes of corporate decision-makers, that is, gain power and urgency (and arguably legitimacy), through the successful championing of environmental and social issues in the public arena through collective action strategies (Burchell and Cook 2011, Dentoni and Peterson 2011). Dentoni and Petersen say that pressure on companies from NGOs and other stakeholders to increase the level of environmental responsibility and therefore the environmental sustainability of their operations has increased with time.

> Initially, stakeholders' claims on sustainability were perceived as legitimate but not urgent nor powerful by firms' managers, and therefore sustainability strategies were left to the morality or ethics of firm's managers. However, as time passed empirical evidence grew that stakeholders were pressuring firms on social and environmental issues and they gained sufficient influence to affect the value creation of firms (Dentoni and Peterson 2011: 89).

In other words, as the notion of corporate social responsibility has come to the fore in the business world, there has been an increased recognition on the part of corporate managers that NGOs can affect their operations and that they should be ascribed increased importance as stakeholders. The promotion of the principle of corporate social responsibility and its use by NGOs to pressure companies has increased their salience in the eyes of corporate managers.

Several authors have also highlighted the fact that companies have many different stakeholders apart from NGOs, and that the success or otherwise of an NGO challenge is affected by the network of other interconnected stakeholders within which the company is embedded (Rowley 1997, Covey and Brown 2001, Van Huijstee and Glasbergen 2010). Rowley for example contends that 'explanations of how organizations respond to their stakeholders require an analysis of the complex array of multiple and interdependent relationships existing in stakeholder environments' (1997: 890).

The use of this network of interconnected stakeholders is another way in which NGOs can increase their salience and importance in the eyes of corporate decision-makers. Several authors have argued that NGOs that have a low salience can use 'stakeholder allies' who have a high salience with the targeted corporations to undertake the influence actions. Stakeholder allies such as customers have influence because of the corporation's dependence on them for resources, in this case sales and income (Zietsma and Winn 2008, Yaziji and Doh 2009). This is summed up by Zietzma and Winn who say that secondary stakeholders such as NGOs that have limited power and legitimacy with the targeted corporation can establish influence by building influence chains via resource dependence relationships between corporations and other stakeholders such as customers or investors. This they say ‘highlights the importance of considering stakeholder relationships not as bilateral relations, but rather in more complex and dynamic contexts’ (2008: 95, 96). This is a key insight that I draw from these authors who use stakeholder theory: NGOs can increase their salience and influence on companies by utilising ‘stakeholder allies’, other stakeholders of the targeted company that have a higher salience and importance for corporate managers because of the company’s resource dependence on them.

Authors who focus on NGOs and transnational industries

Another group of authors from whom useful insights are drawn are those within the literature on NGOs’ influence on business who focus in particular on NGOs’ influence on transnational industries (O'Rourke 2005, Schaper 2007, Levy 2008, Schleifer 2016, Bloomfield 2017, Young 2017, Van de Ven 2018, Grosescu and Dale 2026). These are industries that have an international chain of production, which involves sourcing their raw materials or products in often economically poorer countries and processing and selling them in more affluent countries. This is sometimes referred to as a Global Production Network or Global Value Chain (Mayer and Gereffi 2010, Bloomfield 2017, Van de Ven 2018). The governance of such industries can be particularly problematic as they operate across multiple regulatory jurisdictions, including countries in which the regulation of corporations is lax.

These authors analyse the role of NGOs, and of the transnational advocacy networks of which they form part, in influencing such industries and from them certain useful insights have been drawn. O’Rourke for example highlights the fact that NGOs use the strategic deployment of negative information about the operations of brand-name companies to motivate concerned consumers to demand improvements by those companies. This, he says, amounts to them identifying ‘points of leverage within global production and trading regime’

(2005: 115). Levy points out that activists build connections across barriers of distance to highlight negative impacts in global production networks, and that corporations operating across national boundaries are particularly vulnerable because they provide opportunities for such activists to identify practices used by a corporation in one country that is unacceptable in another country (2008: 956). These authors point out that for industries with transnational commodity supply chains, certain companies in the chain are of particular importance. Schleifer highlights the key role played by processors and retailers in the supply chain of the transnational fresh vegetables industry. This supply chain, he says, is shaped like an hourglass, 'where a large number of suppliers transact with a much smaller number of processors, traders and retail companies, which occupy the value chain's middle and downstream segments'. The companies that sit at this constrained point in the supply chain are often brand-name companies with a reputation to protect, which makes them vulnerable to NGO pressure. These companies, says Schleifer, can be 'leveraged to mitigate the impact of transnational production' (2016: 45-46).

The key insight to be taken from these authors is that NGOs can influence transnational industries by disseminating information about the negative impacts of their activities and practices in sourcing countries and deploying it in other countries where such practices are considered unacceptable. This is particularly effective in transnational industries that have a commodity supply chain in which there are brand-name retailers and others that are sensitive to the effect of such negative information on their reputational capital. This is a strategy that is particular to industries that are transnational in structure and extend across several countries – sourcing countries where the regulation of corporations may be lax and more affluent countries where irresponsible corporate practices are not acceptable.

Summary of insights

At this point it is useful to summarise the insights that I have drawn from the literature on the influence of NGOs on business. The first important insight is that that NGOs use the normative principle of responsible corporate behaviour to influence business. This is a view shared by the authors who take an institutionalist, social movement or stakeholder theory approach. There are two aspects to the NGOs' use of this principle - their promoting and shaping of it as a societal cultural value, and their strategic use of it to exert influence on companies. While acknowledging that the two aspects are inter-dependent, this study focuses on the second, as its primary aim is to analyse how NGOs are able to influence companies and industries.

The second insight is drawn from those authors whose analysis is based on stakeholder theory. This is that NGOs can use third parties or 'stakeholder allies' such as consumers and investors who can exert financial pressure on companies by threatening to withdraw their custom or financial support. This amounts to the use of material power by these third parties, and raises the question of the extent to which NGOs use, or rely on, material forms of power exerted by others to influence business.

A third insight is from authors who write about the influence of NGOs on transnational industries in particular. This is that they do so by disseminating information about the negative impacts of their activities and practices in sourcing countries and deploying it in other countries where such practices are considered unacceptable. This is particularly effective in transnational industries that have a commodity supply chain in which there are brand-name retailers and others that are sensitive to the effect of such negative information on their reputational capital.

Those authors in this literature who take a neo-institutionalist approach highlight the fact that some NGOs focus on de-institutionalizing the established, disavowed corporate practice through the use of contention and contestation, while others strive for the institutionalization of new, alternative practices through a process of collaboration with corporations (de Bakker 2012: 216). In other words, NGOs can take two different approaches to business, contentious or collaborative. The contentious approach involves NGOs mounting public campaigns against companies or industries to de-institutionalize their established practices. The collaborative approach involves NGOs sitting down with business and industry representatives to dialogue or negotiate with them to build new institutions such as industry standards. NGOs can operate in two different modes vis-à-vis business, confrontational campaigning mode and more collaborative dialogue mode.

Unanswered questions

This thesis aims to build on these insights from the literature on NGOs' influence on business to answer the research question of how NGOs are able to influence transnational business. However, these insights leave certain questions unanswered that this thesis will seek to answer.

First, if NGOs have been able to successfully promote the general acceptance of the principle of environmentally and socially responsible corporate behaviour and to insert it into the agenda of companies and industries, how do they then use this to bring about changes in the way companies operate? How are NGOs able to translate this principle of responsible corporate behaviour into power and influence on business entities that are driven primarily by commercial considerations and profit maximising? What are the mechanisms that underlie the ability of NGOs' non-coercive discursive power based on this normative principle to exert influence on powerful business actors?

Second, if the exercise of power and influence by NGOs on business drives the latter to establish industry standards and this results in NGOs engaging with business actors in dialogue forums, how are NGOs able to exert influence on business actors in these forums? This thesis aims to build on what the literature on NGOs and business has to say about NGOs' use of power in dialogue and the power dynamics in dialogue forums more generally. There are scholars who refer to NGOs and business engaging in argumentation and bargaining in such forums and in multi-stakeholder regulative initiatives more generally. One who refers specifically to power is Bartley (2022: 188) who focuses on the 'power struggles that animate different types of standard-setting projects.' His focus however in on the role of state power and corporate power in the implementing of industry standards and private regulatory initiatives. Bostrom and Hallstrom, referring specifically to NGOs in dialogue with business, talk of the 'symbolic power' and 'cognitive power' that NGOs possess and can use in dialogue. By 'symbolic power' they mean the legitimacy or moral authority that NGOs can bring to multi-stakeholder standard-setting initiatives. 'Cognitive power' refers to their ability to provide unique knowledge and information, expertise and framing that can affect the content of standards (Boström and Hallström 2010: 43-46). However, I would argue that this legitimacy and expertise that NGOs can bring to dialogue forums should not be classed as types of power used by the NGOs, but as capacities or characteristics possessed by them that assist their ability to exert influence in dialogue. Several authors take a similar position, referring to the legitimacy and expertise that NGOs bring as 'assets' or 'resources' that they possess (Arts 2003, Van Huijstee, Pollock et al. 2011). For example, Van Huijstee, Pollock et al refer to NGOs' environmental expertise, public trust, and ability to shape public images of companies as 'power resources', that is, resources that assist in the exercise of power. This thesis aims to build on these insights by analysing the power dynamics that occur between NGOs and business actors in dialogue forums.

The third unanswered question is: what role does material power play in NGOs' ability to influence business? What is the significance of the material power that NGOs are able to harness in campaigning through the use of third parties or 'stakeholder allies' such as consumers and investors? Does material power play a role in NGOs' ability to exert influence on business actors when in dialogue with them? What is the relationship between these two forms of power, discursive and material? To what extent are NGOs dependent on the exercise of material power?

In summary, this review of the literature on NGOs' influence on business has given rise to certain useful insights that help answer the main research question, and to sub-questions that still need to be answered. The main research question is: how is it that NGOs that are apparently so much less powerful politically, economically and materially than trans-national companies and industries have been able to exert sufficient influence on them to cause them to change in the direction of environmental and social responsibility? An insight from this review of the literature is that NGOs do this by using the widely-held expectation of business that it should operate in a socially and environmentally responsible way and holding companies accountable to it. A second insight is that NGOs sometimes use 'stakeholder allies' such as consumers and financial institutions who can exert financial pressure, which is a form of material power.

There are however three sub-questions to the main research question that need to be answered: (1) How are NGOs able to translate the principle of responsible corporate behaviour into power and influence on business entities that are driven primarily by commercial considerations and profit maximising? (2) How do NGOs exert power and influence on business actors when in dialogue with them? (3) What role does material power play in NGOs' ability to influence business, in campaigning and in dialogue?

While the second and third of these sub-questions needs to be addressed empirically, insights into the first question, on how a normative principle can be translated into influence on powerful business actors, can be obtained from other literatures. Particularly relevant in this regard are literatures that address the issue of how a norm can affect the behaviour of actors, how norms, principles and shared ideas (such as responsible corporate behaviour) can influence the behaviour of actors. In the next chapter, two literatures that are particularly useful in this regard are examined in detail.

Chapter 2
Socialization Mechanisms and Discursive Power

In this chapter, two literatures are examined that provide insights into how norms, principles and shared cultural values (such as responsible corporate behaviour) can influence the behaviour of actors (such as companies). The first of these is the constructivist literature that analyses the way in which collectively-held values, beliefs, principles and norms are able to influence behaviour through the socialization mechanisms that they generate (Checkel 2005, Johnston 2005, Kollman 2008). The second is the social psychology literature on 'norm activation', which examines how internalized personal moral values and norms (such as environmental protection or social justice) can motivate concerned individuals to pro-norm actions (Schwatrz 1977, Stern, Dietz et al. 1999, Jasper 2011). The synthesis of these literatures provides fertile ground for deepening our understanding of the nature of discursive power and is the basis of the analytical framework that this thesis uses to determine how NGOs are able to influence the businesses they target.

Insights from constructivist authors

The first of these literatures is the constructivist literature on socialization mechanisms. In the late 1980s and early 1990s, constructivism became one of the major schools of thought within international relations. These classic constructivist authors maintained that, contrary to the assumptions of the neo-realists, core aspects of international relations were socially constructed, that is, were determined by processes of social interactions (Finnemore and Sikkink 1998, Wendt 1999). While neo-realism asserted that international politics was primarily shaped by the rational-choice decisions of actors seeking to promote their own interests, these constructivists saw the structure of international politics as being more ideational. They believed that the structures of human association were determined primarily by collectively-held or ‘inter-subjective’ ideas, beliefs and understandings, and that the identities and interests of actors were constructed by these collectively-held ideas. These collectively-held ideas included behavioural norms, that is, what was regarded as appropriate behaviour for actors with a certain identity (Finnemore and Sikkink 1998, Finnemore and Sikkink 2001). Wendt, said that there were two basic tenets of constructivism:

> .. that the structures of human association are determined primarily by shared ideas rather than material forces, and that the identities and interests of purposive actors are constructed by these shared ideas rather than given by nature (Wendt 1999: 1).

Martha Finnemore explained the use of the term ‘constructionism’ by saying that ‘interests are not just out there waiting to be discovered; they are constructed through social interactions’ (Finnemore 1996a: 2). Central to the work of these early classic constructivists were the concepts of norms, identity and culture in world politics.

In the last few decades constructivist thinking has expanded and developed in new directions to the extent that there is now a qualitatively new approach that is sometimes labelled as ‘new constructivism’ (McCourt 2022: vii). Without wishing to get into detail of the different strands of constructivism, suffice to say that there is now much less coherence among constructivists on a number of key issues. One of these is the question of the epistemological approaches that should be used to analyse the influence of ideational factors. There is a spectrum of views on this, at one end of which are the post-modern constructivists who focus on linguistic constructions of power and the role of language and social discourse in constructing social reality. At the other end are those sometimes described as ‘empirical constructivists’ (such as Martha Finnemore, Kathryn Sikkink and Thomas Risse) who treat identities and norms as intersubjective structures of meaning that exist outside the individual and who utilise empirical evidence to adjudicate between different theories. This thesis draws mainly on the latter as they are the constructivist scholars who have done most to enhance our understanding of the role of non-state actors in global governance (Kollman 2008: 399).

The focus of most constructivist authors of all types and strands is on state actors and their interactions in international affairs. There are however some who have considered the effect of ideas and norms on the behaviour of business actors, and these are the ones of most relevance to this thesis (Sell and Prakash 2004, Haslam 2007, Kollman 2008, Hofferberth, Bruhl et al. 2011, Larrinaga and Bebbington 2021). All of them make the same important and useful point, that business actors are affected by ideational factors and not just their corporate self-interest. Hofferberth, Bruhl et al for example conceptualised multinational enterprises as social actors whose actions were affected by norms and by moral and ethical obligations. They said that:

> [T]here is an ideational motivation for corporate action beyond rational calculation and expected consequences, indicating that corporate action itself is more complex than rationalist theories commonly suggest (Hofferberth, Bruhl et al. 2011: 205).

Kollman has also highlighted the fact that business behaviour is affected by the norm of environmental responsibility. She said that ‘a large percentage of firms now consider it in their interests to comply with environmental corporate social responsibility norms’ (Kollman 2008: 415). These constructivist authors all see the behaviour of business actors as being affected by the normative expectation of social and environmental responsibility as well as by their corporate self-interest.

Socialization mechanisms

Kollman in her 2008 paper focuses on the way in which the business norm of environmental responsibility has rapidly spread across transnational business, which she believes can be explained by the theories of socialization developed by constructivist scholars. These constructivist theories of socialization are of relevance to this thesis because they seek to explain how and why a norm becomes accepted by a group (such as transnational business) and affects its behaviour, how and why actors are induced into complying with the requirements of a norm.

Socialization was an issue of interest to classic constructivists. It is the process by which an actor is induced to comply with the norms and rules of acceptable behaviour of the group to which it sees itself belonging, or to which it wishes to belong. The endpoint of this is the acceptance and internalization of these norms, rules and values. What is being referred to here is the ability of norms to bring social pressures to bear on actors that are regarded as not conforming to them, as well as their ability to reshape the beliefs, values and identity of actors at a deep internal level. According to Checkel (2017: 594) socialization 'is a process whose intended result is not simply behavioural adaptation, but a deeper change in an actor's sense of self'.

Beginning in the late-1990s a group of constructivist international relations scholars began addressing the question of the mechanisms by which socialization occurs, the causal processes by which actors (in their case, states) are driven towards sustained pro-norm behaviour and compliance (Risse, Ropp et al. 1999, Checkel 2001, Johnston 2001, Checkel 2005, Johnston 2005, Checkel 2017). Perhaps the most important and influential of these scholars were Jeffrey Checkel and A. Iain Johnston whose analyses of socialization mechanism has been used by several other authors (Li 2010, Tudoroiu 2024). Checkel identified three such processes or mechanisms - strategic calculation, role-playing and normative suasion (Checkel 2005). Strategic calculation involves an actor calculating its response to a normative expectation in a rational manner so as to maximise certain interests. Role-playing involves an actor adopting a certain role that is appropriate in a particular setting, but without any reflective internalisation of the norm having occurred. An actor may take on a passive non-calculating acceptance of a compliant role if it has not been able to calculate what is in its best interests. It is not always possible for an actor to attend to everything simultaneously, to calculate the costs and benefits of alternative courses of action, and role-playing norm-compliance may be an acceptable and convenient alternative. Also, an actor may simply role-play acceptance of a norm without any genuine acceptance as an easier alternative to implementing the changes that norm-compliance requires. The third mechanism, which Checkel calls 'normative suasion', involves actors actively and reflectively internalizing new norms and understandings of appropriateness, and complying with a norm because it is regarded as 'the right thing to do'. In a later paper, Checkel (2017) refers to this as 'persuasion' and 'social learning'. This analysis by Checkel concedes that compliance with norms is a process that can involve both rational choice and social learning, that both neo-realism and classic constructivism have much to contribute to the study of socialization. He sees his analysis as highlighting 'points of contact and potential synergies between rationalism and social constructivism' (Checkel 2005: 801).

The other prominent scholar of the mechanisms by which socialization occurs is Iain Johnston, whose analysis is similar to that of Checkel, but with some important differences. He identifies two socialization mechanisms by which actors are driven towards conformity with a norm (Johnston 2001, Johnston 2005). The first of these is 'social influence', a mechanism by which conformity is elicited through the distribution of rewards and punishments. These can be material in nature (for example, financial gain or loss) or social. Social rewards might include psychological comfort, status, a sense of belonging, and a sense of well-being derived from conformity with role expectations. Social punishments include shaming, shunning, exclusion, and demeaning, or dissonance derived from actions inconsistent with role and identity. Johnston says that the most important micro-processes behind social influencing are 'the desire to maximise status, honour, prestige – diffuse reputation or image - and the desire to avoid a loss of status, shaming or humiliation and other social sanctions' (2001: 500). The second socialization mechanism that Johnston identifies is persuasion. This is a mechanism in which a persuading agent presents arguments to change perceptions of what constitutes appropriate behaviour for a given identity, arguing that if an actor wishes to be regarded as X then it needs to adopt behaviour Y. 'As a micro-process of socialization', Johnston says, 'it involves changing minds, opinions, and attitudes about causality and affect (identity) in the absence of overtly material or mental coercion' (2001: 496). It presupposes that actors do not hold fixed interests during their communicative interactions and are open to being persuaded by a better argument. Persuasion comes to the fore when actors are in dialogue with one another (for example when NGOs are dialoguing with companies in multi-stakeholder forums over such things as industry standards).

Comparing the mechanisms identified by Checkel and by Johnston, we see that there are some similarities. Both identify persuasion or 'normative suasion' as one of the key mechanisms of socialization. Like Checkel, Johnston also believes that compliance with norms is a process that involves rational choice as well as social learning and persuasion. 'It is just not clear that the independent effects of persuasion, as opposed to consequentialist calculus, can be separated out all that neatly' (Johnston 2005: 1030). Even when conformity comes about for rational reasons, it is under conditions that are entirely social and influenced by the social environment. Checkel lists 'role playing' as a mechanism (Checkel 2005: 810) and in a 2005 paper Johnston talks about something very similar that he calls 'mimicking' (Johnston 2005: 1021-2). However, Johnston does not regard this as a socialization mechanism. He describes 'mimicking' as a process whereby an actor copies the behavioural norms of a group in order to navigate through an uncertain situation. Like Checkel, he sees it as a way of handling uncertainty prior to any detailed calculation of costs and benefits being made. He does not see mimicking as being in the same class as persuasion and social influence. While the latter two are mechanisms that motivate, in other words causal mechanisms, mimicking is a process, a survival strategy necessitated by the need to survive under uncertainty (Johnston 2005: 1022). I would further argue that Checkel's 'strategic calculation' is also a process rather than a causal mechanism. It does not tell us the underlying source of the pressure that drives actors towards norm compliance, but rather what actors do, the process that they undertake, when faced with pressure to comply. If both strategic calculation and role-playing are regarded as processes rather than a causal mechanism, then of the three 'mechanisms' listed by Checkel, - strategic calculation, role-playing and normative suasion - only the last is actually a causal mechanism.

That leaves only two mechanisms that can motivate an actor towards compliance with a norm - persuasion / normative suasion and social influence. The first of these, persuasion / normative suasion, is as described above a mechanism in which a persuading actor such as an NGO presents arguments to change business actors' perceptions of what constitutes appropriate behaviour for a given identity, arguing that if a company or industry wishes to be regarded as responsible then it needs to adopt certain behaviours. I will refer to this mechanism as 'normative persuasion'. The second causal mechanism, 'social influence', is as described above a mechanism by which conformity is elicited through the distribution of material or social rewards and punishments. For a company, rewards might include the approval of its customers and investors for what appears to be, or is, responsible behaviour. Punishments might include shaming and loss of corporate good name and reputation for behaviour that appears to be socially or environmentally irresponsible. NGOs do not normally provide social or material rewards for companies that are compliant with the cultural value of responsible behaviour. The role they adopt is usually one of generating material or social punishments in the form of loss of corporate reputation and social sanctioning by customers and investors for irresponsible behaviour. When talking about NGOs and companies 'social influence' will normally take the form of 'social sanctioning'.

It should not be forgotten that, as both Checkel and Johnston have pointed out, actors subjected to mechanisms pressuring them towards norm-compliance may respond by role-playing or mimicking public acceptance of and conformity to the principle of responsible corporate behaviour without any genuine acceptance or reflective internalization having occurred. Alternatively, they may actively and reflectively internalize a new understanding of appropriateness, and comply with the principle because it is ‘the right thing to do’. This means that there are a range of different levels of acceptance and internalisation of the principle of responsible corporate behaviour that companies may exhibit. Some may be persuaded and fully accept and internalize the principle of responsible corporate behaviour as ‘the right thing to do’. But others may feel the need to publicly conform to it without internal acceptance, because their strategic calculations say it is in their interest to do so, or because it is easier to role-play conformity when it is not clear where their best interests lie. In these latter cases it is unlikely that their public acceptance will be accompanied by proper implementation or fully responsible behaviour.

How then do these insights about mechanisms that motivate actors towards compliance with a norm assist in answering the research question? They suggest that the ability of NGOs to translate the norm of responsible corporate behaviour into influence on business actors may lie in the ability of that norm to generate these socialization mechanisms, ‘social influence / sanctioning’ and ‘normative persuasion’. Putting this another way, if NGOs use discursive power to influence business actors based on a norm, and a norm can exert influence on behaviour via these socialization mechanisms, then the ability of NGOs’ discursive power to exert influence on business actors might be explained by these two socialization mechanisms. For example, they might explain how an accusation by a campaigning NGO that a company is not operating in a responsible manner can have an influence on the accused company – by generating social sanctioning by its key stakeholders, its customers and investors. It might also explain how NGOs are able to use the norm to exert influence when in dialogue with business actors – through normative persuasion, arguing that if a company or industry wishes to be regarded as responsible, it needs to operate in certain ways. At this stage however, these are merely theoretically derived hypotheses and they will need to be tested empirically in the context of actual business-NGO interactions.

In summary, the insight that I have drawn from these constructivist scholars is that there are two key socialization mechanisms by which a widely-held principle or norm can influence the behaviour of actors - social sanctioning and normative persuasion. This suggests that NGOs' discursive power based on a norm should be able to exert influence on business actors in two different ways via these two different mechanisms. There are also different levels to which a norm may be accepted and internalised by business actors. NGO pressure may lead to public acceptance of the principle or norm by a company without private acceptance and proper implementation in their operations.

Contestation over the meaning of a norm or cultural value

There is however another insight that can be drawn from constructivist authors that is relevant to the research question, this time from the 'new constructivists'. This is that the meaning-in-practice of a norm can be contested by differently socialised actors (Sikkink 2011, Wiener 2014, Lantis 2016). Decision-makers within companies, even those that fully accept the principle of corporate responsibility, may dispute with NGOs what it actually means in practice for their company's operations. Classic constructivists tended to see norms as static entities that did not change once they had emerged and been accepted by a large number in society. Agency on the part of those subjected to the norm was restricted to the extent to which they internalized the norm (Hofferberth and Weber 2015: 85). However, a more recent generation of constructivists interested in the way norms are changed have emphasised the agency of those to whom the expectations of the norm applied, stressing their ability to question and contest the meaning of the norm as it applies to them, and as a result changing its meaning (Sikkink 2011, Wiener 2014, Hofferberth and Weber 2015, Lantis 2016). The way in which their approach differs from that of the more conventional constructivists is summarised thus by Lantis:

> Once norms are disseminated and internalized, they are assumed to serve as unquestioned framing principles for state behaviour. Yet this emphasis has left the potential for norm change under-theorized in first generation scholarship. Emerging critical constructivist studies have begun to embrace the potential for norm change and contestation, though they exhibit diverse perspectives (Lantis 2016: 386).

These authors who 'embrace the potential for norm change and contestation' have been referred to as 'agentic constructivists'. Kathryn Sikkink, one of the first to use this term, says that like constructivism more broadly, it is concerned with the role of human consciousness in international politics, 'but unlike structural constructivism, it focuses on the role of human agency in the origins of new norms and practices, and is thus better positioned to explain change'. She goes on to say that 'for those of us who believe fully that structures and agency are mutually determined, too much attention has been lavished on the structural side of the equation, and far too little on the agency side' (Sikkink 2011: 2, 3).

'Agentic constructivists' take the view that a norm does not have a meaning that is unequivocal, but rather one that is dependent on the contestation that results when differently socialized agents interpret and apply it in different ways. Hofferberth and Webber for example contend 'that norms are negotiated constantly in social interactions and that they cannot be separated from the meanings actors attach to them' (Hofferberth and Weber 2015: 76).

> The crucial point that norm constructivists have overlooked consistently due to their neglect of agency is that the meaning of norms, their propositional content, is continuously reconstructed and gradually modified in particular contexts. The meaning of a norm remains ambiguous (Hofferberth and Weber 2015: 88).

In terms of NGOs' influence on business, the insight to be drawn from this is that the social construction of the cultural value of responsible corporate behaviour is never concluded in the form of an unequivocal and non-controversial standard. It remains subject to contestation between business and NGO actors over its meaning in practice. Decision-makers within companies, even those who have fully accepted and internalised the principle of responsible corporate behaviour as 'the right thing to do', might nevertheless dispute with NGOs what it means in practice for their company's or industry's operations. Likewise, NGOs might need to challenge a company's or an industry's interpretation of what constitutes responsible behaviour, either in public debate in the media and/or in negotiations in dialogue forums. This however is a theoretical insight that this thesis will need to explore empirically.

Insights from social psychology lit on 'norm activation'

I now turn to the second literature that provides insights into how norms, principles and shared values (such as responsible corporate behaviour) can influence the behaviour of actors (such as companies). This is the social psychology literature on 'norm activation'. It is a literature that examines how internalized personal moral values and norms (such as care for the natural environment or social justice) can motivate or prompt concerned individuals to pro-norm actions or behaviour. Unlike the constructivist literature mentioned above, this is not about actors that are violating normative principles and therefore need to be sanctioned or persuaded to change their ways. The literature on 'norm activation' is about actors that support and value such principles and whom activist organization can potentially motivate to support their efforts.

Within the literature on social psychology there has long been an interest in the question of what motivates individuals to exhibit pro-social altruistic behaviour, such as charitable giving, volunteering to assist the underprivileged, or organ donation. Altruistic humanitarian or helping behaviours are actions that appear to have no material benefits for, and may even disadvantage, the actors that are undertaking them, but are generally beneficial for other people (Schwartz 1970, Schwartz 1975, Schwatrz 1977, Penner, Dovidio et al. 2005, Rogers, Goldstein et al. 2018). Many theories have been put forward to explain this type of behaviour, but one of the most empirically supported and influential is that of Schwartz who proposed a theory of ‘norm activation’. This says that pro-social altruistic behaviour can be produced by the activation of personal moral norms. These are norms that are derived from socially shared cultural values but are personally held, for example the felt need to assist the poor or the sick, or to seek justice for the oppressed. Schwartz’s Norm Activation Theory says that when individuals see their personal norms or beliefs about human rights being violated, anxiety and unease is generated, and this typically produces feelings of moral obligation to undertake pro-norm or pro-social actions. The more they are violated and the more centrally important those norms are to the individual, the greater the unease. Norms have the ability to arouse an emotional response in actors who value them and see them violated, and this typically produces feelings of moral obligation to do something to correct the situation. As Schwartz says, ‘altruistic behaviour is causally influenced by feelings of moral obligation to act on one’s personally held norms’ (Schwatrz 1977: 221) Schwartz also said that there are two preconditions for the activation of personal norms. The individual must be aware that his or her actions have consequences for the welfare of others, and must feel a personal responsibility to undertake that action (Schwartz 1970). This has been supported by other authors, for example Savari, Damaneh et al (2023), while others have added that individuals must also believe that they have the ability to undertake relieving action, and that their efforts will actually help (Harland, Staats et al. 2007, Doherty and Webler 2016, Joseph 2020).

Although it was originally put forward to explain altruistic helping behaviour towards fellow human beings, Norm Activation Theory has subsequently been used to explain a wide variety of pro-social actions. In particular it has been extensively applied to explain pro-environmental behaviour, that is, what prompts individuals to undertake actions that will benefit the natural environment. This is a question of great interest to those seeking to maximise support for the environment movement. In an influential 1999 paper, Stern, Dietz et al extended the Norm Activation Theory to pro-environmental behaviour by arguing that, in addition to personal norms based on altruism toward other human beings, there are other personal norms that can produce pro-social behaviour, including the protection of non-human species and the biosphere (Stern, Dietz et al. 1999). They developed the idea of three orientations guiding environmental actions and proposed a more comprehensive theory that became known as the Values, Beliefs, Norms theory of norm activation:

> To understand the shaping of more general movement support, we apply a version of Schwartz's moral norm-activation theory. We propose that norm-based actions flow from three factors: acceptance of particular personal values, beliefs that things important to those values are under threat, and beliefs that actions initiated by the individual can help alleviate the threat and restore the values. Each of these three terms involves a generalization of Schwartz's theory (Stern, Dietz et al. 1999: 83).

Authors writing on this topic distinguish between different types of pro-environmental actions that can be generated by norm activation, at different levels ranging from the public to the private (Stern, Dietz et al. 1999, Turaga, Howarth et al. 2010: 214, Paco and Rodrigues 2016: 467). The three main types distinguished are:

(i) environmental activism, such as active involvement in environmental organizations and demonstrations;

(ii) non-activist behaviours in the public sphere, which include what is known as 'environmental citizenship' behaviours, such things as signing a petition on an environmental issue and supporting policies that protect the environment;

(iii) private sphere environmentalism at a household level such as ethical purchasing, and minimising consumption and waste (Joanes 2019, Joseph 2020).

The type of pro-environmental action of most relevance to this thesis is the second of these, that is, non-activist behaviours in the public sphere that have been generated by norm activation. These are the environmental citizenship actions of individuals who are not necessarily members of any environmental organization but are involved in the more general unorganized aspects of the social movement in support of the natural environment. They are people whose personal norms include a concern for the protection of the natural environment, and who can therefore potentially be motivated to act if it can be convincingly demonstrated to them that these personal norms or moral values are being violated. Stern, Dietz et al set out what the activists and activist organizations within social movements need to do in order to generate and maximise the support of such people. They need to highlight threats to the environment and the ability of supporters to do something that will alleviate that threat.

> The theory of non-activist movement support posits that social movements are rooted in particular human values, and implies that in mobilizing support, movement activists and organizations will highlight those values, threats to them, and the ability of their targets to alleviate those threats by appropriate action. (Stern, Dietz et al. 1999: 92).

Jasper says something similar, that the task of organizers of social movements is to nudge people from bystander to participant, and that the way they can do this is by creating or taking advantage of moral shocks, information or events that suggest to people that the world is not as they had thought or would like it to be. The visceral unease produced by such revelations can lead to political action as a form of redress. Political scientists, Jasper says, formulate this as anxiety generated when norms are violated. The more they are violated, and the more strategically central those norms are to people, the greater the anxiety (Jasper 2011: 292).

Applying this to NGOs and their influencing of business, the theory of norm activation suggests that NGOs can harness the support of individuals whose personal norms include care for the natural environment and other moral principles by communicating to them as dramatically and credibly as possible instances of violations of those personal norms by certain companies or industries, and actions they can take that will alleviate the situation. NGOs can use their discursive power in this way to activate concerned individuals who value these principles, to nudge them from being bystanders into being participants who take action vis-à-vis the errant companies to correct the situation. The key insight that I draw from this literature is that NGOs can use discursive power based on the normative principle of environmentally and socially responsible behaviour to motivate or urge concerned individuals to supportive action through the mechanism of 'norm activation'.

Summary of insights from this chapter

From the two literatures outlined in this chapter - the constructivist literature on socialization mechanisms and the social psychology literature on 'norm activation' – insights have been drawn into the mechanisms by which a widely-held principle or norm can exert influence on actors. Three different mechanisms have been identified: (a) social sanctioning of those who do not conform to the normative expectation, (b) normative persuasion, using reasoned arguments to convince those who wish to identify as conforming that they need to adopt certain behaviours, and (c) activation of concerned individuals who value certain moral principles as personal norms and see those principles being violated.

If a norm can influence behaviour via these three different mechanisms, and NGOs' discursive power is based on a norm, then their discursive power should be able to exert influence in three different ways using those three different mechanisms. First, NGOs could use discursive power to generate the social sanctioning of certain companies by publicly highlighting corporate behaviour that violates the principle of responsible corporate behaviour. This can generate sanctioning pressure by undermining corporate images and reputations in the eyes of customers and investors thus generating negative commercial effects on the company. Second, they can use their discursive power to activate concerned individuals who value the principles of environment care and/or social justice, by demonstrating to them corporate behaviour that violates these principles. Third, NGOs can use normative persuasion, that is, use their discursive power to persuade companies that if they wish to be regarded as acting responsibly, they need to operate in a certain way.

Table 2-1. Ways in which discursive power may be used by NGOs

Ways in which discursive power may be used by NGOs		**Mechanism upon which this is based**
In campaigning	**In dialogue**	
Discursive power used to challenge companies and undermine corporate reputations by highlighting irresponsible behaviour.	---	Social sanctioning
Discursive power used to activate concerned individuals by demonstrating to them corporate behaviour that violates their personal norms.	---	Norm activation
---	Discursive power used to persuade business actors, by arguing that if they wish to be regarded as acting responsibly, they need to operate in a certain way.	Normative persuasion

Of these three ways of using discursive power the first two, undermining corporate reputations and activating concerned individuals, are more likely to be used when NGOs are adopting a confrontational approach towards companies and operating in campaigning mode. Normative persuasion is more likely to be used when NGOs are in dialogue with companies and industry representatives.

The different ways in which NGOs can use discursive power in each mode and the mechanism on which each is based are set out in Table 2-1.

Insights from this and the preceding chapter

The various insights drawn in this and the preceding chapter can now be brought together. From the literature on NGO influence on business in the preceding chapter has been drawn the insight that NGOs' influence on business is based on the normative expectation of responsible corporate behaviour, which they promote and shape and use strategically by holding companies accountable to it. This is referred to as the use of discursive power. They can also use third parties who can exert coercive financial pressure on targeted companies, which amounts to the use of material power.

From the two literatures that examine how norms, principles and shared values can influence behaviour, insights have been drawn into how NGOs are able to translate the norm of responsible corporate behaviour into power and influence on business entities that are driven primarily by commercial considerations and profit maximising. The first insight is that NGOs are able to use their discursive power in three different ways, corresponding to the three mechanisms by which a norm can influence behaviour, each of these different ways having different effects depending on the audience to which it is directed. The second insight is that the effectiveness of the NGOs' discursive power based on a norm is limited by the fact that the meaning in practice of that norm and its implications for companies can be contested.

A synthesis of these insights provides the basis of the analytical framework that this thesis uses to determine how NGOs are able to influence business, to answer the research question and sub-questions. This framework consists of identifying the different ways in which discursive power based on a norm, and material power, are used by the various actors involved in the transmission of power and influence from the NGOs to the business actors they target. The next chapter sets out the research method that will be used to answer the research question and sub-questions using this analytical framework.

Chapter 3
Research Method

The framework that this thesis uses to analyse how NGOs are able to influence transnational business involves identifying the different ways in which discursive power and material power are used by the various actors involved in the transmission of power and influence from the NGOs to the business actors they target. This chapter sets out the research method that was used to answer the main research question and sub-questions using this analytical framework. The research method was based on qualitative case study analysis, and this chapter explains why this method was chosen. A two-case method was chosen, focusing respectively on NGO influence on the transnational palm oil and hydropower industries. This chapter explains the basis upon which these industries were selected, and how NGO influence was identified. It also sets out the methods of data collection that were used, the potential biases that can arise in collecting the data, and the steps that were taken to minimise any such biases.

Case study approach

To answer the research question, a number of different research methods could be employed - surveys, experiments, archival analyses, historical analyses, field studies, in-depth interview studies, or case studies. Each of these different ways of collecting and analysing empirical evidence has its advantages and disadvantages. The choice of the most appropriate method depends on the nature of the research question being asked (Marshall and Rossman 1995: 41, Yin 2014: 9). The basic categorization of types of questions is the familiar series of *who, what, where, how* and *why*. *Who, what* and *where* questions are those that seek basic information, whereas *how* and *why* questions seek explanations. The former would include questions such as ‘who are the NGOs that most successfully influence companies’ and ‘what strategies do they use to exert that influence’. These types of questions are likely to favour survey methods or the analysis of archival data.

The research question that this thesis asks, about how and why NGOs are able to exert influence on transnational business, is one that seeks explanations. It goes beyond *who, what* and *where* questions to answer explanatory *how* and *why* questions, how and why NGOs are able to push business towards more responsible behaviour. It seeks to find explanations and to identify the causal links between NGOs’ actions and their effect on companies. The research method that it employs needed to be one that produces a wealth of detail of how and why such influence occurs, that enables such influence to be identified and traced in detail through causal links from NGO activity to outcome.

How and *why* questions are best answered using either a case study, or a historical or experimental approach (Berg 2009, Halperin and Heath 2012, Yin 2014). An experimental method is not practical in this study as the behaviours of the relevant actors cannot be manipulated by the researcher. There is no ability to change the behaviour of the main actors, the NGOs and companies, in order to control variables in the research design. A historical method would be needed if the events being studied were in the past and there was no possibility of them being observed, and no relevant persons still alive to report on what occurred. However, this thesis is concerned with phenomena that are more recent. The events and phenomena being studied could be directly observed, and those involved in them could be interviewed and could report on and describe what occurred. Based on these considerations, it was concluded that the most useful research method to answer the question posed by this thesis was a case study method.

The strength of a case study method is that it allows the researcher to delve in-depth into the complexities and processes of the phenomena being investigated, to obtain rich detailed information, and to capture various nuances, patterns and latent elements that other research approaches might overlook

(Berg 2009: 318). It is also an appropriate method for analysing highly complex situations in which there are many pathways of causality (Abell 2001, Berg 2009: 327). Such complexity is a feature of the interactions between NGOs and business, as they operate across different political arenas and involve a variety of different types of actors that interact in complex ways.

Two-case design

The strongest and most robust findings would be provided by a study of multiple cases of NGOs influencing transnational industries, but this would be time-consuming and expensive. Much easier and less costly and time-consuming would be a single case study. However a single case would lack the robustness of the finding of multiple cases as it raises concerns about the uniqueness or biasing conditions surrounding the single case. This thesis takes a compromise position between these two, and opts for a 'two-case' approach. A two-case design provides stronger findings than a single case while keeping the time and cost involved within reasonable limits (Halperin and Heath 2012: 209, Yin 2014: 64). It is also a compromise between depth and breadth. The more cases that are involved, the less the depth to which each is likely to be investigated. A two-case design enables the depth of a single case study to be retained, while at the same time giving a certain amount of breadth in that conclusions arising independently from two cases will be stronger in terms of general applicability that those arising from a single case. If the findings from the first case are replicated in the second, they are obviously strengthened somewhat. A two-case design is not based on the logic of sampling. Having two cases is not a 'small-N' statistical sample. It uses a different logic altogether, that of 'replication' (Yin 2014: 57-61). As in a scientific experiment, the findings and conclusions from the first case study are tested to see if they are replicable in a second case that is similar but not the same as the first. The outcome either strengthens or questions the original findings. Any differences between the findings from the two cases then become useful sources of insights, ideas and questions.

What then can be concluded from a two-case study? With any case study design, whether single case, two-case or multiple cases, there is always the nagging suspicion that the findings might not have wider relevance to contexts outside the situation in which the research was conducted. Generalizability of the findings is always an issue (Maxwell 2005: 115, Berg 2009: 330, Halperin and Heath 2012: 217-8). Having two cases of NGOs influencing an industry provided some strength or robustness to the findings. But this does not mean that those findings are generally applicable to other cases of NGOs influencing an industry. The two cases studied may have had characteristics that they shared, but which were not manifested in other examples of NGOs influencing an industry. The findings that were replicated in these two cases can only be regarded as tentative and need to be tested in other cases. Findings that were not replicated in the second case required further explanation and raised issues that needed to be investigated further. These issues are discussed further in the Conclusions chapter.

Basis of selection of cases

The two cases chosen to be studied in this thesis were the efforts of NGOs to influence (i) the transnational palm oil industry that produces edible oil that is widely used in a variety of consumer products, and (ii) the hydropower industry that builds large dams for the generation of electric power. These two cases were chosen because they manifested the phenomenon being investigated by this thesis, namely NGOs taking actions aimed at influencing transnational industries through both campaigning and dialogue. Both industries were transnational in nature, and both were the subject of extensive international campaigns by NGOs aimed at increasing their corporate awareness of and responses to environmental and social impacts. These industries were subjected to NGO campaigns as they were seen as having serious negative environmental effects, such as the clearing of rainforest and the altering of river flows, and negative social effects on vulnerable populations who relied on those forests or rivers for their livelihoods. In both cases the industry established a multi-stakeholder forum involving NGOs that developed voluntary standards for the industry, thus enabling the NGOs to attempt to interact with companies though dialogue as well as campaigning.

Several other industries were considered for the case studies, in particular the pharmaceuticals, coffee, mining, tropical timber and clothing/footwear industries. All of these industries met the criteria of being transnational in structure and the subject of extensive international campaigns by NGOs due to their negative effects. The first two industries were not chosen however because they did not involve the establishing of a multi-stakeholder forum to develop industry standards in which NGOs engaged in dialogue with business actors. The mining industry was not chosen because I had been personally involved in such NGO campaigns and therefore the question of bias may have arisen. The last two were not chosen because the NGO campaigns directed at them were already well researched and written about and addressing other industries would add more to the literature.

This was not an example of sample selection bias, of selecting on the dependent variable, as the dependent variable and the basis for selection were different. The dependent variable in this study was NGO influence on transnational business. These cases were selected not on that basis, but on the basis of being examples of NGOs undertaking efforts aimed at influencing business that may or may not have been successful. Selecting only cases in which NGOs’ efforts were successful in influencing companies and industries would indeed amount to case selection bias. The cases chosen however were a more representative selection that included both success and failure by NGOs.

In order to generate as much detailed explanatory data as possible, industries were chosen that had features in common but were different in some theoretically significant aspects. The features they had in common were that they were both transnational industries that had been subjected to NGO influence through both campaigns and dialogue. The differences were that the two industries were different in structure, as were the dialogue forums that they formed. This meant that the NGOs were attempting to influence companies in each of the cases that had different relationships and susceptibilities to other actors in the industry and to NGOs, which meant that the ways in which the NGOs used their discursive power and the ways in which it was transmitted to their primary corporate targets was likely to be different in each case.

The first structural difference was that the palm oil industry involved companies that were ‘public-facing’, while the hydropower industry did not. Being public-facing means selling consumer goods directly to the public and therefore being subject to pressure from concerned customers. Merchandizing companies that manufactured or sold products containing palm oil to the consuming public were public-facing and therefore sensitive to NGOs use of discursive power that sanctioned them or activated concerned customers. In the hydropower industry there were no public facing companies. Dams are constructed by engineering companies, backed by state authorities and development banks, none of which sell products to the consuming public. They were therefore not subjected to pressure from concerned consumers.

The second structural difference was that the palm oil industry had a long supply chain whereas the hydropower industry did not. The palm oil supply chain involved different types of companies with divergent interests and priorities - from plantation companies that grew oil palms, through processors of the crude palm oil, exporters, and manufacturers of products containing palm oil, to the retailers who sold these products. Those at the upstream end of the supply chain, such as plantation companies, were financially dependent on others further down the chain who were the customers for their crude oil. Some companies in the supply chain were public-facing and some not. The fact that different companies in the chain had different interests and priorities meant that the NGOs could potentially use some of those at the downstream end that were more susceptible to their influence to exert pressure on those that were not.

NGOs could potentially find pathways via these different types of companies through which their power and influence could be transmitted to their more resistant primary corporate targets, the plantation companies at the upstream end. In the hydropower industry on the other hand there was no such commodity supply chain, and the companies involved all had more or less the same interests and priorities. They shared a common objective, which was to construct dams and generating plant that would produce hydro-electricity. The variety of companies with different interests that could potentially create opportunities for the NGOs in the palm oil industry was not present in the hydropower industry.

Another similarity between the two industries was that both established a multi-stakeholder body involving NGOs and business actors to develop voluntary standards for the industry. But they were different in that the structure of these multi-stakeholder bodies was different. The body established by the palm oil industry, the Roundtable on Sustainable Palm Oil (RSPO), involved a large number of companies from different parts of its supply chain with different interests. The standard-setting body established for the hydropower industry, the Hydropower Sustainability Assessment Forum (HSAF), on the other hand had one dominant business actor, the International Hydropower Association, that presented a unified industry position. The variety of companies with different interests and susceptibilities that could potentially create opportunities for the NGOs to exert influence in the RSPO was not present in the HSAF.

There was another factor affecting the choice of cases that should be mentioned, and this was access to information. These were both industries and campaigns with which the NGO Oxfam International was heavily involved. As a former long-term employee of this NGO, I was able to make use of my contacts within the organization to gain access to and insights from the Oxfam staff members who were directly involved. The Oxfam staff who were involved in campaigning activities vis-à-vis these two industries, or were members of the RSPO or HSAF, were known to me and readily accessible for interviews.

However, my former involvement with Oxfam, one of the major NGOs involved in influencing these industries, had implications for the way in which interviews with business representatives were conducted, an issue that is discussed later in this chapter.

Identifying NGO influence

If the aim of this thesis was to seek explanations of NGO influence on companies and industries, then it was necessary to be able to identify that influence. But how can the influence of NGOs be identified and singled out in a situation in which there were many other relevant actors and factors? If a change occurs in corporate activities, how do we assess the extent to which it was due to the influence of NGOs? This is not a straightforward task, complicated by the many variables involved.

Evidence for the likely influence of NGOs can however be provided by several means. The first and most important is by tracing the process by which NGO exerted influence and shaped the outcome, building a logical chain of evidence linking NGO activities to the outcome. Process tracing is a way of identifying and demonstrating the likely influence of NGOs. It is a key form of within-case analysis that involves the researcher assessing causality by identifying each element of the causal chain (Bennett and Elman 2006, Bennett 2010, Halperin and Heath 2012). This means bringing together diverse forms of information and evidence to form a 'thick description' of how NGOs interacted with corporate actors. It involves looking for evidence of the pressures, incentives, motivations and decision-making calculations that were at work in given instances of action, so as to provide a plausible explanation of how the NGOs' actions were able to bring about the outcome.

When using process tracing, alternative competing explanations for the observed outcomes need to be carefully considered. Good process tracing requires the researcher to look carefully for alternative explanations and to thoroughly interrogate those alternative explanations (Beach and Pedersen 2013, Bennet and Checkel 2015). In each of the two cases studied, possible alternative explanations for the observed phenomena were considered and evidence sought that either supported or overturned the alternative explanation.

As well as establishing causality, process tracing was also used to help overcome the problem of potential spuriousness: if X and Y are correlated, is this because X caused Y, or is it because some third variable caused both X and Y? Process tracing can help establish whether there is a causal chain of steps connecting X to Y, or whether there is evidence for other variables that may have caused both X and Y. This was done by tracing processes backwards from observable outcomes to potential causes, as well as forward from potential causes to subsequent outcomes (Bennett 2010).

A second way of providing evidence of likely NGO influence is by comparing the stated goals or demands of NGOs with outcomes. If there were NGO activities designed to promote a certain position and the outcome included that position, then this is plausible evidence for NGOs having had an influence.

> Analyses demonstrating that NGO activities designed to promote a particular position can be correlated with an outcome (for example, inclusion of specific text in an agreement) can make a plausible case for the possibility that NGOs had something to do with bringing about that outcome (Betsill and Corell 2001: 71)

The outcome may however not be as clearly relatable to the NGOs' actions as the inclusion of their text or wording in an agreement. It may be more obscure, such as a change in the debate around certain issues, the placing of a new issue on the agenda of corporate decision makers, or the addressing of a particular issue by an industry in greater depth than it would otherwise have done. The fact that their issue did appear in the process or the outcome is an indication of NGO influence, but the correlation of NGOs' goals with outcomes does not necessarily indicate causation. The outcome could have been due to factors or influences other than the NGOs. The fact that a particular outcome corresponds with the goals or views promoted by NGOs is an indication that the NGOs may have had an influence, but is not conclusive.

In this thesis, evidence of NGO influence on business actors was provided by both of these methods – by tracing a process that plausibly linked actions by NGOs to an outcome, and by demonstrating the correlation between what the NGOs were calling for and the outcome.

Methods of data collection

To ensure that the data collected for these two case studies was as robust as possible, 'triangulation' was used, that is, data was collected from a variety of different sources that involved a range of perspectives on the same questions. The different sources of data were semi-structured interviews, documents, and direct observation.

Semi-structured interviews

Semi-structured interviews were conducted with individuals representing all the key industry and NGO groups involved in both cases. A full list of the interviews conducted is given in Appendix A. The interviewees are described in this list in general terms only in order to preserve their anonymity and confidentiality. For referencing purposes, each interview was given a number, with the prefix PO for interviews for the palm oil case study, and HP for those for the hydropower case study. The interviews for this thesis were carried out early on in the research process, when the research questions were still subject to change. As a result, the questions asked sometimes did not address the final research questions as well as they might. They were nevertheless useful and even essential for gaining an understanding of the political economy of the industry, the role played by NGOs, and the different ways in which they exerted influence.

In the palm oil case, information on industry perspectives and responses was obtained from interviews with representatives of companies at different points in the commodity supply chain, in particular oil palm plantation companies, companies that traded crude palm oil, and merchandising companies involved in manufacturing or selling products containing palm oil. Being at different points in the supply chain and therefore subject to different degrees and forms of pressure from NGOs and customers meant that they provided different perspectives, which was useful. All of these were elite interviews, by which is meant that they were interviews with decision-makers within the companies concerned. Also providing different perspectives were interviews with staff and advisors of the body that represents the palm oil industry (the RSPO Secretariat), and officials of government agencies in Indonesia and Malaysia that supported the oil palm plantation industry.

Interviews with hydropower companies involved in the design or construction of large dams or the supply of generating equipment were difficult to obtain. These were engineering companies that were not subject to the same level of public scrutiny as say palm oil merchandising companies, and therefore perhaps felt less need to explain or justify or even talk about their operations. Industry perspectives were however obtained from other sources, including interviews with staff of the industry body, the International Hydropower Association (IHA). The perspectives of the hydropower industry were also obtained from the extensive documentation produced by the IHA and the Hydropower Sustainability Assessment Forum, which is discussed in more detail below.

Much easier to obtain were interviews with representatives of the NGOs involved in influencing these two industries. Information on NGO perspectives, strategies and actions was obtained from interviews with staff members of NGOs that had campaigned against the palm oil industry and those that were involved in the Roundtable on Sustainable Palm Oil, those that had campaigned against the hydropower industry and those who were involved in the Hydropower Sustainability Assessment Forum.

In both cases there was another category of interviews that were particularly useful. These were with people who were not representatives of either the industries or the NGOs, and whose views on NGO-business relations therefore tended to be more impartial. They included consultants who were used by or advised the palm oil industry, and academics who had an interest in and had written about the palm oil industry. These were people with an intimate knowledge of the industry, but because they did not represent either the companies or the NGOs, they provided a somewhat detached view of the interactions between the two. In the same category were the representatives of government agencies that had provided funding for, and were involved in, the Hydropower Sustainability Assessment Forum (HSAF), whose perspectives were useful because they provided a more impartial view of the interactions between NGOs and business in that forum.

Potential biases in the interviews

The difficulty of access to industry representatives, particularly hydropower industry representatives, created an imbalance in the types of people interviewed. Of the total of 64 interviews conducted, 34 were with representatives of NGOs and only 10 with company or industry representatives. This imbalance was offset to some extent by the information on each of the industries that was provided by the consultants, academics and government representatives interviewed. Of the 64 interviews, 20 were with academics, consultants and government representatives. The imbalance was also offset by the documentation produced by companies and industry bodies, which was quite extensive (see below).

There were two other potential biases that could have occurred in the interviews, but which were minimised by taking certain preventative measures.

The first was bias in the way the interviewer framed or asked questions. To minimise this, an interview protocol and standard list of questions was established and adhered to in all interviews. However, there was also a certain amount of flexibility in the way interviews were conducted in that informative but unexpected issues that were not on the list of questions were pursued if and when they arose. The interviews were in this sense ‘semi-structured’. The second potential bias in the interviews that needed to be addressed was my previous involvement with one of the key NGOs involved in campaigning against both of these industries, and in both the RSPO and HSAF. During the years in which I was employed by Oxfam, I was involved in many public campaigns and lobbying of business actors in a variety of industries, but was never involved in any campaigning or other activities that related to the palm oil or hydropower industries. Nevertheless, there was the potential that my association with the NGO might influence the way in which business interviewees answered questions, particularly if they felt that their answers might find their way back to that NGO. To minimise this, I was open with interviewees about my past association, and clearly explained to each interviewee how the confidentiality of their answers would be maintained and not passed on to any NGO. I do not think that my NGO background limited my access to business interviewees as they would not have been aware of it until the start of the interview. In the interviews with NGO representatives, my background as a former staff member of Oxfam was probably an advantage in that the interviewees seemed to be more open and freer with information about such things as their campaign strategies, campaign failures, etc. Perhaps this was because they felt they were talking to ‘one of their own’?

In order to increase accuracy, verification of the interview record was sought from each interviewee. Every interview was recorded and the recording converted into a written summary of all the points made. This summary was then sent to the interviewee for checking, and any changes, additional points or comments that they wanted to make were included in the written interview record. The recording of the full interview was also retained and referred to when necessary, particularly for direct quotes.

Documents analysed

Information on NGO perspectives, strategies and actions, and on the policies and responses of companies and industries was also obtained from documents and reports relevant to the cases. These included primary texts such as: (1) material produced by companies or the industry, including annual reports, environmental reports, statements of company or industry policies, media releases, papers given by industry representatives at conferences, and articles and other material on corporate websites; (2) material produced by the standard-setting bodies, the RSPO and HSAF, including reports, statements of principles and the minutes of meetings; (3) material produced by NGOs, including campaigning reports, media releases and statements of their position. Among the most useful documents for factual information were the minutes of meetings of the RSPO and HSAF as they contained reports of actions, interactions and statements by NGOs and company and industry representatives in those dialogue forums.

Secondary texts were also used, including reports by consultants, academic papers by authors who had studied one or other of these two industries, as well as relevant newspaper reports and magazine articles. The documents produced by consultants and academics were among the more useful as they contained perspectives on NGO-business relations that tended to be more impartial.

It was understood that documents produced by NGOs or the industry were not necessarily unbiased, or even accurate. Most had been written with a particular audience and purpose in mind, which needed to be kept in mind when using them as sources. However, they could be triangulated with information from other sources. For example, statements made by a company to its peers in an industry magazine could be compared with what the company's representative said to the interviewer, or the positions it put to NGOs and others in the standard-setting dialogue forums of the RSPO or HSAF. As well as providing information in their own right, these documents proved useful as a means of verifying (or otherwise) and amplifying the information obtained and claims made during the interviews.

Direct observation

Some data was also gathered by direct observation, through my attendance at the 2013 annual meeting of the Roundtable on Sustainable Palm Oil (RSPO) in Medan, Indonesia, and the 2015 meeting of the World Hydropower Congress in Beijing, China. Attending these meetings early on in the data gathering process was useful as it enabled me to gain a better understanding from the beginning of the interactions and relationships between the different actors involved. This was useful in itself, and also helped give perspective to the documents used, including documents from later meetings of these two bodies. I also attended the annual meeting of the Roundtable on Sustainable Palm Oil (RSPO) in 2021, but this was not a face-to-face meeting because of the COVID pandemic. Attending the various presentations and panels by Zoom was a useful source of information, but little or no observation of interactions was possible.

The face-to-face meetings of these bodies involved hundreds of representatives from all of the key stakeholder groups in each industry coming together for several days to discuss aspects of the industry, including its social and environmental impacts. This enabled direct observation of the interactions and power dynamics between the various actors involved, and in particular between the NGO and company representatives. It also provided the opportunity for me to have informal conversations during breaks with business representatives, NGO staff members, consultants and others. These informal conversations were not recorded but nevertheless provided a very useful source of information and perspectives.

Summary

In summary, this chapter has set out the method that was used to address the research question and sub-questions that this thesis sought to answer. The research method chosen was case studies, because it is the most useful one for addressing questions that ask *how* or *why* some social phenomenon occurs, or that require an extensive in-depth description and explanation of a phenomenon. A ‘two-case’ design was adopted so as to enable the depth and detail of a single case study to be retained while offering the possibility of some robustness in the findings through replication in a second case.

The two particular cases chosen were of NGOs efforts to influence the transnational palm oil industry and hydropower industry. These two industries had features in common but were different in some theoretically significant aspects. In particular the two industries were structured differently, as were the dialogue forums that they formed. This meant that the NGOs were attempting to influence companies that had different relationships and susceptibilities to other actors in the industry and to NGOs, which meant that the ways in which the NGOs used their discursive power and the ways in which it was transmitted to their primary corporate targets was likely to be different in each case.

Two methods were used to identify NGO influence on business actors and single it out from that of other actors or factors. These were by tracing causal chains that linked NGO actions to an outcome, and by demonstrating the similarity between what the NGOs had been calling for and the outcome that resulted.

To ensure that the data collected for these two case studies was as robust as possible, ‘triangulation’ was used, that is, data was collected from a variety of sources that involved a range of perspectives on the same question - semi-structured interviews, documents, and direct observation. Each of these methods of collecting data had potential biases, and the steps that were taken to minimise these were set out in this chapter.

In the chapters that follow, the research methods set out in this chapter are applied to the two case studies, of NGO influence on the transnational palm oil industry and the transnational hydropower industry, in both campaigning and in dialogue.

Chapter 4
Influencing the palm oil industry through campaigning

This chapter and the one that follows constitute the first of the two case studies that this thesis presents - on the efforts of NGOs to influence the transnational palm oil industry. This chapter analyses how they exerted influence through confrontational public campaigns, while the chapter that follows analyses their efforts to influence the industry through more cooperative dialogue in a multi-stakeholder forum. This division of the case study into two parts is in line with the insight from the literature on NGOs' influence on business that there are two modes in which NGOs can operate, campaigning and dialogue. The way they exert influence is likely to be very different in each of these modes, and hence each of the case studies is presented in these two parts – NGOs' efforts to influence the industry through confrontational campaigning and their efforts to influence it through more cooperative dialogue. This chapter looks at the efforts of international NGOs to influence the palm oil industry via campaigning.

Its aim is to address two of the research sub-questions that this thesis set out to answer – how are NGOs able to translate the norm of responsible corporate behaviour on which their discursive power was based into power and influence on companies that were driven primarily by commercial considerations and profit maximising, and what role does material power played in this? To do this, it uses an analytical framework that involves identifying the different ways in which discursive power and material power were used by the various actors involved in the transmission of power and influence from the NGOs to the companies they were targeting.

There are however other authors who have written about the efforts of NGOs to influence the palm oil industry via campaigning, and whose contributions to answering the research sub-questions need to be taken into account. Many of these have focused on the role of local NGOs at the plantation level assisting affected communities (Ruysschaert and Hufty 2020, Brad and Hein 2023, Toumbourou and Dressler 2024), rather than at the transnational industry-wide level that is of interest to this study. Two exceptions are Pye (2012) and Dauvergne (2017) who do analyse NGOs campaigning at the transnational level. Their approaches are somewhat different from that taken by this study. Pye analyses the different types of campaigns run by different types of activist groups – consumer-based campaigns favoured by international NGOs, and campaigns directed at governments by what he refers to as 'transnational campaign coalitions.' Dauvergne focuses on what NGO consumer-based campaigns have achieved, and highlights the distinction between their influencing of corporate policies and their achieving of positive environmental outcomes at the plantation level. This analysis by Dauvergne is of relevance to this thesis and is discussed later in the chapter.

In this chapter, the process by which power and influence was transmitted from the NGOs to the companies they were targeting is analysed in detail. This reveals that different types of actors were involved in this process that played distinctly different roles, and employed discursive and material power in different ways. It also reveals that, while the only form of power that NGOs were able to exert was discursive, this discursive power was translated into material power exerted by other actors. The result was that the direct discursive power that NGOs exercised on the plantation companies was supplemented by the material power exerted on them by other actors.

This chapter is in three parts. In the first part, after a brief description of the palm oil industry and its environmental and social impacts, there is a detailed analysis of the campaigns run by the two major international NGOs (Greenpeace and Friends of the Earth) and a campaign by one of the many smaller NGO that were also involved (Forest Heroes). In the second part, these campaigns are analysed to reveal the chain of influence through which power and influence was transmitted from NGOs to their primary targets, the plantation companies that grew oil palms, the different types of actors involved in this chain, and the forms of power they used. The third part of the chapter examines factors that affected the ability of NGOs to exert influence, specifically the skills and capacities that they possessed. It also includes an examination of what the NGOs were and were not able to achieve as influencers of the transnational palm oil industry.

The transnational palm oil industry

The palm oil industry is one of global importance as it produces a commodity that is a vital component in the production of many consumer products, including processed foods, confectionary, and hygiene and cosmetic products. It is much in demand as it is the cheapest source of the vegetable oil that is needed in the production of these products. It can be grown on degraded land unsuitable for other crops, and can produce six to ten times more edible oil per hectare than any other crop such as soya beans (Vis, Teoh et al. 2012: 3, 5). The production of crude palm oil has become a major economic activity and source of export earnings for a number of countries, but particularly for Indonesia and Malaysia, who together accounted for almost 90 percent of globally traded palm oil in 2023 (USDA 2023). In Malaysia, the industry contributes on average between 5 and 7 percent of the country’s Gross Domestic Product (Nambiappan, Ismail et al. 2018). It is claimed that the sector provides direct employment of nearly one million workers in Malaysia and four million in Indonesia, often in remote rural areas where alternative employment is scarce (Russell 2020).

In response to increasing demand for the product, there has been a rapid and extensive increase in the area cleared for oil palm plantations. This clearing of land for plantations has become the leading cause of deforestation in Indonesia and Malaysia. In Malaysia, new plantings were initially confined to land that had long been cleared and used for rubber tree plantations, but soon spread beyond this into virgin rainforest, particularly in the states of Sabah and Sarawak. The area covered by palm oil plantations in Malaysia has expanded from 1.2 million hectares in 1980 to 5.7 million hectares in 2021 (MPOB 2022, MPOB no date). Similarly in Indonesia the area covered by palm oil plantations has increased from 3 million hectares in 2000-2001 to 13.5 million hectares in 2022-2023(USDA 2023). Oil palm cultivation has also spread to parts of West Africa and Latin America (Vis, Teoh et al. 2012).

From the point of view of NGO influence, a key characteristic of this industry is that it has a commodity supply chain in which there are different types of companies along the chain that have different priorities and interests. This means that the ways in which NGOs can exert influence on these companies and the ways in which they respond will be different depending on where the company is along the chain.

Palm oil plantation. Of concern to NGOs was the large-scale clearing of tropical forests for oil palm plantations and its impact on biodiversity, animal habitats and greenhouse gas emissions.

The supply chain starts with the *plantation companies*, usually Southeast Asian based companies that own and run plantations of oil palm trees in Malaysia, Indonesia and elsewhere. In many cases they have mills close to or on their plantations that crush the fruit from the palm trees and extract the oil. These mills may also buy fruit for crushing from *smallholder farmers* nearby who have oil palms on their small plots of land. Then there are the *trader*s who buy and sell the crude palm oil, distribute it locally and/or export it to overseas markets. Their buyers include *manufacturers*, usually large corporations based in Europe or North America that produce and sell processed food, hygiene, cosmetic and other products that contain palm oil. At the end of the supply chain are the *retailers* including major supermarket chains that sell those products to the mass market (Ryoo, Shivkumar et al. 2023, EBRD 2024).

Companies at the downstream end of this supply chain (the manufacturers and retailers) are public-facing, that is, they sell their products to the consuming public who may be concerned about where the products they buy come from, and what impacts their production may have had on the environment. Companies at the upstream end of the supply chain (the plantation companies, processors and traders) are not public-facing and therefore are likely to be less sensitive to consumer demands or concerns. They do however need to take account of the concerns and policies of the corporate customers (manufacturing companies) who buy their crude palm oil and of the banks that finance their operations (Hadiguna and Tjahjono 2017, Lee and Bateman 2023). Because they are often in remote locations and are not public-facing, they are more difficult to be reached and influenced by NGOs. The ways in which NGOs exert influence on retailers and manufacturers will of necessity be different from the ways in which they exert influence on plantation companies

The palm oil industry has attracted controversy because of its environmental impact on sensitive tropical forests, and social impact on vulnerable communities near its plantations. NGOs have become particularly concerned about this industry because of the rapid and extensive expansion of oil palm plantations in Malaysia and Indonesia and the large scale clearing of rainforests. The issues of concern to environmental NGOs are the impact of this clearing on biodiversity, the habitat of endangered species, and on greenhouse gas emissions (FoE 2022, Greenpeace 2022). The forests being cleared are primarily tropical rainforests that are the source of rare and invaluable biodiversity and the habitat of endangered species such as the orang-utan and Asian tigers. The clearing and burning of forests affect climate change by removing a sink for greenhouse gases and releasing greenhouse gases into the atmosphere through the burning of the cut forest trees and undergrowth. The effect on greenhouse gas emissions is particularly acute when peat-land is cleared and burnt (European Parliament 2020).

NGOs whose interest is social justice and human rights have also become concerned and involved because of the impact of plantation development on the rights and livelihoods of small-scale farmers and poor and vulnerable people who live in or rely on the forests that are being cleared. The arrival of a plantation company in an area usually means a rapid transformation from a forest-based subsistence livelihood to a market-based livelihood as a small-holder or plantation worker. A common pattern of land acquisition for plantations is to persuade communities to relinquish the traditional rights to their land by promising monetary compensation or a small plot of oil palm land in a smallholder scheme, or offering employment as labourers on the plantation. This can have negative as well as positive effects on the community's well-being (Santika, Wilson et al. 2019, Santika, Wilson et al. 2021, Sibhatu 2023). A lack of proper consultation, inadequate compensation, or unfulfilled promises has led in many cases to dissatisfaction and discontent on the part of affected communities and traditional landowners. On-going disputes and clashes between affected communities and plantation companies over the loss of land are common, particularly in Indonesia. In 2014, the environmental news platform Mongabay counted 60 conflicts between peasants, police, forestry authorities and companies in the province of Jambi alone (Brad and Hein 2023: 454). In 2020 the Consortium for Agrarian Reform, Indonesia's largest agrarian movement organisation, reported 2,047 conflicts during the period 2015 to 2019 (FPP 2020: 4).

Choice of campaigns to study

A number of environmental and social justice NGOs have become involved in trying to mitigate these negative impacts by campaigning to change the way that palm oil companies operated. The key NGOs involved in these campaigns were identified in a 2010 report by Teoh Cheng Hai, a consultant with 40 years' experience in the global palm oil industry, including several years as the first Secretary-General of the Roundtable on Sustainable Palm Oil (see chapter 4). He listed the key environmental NGOs involved at that time as World Wide Fund for Nature (WWF), Greenpeace and Friends of the Earth, and the key social justice NGOs as Oxfam, Forest Peoples Programme and Sawit Watch (Teoh 2010: 10). WWF, Greenpeace, Friends of the Earth and Oxfam are large international NGOs. Forest Peoples Programme is a small UK-based organization, and Sawit Watch is an Indonesian NGO (*sawit* being the Indonesian world for palm oil).

This chapter focuses on the campaigns run by two of those listed by Teoh, Greenpeace and Friends of the Earth, but refers to the activities of the others (WWF, Forest Peoples Programme, Sawit Watch) in the next chapter on the Roundtable on Sustainable Palm Oil. There are also a large number of smaller NGOs that have been or still are campaigning to influence the transnational palm oil industry. There are too many of these smaller campaigns for a comprehensive treatment. But to provide a broader picture of NGO campaigning on this issue, this chapter considers a typical example of these campaigns by smaller NGOs - the campaign by a small US-based NGO called Forest Heroes.

A timeline of these NGO campaigns and other key activities related to the regulating of the palm oil industry is given Appendix B.

Campaign by Greenpeace

One of the most important international NGOs involved in campaigning against the palm oil industry was Greenpeace. The basic concern of this environmental organization was the large-scale clearing of virgin rainforest in Indonesia by plantation companies, and the destructive effect that this was having on biodiversity and animal habitats. According to a Greenpeace campaign organizer interviewed (Interviews PO-24 and PO-25), the targets of their initial palm oil campaign were the large and influential Indonesian plantation companies, whom they hoped to change from being major destroyers of forests to being supporters and leaders in the industry of more sustainable practices. To influence these difficult-to-influence companies Greenpeace adopted the strategy of targeting intermediate corporate actors who were more able to be influenced, and who could in turn influence the Indonesian plantation companies. The intermediate actors chosen were large manufacturing companies that bought the crude palm oil produced by the plantation companies for incorporation into a range of consumer products that they manufactured and sold. This was an industry in which there were many producers of palm oil and fewer buyers, which meant that manufacturing companies like Unilever and Nestle that bought crude palm oil produced by plantation companies had considerable commercial power vis-à-vis those companies. They were major corporate customers of the Indonesian plantation companies and therefore in a position to exert pressure on them. They were also public-facing companies that had brand names and corporate reputations that needed to be protected and hence were sensitive to being associated with environmental scandals and able to be influenced by customer pressure. The campaigning strategy that Greenpeace adopted therefore was to target these image-sensitive manufacturing companies that were major buyers of crude palm oil so that they would in turn exert pressure on their suppliers, the Indonesian plantation companies.

Campaign directed at Unilever

The campaign began in November 2007 with Greenpeace publishing a report *How the Palm Oil Industry is Cooking the Climate* in which it accused manufacturing companies of ‘driving the wholesale destruction of peat-lands and rain-forests’ through their demand for palm oil for their products (Greenpeace 2007). The campaign then focused on one manufacturing company in particular, Unilever, which was selected because it was a major buyer of crude palm oil from Indonesia plantation companies, and was a large and influential player in the industry that could potentially influence other companies (Interviews PO-24 and PO-25). Unilever bought a large amount of crude palm oil and used it in the wide range of consumer products that it manufactured and marketed (soaps, lotions, cosmetics, processed food, ice cream, etc). In terms of the European and US markets it was a dominant company in a buyer-driven supply chain, and was therefore in a position to use its commercial strength to influence its suppliers. It was also a dominant company in the palm oil industry in general and therefore in a position to influence other companies by example.

One of the reasons for Greenpeace’s effectiveness as a campaigning organization was its skill at using the media, its ability to attract media attention by staging dramatic events. A typical example occurred at the beginning of the campaign in April 2008, when the offices and facilities of Unilever in the UK, Netherlands and Italy were invaded by Greenpeace activists dressed as orang-utan, who occupied the buildings and hung banners from them that said things like ‘Unilever, don’t destroy the forests’ or ‘Stop putting tiger survival on the line’. The point of the banners was that they had large easily-read messages that would appear in any visual coverage in the media. This type of activity designed primarily to attract media attention was a common strategy that Greenpeace used throughout its campaign.

As a way of attracting media attention, the invasions of Unilever facilities appear to have been successful. A search of the ProQuest newspaper database revealed that in the fortnight following the event there were twenty articles reporting on it in major English language newspapers and wire services. Of these, twelve were in major UK newspapers including the *Financial Times, The Times, Daily Telegraph* and *Daily Mirror* as well as Liverpool and Birmingham papers. In the USA there were articles in the *Wall Street Journal, the Chicago Tribune*, UPI and two regional newspapers[2]. There may also have been coverage on radio stations, TV news services and web-based news service in various countries, but there were no databases available to trace these.

An example of a Greenpeace campaigning event involving a large banner. This one focused on the Unilever anti-dandruff product Head and Shoulders, which another nearby banner proclaimed 'Wipes out dandruff and forests'. (Photo: Greenpeace).

Coinciding with this event, Greenpeace published another report entitled *How Unilever palm oil suppliers are burning up Borneo,* that was based on extensive research and whose central message was that Unilever's suppliers were destroying the forests of Indonesia.

[2] The ProQuest database at https://www.proquest.com/results/ was searched for mention in newspapers only of the terms 'Greenpeace' and 'Unilever' in the period 1 April 2008 to 31 July 2008.

> Through analysis of maps, satellite data and on-the-ground investigations between February and April 2008, Greenpeace has mapped out how expansion of the oil palm plantations in Central Kalimantan is fuelling climate change and helping drive orang-utan to the brink of extinction. As Greenpeace investigations show, this expansion into the Indonesian territory of the island of Borneo has in large part been led by companies who are Unilever suppliers and RSPO members. (Greenpeace 2008).

Accusations of irresponsible behaviour were particularly effective with Unilever as this was a company that saw itself and projected an image of environmental and social responsibility. The previous year, in its 2007 Annual Report, the company's Group Chief Executive had said:

> We believe Unilever can only continue to thrive if we conduct our business in a sustainable manner. Integrating social, economic and environmental considerations therefore sits at the heart on many of our brand strategies (Unilever 2007: 5).

It had a policy of sourcing the agricultural products that it used in a sustainable way, and was a foundation member of the Roundtable of Sustainable Palm Oil that set standards for the sustainable production of palm oil. Greenpeace's accusations in its reports and media publicity directly challenged this image.

In Rotterdam Harbour in 2007, Greenpeace activists boarded a ship carrying palm oil for Unilever to hang this banner. This dramatic event was staged to attract media attention and to have their issue of palm oil and deforestation broadcast as widely as possible. (Photo: Greenpeace / Joel van Houdt).

On 9 May 2008 Greenpeace campaigners were invited to a meeting with Unilever's senior executives, and at that meeting the company agreed to the NGO's demands that it support a moratorium on deforestation for palm oil in Indonesia. According to Greenpeace this was because the company had received tens of thousands of protest emails from around the world (Greenpeace 2009a). In its Annual Report at the end of 2008, Unilever reported on the pro-active steps it had taken since the launch of the campaign:

> Working with Greenpeace we have built a global coalition of companies, banks and NGOs to break the link between deforestation and the cultivation of oil palm. In 2008, we announced our intention to have all our palm oil certified as sustainable by 2015. (Unilever 2008: 16)

The company already had a commitment to conduct its business in a sustainable manner (as stated by the Group Chief Executive in the company's 2007 Annual Report). What the Greenpeace campaign was able to achieve was to publicly highlight the fact that this commitment was not being properly implemented, and to pressure the company to go beyond this general rhetoric and put in place concrete measures that would hopefully ensure that the crude palm oil it used was in fact produced sustainably. The company's rhetorical commitment to operating in a sustainable manner was used against it in the sense that, by pointing out the inconsistency between what it said and what it did, the NGO created pressure on the company to bring its rhetoric and its performance in line with one another.

<u>Campaign directed at a plantation company</u>

In 2009 Greenpeace changed the focus of its campaign from a public-facing manufacturing company (Unilever) to a plantation company. Sinar Mas was one of Unilever's suppliers, an Indonesian plantation company that was seen as a major player in the industry in Indonesia and potentially able to influence others in that country. Sinar Mas was owned by a large Singapore-based company called Golden Agri Resources (GAR). According to the Greenpeace campaign planner interviewed, the NGO spent a considerable time investigating what Sinar Mas was doing at a plantation level as a prelude to launching a campaign against it, using remote sensing as well as on-the-ground investigations.

> So we spent two years basically documenting what they were doing on the ground. We showed how they were clearing forests and peat-land, etc. …. We documented that through field investigations, investigative work, satellite imagery, reports that we could slam on corporates' desks, and the supply chain analysis, the chain of custody back to major global brands like Unilever and Nestle (Interview PO-24).

In a report released in December 2009 Greenpeace accused Sinar Mas of deforesting by clearing virgin forest and peat-land, often illegally without the proper permits. It claimed that the company's operations were 'having a devastating impact on biodiversity and local communities as well as contributing to global climate change'. The impact on local communities included a negative effect on the livelihoods and food security of people who were dependent on the forest for the gathering of food, firewood and building material where the forest had been cleared for plantations (Greenpeace 2009b).

Sinar Mas was not a brand-name company and was not public-facing, but it nevertheless felt the need to defend itself against these accusations, presumably because of the effects that they might have on its corporate customers that bought its crude palm oil. The claims by Greenpeace were met with denials and counter-claims by Sinar Mas, resulting in a contest between rival framings in the media. In a statement to Reuters News Agency, a Sinar Mas executive said that the company could not be accused of deforesting as it only opened up new plantations in degraded land that had been previously farmed or logged, and not in virgin rainforest. 'We should have been arrested if we had ever been involved in deforestation', he said (Wiggins 2009). In a media statement reported by the *Wall Street Journal Asia*, the company said that Greenpeace's report was based on 'inaccurate, misleading, exaggerated and generalized data and claims.' Sinar Mas denied that it cleared primary rainforest and said that plantations on peat-land accounted for only four percent of total plantations that it managed. It also denied that the company operated illegally without the required permits as Greenpeace had claimed (Wright 2009).

In such a situation of claim and counter-claim, it was essential for NGO influence that their claims and framing of the issue were the ones that were largely accepted, and not those of Sinar Mas, and to have their framing of the issues dominate the public debate in the media (Soule 2003, Sell and Prakash 2004). The NGO needed to be seen as more credibility in the eyes of the public than the companies. This appeared to have been the case, for Unilever at this point felt the need to disassociate itself from Sinar Mas. In the light of the evidence produced by Greenpeace, and the company's commitment to a moratorium on deforestation, it had little choice. In November 2009 Unilever suspended all purchases of crude palm oil from Sinar Mas until its standards improved (Interview PO-24), clear evidence that the NGO campaign was having an effect.

<u>Campaign directed at Nestle</u>

But this was not enough to shift Sinar Mas. Although Unilever was a major buyer of its crude palm oil and an influential company in the industry, and its loss as a customer no doubt significant, Sinar Mas had other corporate customers to whom it could sell its palm oil. However, Greenpeace then launched a further

A Greenpeace demonstration against Nestle outside one of the company's buildings, featuring activists dressed as orang-utan, and associating one of the company's more popular confectionary products, Kit Kat, with the killing of orang-utan. (Photo: Greenpeace).

campaign to have another of Sinar Mas' major corporate customers, Nestle, also stop buying from it (Interviews PO-24 and PO-25). The NGO's campaigning activities included the release of a report in March 2010, and activists invading Nestle shareholder meetings in Switzerland and several other countries, once again dressed as orang-utan, and releasing large banners on buildings. At about this time Greenpeace released a video on social media that was in the form of a mock commercial for Nestle's Kit Kat chocolate bar. It showed an office worker 'taking a break' to eat a Kit Kat, but as he bites into the bar it turns into an orang-utan's finger and blood spurts out. 'Ask Nestle to give rainforests a break' it said. Claiming copyright infringement, Nestle managed to have YouTube remove the video, but by then it had gone viral with more than a million views (Dauvergne 2017: 142).

Greenpeace's campaigning activities also generated considerable coverage in the mainstream media. Media interest in and attention to the problems associated with palm oil cultivation was growing. A search of the ProQuest newspaper database revealed that in the one-month period from 17 March to 17 April 2010 there were 72 articles in the print media alone (including wire services) on the Greenpeace campaign against Nestle. Of these, nine appeared in the UK, six in US newspapers, thirteen in Canadian papers, and fifteen in Australian newspapers. There were also ten articles in English language newspapers in Indonesia and Malaysia, and nineteen in other European, Asian and Latin American papers [3]. A business journalist with *The Guardian* newspaper pointed out that it was not just coverage in the mainstream media that was having an effect but also the widespread coverage on social media:

> Of course, it was not Greenpeace's actions alone that created this change but the power of social media. The story was followed closely by specialist media, such as Greenbiz and Treehugger, as well as mainstream media such as The Guardian

[3] The ProQuest database at https://www.proquest.com/results/ was searche for mention in newspapers only of the terms 'Greenpeace' and 'Nestle' in the period 1 March 2010 to 30 May 2010.

> and newswires like Reuters. There was also a large amount of commentary on blogs, which accounted for 70 percent of the conversations about palm oil on the web during the six-month period to September 27, and of course the NGOs were vocal and influential (Harrild 2010: 8).

Syarifuddin, Cangara et al have said that: ‘Greenpeace’s social media campaign on YouTube, Vimeo, Facebook and Twitter have caused an ‘anti-Nestle’ attitude to become viral in cyberspace’ (2020: 4).

This publicity challenged the image that Nestle wished to project as a company that acted responsibly and was concerned about preserving the natural environment. Its response was to make public commitments to operating in a sustainable manner and not contribute to deforestation. In a media statement it said:

> Nestle views destruction of tropical rainforest and peat-lands as one of the most serious environmental issues facing us today….. At the April 2010 Annual General Meeting, our Chairman Peter Brabeck-Letmatte reinforced this position and repeated our support for an end to deforestation (Nestle 2011).

In May 2010 Nestle suspended all purchases from Sinar Mas, and took a concrete step towards dissociating itself from deforestation by introducing ‘Responsible Sourcing Guidelines’ for its suppliers. This required all of its suppliers to source palm oil only from plantations that were not areas of cleared natural forest, not on peat-lands or forests of high carbon or conservation value, and where the free prior and informed consent of local and indigenous communities was respected (Nestle 2015).

The timing of this commitment by Nestle and the fact that it echoed the demands of the NGO so closely are evidence that it was the Greenpeace campaign that was primarily responsible for the changes. Greenpeace certainly claimed credit for it. A spokesperson for the NGO said at the time: ‘We had been asking Nestle to stop buying products from rainforest destruction for two years before we launched our campaign. Nestle cracked within just two months because the overwhelming public response made the company listen' (Economist 2010). The implication was that Greenpeace generated the public responses from the company's potential customers and it was these responses that prompted Nestle to 'crack'.

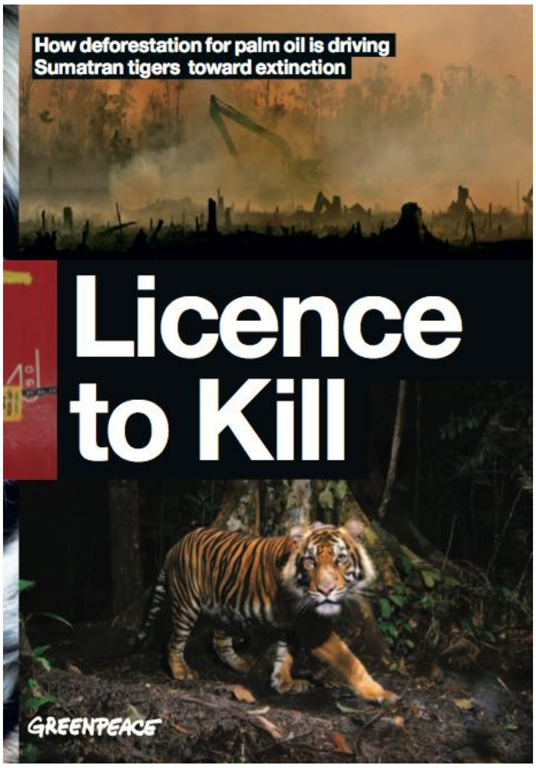
Faced with the loss of two major customers (Unilever and Nestle), Sinar Mas' parent company Golden Agri Resources (GAR) was forced to make a strategic adjustment. It brought in a new senior manager with a mandate to fix the problem (Interview PO-24) (RSPO 2012) and eight months later GAR announced that it was collaborating with an NGO called The Forest Trust to develop new policies and practices. At a press conference in Jakarta on 9 February 2011 the company announced that it was pledging to not clear land with a high carbon storage ability, and renewed its commitment to not clear peat-land or land with a high conservation value that were important for animal habitats and local livelihoods. This amounted to a major turn-around by Sinar Mas / GAR. As a result, Nestle and Unilever resumed purchases from them in September and October 2011 respectively (Butler 2011, Nestle 2011, Wilson 2011, Heng 2013).

These new commitments by Sinar Mas meant that it had moved to become a standard bearer in the Indonesian context, a leader within the industry in terms of instituting changes that would avoid deforestation. On paper at least it now had high standards for what land it would clear and what it would not. Greenpeace then began working with the company to field test its new commitment to these high standards. According to a Greenpeace campaigner interviewed, it now considered its relationship with Sinar Mas / GAR as that of a 'collaborative critic' saying that it was happy to work with and dialogue with companies, provided they had demonstrated a willingness to seriously work towards greater sustainability (Interview PO-24). On 6 June 2012, in a blog post by Bustar Maitar of Greenpeace Indonesia, the NGO welcomed GAR's progress towards preserving Indonesia's endangered forests

What seemed unthinkable for some people two years ago is now happening. Golden Agri-Resources (GAR) is leading the way in what could be the starting point for the palm oil industry to phase out deforestation. And instead of hanging banners at its offices, we are collaborating with the company in what is an unprecedented, serious effort towards what GAR described as a 'no deforestation footprint' for palm oil. (Greenpeace 2012).

This was an example of an NGO that normally took a confrontational approach to palm oil companies being pragmatic and adopting a different and more cooperative approach when it felt that the circumstances warranted it and it would be effective.

<u>Campaign against Wilmar</u>



Cover of the 2013 Greenpeace report 'Licence to Kill'.

Greenpeace's campaign to stop deforestation in Indonesia however continued. In 2013 it changed its focus from Sinar Mas / GAR to another Singapore-based company, Wilmar International. (Wilmar was at this time also a target of a Friends of the Earth campaign). Wilmar is one of the world's largest palm oil companies. As well as having substantial plantation and milling interests in Indonesia and Malaysia, it claimed to be the largest palm oil refiner in both countries, and the world's largest processor of palm oil. In October 2013 Greenpeace launched a report titled *Licence to Kill. How deforestation for palm oil is driving Sumatran tigers towards extinction* that accused the company of sourcing the oil palm fruit that it used in its processing plants from plantations in Sumatra that were cleared from peat-land and rainforest that was the habitat of endangered tigers.

To put additional pressure on the company, Greenpeace once again employed the strategy of using intermediate corporate actors. In the report, Greenpeace named some of Wilmar's major customers, including brand-name manufacturing companies Colgate-Palmolive, Mondelez (formerly Kraft) and Procter and Gamble, saying that they lacked adequate policies to ensure that the palm oil that they bought was not driving deforestation. Greenpeace also launched a petition called the 'Tiger Manifesto' that called on these well-known brand-name companies to make sure their products were not associated with deforestation and the destruction of tiger habitat (Greenpeace 2014). By November 2017 this petition had been signed by celebrities from countries all around the world, and by over 700,000 ordinary concerned individuals (Greenpeace 2017).

In December 2013, two months after Greenpeace launched its campaign against Wilmar, the company announced an ambitious new policy that was in line with the NGO's demands. From now on 'No Deforestation, No Peat Land, No Exploitation' would be associated with the palm oil that it grew, bought, processed or traded (Wilmar 2013). This was a major victory for the NGOs as Wilmar was a large and influential processor and trader of palm oil and its policy had implications for all of the Indonesian plantation companies that supplied it with crude palm oil.

However implementation of this policy by Wilmar and its suppliers was a problem, and Greenpeace felt it necessary to keep up the pressure. To do this, the NGO in its usual fashion staged a number of spectacular campaigning events, including in September 2018 the occupation of a Wilmar refinery in Sulawesi, Indonesia, by a party of Greenpeace volunteers. One group climbed the anchor chain of a tanker ship transporting palm oil, thus preventing it from moving. Another group scaled storage tanks in the refinery and painted 'DIRTY' in five metres high letters on the tanks. All of this was accompanied by an Indonesian rock band who performed on the top of the tanks. Greenpeace's central message was to brand name companies like Unilever, Nestle and Mondelez that they should: 'listen to your customers and cut Wilmar off until it can prove its palm oil is clean' (Greenpeace 2018a). This was Greenpeace once again using influential intermediate corporate actors, Wilmar's image-sensitive brand-name customers, to exert pressure on an otherwise difficult to influence company.

'There's a Rang-Tan in my bedroom'

Mention was made earlier of Greenpeace's effective use of the media to have its message broadcast to a wide audience and have them take some action. While mainstream media (TV, radio, newspapers) was important in this regard, Greenpeace recognised early on that social media was also of central importance. One early example of its effective use of social media was the mock Kit Kat ad that it launched in 2010. However, the use of social media reached a new peak in 2018-2020 when the NGO launched a video called 'There's a Rang-Tan in my bedroom', which became a viral sensation with over 80 million online views. The short film shows a cartoon orang-utan called 'Rang-Tan' who has set up home in a little girl's bedroom and seems to be upset with many items in the room such as chocolate and shampoo. While the little girl is initially annoyed at Rang-Tan and tells her to leave, the viewer is then told why Rang-Tan has taken shelter in the bedroom – 'there are humans in my forest and I don't know what to do'. The film cuts to show the devastation caused in Rang-Tan's home forest due to the growing of palm oil. The video, which was also turned into a picture book, prompted over a thousand schools to contact Greenpeace for teaching aids on the issue of palm oil, and thousands of children to support Rang-Tan with letters, stories and videos of their own (Greenpeace 2018b).

Since then, Greenpeace has continued to campaign on palm oil but at a reduced level. At the time of writing (2024) the focus of its campaigning on palm oil was encouraging its supporters to let brand name companies like Unilever, Nestle and Mondelez know that they should fulfil their promises to stop buying palm oil from companies that destroyed forests (Greenpeace 2024a).

Campaigns by Friends of the Earth

The other important international NGO involved in campaigning against the palm oil industry was Friends of the Earth (FoE). This international NGO is made up of a number of national branches, and its campaigns were usually run by one or more of these national branches. In January 2005, for example, the UK branch of FoE released a report on the palm oil industry in Indonesia titled *Greasy Palms – Palm Oil, the Environment and Big Business*, which linked the negative impacts of oil palm cultivation to the European market for palm oil and to the involvement of UK companies (FoE 2005a). Later that year it joined with a coalition known as the Ape Alliance to launch another report titled *The Oil for Ape Scandal. How Palm Oil is Threatening Orang-utan Survival,* which linked oil palm cultivation in Indonesia with the destruction of the habitat of the endangered orang-utan. The report accused major UK supermarket chains that sold products containing palm oil of 'routinely failing to take even the most basic steps to protect people and the environment, despite their lip service to corporate responsibility' (FoE 2005b: 5). These were examples of NGOs packaging their messages in a dramatic way, in reports with catchy titles, in order to attract the attention of the public and the media.

UK supermarket campaigns 2006 to 2008

In the years that followed, FoE in the UK ran other campaigns directed at supermarkets. They had supporters hand out information sheets outside stores 'to tell shoppers that one in ten supermarket products contains palm oil' and that 'palm oil plantations are the biggest cause of rainforest destruction in Southeast

Asia, making them the biggest threat to orang-utan survival' (FoE 2008a). FoE also put ads in several UK newspapers criticising a supermarket chain for not taking action (FoE 2008b). It organized a parliamentary reception featuring TV personality Joanna Lumley who told interested Members of Parliament about her personal experiences with orang-utan (FoE 2008c). The aim was to embarrass supermarket companies so that they would put pressure on the companies that manufactured and supplied them with products containing palm oil, to have them ensure that the palm oil they used was produced in a responsible way that did not endanger orang-utan.

The supermarkets were not the NGOs' primary targets. These were the plantation companies, the grower of oil palms that were directly responsible for the negative environmental and social effects that were of concern to the NGOs. But plantation companies were geographically inaccessible, and not easily influenced by NGOs and concerned customers as they did not sell directly to the consuming public. The UK supermarkets were intermediate corporate targets that were accessible and readily influenced by NGOs and concerned customers because they were image-sensitive, and they could in turn apply pressure back up the supply chain to the more difficult to influence plantation companies.

Campaign against Bumitama and Wilmar

In 2013 FoE changed the target of its campaigning from UK supermarkets to the companies that were directly responsible for the problems, the plantation companies in Indonesia. It launched a major campaign directed at the Indonesian plantation company Bumitama Agri Limited (hereafter Bumitama) and the palm oil processing company Wilmar International that was the major buyer of crude palm oil from Bumitama. (Wilmar was at this time also the target of Greenpeace's campaign). In a report titled *Commodity Crimes: Illicit land grabs, illicit palm oil and endangered orangutan* launched in November 2013, FoE Europe and FoE US accused Bumitama of illegal land grabbing, illegal logging of land near protected forests, destruction of forest that was home to endangered orang-utan, and illegal selling of palm oil from unlicensed plantations that did not have the necessary permits (FoE 2013a).

Unlike the Greenpeace campaign with its focus on brand name companies, FoE's strategy was to put pressure on the European financial institutions that were the financiers of Bumitama and Wilmar. The aim was to use these financial institutions as intermediate corporate actors that could be influenced by revelations of irresponsible behaviour, and could exert influence on the NGOs' primary targets, the two Southeast Asian companies. The targeted institutions included Rabobank, Deutsche Bank and Netherlands and Swedish pension funds (FoE 2013b). FoE called on them to cancel their loans to Bumitama, and for Wilmar to break its current contracts with Bumitama and sell the shares that it owned in the company (FoE 2014a).

In support of the FoE campaign, the German NGO Rainforest Rescue organised a petition calling on one of those financiers, Deutsche Bank, to disinvest from Bumitama. A petition with 87,900 signatures from German citizens was presented to the bank, and in May 2014 the bank announced that it was selling its shares in Bumitama (FoE 2014c). This was an example of NGOs motivating concerned individuals to take a small action (sign a petition) that helped create pressure on an intermediate corporate actor (Deutsche Bank) that took action that had implications for the NGO's primary target (Bumitama).There was in other words a chain of influence that ran from the campaigning NGOs to the concerned individuals who signed the petition, from them to the bank as an intermediate corporate actor, and from the latter to the NGOs ultimate targets, the palm oil producers and traders.

In May 2014 representatives from several FoE national branches (Europe, US, Uganda and Indonesia) met with Wilmar International at its offices in Indonesia to present the company with details of the situation at the Bumitama plantations (and at other plantations in Uganda), and to call on Wilmar to put into practice its recently announced policy of having ‘No Deforestation, No Peat, No Exploitation’ associated with the palm oil that it produced, bought or traded (FoE 2014b). Unsatisfied with the response of Wilmar, FoE continued its campaigning, and in July and December 2015 launched two more critical report.

Campaign against PT Astra Agra Lesturi,

While Wilmar International was the largest and most influential company in the Indonesian palm oil industry, the second largest was a company called PT Astra Agra Lestari (PT-AAL), and it was to this company that FoE now turned its attention. In 2019, the Dutch and Indonesian branches of FoE (Milieudefensie and WAHLI) brought to the Netherlands a representative of the communities negatively affected by a subsidiary of PT-AAL, to confront two of the Dutch banks that were financing the company (ABN AMRO and Rabobank) (Jong 2019). This was followed in March 2022 by a scathing report by WALHI and FoE (US) accusing three of PT-AAL subsidiaries in Indonesia of long-standing land rights abuses, environmental destruction and operating without proper permits. The report also called upon consumer brand-name companies that use PT-AAL’s palm oil in their products, and financial investors that supported the company, to disassociate themselves from it. As a result of the negative publicity that all this generated, brand name companies Kellogg, Hershey, PepsiCo, Mondelez and others began to suspend their purchases of palm oil from PT-AAL (Jong 2023). In April 2024, FoE brought to London a leader from the affected communities and a woman who had been intimidated by the company’s security personal, to meet with PT-AAL’s parent company, Jardine Matheson, and with one of the banks financing the company, and with consumer goods giant Unilever. A few months later, in July 2024, FoE released a further report that covered all of PT-AAL’s subsidiaries throughout Indonesia, and which revealed that the company’s violations were more extensive than had been previously documented. At the time of writing (2024), none of this pressure generated by the NGO had resulted in any significant changes at the plantation level. ‘Two years [have passed]’, said one of the authors of the 2024 report, ‘but what have been the result of these engagements? Unfortunately for communities on the ground, the situation has not been improved’ (Jong 2024).

Campaign by Forest Heroes

By the 2010s general public concern over the impacts of oil palm plantations on the environment was widespread, and there were many NGOs, some of them quite small, campaigning on the issue. There are too many of them for this thesis to provide a comprehensive coverage, but to give a broader picture of NGO campaigning on this issue, one has been chosen that is typical of the many - the campaign by a small US-based NGO called Forest Heroes. Beginning in December 2013 its campaign on palm oil employed a strategy similar to that used by Greenpeace and Friends of the Earth – the use of influential intermediate corporate actors. The intermediate corporate actors that this NGO chose to use were the major US-based brand-name doughnut companies. The Chair of Forest Heroes explained the reason for this: ‘When you eat a doughnut, you actually get palm oil on your fingers. That is a very tangible connection’ (Harball 2015: 2).

The campaign began with the NGO highlighting the impact of oil palm cultivation on forests, and the consequent impacts on biodiversity, local communities and the habitat of the endangered species. The NGO chose as its first target the Dunkin’ Donuts chain in the US. Although this company accounted for only a tiny amount of the world trade in palm oil, it was chosen because it was a well-known and widely recognised brand in the US, and a campaign directed at it would therefore attract widespread public attention. An investigation of the company by the NGO revealed that it planned to double the number of its franchises in the US over a 20-year period. The NGO began in 2014 to alert potential franchise buyers of its upcoming campaign to demand the end to the sourcing of irresponsibly produced palm oil (Harball 2015, Dauvergne 2017: 143). In May 2014 Forest Heroes volunteers demonstrated outside a Dunkin’ Donuts shareholders meeting dressed in tiger ears and tails to highlight the impact of palm oil on the habitat of the Sumatran tiger (Stark 2014). The company almost immediately announced that it would change its palm oil sourcing policy. It committed to phasing out by 2016 the use of palm oil connected with deforestation, the draining of peat-lands or human rights abuses (PRNewswire 2014).

Given this concession, the NGO switched targets to another well-known doughnut company Krispy Kreme. In June 2014 a ‘Deforestation Donuts’ campaign was launched. Amongst other things this involved groups of protesters showing up at the well-attended openings of Krispy Kreme stores with signs telling customers that the company was killing orang-utan and destroying rainforests. In September 2014, Krispy Kreme also committed to phase out the purchasing of palm oil connected with deforestation by 2016 (PRNewswire 2014, Harball 2015, Dauvergne 2017: 143).

This campaign once again involved NGOs using a chain of influence - from concerned consumers, through public-facing intermediate corporate actors (in this case doughnut retail chains) to their primary targets (the growers and suppliers of palm oil). In the years that followed, Forest Heroes continued its campaigning to save the world’s forests, but with a reduced emphasis on the palm oil industry as its target.

Use of discursive power to challenge corporate reputations

In each of the campaigns outlined above, the NGO began by documenting and exposing unacceptable behaviour by companies at a plantation level, often via dramatically titled reports. By highlighting behaviour that was environmentally and/or socially irresponsible and damaging, the NGOs were directly challenging the way in which the industry presented itself to the public - as companies that operated in a responsible way and supplied a useful product for society. Palm oil was promoted by the industry as a vegetable oil that enhanced many products that people valued, and had less environmental impact than alternative products such as soya bean oil. NGOs on the other hand in their reports and public campaigning portrayed it as an industry that was destroying large swathes of tropical rainforest and with it biodiversity, carbon sinks and rare animal habitats. There were in other words two very different framings of the industry and its effects, and contestation between NGOs and the industry in the media and elsewhere over whether the industry was operating in a responsible manner. Despite their attempts to defend themselves and present an alternative framing, palm oil companies and the industry in general found themselves in a situation in which their valued corporate reputations were being threatened by the NGOs' public accusations. As an academic who had studied the palm oil industry said in an interview:

> The basic source of NGO influence is the threat of reputational damage to a company. The standards for corporate behaviour are set, and examples of companies not abiding by them are exposed by NGOs, and readily taken up by the media. Companies don't like this. (Interview PO-45).

The 'standards for corporate behaviour' referred to were the expectations of companies that they should not destroy rainforests and the habitat of endangered species such as orang-utan and Sumatran tigers. By showing that certain companies or their suppliers were not meeting this expectation, NGOs were able to challenge and undermine their reputations with customers and investors. In the competitive business environment in which those companies operated, a loss of reputation could have a serious negative effect on their income, share value, insurance costs, ability to raise capital, staff morale and general commercial standing (Teng, Khong et al. 2020, Comyns, Meschi et al. 2023).

This amounted to the use by NGOs of discursive power. Discursive power was defined in an earlier chapter as power that is a function of shared cultural values, principles or norms, that is reflected in discourse and communicative practices, shapes perceptions and identities, and influences the frames of policy problems. NGOs' power was based on the norm of environmentally responsible corporate behaviour, communicated via the media and other communicative practices, and used to shape public perceptions of and re-frame the identities of offending companies and the palm oil industry in general. This was the use of discursive power by NGOs to challenge companies and undermine corporate reputations.

Use of discursive power to activate concerned individuals

At the same time and through the same means, the NGOs used their discursive power to activate concerned individuals, people for whom care for the environment was a personal norm or principle that they valued and regarded as important. Through their public highlighting of irresponsible corporate behaviour, NGOs not only challenged corporate reputations, they also exposed concerned individuals to instances of non-adherence to their valued personal norms and principles, which the NGOs hoped would pre-dispose them to undertake some pro-environmental action, such as changing their buying habits, signing a petition or taking some other action.

This was the second way in which NGOs used discursive power in campaigning – to activate concerned individuals. The one set of actions by the NGOs (highlighting irresponsible corporate behaviour) had two different effects on two different groups. On the accused companies it had the effect of challenging them and undermining corporate reputations. On concerned individuals it had the effect of activating many of them to take some action such as signing a petition.

Evidence that the NGOs were able to activate significant numbers of such concerned individuals includes the petitions that were signed by tens and even hundreds of thousands of people. Mention has been made of Greenpeace’s Tiger Manifesto that by 2017 had been signed by over 700,000 people (Greenpeace 2017). There were others, such as the petition organized by the German NGO Rainforest Rescue that by May 2014 had attracted 87,900 signatures (Rainforest Rescue 2014, FoE 2014c). Other organizations were also motivated by these campaigns to organize petitions. In Australia, Zoos Victoria's launched a petition in 2013 to save the habitat of the orang-utan in Indonesia from oil palm plantations. By June 2024 this had attracted nearly half a million supporters (Zoos Victoria 2024).

Additional evidence of concerned individuals being activated were the people who demonstrated outside stores - the supporters of Friends of the Earth who handed out information sheets outside supermarkets in the UK in 2008 (FoE 2008a), the Forest Heroes volunteers who showed up at the openings of Krispy Kreme stores in 2014 with signs telling customers that the company was killing orang-utan and destroying rainforests (Dauvergne 2017: 143). There were also the teachers and students who responded in their thousands to Greenpeace's Rang-Tan video (Greenpeace 2018b).

While the number of concerned individuals who were activated by the NGO campaigns to take some action was indeterminate, the numbers were sufficient for public-facing retailers, manufacturers and banks to feel the need to respond to their concerns in some way, such as issuing statements, announcing new policies or codes of practice for their suppliers or cancelling orders with non-compliant suppliers. Image-sensitive companies such as Unilever and Nestle and private banks would be conscious of the fact that many of the concerned individuals who signed petitions were their actual or potential customers on whom their commercial wellbeing depended.

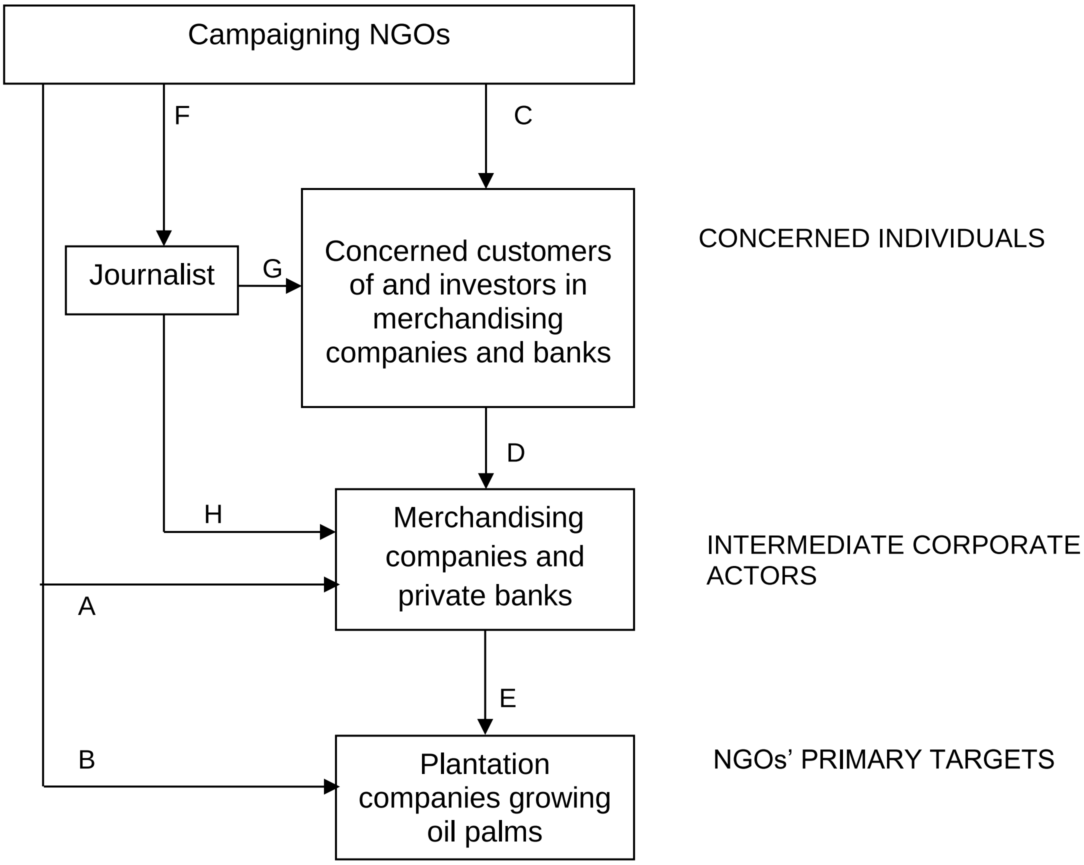
The theoretical explanation of how and why such concerned individuals were activated by NGOs was provided by the insights that this thesis drew from the social psychology literature on 'norm activation' (Stern, Dietz et al. 1999). The highlighting of irresponsible behaviour by certain companies demonstrated to concerned individuals that their personally-held values and principles of environmental care were being violated by those companies. This generated unease and feelings of moral obligation on the part of those individuals to undertake pro-environmental actions, such as changing their buying habits, signing a petition or even demonstrating outside a store (Rogers, Goldstein et al. 2018).

Chains of influence

A contribution that this chapter makes to understanding how NGOs influence business is the detailed analysis it provides of how NGOs were able to use discursive power to exert effective influence on plantation companies - how they were able to translate the norm of responsible corporate behaviour into power and influence on companies that were driven primarily by commercial considerations. It has done this by tracing the process by which power was transmitted from the NGOs through chains of influence to their primary corporate targets. In doing so it has highlighted the different types of actors involved in these chains and the different ways that they were able to exert power. This is illustrated in Figure 4-1, which shows the various links in this chain of influence and the different actors that were involved.

At the top of this diagram are the campaigning NGOs, who used discursive power to directly challenge merchandising companies, banks that financed plantations, and the plantation companies themselves (links A and B). At the same time, they also used discursive power to activate concerned individuals (link C). The concerned individuals who were activated by the NGOs were able to exert power on intermediate corporate actors, merchandising companies such as Unilever and Nestle and private banks (link D) because they were the potential or actual customers, shareholders or financial supporters of those companies. Corporate risk management dictated that these merchandising companies and banks be seen to be taking some appropriate action in response. This included taking action against plantation companies that were supposedly operating in an irresponsible manner – withdrawing financial support, implementing standards that plantation companies had to meet, withdrawing orders from non-compliant suppliers and so on. This put pressure on plantation companies to change the way they operated (link E). Through these chains of influence, the exertion of discursive power by NGOs resulted in commercial pressure and material power being applied to their primary targets, the plantation companies that grew oil palms. Journalists also played a role in this. Some of them were motivated by NGOs to run stories (link F), which in turn helped to activate concerned customers (link G) and to challenge the reputation of companies (link H).

Figure 4-1. Influence chains and causal links in NGOs' palm oil campaigns.



An important finding from this process tracing is that there were different types of actors involved in these influence chains, each of which played a different role in the transmission of power. These different types I have called 'concerned individuals', 'intermediate corporate actors', and the 'NGOs' primary targets.'

‘Concerned individuals’ were actors who had internalised care for the environment as a personal moral value and norm, and who the NGOs sought to motivate to action by demonstrating violations of those values and norms by certain companies. The key point about ‘concerned individuals’ is that they were the potential and actual customers and investors of image-sensitive retailers and manufacturers and were therefore in a position to exert commercial pressure on those merchandising companies. They also included some journalists. There are a number of reasons why journalists would have covered stories about palm oil and broadcast the NGOs’ messages - because they were good stories likely to be of interest to their reader, viewers or listeners, or because they were themselves concerned about the issues that the NGOs raised, or a combination of both. Some journalists could therefore be classed as ‘concerned individuals’ who were activated by their personal moral values to undertake a pro-environmental action, which was to broadcast the NGOs’ messages.

‘Intermediate corporate actors’ were the public-facing, image-sensitive corporate entities that were more able to be influenced than the NGOs’ primary targets. They were ‘corporate’ in the sense of being organizations rather than individuals. They could be influenced by concerned individuals and the accusations of the campaigning NGOs because they needed to protect their corporate reputations and to project an image of operating in a responsible way – and most importantly they were in a position to exert commercial pressure on the NGOs’ primary targets. The ‘NGOs’ primary targets’ were the plantation companies who grew the oil palms and whose methods of operating the NGOs wanted to change because they were the ones directly responsible for the impacts on the environment and vulnerable people who lived near and were affected by the plantations. Unlike the ‘influential intermediate actors’, plantation companies were generally located in remote areas, were not subject to consumer pressure, and did not have brand names whose reputation needed to be protected. Included in this category were companies such as Sinar Mas and

Wilmar that, as well as owning and operating plantations, were also large-scale millers, processors and traders of crude palm oil.

Table 4-1. Targets and types of actors used in NGOs' palm oil campaigns

NGO campaign	Concerned individuals used	Influential intermediate actors used	NGOs' primary targets
Greenpeace's campaign on palm oil.	Actual and potential customers and shareholders of Unilever and Nestle (and some journalists).	Merchandising companies Unilever and Nestle.	Indonesian plantation companies, processors and traders, especially Sinar Mas / GAR and Wilmar.
Friends of the Earth campaign on palm oil.	Customers of supermarkets and banks (and some journalists).	Supermarkets and banks in Europe.	Plantation companies in Indonesia.
Forest Hero's campaign on palm oil	Actual and potential customers of doughnut companies.	Major US-based brand-name doughnut companies.	Producers of palm oil

The growers of oil palms were more resistant to change and to the demands of the NGOs because those changes were more difficult and costly for them. An interviewee with considerable experience in the industry believed that a major reason for the resistance of plantation companies to change was the cost of implementing more responsible practices. The industry, he said, was adjusting to increasing expectations and pressure to incorporate environmental care into their method of operating, and those for whom this change was least burdensome were the most responsive, and those for whom it was the most burdensome and costly were the most resistant:

> In the palm oil industry, it is the producers who by and large have to bear the bulk of the burden of changing to more sustainable production, and they will tend to be the slowest to change. Retailers on the other hand are the most distant from the sites of production, are required to do less, and therefore have been the first to change. (Interview PO-8)

It was easier and less costly for intermediate corporate actors such as retailers, manufacturers and banks to change to more responsible behaviour than it was for plantation companies. For banks, acting responsibly could mean simply not investing in certain palm oil developments that were considered to be environmentally damaging. For retailers and manufacturers, it meant implementing purchasing policies that ensured that the palm oil in the products they manufactured and/or sold had been sourced from growers and processers that had been certified as responsible and sustainable producers. For 'primary targets' however, the plantation companies, introducing more socially and environmentally responsible practices could mean making significant changes to the way they operated - in the way they cleared forests, consulted with affected communities and so on - changes that could be costly and difficult to implement. Some growers saw the standards being demanded by campaigning NGOs and the manufacturers who were their customers as potentially undermining their ability to operate. While they may have accepted the need for the industry to be seen as operating in a responsible way, they were resistant to what they regarded as the unreasonable and impractical way in which NGOs interpreted this. This view was expressed thus by the representative of a plantation company who was interviewed:

> What the NGOs ask for costs them nothing because they are not involved in the industry, but can cost a company millions of dollars. For growers it is a matter of survival (Interview PO-5).

In 2014 the Chief Executive of the Malaysian Palm Oil Association said that the higher standards being demanded by merchandising companies were ‘a suicidal pathway that will drain off deserving profits expected by shareholders’ (Business Times 2014). The fact that plantation companies were the ones who had to bear the major cost of implementing sustainable practices meant that they were the most difficult of the companies in this industry for NGOs to influence, which is why the NGOs resorted to using intermediate corporate actors.

<u>Different types of power in the influence chain</u>

This study now turns to an analysis of the different types of power exercised by different actors in the influence chain. The different links in Figure 4-1 represent the exercise of different types of power (Table 4-2). The direct challenging of the reputations of merchandising companies, banks and plantation companies by NGOs (links A and B) involved their use of discursive power, as did the activating of concerned individuals and journalists (links C and F). The concerned individuals who were activated by the NGOs were able to exert material forms of power (instrumental and structural) on intermediate corporate actors, merchandising companies such as Unilever and Nestle and private banks (link D) because of their ability to withdraw their custom or investments. The positional strength that they had vis-à-vis the intermediate corporate actors gave them structural power. To the extent that some concerned individuals did in fact withdraw their support or threatened to, meant that they also exerted instrumental power on intermediate corporate actors.

Table 4-2. Activities and types of power involved in influence chains.

Influence link	Activity	Type of power used
A	NGOs highlighting irresponsible behaviour by merchandising companies and private banks and undermining their reputations.	Discursive power used to challenge companies.
B	NGOs highlighting irresponsible behaviour by plantation companies and undermining their reputations.	Discursive power used to challenge companies.
C	NGOs making concerned individuals aware of corporate behaviour that violated their personal norms and principles.	Discursive power used to activate concerned individuals.
D	Concerned customers and investors creating pressure on merchandising companies and private banks.	Material (instrumental and structural) power.
E	Merchandising companies and banks creating pressure on plantation companies.	Material (instrumental and structural) power.
F	NGOs making journalists aware of corporate behaviour that was socially or environmentally damaging.	Discursive power used to activate journalists.
G	Journalists broadcasting to concerned individuals the NGOs message about corporate behaviour.	Discursive power used by journalists that assisted NGOs to activate concerned individuals.
H	Journalists creating pressure on corporate actors by broadcasting the NGOs message about corporate behaviour.	Discursive power used by journalists that assisted NGOs to challenge companies.

The intermediate corporate actors, subjected to discursive challenges by NGOs and material power from activated concerned individuals, took corrective actions to protect their corporate images by pressuring their suppliers (link E). The merchandising companies were in a position to influence their suppliers as this was an industry in which there were many producers of palm oil and only a limited number of buyers. This gave the buyers structural or positional power vis-à-vis the plantation companies that produced crude palm oil. By threatening to or actually cancelling orders, they could also exert direct instrumental power on the plantation companies that were their suppliers. In the case of private banks that financed palm oil plantations, their corrective actions included establishing guidelines for the types of projects they would assist and withdrawing their funding from projects that did not meet those standards. Their position as a funding institution with social and environmental guidelines gave them structural power vis-à-vis the plantation companies, and to the extent that they withdrew their financial support they exercised instrumental power. Journalist were subjected to discursive influence from NGOs (link F) and were in turn able to exert discursive influence on concerned individuals and on merchandising companies and banks (links G and H).

An important finding from this case study was that, while the only form of power that NGOs were able to exert in these campaigns was discursive, this discursive power was translated into material power by other actors. The NGOs were able to harness the structural and instrumental power that concerned individuals could exert on merchandising companies and banks, and that the latter could exert on plantation companies. Thus, the plantation companies were subjected to not only the direct discursive challenges by NGOs, but also to material forms of power from their corporate customers and funders.

Skills and capacities

The exertion of discursive power by NGOs to challenge corporate reputations, activate concerned individuals and harness material power was made possible and effective because of certain skills and capacities that many NGOs possessed.

<u>Ability to package information in useful ways</u>

The first of these was skill at packaging their messages in motivational ways. In the descriptions of individual campaigns, mention was made of the ways in which NGOs packaged the information they had gathered about company activities in ways that were most useful from an influencing or motivational point of view. It was packaged as reports, media releases and other campaign material in ways that were most likely to attract the attention of journalists and concerned individuals and hence assist their use of discursive power to challenge companies and activate concerned individuals. The NGOs focused these reports etc on issues that were most likely to resonate with concerned individuals and/or attract the attention of journalists, such as the impact of corporate activities on virgin rainforests or the habitat of endangered species. Examples of this packaging include the report issued by Friends of the Earth in 2005 that linked oil palm cultivation in Indonesia with the destruction of the habitat of the orang-utan (FoE 2005b), the report from Greenpeace that accused palm oil companies of driving the wholesale destruction of peat-lands and rain-forests (Greenpeace 2007), and its 2013 report that linked plantation development to the destruction of the habitat of the endangered Sumatran tiger (Greenpeace 2013). Of all the social and environmental impacts that plantation companies were having that the NGOs could have highlighted, they focused on the destruction of rain forests and the habitat of endangered species. There may have been other impacts that were more serious, but they chose these because they were the most motivational, the ones that were most likely to attract the attention and sympathies of the concerned public and journalists and motivated them to act in ways that assisted NGOs' ability to influence.

Skill at using the mass media

The second skill that the NGOs employed was at using the media. In order to motivate as many concerned individuals as possible within the general public, NGOs needed to have their messages about irresponsible corporate behaviour reach that general public. They needed to have those messages broadcast by the mass media of communication - newspapers, radio, television and social media. If they were not able to have the media broadcast their messages to a wide audience, their ability to undermine corporate reputations and activate concerned individuals would have been very limited.

Mention has been made of instances of NGOs using the media in skilful ways to ensure that their messages and their framings of the situation were widely broadcast. These skills included organizing events that would be of particular interest to the media because they provided journalists with interesting images (such as those portrayed in the photos in this chapter). These were likely to be picked up and published or broadcast because they were dramatic or likely to be of interest to media consumers. A banner hung on a building, for example, may attract the attention of those nearby, but an image of it published in a newspaper or on social media or television news was likely to be seen by millions, thus amplifying the NGOs' message and reach.

The NGOs that organized these events were skilled at understanding the needs of the media, what kind of stories, messages or images would be of interest to particular news outlets or journalists, and how and when they should be provided. My own experience as a former employee of an activist NGO (Oxfam) is that many of the larger NGOs had journalists or 'media officers' on their staff whose task it was to maximise coverage of the NGO's messages in the media. This included cultivating and maintaining contacts with journalists in the mainstream media, and advising the NGO on how best to present their messages, when and where to stage their events or launch their reports and media releases so that they were most likely to be picked up by the media.

The level of media coverage achieved by NGOs in these campaigns for their messages, reports and events varied but was significant. Mention has already been made of coverage in mainstream English-language newspapers, which I have taken as an indication of the level of coverage in the media more generally, including radio, TV and social media, and in outlets in languages other than English. The NGOs' messages were also covered on the internet and social media. In April 2013 consultant Teoh Cheng Hai found that a Google search for the words 'oil palm, deforestation' yielded 106,600 references and views, while 'oil palm, biodiversity loss' gave 23,700 references. 'Most of the views', he said, 'relate to the on-going global debate over the production of palm oil and its role in deforestation, biodiversity loss, climate change and social conflicts' (Teoh 2010: 17). The same two Google searches by myself four years later in August 2017 yielded much larger numbers, 501,000 and 636,000 references respectively. While the views expressed in these references varied, the figures indicate that the level of public interest and concern over the issue of palm oil and its association with deforestation and biodiversity loss was growing.

Some in the palm oil industry acknowledged that the NGOs were more skilled than them at using the media. The representative of a plantation company interviewed highlighted the contrast between NGOs and companies in terms of communication skills:

> Companies, especially growers, are not good at that kind of thing, and it is much more difficult for them to get across to the public a more complex and un-emotive message about sustainable palm oil. They are really not capable of doing that effectively. (Interview PO-5).

Being skilled at using the media and having their message broadcast to a wide audience was essential if NGOs were to activate a significant number of concerned individuals. Being more skilled than the companies at using the media was also essential if their framing of a situation was to be the one that dominated the public debate, which was essential if companies were to feel seriously challenged. Being skilled at using the media was necessary if NGOs were to be able to use their discursive power effectively to activate concerned individuals and to threaten corporate reputations.

<u>Credibility</u>

Also necessary was for the NGOs to be seen as more credible than the companies and their messages more believable. When companies were accused by NGOs of irresponsible behaviour, they usually responded with an alternative interpretation of their behaviour as responsible. The result was discursive contestation, often in the media, over whether the companies' operations were or were not in line with the principle of responsible corporate behaviour. An example was the public debate that occurred between Greenpeace and the palm oil company Sinar Mas in 2009. When Greenpeace accused the company of irresponsible deforestation by clearing virgin forest and peat-land, the company responded saying that the NGO's accusations were inaccurate, misleading and exaggerated. For the NGOs' discursive power to be effective in these discursive contests, they needed to be able to convince journalists, concerned individuals and others that their messages and framings were more credible than those of the companies.

One of the bases of the NGOs' credibility was the role they had taken as the promoters and disseminators of the principle of environmentally and socially responsible corporate behaviour. NGOs were seen as having no commercial interests in the industry they were attacking. They appeared to be acting in the public interest rather than from any financial self-interest. A consultant with a long association with the palm oil industry said in an interview that for example

WWF’s panda logo had become an iconic symbol of credibility (Interview PO-16). Credibility was not a quality that NGOs inherently possessed but one that was assigned to them by others, and could be lost if they exaggerated or distorted the facts. An academic who was interviewed remarked that because NGOs have a reputation and image of being the protectors of the earth and the environment, few people questioned how the data they used in their reports was obtained and whether it was accurate. NGOs do get it wrong, he said, and this can backfire on them (Interview PO-46). Another academic, Anna Florini, has said: ‘To the extent that transnational civil society networks provide inaccurate or misleading information (whether deliberately or inadvertently), they undermine their effectiveness’ (Florini 2000: 214). Maintaining their credibility was essential if NGOs messages were to be taken seriously by concerned individuals and journalists. An NGO that lacked credibility was not going to be able to exert discursive power effectively and was of little threat to corporations.

Practical outcomes

At the time of writing (2024), the NGO campaigns directed at the palm oil industry had nudged the industry, at least rhetorically, in the direction of more responsible ways of operating. According to one set of authors this was already under way by 2010:

> Effective corporate social responsibility (CSR) is becoming mainstream strategic business planning for the oil palm industry. At its core, CSR aims to align business values with the needs and expectations of a broader range of stakeholders, beyond just investors and shareholders (Paoli, Yaap et al. 2010: 438).

The ‘expectations of a broad range of stakeholders’ were that companies would not damage the environment, destroy tropical forests or the habitat of endangered species. Being seen to operate otherwise posed too great a risk to the reputation of companies. While the degree to which companies actually conformed to this principle in practice was unclear and no doubt varied from company to company, there was a felt need to project an image to the public of operating in an environmentally responsible way. In the case of retailers, manufacturers and traders this was usually done by making public commitments to zero deforestation, tracking where their palm oil came from, auditing their suppliers and cancelling orders with those that were non-compliant. According to Dauvergne: ‘By the middle of 2015, the vast majority of the world’s multinational palm oil traders, brand manufacturers and brand retailers were promising zero deforestation’ (Dauvergne 2017: 144). An industry representative who was interviewed believed that this was due to the expectations that these companies felt their customers had of them:

> Buyers [of crude palm oil] who are concerned about image want to be in tune with the consumers who buy their products and their expectations that the companies they buy from are good corporate citizens. (Interview PO-13).

In response to what they saw as the expectations of their stakeholders, the customers and investors without whom they could not do business, these companies were making public commitments to carry out their businesses in an environmentally responsible way (Grabs and Garrett 2023, Lee and Bateman 2023).

In their policy statements, these palm oil companies tended to use the term ‘sustainable’ or ‘sustainability’ rather than environmental responsibility. Unilever for example in 2016 established a Sustainable Palm Oil Sourcing Policy for itself, which amongst other things said that: ‘For Unilever it is important that our consumers and customers have the confidence that the palm oil used in our products has been sustainably sourced’ meaning that it had been produced in an environmentally sustainable way (Unilever 2016). In 2024 the company was saying that they had ‘been driving an ambitious sustainability agenda for over two decades’ and were determined to transform their business ‘to achieve our sustainability goals’ (Unilever 2024).

Some plantation companies at the upstream end of the supply chain, particularly those that sold into European and US markets, also felt it necessary to make public commitments to social and environmental responsibility. Although they were several steps removed in the commodity supply chain from concerned individuals among the consuming public in Europe and the US, some of them felt the need to project an image of themselves as environmentally responsible, probably because of the expectations of their corporate customers that bought their crude palm oil. The responses of Sinar Mas / GAR and Wilmar to the accusations against them by Greenpeace and the cancellation of orders by Unilever and Nestle were examples of this. These statements of policy were in response to the expectations of their brand-name corporate customers (Unilever and Nestle) who were keen to not be associated with environmental scandals.

> And we see this influence with the increasing number of palm oil suppliers and traders scrambling to pledge zero deforestation and source eco-certified palm oil to avoid criticism from both NGOs and brand buyers (Dauvergne 2017: 144)

Although they might be regarded as a useful step in the right direction, these responsible sourcing policies were not the answer to the on-going problems of deforestation and loss of biodiversity and habitats from palm oil cultivation. Even if most brand-name merchandising companies instituted and effectively implemented such policies, the effect on deforestation and diversity loss would be only marginal as most of the world production of palm oil is not handled by such companies. The European Union and United States, where most of these companies are based, together import less than 10 percent of total palm oil production, while the remaining 90 percent goes to countries in which consumer demand for ‘sustainably’ produced palm oil is minimal. Approximately 30 percent of global production is consumed domestically in Indonesia and Malaysia as cooking oil, while another 20 percent approximately is exported to the growing markets for palm oil in China and India where there is little demand for a sustainably produced product (USDA 2024: 21).

Dauvergne lists three limitations to what NGO campaigns were able to achieve. First, he says, the policies and pledges by companies were only a small step towards stopping the forces causing the environmental degradation. Second, they can have unintentional and unclear consequences such as shifting exports towards unbranded markets in China and India. Third, they do little ‘to get at the illegalities and weak state enforcement underlying environmental mismanagement common across tropical countries’ (Dauvergne 2017: 149). While there is some truth in this, it can also be argued that some plantation companies instituted more sustainable practices simply because there were practical and financial benefits in doing so. One representative of a plantation company who was interviewed said of NGO campaigns:

> They have changed the way companies operate. For example, companies now realise that maintaining biodiversity is beneficial in the long term, not just environmentally but also financially. Companies are now more sensitive to the effect of their operations on local communities. For example, in the past they would simply grab the land they needed and pay compensation to the landowners. But now there is consultation and a reciprocal relationship with landowners and mutually agreed compensation. This has meant less conflict and more harmonious relations with local communities, which means less likelihood of disruption and improved security for the operation. (Interview PO-5).

In a study of how a particular Malaysian plantation company responded to pressure for change, Nor Ahmad, Amran et al (2022) found that it did in fact institute some structural changes, although financial considerations remained prominent and many of its responses were symbolic only.

What has been learnt

This chapter has traced in detail the process by which power and influences was transmitted from NGOs to the plantation companies that were their primary target, via a chain of influence that involved different types of actors exerting different forms of power. It has revealed that, apart from the NGOs and their targeted companies, there were two other types of actors involved in this process – concerned individuals and intermediate corporate actors. These played distinctly different roles in the process by which power was transmitted. Concerned individuals translated the NGOs discursive power into material power on intermediate corporate actors (such as merchandising companies), while the later transmitted material power to the NGOs primary targets.

As suggested by the existing literature on NGO influence on business, the NGOs relied primarily on discursive power to influence palm oil companies, based on the cultural value of responsible corporate behaviour. However, the analysis in this chapter has revealed that the NGOs used their discursive power in two quite different ways in these campaigns – to threaten corporate reputations and to activate concerned individuals. It has also revealed that, while the only form of power that NGOs were able to exert was discursive, this discursive power was translated into material power. The NGOs were able to harness the material power of other actors, in particular the material power that concerned individuals could exert on intermediate corporate actors, and that the latter could exert on the NGOs' primary targets, the plantation companies. The result was that the direct discursive power that NGOs exercised on plantation companies was supplemented by the material power exerted on them by intermediate corporate actors, their corporate customers and funders. The exertion of discursive power by NGOs and their harnessing of material power was only possible and effective because of certain skills and capacities that the NGOs possessed - their skill at packaging information in an attention-grabbing and motivating manner, their skill at using the media to have their messages broadcast, and the credibility that came with their non-profit status and role as the promoters of corporate responsibility.

Note should be taken here of the way in which the NGOs used the transnational nature of this industry to exert influence. They did this by linking the situation in the countries where the problems were occurring but opposition was largely ineffective, with actors in other countries who were able to bring pressure to bear that might correct the situation. They collected information about negative impacts at a plantation level in countries where opposition and concerns about environmental or social impacts generally had little effect, and transmitted it to countries where it was able to have significant political and commercial effects, where there were concerned individuals and effective intermediate corporate actors (merchandising companies) who could generate significant pressure on the NGOs' primary targets (the plantation companies). The NGOs were able to do this because the palm oil industry and its supply chain extending across both types of countries, and the NGOs themselves were also trans-national organizations that could readily transfer information from country to country.

A practical outcome of these campaigns by NGOs was a felt need by companies in this industry to take account of the environmental and social impacts of their operations and to project to their key stakeholders an image of operating in a responsible manner. This took various forms including statements of principle, responsible sourcing or funding policies, and pledges of more environmentally responsible practices at a plantation level. Another outcome was that the industry responded positively to a call from an NGO to establish standards for the industry as a whole, and to involve their NGO critics in the development of those standards. The ways in which NGOs exerted influence on those standards in the multi-stakeholder dialogue forums that developed them, the Roundtable on Sustainable Palm Oil, is dealt with in the next chapter.

Chapter 5
Influencing the palm oil industry through dialogue

This chapter continues the case study of NGOs influencing the transnational palm oil industry by analysing the ways they were able to do this through dialogue in a multi-stakeholder standard-setting forum, the Roundtable on Sustainable Palm Oil (RSPO). Its aim is to address two of the research sub-questions that this thesis set out to answer – how do NGOs exert power and influence on business actors when in dialogue with them, and what role does material power play in this? This chapter uses the same analytical framework that was used for NGOs exerting influence in campaigning – identifying the different ways in which discursive power based on a norm, and material power, were used by the various actors involved in the transmission of power and influence from NGOs to business actors.

There are however a number of other authors who have also published papers on the RSPO and whose contributions need to be taken into account. Most of them are concerned with the effectiveness or otherwise of the RSPO's voluntary standards as a form of global governance of the transnational palm oil industry (Schouten, Leroy et al. 2012, Ruysschaert and Salles 2014, Johnson 2022, Ostfeld and Reiner 2024). However, there are several who examine the role of NGOs in the RSPO (Ruysschaert and Salles 2016, Fougere and Solitander 2020, Delabre, Lyons-White et al. 2023). Some of these focus on aspects of this role that are relevant to this study, and these are considered later in this chapter. They include authors who examine the role that NGOs play in providing legitimacy for the RSPO and its standards (Nikoloyuk, Burns et al. 2010, Schouten and Glasbergen 2012), and those who examine the role that the NGOs' specialized knowledge plays in the RSPO (Paoli, Yaap et al. 2010, Offermans and Glasbergen 2015).

This chapter examines in detail the ways in which different forms of power were used by different actors in the dialogue forum. It reveals that the main process by which power and influence was transmitted from NGOs to business actors when in dialogue was by the NGOs exerting two forms of power, discursive and structural, directly on the business actors. The NGOs used discursive power to persuade the business actors in the forum of their interpretation of the principle of responsible corporate behaviour and what was needed to be included in the standards. At the same time, the NGO used the structural power they had acquired as a result of the business actors in the forum needing to retain their on-going involvement in the standard-setting process in order to give the standards credibility. This meant that the NGOs were in a position of bargaining strength. They had positional or structural power vis-à-vis the business actors in the forum, which enabled them to have issues introduced into the standard-setting process that the business actors were not keen on, but had to take seriously and consider. It was a combination of discursive power to persuade and structural power to bargain that gave NGOs the ability to exert influence on business actors in the standard-setting dialogue forum.

Apart from the NGOs and their primary business targets, there was another type of actor involved in the forum - intermediate corporate actors in the form of image-sensitive merchandising companies and some supportive growers, who were persuaded or encouraged by the NGOs to exert coercive instrumental power on the more resistant growers. They did this primarily by voting with the NGOs in the RSPO's major decision-making body the General Assembly. On several occasions, NGO-sponsored resolutions were passed in the General Assembly with the number of votes in-favour well in excess of the number of NGOs in the RSPO, showing that some supportive companies must have voted with the NGOs for their resolution (RSPO 2009a: 23-26, RSPO 2010: 16-18, RSPO 2019b). This meant that the more resistant growers were forced to accept the resolutions of the General Assembly that contained standards that they did not want. This instrumental power supplemented the structural power exerted by the NGOs on those resistant growers.

In this chapter, after a brief description of the structure of the multi-stakeholder standard-setting forum, the Roundtable on Sustainable Palm Oil, and how it operated, some examples are given of the dialogue and negotiations that occurred in the forum between NGOs and business actors over some key issues. It then analyses the types of power used by the NGOs in these negotiations, and the capacities they possessed that enabled them to exert this power effectively. It also includes an examination of the role of government in the process, and the practical outcomes that resulted from the NGOs' exertion of power.

Roundtable on Sustainable Palm Oil

The campaigns by NGOs directed at palm oil companies created a need for the latter to demonstrate to their key stakeholders, their customers and investors, that they were committed to the principle of social and environmental responsibility. A high-profile international NGO, Worldwide Fund for Nature (WWF), persuaded some of them that establishing credible environmental and social standards for the industry would be a useful move, particularly if those standards were endorsed by some of the industry's NGO critics. The result was the establishing in 2004 of the Roundtable on Sustainable Palm Oil (RSPO), a multi-stakeholder body involving companies, industry bodies and NGOs that would develop standards and maintain a certification system for the industry (RSPO 2004, Vis, Teoh et al. 2012: 15). Membership of the RSPO was open to any company or organization involved in or with an interest in the palm oil industry, provided they were committed to working towards developing and implementing standards that would ensure that palm oil was produced in a 'sustainable', that is, environmentally responsible way. The motivation for companies to join the RSPO varied. Some joined because they felt that engaging with the NGOs would halt their damaging campaigns (Nikoloyuk 2009:

54), while others saw the involvement of the NGOs as necessary if the resultant standards were to gain credibility (Nikoloyuk 2009: 76, 80, Schouten and Glasbergen 2012: 79).

Apart from WWF, several other NGOs agreed to join the RSPO and to work to achieve its stated aim of developing and implementing ‘global standards for producing and sourcing certified sustainable palm oil’ (RSPO 2023). They were not aiming to close down this problematic industry, but to reform it by introducing voluntary standards. There were however other NGOs, including Friends of the Earth and Greenpeace, who disagreed with this position, arguing that this was merely playing into the hands of the industry by condoning inadequate standards, and that the participation of NGOs in the RSPO legitimated an unacceptable process. Oxfam, one of the more prominent of the NGOs that joined the RSPO argued that attempting to reform the industry in this way was worthwhile. It said it believed that private standards developed collaboratively by business and NGOs could help fill governance gaps that were not being addressed by existing formal regulatory instruments (Hospes and Kohne 2009: 24). While acknowledging the limitations of private governance arrangements, Oxfam believed in ‘the potential for affecting the private sector through strategies around markets, rules, knowledge and empowerment’ (Pesqueira and Verburg 2012: 134).

After its establishment, membership of the RSPO grew rapidly from an initial six members in 2004, to 1,551 ordinary members by 2017 (RSPO 2017a: 07), and almost 6,000 by 2024 (RSPO 2024a). NGOs made up only a small percentage of this membership, and this percentage shrank as the number of business members increased substantially while NGO numbers remained more or less the same. However, while the business members were much more numerous, they did not act as a unified block. There were different types of companies from different parts of the palm oil supply chain that had different interests and priorities. What was in the interests of public-facing retailers for example was not necessarily in the interest of oil palm growers. RSPO members were officially divided into the seven categories listed in Table 5-1, these being companies at different points in the supply chain, plus environmental NGOs, social NGOs, and investors. This multi-stakeholder character of the RSPO was reflected in the governance structure of the organization. Seats on the Executive Board and on project level Working Groups were allocated so that each sector was represented. This meant that there were NGO representatives on the Board and on each of the working groups that were established.

Table 5-1 Ordinary members of the RSPO in 2011

	Number of members	**Percentage of total**
Palm oil processors and traders	210	36
Consumer goods manufacturers	198	34
Oil palm growers	100	17
Retailers	38	6
Environmental NGOs	17	3
Social or development NGOs	10	2
Banks and investors	10	2
TOTAL	**583**	**100**

(Source: RSPO Growth Interpretation Narrative 2011, page 23).

The initial task of the RSPO was to develop mutually agreed principles and practices that members would have to commit to and implement if they were to be certified by the RSPO as responsible and sustainable producers or users of palm oil. This meant in effect translating the principles of corporate social and environmental responsibility, or sustainability, into specific requirements for palm oil companies – for the growers of oil palms, for the processers of crude palm oil, and for the manufacturers and retailers of products containing palm oil.

By November 2005, after some dialogue and discussion, a set of ‘Principles and Criteria for the Production of Sustainable Palm Oil’ was agreed to by all parties in the RSPO. This was implemented on a trial basis until November 2007 when it formally came into effect (RSPO 2007a). There were eight Principles that growers had to commit to and implement if they were to be certified by the RSPO as responsible producers or user of palm oil. In effect, these Principles defined the meaning of ‘sustainable’ in the context of the RSPO. They were:

1) A commitment to transparency
2) Compliance with applicable laws and regulations
3) A commitment to long-term economic and financial viability
4) The use of appropriate best practice by growers and millers
5) Environmental responsibility and conservation of natural resources and biodiversity
6) Responsible consideration of employees and of individuals and communities affected by growers and millers
7) Responsible development of new plantings
8) A commitment to continuous improvement in key areas of activity.

For each of these Principles there were a number of Criteria setting out what it meant in more detail. For each Criterion there were Indicators, specific pieces of objective evidence that must be in place to demonstrate that the Criterion was being met. In becoming an RSPO member, a company committed itself to move towards having all of its facilities meet these Principles and Criteria and becoming certified. Once these Principles and Criteria (P&Cs) were established, the on-going task of the RSPO was to promote them to the industry, to oversee the certification scheme and to deal with complaints of non-compliance.

However, the process of establishing these Principles and Criteria was regarded as an on-going one, with a major review to be carried out every five years. The first review took place in 2012-13 and after a further period of debate and negotiation a revised set of P&Cs was released in 2013 (RSPO 2013). Although the NGOs involved in the RSPO were not completely satisfied with the standards set in the revised version (WWF 2013a), they did endorse them in the sense of voting for their adoption at the RSPO General Assembly meeting of 25

April 2013. Another review of the P&Cs took place in 2017-18 with a new revised edition being adopted and released in November 2018 (RSPO 2018a) – and a further review in 2024 led to another revised edition being adopted in November 2024.

Throughout this process of dialoguing and negotiating to arrive at a set of P&Cs, and then reviewing and re-negotiating them, there was contestation between actors in the RSPO over what the principle of social and environmental responsibility meant in practice for palm oil companies. While all members of the RSPO were supposedly committed to this principle, business actors sought to minimise the standards and the demands placed on them, while the NGOs argued for the high standards that they believed were necessary to protect the environment and vulnerable people. The result was discursive contests between business actors and NGOs in the dialogue forum. Three issues stood out as being particularly contentious and extensively contested in the RSPO: (i) the minimising of greenhouse gas emissions, (ii) the clearing of forests for new plantings, and (iii) the rights of communities affected by palm oil plantations. The contestation and negotiation over each of these issues is now described and analysed in detail in the sections that follow.

Negotiations over greenhouse gas emissions

The first example of NGOs exerting influence on a contentious issue in the RSPO is the negotiations over the issue of minimising the greenhouse gases emitted when forests and peat-land were cleared and burnt in preparation for new plantations, and the effect of this on climate change. This was an issue of key importance for the environmental NGOs in the RSPO. The original 2007 version of the Principles and Criteria merely called on companies to develop, implement and monitor plans to reduce pollution and emissions, including greenhouse gases (RSPO 2007a). But the NGOs felt that this was too weak as it did not spell out any specific requirements with regard to maximum emission levels, or any guidance on what types of vegetation could or could not be cleared and burnt if greenhouse gas emissions were to be kept to a minimum.

In 2007, two NGOs raised the issue but their efforts came to nothing as the RSPO Executive Board at its May 2007 meeting decided that an initiative to address greenhouse gas emissions from palm oil cultivation was ‘not necessary at the moment’ (RSPO 2007b: 11). Eighteen months later, in November 2008, the NGO Wetlands International introduced a resolution at the RSPO General Assembly calling for a moratorium on the cultivation of palm oil on tropical peat-lands. It argued that the clearing of peat-land for oil palms was of particular concern because peat-lands were the most efficient and largest terrestrial carbon store, but were under great threat as a result of large scale clearing and draining. Greenhouse gas emissions from degraded tropical peat-lands, they argued, contributed disproportionately to climate change. 20 to 25 percent of palm oil was currently being produced on peat-land, and the majority of new plantations were planned to be on peat-land.

> The precautionary approach, one of the key principles of the RSPO Principles and Criteria, should be applied in the case of tropical peat-land and a moratorium placed on any further development of palm oil on tropical peat-land (RSPO 2008: Appendix 3).

In introducing its resolution, the NGO had used the expert knowledge it had on the effects of clearing peat-land on climate change to argue for the need to adopt a moratorium. The resolution was not however put to the vote because of a technicality.

However, in response to growing concerns over this issue, the RSPO Executive Board decided to establish a Greenhouse Gas Working Group. This was formally established in March 2009 and asked to report back to the Executive Board before the end of the year (Brinkmann 2009, RSPO 2009b). It consisted of 30 people with representation from all sectors of the RSPO membership, including seven from NGOs, and had a mandate to review the literature on emissions and recommend changes to the Principles and Criteria. At the Executive Board meeting in September that year, a growers' representatives argued that 'more research is a prerequisite for adequately addressing the GHG issue' and that the RSPO needed to be more 'cognisant of the needs of grower members' (RSPO 2009c: 5). Throughout 2009 the working group reviewed the scientific literature and tried to find mutually acceptable changes to the Principles and Criteria. Environmental NGO representatives argued that future oil palm expansion should only occur on land with net carbon storage lower than oil palm. In other words, the replacing of forest land by oil palm trees should not decrease the amount of carbon stored. However, such a stipulation would in practice preclude conversion of most forests and all peat-lands to plantations, seriously limiting the expansion of the industry (mongabay.com 2009). There was debate between the NGOs and the growers over the accuracy and relevance of the science. Growers pointed out that there were no established figures for how much carbon was stored in different types of vegetation, what level of emissions would be released if it was cleared, and what type of vegetation should not be cleared. They also challenged the scientific research on the basis that it did not take account of the complexities of the actual situation on plantations. After a year of such dialoguing and negotiating, the Greenhouse Gas Working Group in November 2009 found itself at an impasse and unable to agree on what changes if any should be made to the P&Cs. (Brinkmann 2009, mongabay.com 2009, RSPO 2009b, RSPO 2009c, Ruysschaert and Salles 2016: 79)..

At the General Assembly in November 2009, Wetlands International introduced another resolution on peat-land: 'That RSPO establish a working group to provide recommendations on how to deal with existing plantations on peat-land' (RSPO 2009a). Growers opposed this, with the Malaysian Palm Oil Association arguing that 'the resolution is just to get growers to stop planting oil palm on peat after one or two cycles.' It was however passed by 95 votes to 4 with 22 abstentions (RSPO 2009a: 25). Given how few NGOs there were within the membership of the RSPO, this meant that there were a large number of companies who voted with the NGOs on this issue. The help of these supportive companies meant that the resolution was passed, and the resistant growers had no choice but to accept the establishment of a Working Group on Peat-Land. This group worked closely with the Greenhouse Gas Working Group as they were both concerned with greenhouse gas emissions.

Because it was not able to come to any agreement, the Greenhouse Gas Working Group was disbanded and a new one established with a different membership and mandate (RSPO 2009d: 6). The tensions of the first working group were avoided by changing the focus from additional requirements of growers to voluntary processes, and establishing what was best practice. The executive chairman of the Indonesian Palm Oil Association (GAPKI) said at the time that he hoped that this would ‘provide more roles for palm oil growers to guide the GHG framework based on proven field tests and correct methodology’ (Adnan 2009). Adam Harrison, WWF’s representative on the RSPO Executive Board said:

> This is a move in the right direction. We encourage companies to embrace emissions reduction standards once they become available and do their part to avoid the catastrophic effects of climate change. (WWF 2009).

The result of this approach was that, after another two years of dialogue and debate, agreement was finally arrived at and a final report with recommendations was able to be presented to the RSPO Executive Board in November 2011 (RSPO 2011b)

Their recommendations were then incorporated into the revised 2013 version of the P&Cs (RSPO 2013). Amongst other things these said that planting on peat-land was to be avoided (Criterion 7.4), and that plans to reduce GHG emissions should be ‘developed, implemented and monitored’ (Criterion 5.6). There was however a problem with the latter in that it was recognised that GHG emissions ‘cannot be monitored completely or measured accurately with current knowledge or methodology' (RSPO 2013: 30). The RSPO had developed what it called the Palm GHG Calculator, which had been released for use by RSPO members at the end of 2012 (RSPO 2017c). But the P&Cs acknowledged that this was inadequate and foreshadowed that work would be undertaken to improve it.

A number of NGOs were not happy with the revised 2013 version of the P&Cs. WWF for example felt that the new standards had not gone far enough, but it nevertheless voted for their acceptance.

> The majority of what WWF wanted has been addressed in the P&Cs but often in ways that fall short of our ideal. However, we believe that, on balance, the revised P&Cs do represent the best compromise for the RSPO and are better than the current RSPO standards. Therefore, WWF will be voting to endorse them at the forthcoming RSPO General Assembly (WWF 2013a).

Unlike the situation in campaigning where NGOs and business actors could maintain differing positions, in a dialogue forum such as the RSPO, a mutually acceptable position had to be found that could then be incorporated into the standards. In 2013, both sides had to accept compromises, weaker than what the NGOs were seeking, and stronger than what the growers wanted (mongabay.com 2013).

Several of those who thought the revised P&Cs were not strong enough decided to take their own initiative and unilaterally adopt higher standards. Calling themselves the Palm Oil Innovation Group, their stated aims included breaking the link between palm oil expansion and deforestation, the non-clearance and proper maintenance of peat-land and greenhouse gas accountability (POIG 2013: 3). Of the 18 members of the Group, eight were NGOs, eight were merchandizing companies (that is, consumer goods manufacturers and retailers) and two were growers.

The fact that some merchandising companies, and even some growers, were willing to join the POIG is indicative of the fact that there were companies that were keen to distance themselves from the large-scale emission of GHGs that was associated with palm oil production. On-going campaigning by a multitude of NGOs, including Greenpeace and Friends of the Earth, on the effects that forest clearing for plantations was having on biodiversity, the habitat of endangered species and GHG emissions had led to a growing consumer awareness and a backlash against products containing palm oil. This had prompted many companies that used palm oil in their products to commit to having ‘no deforestation, no peat, and no exploitation of indigenous communities’ associated with their products. Others, such as the UK supermarket chain Iceland Foods, had banned palm oil from heir supply chains altogether (mongabay.com 2018).

This meant that in the RSPO there was a desire by many companies to have growers reduce their GHG emissions, and to have the growing of oil palms on peat-land phased out or stopped. As a result, there were merchandising and other companies in the RSPO that were willing to support NGOs in their efforts to have GHG emissions reduced, in particular by voting with them in the RSPO’s top decision-making body, the General Assembly. For example, when another revised version of the P&Cs was put forward in November 2018, which had more stringent requirements regarding peat land, it was voted on and accepted by a majority of members at the RSPO General Assembly. Given how few NGOs there were within the membership of the RSPO at that point, this meant that there were a large number of companies who voted with the NGOs on this issue. The revised P&Cs specified that there were to be no new plantings on peat, and that all existing plantings on peatland were to be managed responsibly (RSPO 2018a: Criterion 7.7). One year later, at the RSPO General Assembly in November 2019, a group of NGOs and consultants (and one supportive grower) introduced a resolution to require all growers, processors and traders to complete and submit to the RSPO Secretariat a Peat Inventory that showed all of the peat area under their management. The extent of the support for this among RSPO members is shown by the fact that, of the 228 voting members in the General Assembly, 173 voted for the resolution and only 43 against with 12 abstaining (RSPO 2019b). The more resistant growers were simply out-voted on this issue and were forced to accept the additional requirements.

Despite this support from the majority of members in the RSPO, many growers continued to resist the increasing requirements regarding GHG emissions. In 2021, an updated versions of the Palm GHG Calculator was released, which meant that it was now possible to measure with some accuracy the GHG emissions from plantation operations. This meant it was now reasonable to require growers to measure and report the GHG emissions from their operations. But growers led by the Malaysian Palm Oil Association (MPOA) were not happy with several aspects of this new method of calculation, and as a result a new Greenhouse Gas Working Group was formed in 2022 to take account of the MPOA's concerns and revise the methodology (RSPO 2022). The outcome was a fifth version of the Palm GHG Calculator released on a trial basis in November 2024 (RSPO 2024b).

The supportive companies in the RSPO, mainly merchandising companies but also some growers, who voted with them in the General Assembly can be regarded as 'intermediate corporate actors' in the RSPO, companies whose material power could be harnessed by the NGOs and directed at their primary targets, the more resistant growers in the RSPO. The motivation of these companies for voting with the NGOs could have been because of pressures created by NGO campaigns and consumer demand, or because they had been convinced, either by NGOs or independently, that it was the right thing or a good thing to do. Whatever their motivation, the effect was that they exerted coercive material power on resistant growers in the RSPO, forcing them to accept things that they did not want by out-voting them in the General Assembly.

Evidence of NGO influence on outcomes

In summary, we can say that there was clear evidence that NGOs exerted influence on what the P&Cs said on greenhouse gas emissions and the clearing of peat-land. These were issues that were introduced into the RSPO by NGOs, resisted by growers, but pursued by the NGOs until they were incorporated into the P&Cs. It was Wetlands International that introduced the issue of oil palm cultivation on peatland that led to the formation of a working group, and it was NGOs that put the arguments for the importance of this issue and why it should be included in the P&Cs. Others in the RSPO, particularly merchandising companies, supported the idea and voted for it in various RSPO forums including General Assemblies. But it was NGOs that drove the process. The long-running negotiations in the RSPO over greenhouse gas emissions and peat-land were an example of NGOs exerting influence over business actors in a dialogue forum.

In arguing to persuade other actors in the RSPO that these issues should be included in the P&Cs the NGOs were using a discursive form of power, one that was a function of principles and ideas and reflected in discursive or communicative practices. But resistance to the introduction of these issues from growers meant that there was a need for NGOs to make use of a more material form of power. The need of business actors in the RSPO for their on-going involvement in the RSPO process in order to give the P&Cs credibility meant that their arguments about GHGs and peatland had to be taken seriously and not marginalized. The credibility that the NGOs lent to the RSPO process gave them positional or structural power in the negotiations, and enabled them to have these issues introduced and discussed despite strong resistance from growers, and to have them included in the P&Cs. In their efforts to have these issues included in the standards, NGOs used two forms of power – discursive power to persuade business actors, and structural power that resulted from the business actors need for their credibility.

Negotiations over deforestation

The second example of NGOs exerting influence on a contentious issue in the RSPO is the negotiations over reducing or eliminating deforestation. This was an issue of considerable interest and concern for NGOs, which came up time and again in their campaigning and in the RSPO - the large scale clearing of land for plantations, the loss of valuable forest and consequent loss of biodiversity and animal habitat when land was cleared for new plantings. Outside the RSPO, this was a central issue in several NGO campaigns - Friends of the Earth's campaigns around orang-utan habitat, and Greenpeace's campaigns – and it was also a central issue for NGOs in the RSPO.

In the RSPO, areas within a plantation company's lease that were important animal habitats or had a high level of biodiversity were referred to as areas of 'high conservation value' (HCV) and there was considerable debate and disagreement between NGOs and growers over what constituted an area of 'high conservation value' and what should be done to preserve and protect such areas. As early as 2004 the industry body the Malaysian Palm Oil Association was saying that the issue of 'where can we plant' and 'where can we not plant' oil palms had been constantly debated in numerous meetings between the industry and NGOs (MPOA 2004: 20, 21). But despite the debate, the NGOs did manage to have the protection of primary forest and high conservation value areas included in the original 2007 P&Cs. Criterion 7.3 of the P&Cs made it necessary that: 'New plantings since 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values' (RSPO 2007a: Criterion 7.3).

<u>New Planting Procedure</u>

Their main concern however was not the content of the P&Cs but the fact that companies that were members of the RSPO and supposedly committed to its principles were not implementing its requirements with regard to the clearing of forests for new plantings. The issue came to the fore in 2008 when, at the RSPO General Assembly in November that year WWF, together with supportive plantation company, New Britain Palm Oil Limited, put forward a resolution to introduce a rigorous procedure that companies must follow before the clearing of land for new plantings could take place. In introducing the resolution, the WWF spokesperson put forward the argument that it was in the interests of the industry to have an effective policy on new plantings:

> … the expansion of oil palm plantations into primary forests and high conservation value areas is the single greatest source of controversy in the palm oil sector, and thus the RSPO's credibility is closely linked to its ability to assure stakeholders that its members are not associated with such expansion. (RSPO 2008: Appendix 5).

He pointed out that although the RSPO's P&Cs prohibited new plantings that replaced primary forest and areas of high conservation value, there was no process in place to ensure that member companies in fact met these requirements. He proposed a procedure that plantation companies must follow before any land was cleared. This involved them carrying out social and environmental impact assessments of the planned clearances, developing an implementation plan for the responsible clearing of the land, obtaining written verification from an accredited assessor, and formally submitting all this to the RSPO and waiting 30 days for consultation and approval or otherwise by the RSPO.

Many growers objected strongly to this on the grounds that it was adding burdensome requirements to an already burdensome process. In the midst of an energetic debate at the General Assembly meeting in November 2008, there was a walkout by some growers. However, calm eventually prevailed and a compromise resolution was passed that a working group would be set up to look at the feasibility of this suggested New Plantings Procedure (RSPO 2008).

In the meantime, some NGOs continued to push for stronger protection for animal habitats. At the General Assembly in November 2009, the Sumatran

Orang-utan Society brought forward a resolution for a moratorium on land clearance in an area that they argued was an important habitat for Sumatran orang-utan, elephants and tigers (RSPO 2009a: 19-23). One year later at the General Assembly in November 2010, the same NGO argued that not just primary forests but also some secondary and degraded forests needed to be protected, and proposed that the RSPO publish a statement explicitly recognising ‘that secondary and degraded forests are important for conservation and should be protected where High Conservation Values are present’ (RSPO 2010: 16-18). Both of these resolutions were adopted by a majority vote, once again showing that there were supportive companies in the RSPO who voted with the NGOs on these issues.

In 2009 the New Plantings Working Group recommended that the New Plantings Procedure be put in place. But this continued to be resisted by many growers. However, the recommendations were accepted by the RSPO’s Executive Board at its November 2009 meeting and the New Plantings Procedure came into effect from 1 January 2010 on a trial basis. The growers continued to be very unhappy and tried to have the New Plantings Procedure’s implementation postponed and its requirements reviewed (RSPO 2010). They found its requirements burdensome and difficult. A group of authors from the palm oil industry said that:

> Compliance of the RSPO criterion on the need to undertake assessments of rare, threatened and endangered species and high conservation value (HCV) habitats has been a challenge to many companies undergoing the certification process’.(Vis, Teoh et al. 2012: 35).

The representative of an Indonesian plantation company said in an interview that part of the problem was the NGOs being unnecessarily stringent in the way they defined forests that needed to be protected.

> This issue of new plantings is the most critical one for growers in Indonesia at the moment. The agenda of NGOs is to stop deforestation, but the very stringent way

> in which they define deforestation will in effect stop the development of palm oil planting in Indonesia altogether. There are many different ways of defining deforestation, many ways of defining what is forest and what is not. For growers, forest is land that is defined as such under Indonesian law. The NGOs have taken a much wider definition, and are including under their definition areas that growers would otherwise not regard as forest. (Interview PO-5).

As a result of this disquiet among growers, a review of the New Plantings Procedure was instituted. But mid-way through the process a growers' organization, the Malaysian Palm Oil Association, withdrew. The review was merged into the general review of the P&Cs in 2012-13, and changes to it incorporated into the revised P&Cs released in 2013. The revised P&Cs were a little stronger than those of the 2007 version, but not as strong as the environmental NGOs were seeking. It still allowed for the clearing of secondary forest. The revised P&Cs also said:

> Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO. (RSPO 2013: Criterion 7.3).

A Remedial and Compensation procedure for companies that had cleared land without proper assessment or process was later developed. Further revision and updating of the New Plantings Procedure were carried out in 2015 with on-going concerns being raised by growers (RSPO 2015b: 11).

But while growers remained resistant to the extra work that the New Plantings Procedure imposed on them, there was growing pressure from companies that faced the consuming public to have the palm oil industry disassociate itself from deforestation. In response to consumer backlash, many merchandising companies and some processors/traders had committed themselves to a policy of 'no deforestation' (as detailed in the previous chapter).

High Carbon Stock Approach

However, putting a rhetorical commitment to ‘no deforestation’ into practice in the field was not a simple matter. In 2014 a number of NGOs concerned about this issue came together with some companies that had similar concerns to develop a practical methodology for determining what types of forest should not be cleared. Their focus was preserving forests that were essential for absorbing carbon dioxide and reducing climate change. Called High Carbon Stock Approach (HCSA), it was a multi-stakeholder organization that developed a methodology by which tropical forest areas under threat from production expansion could be identified and protected. In 2019 the 30 members of HCSA included growers Golden Agri-Resources (GAR) and Wilmar, merchandising companies Unilever and Nestle, and NGOs Greenpeace, WWF and Forest Peoples Programme (HCSA 2019: 16)). NGOs made up about one-quarter of the membership of the HCSA.

With considerable overlap between the membership of the HCSA and that of the RSPO, it was not surprising that the former should influence the latter, and in the 2018 revision of the P&Cs, the HCSA methodology was incorporated into the RSPO’s standards. The 2013 version of the P&Cs had allowed for the clearing of secondary forest (RSPO 2013), but the integration of the HCSA methodology meant that in the 2018 version this was banned. The 2018 revision of the P&Cs meant that not only was planting on peatland banned but also deforestation was effectively stopped. Growers were now required to conserve biodiverse, carbon-rich forests using both a high conservation value (HCV) approach and a high carbon stock (HCS) approach (RSPO 2018a: Criterion 7.12). An integrated toolkit was developed by the RSPO to enable plantation companies to identify forest areas that had either a high conservation value or high carbon stock.

For the NGOs, the 2018 revision of the P&Cs was greeted with guarded optimism. Their reservation was that the new standards would only be of use if they were properly implemented. A 2018 monitoring report by the Zoological Society of London had found that many palm oil companies with ‘No Deforestation’ policies were falling short of properly enforcing their commitment (ZSL 2018). Robin Averbeck, a campaign director with Rainforest Action Network (which was a member of the HCSA) said at the time: ‘It is important to remember that a strong certification standard is meaningless without enforcement’ (mongabay.com 2018).

In the next review of the P&Cs, in 2024, some NGOs became concerned when changes were made to the way in which High Carbon Stock forests were defined. This they felt left loopholes in the protection of such forests that could be exploited. The RSPO’s chief executive Joseph D’Cruz however said that the changes were merely to make the integrated HCV and HCS toolkit clearer, easier to audit, and more practical, and that the 2018 safeguards had not been weakened (mongabay.com 2024a). At the time of writing (2024) the debate on this was still continuing.

Evidence of NGO influence

In the on-going process of contestation in the RSPO from 2008 to 2024 over the protection of tropical forests, the influence of the NGOs can clearly be seen and was significant. Evidence of this is the fact that the issues raised by the NGOs at the beginning and pursued by them appeared in the final outcome. It was the NGOs that raised the issues of the need for effective protection and conservation of animal habitats, of areas of high biodiversity and of primary and secondary tropical forests with a high carbon stock. The NGOs pursued these issues in the face of opposition from growers, and eventually had them incorporated in an effective way in the P&Cs. The fact that NGOs were influential in this process was acknowledged by others in the RSPO. For example, a representative of a plantation company in the RSPO said:

> NGOs are very influential in the RSPO. When they speak, companies take what they say very seriously…..They have played a positive role in setting new agendas, new standards for sustainability in the RSPO and for the industry as a whole. They have changed the way companies operate. (Interview PO-5)

As with the issue of minimising greenhouse gas emissions, other actors in the RSPO, including merchandising companies and some traders and growers, assisted the NGOs in this, by arguing and voting with them in various RSPO forums including General Assemblies. These business actors in effect acted as 'intermediate corporate actors' in the RSPO, companies whose material power could be harnessed by the NGOs and directed at their primary targets, the more resistant growers in the RSPO.

The NGOs' efforts to have these issues included in the P&Cs through arguing and persuading was once again an example of them using a discursive form of power. They were also able to make use of the structural power that they acquired as a result of the business actors needing their on-going involvement in order to give the P&Cs credibility, which meant that their issues and arguments had to be taken seriously and not marginalized. In their efforts to have the issue of forest protection included in the standards, NGOs used two forms of power – discursive power to persuade business actors, and structural power that resulted from the business actors need for their credibility.

Negotiations over the rights of affected communities

The third example of NGOs exerting influence in the RSPO is the negotiations over an issue that was regarded as a 'social' rather than environmental one, namely the rights of communities affected by plantations. This centred on the right of affected communities to prevent a development on their land unless and until it had their 'free, prior and informed consent'.

This was not an issue whose inclusion in the P&Cs the NGOs had to argue for. The principle of ‘free, prior and informed consent’ (usually referred to by the abbreviation FPIC) was already in the P&Cs from the start, but was not properly understood or implemented by growers. This was an issue of process rather than content, of ensuring that the principle already in the P&Cs was put into practice and effectively implemented by companies. In the original 2007 version of the P&Cs (RSPO 2007a), Criterion 2.3 specified that the use of the land for oil palm should ‘not diminish the legal, customary or user rights of other users without their free, prior and informed consent’. Criterion 7.5 said that no new plantings should be established on local peoples’ land without their free prior and informed consent.

When the RSPO first began drawing up principles and criteria for the responsible production of palm oil, it drew on principles that had been developed by a similar body, the Forest Stewardship Council. FPIC was one of the principles that the RSPO borrowed or inherited from the Forest Stewardship Council (Colchester 2016: 153). It was also a well-established principle internationally that had appeared in a number of United Nations conventions (Colchester and Chao 2013: 9-11). But it was new to this industry. A key person in the RSPO said in an interview:

> Up until that point, almost no one in the industry had heard of terms such as FPIC or HCV areas. These were new and important issues that the NGOs brought to the table, and which would not otherwise have been considered. (Interview PO-8)

The task of raising awareness of FPIC, explaining it to companies in the palm oil industry and facilitating its effective application fell almost entirely to one NGO, the small UK-based organization Forest Peoples’ Programme (FPP) and its Director, Marcus Colchester, for whom it was a key issue on which they had extensive knowledge and experience. In 2007 FPP was commissioned by the RSPO to produce a guide for companies on FPIC, which was published in 2008, and was accompanied by training workshops run by FPP. The guide explained what FPIC was, and argued its importance as a right of local land owners and its benefits for companies in reducing conflicts at plantation sites. It also gave guidance on such things as how to identify customary land, what proper informed consent consisted of, and how to go about seeking it from the relevant communities while handling divergent views.

In November 2013, FPP in conjunction with two Indonesian NGOs, Sawit Watch and *Transformasi Untuk Keadilan*, released a study of the actual performance with respect to FPIC of 16 oil palm operations in a variety of countries. Called *Conflict or Consent?* (Colchester and Chao 2013), this report showed that many of the growers investigated, including many RSPO members, had acquired and used land for plantations without the free, prior and informed consent of the land owners, thus violating the rights of local communities and the requirements of the P&Cs. The authors said that:

> [M]any oil palm companies are not respecting customary land rights, are acquiring lands without consent, are violating or avoiding compliance with national laws or court rulings and are in obvious violation of the RSPO standard. (Colchester and Chao 2013: 383).

The report was released publicly and promoted to the media. This was an example of an NGO that worked cooperatively with companies in the RSPO on this and other issues taking a more publicly confrontational and accusatory approach when it believed the circumstances warranted it.

Outside the RSPO, the Palm Oil Innovation Group, an influential group of NGOs, merchandising companies and growers, were pushing for higher standards in the RSPO. When this group was formed in 2013, it included in its Charter a statement of commitments to the principle of FPIC and a comprehensive list of requirements that companies should fulfil to indicate compliance with this principle (POIG 2013: 4-5), which were stronger than those of the 2013 version of the P&Cs. When the P&Cs were reviewed again in 2017-18, these stronger requirements were incorporated into the 2018 version (RSPO 2018a, Cheyns and Thevenot 2019).

The RSPO's Complaints Panel also recognised FPIC and took it into account. In 2014, FPP lodged a detailed complaint to the panel against the large palm oil company Golden Agri-Resources (GAR), on the basis that it had acquired land without obtaining the proper FPIC of the land owners. The Complaints Panel found that the company was indeed in violation of the P&C's requirements with regard to FPIC and ordered it to halt clearing and the acquisition of any further land until the complaint had been addressed. The company then had to undertake a long process of making reparation to the affected communities (Colchester 2016: 160, Cheyns and Thevenot 2019).

FPP led by Marcus Colchester acted as the champion of FPIC within the RSPO and demonstrated considerable influence for a small NGO. In 2014 and 2015 a series of consultations and focus group discussions on FPIC took place, which resulted in a revised version of the FPIC guide for RSPO members being produced by FPP (RSPO 2015a). This was adopted by the RSPO at its annual meeting in November 2015. But posting of the new guide on the RSPO website was delayed by the RSPO Secretariat who argued that there was a need for further revisions. This was appealed by FPP and as a result the guide was posted in January 2016. In 2016 FPP worked with a video production company to produce training videos on FPIC for companies, and a Guide for Communities (RSPO 2016). In 2017 when FPP was requested to provide further training on FPIC, another disagreement arose with the RSPO Secretariat which said that community members, as against company staff members, should not be included in the training. FPP's objection to this was so strong that it withdrew its involvement until the Secretariat backed down and community representatives were included (RSPO 2017b).

FPP may have been a small NGO, but it had considerable bargaining strength and structural power in the RSPO. Because it was seen as the champion of FPIC within the RSPO and within the industry more generally, its on-going involvement in the implementing of standards on FPIC was essential if the

P&Cs were to be regarded as credible. Its withdrawal from the process would have been disastrous for the RSPO. FPP used its discursive power to explain FPIC to companies in the industry, but at the same time it made good use of this strong bargaining position and structural power. The need of the Secretariat and the industry for the credibility that FPP brought to the P&Cs on the issue of FPIC meant that they had to take its position and demands seriously.

Another demonstration of FPP's structural power occurred in mid-2024 when, as part of the latest review of the P&Cs, a draft of the new standards was circulated that caused an uproar among NGOs. The 2018 version of the P&Cs had required FPIC for both current operations and new plantings but, according to FPP's Director Marcus Colchester, the draft of the new standards removed the FPIC requirement for existing plantations and the requirement for self-representation, and took out details of FPIC for new plantings. 'This weakening', said Colchester, 'was contrary to international laws, industry's best practices, and reversed nineteen years of RSPO policy that upholds FPIC, including in existing operations.' He had been told that this was done because companies found it too onerous to comply with the FPIC process and that FPIC compliance was difficult to audit. However pressure from FPP and others caused the RSPO Secretariat to back down, and the FPIC provisions were reinstated so that the 2024 version of the P&Cs was fully in line with the 2018 version (mongabay.com 2024a).

<u>Evidence of NGO influence</u>

In the above description we can see evidence of the influence of the NGO on this issue. This was an issue that was included in the P&Cs from the start but initially not well understood or implemented by companies, and which as a result of the NGO's efforts was effectively promoted to RSPO members. The influence of this NGO resulted in the availability of guides and training for companies, a commitment by those who were members of the Palm Oil Innovation Group to stronger requirements regarding FPIC, the incorporation of these stronger requirements into the P&Cs, and the requirement to obtain FPIC being enforced by the RSPO Complaints Panel. All these are indications of an increased implementation of the principle of FPIC within the RSPO as a result of the efforts of the NGO.

Involvement of governments

Watching all these developments in the RSPO with considerable interest were the governments of Indonesia and Malaysia for whom the palm oil plantation industry was of crucial economic importance. The RSPO was establishing requirements for this vital industry without input from them and via a process over which they had no control. Both governments were concerned about the negative image that the industry had acquired as a result of the NGO campaigns, but also about standards and requirements being introduced by the RSPO that they felt were an unnecessary burden on the development of the palm oil sector, that put the interests of consumer countries before those of producer countries, and were more responsive to the voices of foreign NGOs than to those of government or business (Anon 2011)(Interview PO-14). Typical of the views of these governments were those expressed by the Indonesian Vice-Minister for Trade when he officially opening the RSPO's annual conference in Medan, Indonesia, in November 2013. He publicly criticised NGOs for what he considered their unsubstantiated accusations that linked palm oil expansion with deforestation and the destruction of biodiversity and orang-utan habitat. Indonesia put great value on the palm oil industry, he said, because it contributed to poverty alleviation and to robust economic development in many provinces of Indonesia (Gunawan 2013).

The Indonesian government had long held these views and concerns, and in response in March 2011 it had introduced its own alternative and less demanding set of standards for palm oil growers operating within its jurisdiction. These were known as the Indonesian Sustainable Palm Oil (ISPO) standards. Unlike the RSPO's P&Cs, the ISPO made no mention of free prior and informed consent, and said instead that permission for plantation developments to go ahead should be obtained from local government authorities. Whereas the RSPO's standards were aimed at stopping the loss of primary forest and areas of high conservation value, the ISPO provided room for plantations to expand into rainforests, wetlands and other areas of high conservation value under certain circumstances (Hospes 2014: 430-1, 434). These less demanding standards were in direct competition with those of the RSPO, and in contrast to the latter, were not voluntary but a legislated requirement for companies operating in Indonesia. However, in practice very few companies acquired ISPO certification due to its limited acceptance by international markets, and the weak authority of its implementing organization in Indonesia (Hidayat, Offermans et al. 2018, Choiruzzad, Tyson et al. 2021). The ISPO's standards were ones over which the international NGOs had little or no influence as they were simply generated and proclaimed by the Indonesian Government. With the introduction of the ISPO, the Indonesian industry body GAPKI withdrew from the RSPO and took with it a number of Indonesian palm oil growers, thus removing them from the influence of the NGOs in the RSPO. However, 18 or 19 Indonesian companies that were individual members of the RSPO did remain as members.

In 2013 the Malaysian government introduced a similar set of alternative standards, the Malaysian Sustainable Palm Oil (MSPO) certification scheme, which at the end of 2019 become mandatory for Malaysian growers. In a 2018 paper, a number of authors from a government body, the Malaysian Palm Oil Board, said that the reason for these alternative standards was to brand palm oil as environmentally sustainable in order to counter negative allegations by NGOs that the development of palm oil plantations was not sustainable, polluted the environment and caused deforestation (Nambiappan, Ismail et al. 2018: 13, 22).

A number of academic authors have written about the ISPO and MSPO, generally from the point of view of their effectiveness or otherwise as a set of standards for the industry (Hidayat, Offermans et al. 2018, Choiruzzad, Tyson et al. 2021, Bitzer and Schouten 2023). The focus of this thesis however is understanding how NGOs were able to influence this trans-national industry, and hence the point to be made about the ISPO and MSPO is that they lessened the ability of NGOs to exert influence on the industry. Their introduction meant that Indonesian and Malaysian growers who were resistant to the NGO-influenced RSPO standards could claim that their crude palm oil was certified as sustainably produced on the basis of having met the standards of the ISPO or MSPO (although in European markets such claims were not accepted). This issue of the involvement of governments and its limiting effect on NGO influence is returned to in the Discussion chapter.

Use of discursive power by NGOs

An analysis of the actions of the NGOs in the three examples above of negotiations in the RSPO shows that two forms of power were used by the NGOs. Discursive power was used to persuade companies of their interpretations of what sustainability meant in practice and what should be in the P&Cs – and positional or structural power was used to bargain, based on the fact that the business actors in the RSPO needed the NGOs' on-going involvement and credibility.

A characteristic of the RSPO was the debate and negotiation between NGOs and business actors over what companies needed to do if they were to be regarded as operating in a sustainable or responsible manner. In this situation, NGOs used discursive forms of power to persuade companies, presenting information and arguments in order to change minds, opinions and attitudes. For example, when Wetlands International proposed its resolution about peat-land at the General Assembly meetings of November 2008, it put forward arguments and presented reasons why peat-land should not be cleared and planted. NGOs also used discursive means to persuade in the various working groups in which they were members. For example, in the Greenhouse Gas Working Group they put forward arguments backed by scientific studies for their contention that if climate change is to be minimised, new plantings of oil palms should have the same carbon storage capacity as the forest they replaced. NGOs also presented arguments to persuade at the annual Roundtable meetings of the RSPO where they were prominent presenters. At the ninth Roundtable meeting in November 2011, for example, of the 56 presentations made in the plenary sessions, 15 were by NGO representatives (RSPO 2011a). These spoke on, and presented arguments on, minimising greenhouse gas emissions, protecting peat-land, preserving areas of high conservation value, certifying smallholders, improving company relations with workers and communities, and the usefulness of an RSPO Dispute Settlement Facility. All these were examples of NGOs in the RSPO using discursive power to persuade business actors of their interpretation of what sustainable or responsible behaviour involved, attempting to change minds, opinions and attitudes by presenting information and coherent arguments.

But they did so in the face of resistance and counter arguments from growers and other business actors who, while they may have accepted the need for the industry to operate in a sustainable or responsible manner, contested with NGOs what this meant in practice for companies. A limitation of the NGOs' use of discursive power was that the principle or norm on which it was based (responsible corporate behaviour) did not have a meaning that was unequivocal but rather one whose meaning in practice could be and was contested by business actors. An example would be the contestation that occurred in the New Plantings Working Group over what protection of virgin forest meant in practice for plantation companies, with NGOs and companies disagreeing over what types of forest should or should not be protected. Contestation over the meaning in practice of responsible corporate behaviour was a limitation on the ability of NGOs to use discursive power to persuade effectively.

In this situation of discursive contestation, negotiating and bargaining, NGOs were sometimes forced to accept things that they did not fully agree with, to accept standards that they felt were not adequate, because the process of obtaining agreement meant that they had to accept compromises. An example of an NGO accepting a compromise solution was WWF's acceptance of the 2013 revised version of the P&Cs (mongabay.com 2013). WWF made it clear that, while it voted for their acceptance, it regarded them as the best that could be achieved at the time, but far from satisfactory.

> We believe that, on balance, the revised P&Cs do represent the best compromise for the RSPO. …. However, because the review failed to accept strong, tough and clear performance standards within the P&Cs on issues like greenhouse gases and pesticides, it is, unfortunately, no longer possible for producers or users of palm oil to ensure that they are acting responsibly simply by producing or using Certified Sustainable Palm Oil (WWF 2013a).

Use of structural power by NGOs

As well as persuading, the NGO were also able to bargain. The need of the business actors in the RSPO to retain their on-going involvement in the process in order to give the standards credibility (Nikoloyuk, Burns et al. 2010: 70, Schouten and Glasbergen 2012: 79-80) meant that the NGOs were in a position of bargaining strength. Their issues, positions and arguments had to be taken seriously and given proper consideration. Business actors in the RSPO were aware of the fact that standards set unilaterally by the industry would be much less credible than standards established jointly with the industry's main critics and endorsed by the latter. Dentoni and Peterson (2011) in a paper on partnerships between NGOs and companies in agri-food industries (such as palm oil) make the point that an alliance with credible NGOs is one of the few ways that companies have of signalling to their key stakeholders that they are environmentally responsible. It was the industry's need to borrow the NGOs' credibility for the industry standards that was the basis of the latter's ability to exert structural power in the RSPO.

Evidence that the NGOs involved in the RSPO were regarded as providing this credibility to the standards comes in the form of statements by industry people and consultants. For example, a group of consultants, including one who was a key figure in the formation of the RSPO, said that ‘the involvement of NGOs in the RSPO process helped to legitimize it’ (Nikoloyuk, Burns et al. 2010: 70). The former head of the Malaysian Palm Oil Association, M.R.Chandran, when interviewed in 2009 said that he argued for the involvement of his association in the RSPO because he believed that the involvement of NGOs, together with retailers, manufacturers and producers would make the results of the RSPO significantly more credible (Nikoloyuk 2009: 54). A consultant with extensive knowledge of the RSPO said:

> Many growers who complain about the NGOs do not understand or appreciate the contribution that NGOs like WWF and Oxfam are making to the credibility of the RSPO, the large amounts of reputational capital that they are lending to the process. If WWF walked away from the RSPO it would die – but if a grower walks away, it makes little difference. (Interview PO-16)

Hospes and Kohne who undertook an evaluation of the role of Oxfam in the RSPO quoted a grower as saying much the same thing, that Oxfam’s withdrawal ‘would cause serious damage to the RSPO’ and ‘would be a fatal mistake as there still remains a lot to be done’ (Hospes and Kohne 2009: 9).

An example of the positional or structural power that NGOs were able to exercise was the ability of the small NGO Forest Peoples Programme to have the RSPO Secretariat back down over the issue of who could attend FPIC training courses. This was in 2017 when FPP was requested to provide training on FPIC, and the RSPO Secretariat said that community members, as against company staff members, should not be included in the training. FPP’s objection to this was so strong that it withdrew its involvement until the Secretariat backed down and community representatives were included (RSPO 2017b). This was the exercise of a material form of power by the NGO in that it involved a degree of coercion, of forcing an actor to accept things that it would not otherwise have accepted.

As well as NGOs and their primary targets, the more resistant growers, there was another type of actor in the RSPO, the more supportive companies in the RSPO who voted with the NGOs in various bodies including the General Assembly. They acted as 'intermediate corporate actors' (ICAs) whose material (instrumental) power could be harnessed and directed at the NGOs' primary target, the more resistant growers. By adding their significant numbers to the voting on issues in the RSPO's General Assembly, they ensured that resolutions were passed. This meant that resistant growers were out-voted in the RSPO's main decision-making body, and had to accept decisions that in many cases was not in their interest and had been resisted by them. The NGOs were not reliant on these ICAs to have material power exerted on their primary targets. They were able to exert material power on their primary targets themselves, and the material power exerted by the ICAs was merely supplementary to this.

Capacities and skills

The ability of NGOs to exert influence in the RSPO through the use of these two forms of power was assisted by certain skills and capacities that many of them possessed. Some of these skills and capacities were essential if an NGO was to be able to exert power effectively. In this section, the skills and capacities that NGOs used in the RSPO are identified and analysed in terms of how each skill or capacity made the NGOs' exercise of discursive and/or structural power possible or more effective.

<u>Credibility in the eyes of the public</u>

An essential capacity already mentioned was the credibility that NGOs possessed in the eyes of certain sectors of the public. The industry needed to borrow this credibility in order to give the RSPO legitimacy and its standards credibility. It was this credibility that made the presence of NGOs in the RSPO desirable and useful in the eyes of many business actors, and was the basis of the NGOs ability to bargain and exert structural power in that forum. The NGOs' credibility that gave them this structural power arose from the fact that, because of their campaigning, they were regarded by many as the champions of responsible corporate behaviour. This was reinforced by the fact they had no financial interests in the industries they were criticising. It was their non-profit status and their campaigning on responsible corporate behaviour that gave them credibility and therefore the ability to exert structural power in the dialogue forums.

<u>Trustworthiness in the eyes of business actors</u>

Another capacity that was essential for the NGOs' ability to persuade was the trustworthiness that they acquired in the eyes of some of the business actors in the dialogue forum. Trustworthiness meant that a business actor regarded the NGOs as negotiating in good faith, in an honest way, to develop a good workable set of industry standards, and as not having unspoken motives such as stopping the production of palm oil in order to save the environment.

Several representatives of companies expressed the view that the NGOs in the RSPO were in fact regarded by many business actors as trustworthy and as playing a positive and useful role. Hospes and Kohne who undertook an evaluation of the role of Oxfam in the RSPO list comments on the NGO from various business actors, including one person who remarked that Oxfam 'gained a lot of respect from companies due to its constructive role during different phases of the process' (Hospes and Kohne 2009: 8, 22). In particular many of the manufacturers and retailers of products containing palm oil regarded the NGOs as trustworthy. While they may or may not have agreed with the NGOs' views, they were willing to listen to them and give them due consideration, and to work with them in various Working Groups. As mentioned above, some were willing to vote with them to support their resolutions in the General Assembly.

It was however not just manufacturers and retailers who regarded the NGOs as trustworthy and as playing a useful role in the RSPO. Some growers did as well. For example, one representative of a grower company said of NGOs: 'They have played a positive role in setting new agendas, new standards for sustainability in the RSPO and for the industry as a whole' (Interview PO-5). Another representative of a grower company recounted in an interview that:

> When the Principles and Criteria were being formed, there was an amazing spirit that emerged from the process, which I had never seen before, of engagement and a mutual appreciation of other people's position. It taught me the power of engagement, and the role of NGOs, which I have then taken through to our own company'. (Interview PO-3)

However, amongst the growers, these companies were the exception. Most growers and their representative bodies did not trust the NGOs. Judged by their public statements, they appeared to believe that the NGOs were trying to undermine the industry by making inaccurate and unsubstantiated accusations. Typical of this view of NGOs was that of the Malaysian Palm Oil Association whose then head, Datoh Mamat Salleh, in a 2010 newspaper interview accused NGOs of being biased and inaccurate in their accusations. Referring to particular accusations by an NGO against a Malaysian company he said:

> This is a prime example of green activists behaving as whistle-blowers, judge, jury and executioner, all rolled into one. Where's the checks and balance? Why should we tolerate such conflict of interests? (Ooi 2010).

Here was a business actor, representing a large number of Malaysian growers, who regarded NGOs as not only untrustworthy, but biased and unfair in their treatment of companies.

Companies in the RSPO who regarded the NGOs as trustworthy were open to seriously considering their issues and arguments. Those that did not trust the NGOs were resistant to their issues and arguments. The NGOs' ability to use discursive power effectively to persuade companies in the dialogue forum was dependent on their being regarded as trustworthy by those companies. Being seen as trustworthy was an essential capacity that NGOs needed to possess if they were to be able to use their discursive power effectively.

Specialised knowledge and expertise

In the discursive contests that took place in the RSPO, another capacity that assisted the NGOs' ability to persuade, that underpinned their ability to use their discursive power effectively, was the specialised knowledge and expertise that they possessed on issues that were relevant to the setting of industry standards, but of which the business actors had little knowledge. This knowledge differential between NGOs and business on issues such as greenhouse gas emissions, biodiversity or human rights gave the NGOs an advantage in arguing. An example was the expertise that NGOs used in the deliberations of the Greenhouse Gas Working Group, which was their knowledge of the capacity of different types of forest and peat-land to store carbon, and of the emissions that would result if they were cleared and/or burnt. Also important was their technical knowledge of what constituted an area of high conservation value (HCV), and their understanding of international conventions and rights such as 'free, prior and informed consent' (FPIC). A group of consultants closely involved with the industry said:

> The environmental and social standards for RSPO certification require a level of expertise in biodiversity planning and social engagement that few companies possess. …. NGOs willing to engage constructively with business need to assist (Paoli, Yaap et al. 2010: 443).

Offermans and Glasbergen have said that in Roundtable meetings and General Assemblies the supply of knowledge was dominated by the NGOs (2015: 41-42). For the environmental and social NGOs these issues were of central importance to the work of their organizations, but for companies they were at best peripheral to their core activities and at worst issues on which they had little or no knowledge at all. A consultant with long experience of the RSPO made the point that this specialised knowledge that NGOs brought to the table gave them influence:

> NGOs exert influence through the expertise that they bring to the RSPO and to companies on certain issues. A plantation manager for example has to cover a multitude of things and is not necessarily going to have much expertise in say HCV. But NGOs who have that expertise can make it available and exert influence through their technical input to a company or to the RSPO (Interview PO-16).

Although this knowledge differential between NGOs and business actors gave the NGOs an advantage in arguing and persuading, it was less effective with resistant growers. There were many growers in the RSPO who believed that the expert knowledge of the NGOs was not balanced with a practical understanding of the realities on the ground at a plantation level, of what was and was not practical and realistic to implement, and that the growers' practical knowledge of this was being ignored. For example, in a 2014 interview the Chief Executive Officer of the Malaysian Palm Oil Association, Datuk Dr Makhdzir Mardan, said:

> Some of these NGOs are clueless about oil palm production; they are not the real practitioners. Yet they have the audacity to prescribe the level of thresholds. Consequently, when the growers propose something good, it is never being followed. Therefore, we begin to question their agendas; because they are uncompromising and intransigent and not willing to follow those who are knowledgeable on this matter, whether it is on the best practices, plant lifecycle or anything else (World Folio 2014).

He was not questioning the expertise of the NGOs on environmental and social issues but saying that the views of growers on what was practical or feasible should be listened to. These concerns and arguments about practicality meant that the NGOs' expertise and specialised knowledge was less effective when it came to persuading growers.

The practical results of this exertion of influence

The practical outcome of this exercise of discursive and structural power by NGOs in the RSPO, assisted by the skills and capacities they possessed, was a set of voluntary standards for the palm oil industry, the RSPO's 'Principles and Criteria for the Production of Sustainable Palm Oil', and a system of certifying companies that met those standards as growers or users of sustainably produced palm oil. While the NGOs in the RSPO had serious concerns about the earlier versions of the P&Cs, by the time the 2018 version was released they were much more satisfied and supportive. The general feeling of the NGO was that the 2018 version of the P&Cs was a useful set of standards for the industry, although there was still a need for further strengthening and that steps need to be taken to ensure more extensive and effective implementation. In a 2018 statement, WWF said that it regarded the P&Cs as 'an essential tool that can help companies achieve their commitments to palm oil that is free of deforestation, expansion on peat, exploitation and the use of fire'. However, it cautioned that 'certification on its own cannot solve all the environmental and social problems caused by irresponsible palm oil production' (WWF 2018). An Oxfam staff member interviewed expressed similar views, that the RSPO was regarded as not the complete answer to sustainable palm oil production. Although it was imperfect it was improvable (Interview PO-17).

The response of the NGOs that had not taken part in dialogue in the RSPO was similar, the difference being one of degree. In an open letter to the RSPO, a group of 60 NGOs including Greenpeace and Friends of the Earth said that the 2018 version of the P&Cs contained some positive aspects but that it had not adequately addressed some important issues.

> The undersigned NGOs are concerned about existing deficiencies in the proposed requirements. Stronger reforms are needed to bring the P&Cs in line with the 'no deforestation, no peat, no exploitation' standards adopted by the world's leading palm oil traders and end-users. (MightyEarth 2018)

However, there was a serious limitation to what was achieved, and that was that the RSPO's standards were voluntary. Investigations by NGOs showed that many companies that were members of the RSPO were not implementing the standards embodied in the P&Cs despite their commitment to do so. An example of this was provided in a 2013 report by WWF titled 'Palming Off a National Park', which showed that RSPO members Wilmar and Asian Agri were not meeting the standards required by the P&Cs (WWF 2013b). In that same year, Forest People's Programme and a number of Indonesian NGOs produced a report that investigated the operations of 16 oil palm operations, most of them RSPO members, and found that many had failed to obtain proper permission from affected communities as was required by the P&Cs (FPP, Sawit Watch et al. 2013).

Adding to this limitation was the fact that the auditing of RSPO members' compliance with the P&Cs was less effective than it should have been. The principle means by which compliance was checked by the RSPO was by having an independent, third-party verification of a member's operations by auditors working for certification bodies. NGOs were concerned that many audits were not identifying non-compliance, due in part to a conflict of interest. At the General Assembly in November 2018 a number of NGOs put forward a resolution to delink auditors from the operations they audited. They drew attention to 'the inherent conflict of interest that resulted from the Certification Bodies / auditors being chosen and paid for directly by the companies that they assess' (RSPO 2018b). This resolution was however defeated. The following year, the NGO Forest Peoples Programme tried unsuccessfully to have another Resolution passed: 'Ensuring transparency and multi-stakeholder engagement in the quality assurance of assessments and audits' (RSPO 2019a).

Even in those cases in which a company was judged to be clearly in breach of its obligations under the P&Cs, the penalties handed out were quite limited, for example shaming of the company by having details of the dispute published on the RSPO's website. Only in extreme cases was a company's membership suspended or cancelled, which means that it could no longer claim to be producing, trading or using sustainably produced palm oil. The RSPO saw its role primarily as encouraging companies and promoting standards, rather than as monitoring or policing the proper implementation of those standards, as the NGOs would have liked.

What has been learnt

The aim of this chapter has been to address two of the research sub-questions that this thesis set out to answer – how do NGOs exert power and influence on business actors when in dialogue with them, and what role does material power play in this? Using the same analytical framework as for NGOs exerting influence in campaigning, it has identified the process which power and influence was transmitted from NGOs to their primary targets in the RSPO. This was a straight forward process in which NGOs exerted power directly on their primary targets, the more resistant growers of oil palms. There were no concerned individuals involved in the RSPO, only NGOs, intermediate corporate actors (ICAs) in the form of supportive merchandising companies and growers, and the NGOs' primary targets, the more resistant growers. To influence the latter, the NGOs used two forms of power, discursive and structural, while the ICAs used instrumental power on the more resistant growers.

The NGOs used discursive power in a different way from in campaigning. Whereas in campaigning they used it to sanction business actors or to activate concerned individuals, in dialogue they used it to persuade business actors. They used it to persuade the latter that certain standards were needed if the companies were to be regarded as operating in a responsible manner. They were able to exert material (structural) power directly themselves in the dialogue forums without having to rely on any third party. This meant that, unlike in campaigning, the NGOs were not reliant on ICAs to have material power exerted on their primary targets. They were able to exert material power on their primary targets themselves. The material power exerted by the ICAs was supplementary to this.

The two forms of power used by NGOs in the RSPO, discursive and structural, were different in their effects. The successful use of discursive power to persuade resulted in a business actor willingly changing its position because it had been convinced that doing so was a good idea. The use of structural power involved an actor keeping to its position but reluctantly agreeing to something that it was not particularly happy with because the negotiation process had forced it to accept a compromise. The use of discursive power to persuade led towards consensus through changed beliefs or interests, whereas the use of structural power to bargain led to compromises based on the fixed interests of actors.

The ability of NGOs to exert influence in the RSPO through the use of these two forms of power was dependent on or assisted by certain capacities that they possessed. Their ability to use structural power was based on the credibility they possessed in the eyes of many of the industry's key stakeholders, and their ability to use discursive power to persuade was dependent on the trustworthiness they had acquired in the eyes of some business actors in the dialogue forum, and assisted by the specialist expertise they possessed.

Chapter 6
Influencing the Hydropower Industry through Campaigning

This chapter is the first of two that make up the second case study in this thesis, an analysis of the efforts of NGOs to influence the transnational hydropower industry. This chapter examines the ways in which NGOs exerted influence on this industry via public campaigning, while the chapter that follows examines their influence through dialogue in a multi-stakeholder standard-setting forum.

This second case study examines an industry that has a different structure from that of the first case study. Unlike the palm oil industry, there were no public-facing image-sensitive companies in the hydropower industry like those that the NGOs used in the palm oil campaigns to influence their primary targets. Also, unlike the palm oil industry, the hydropower industry had no commodity supply chain. In the palm oil case, there were along the commodity supply chain companies with different interests and priorities from amongst whom the NGOs could find allies. In the hydropower case, there was no supply chain and all the companies involved had more or less the same interests and priorities. They shared a common objective, which was to construct dams and generating plant that would produce hydro-electricity. The variety of companies with different interests that could potentially create opportunities for the NGOs in the palm oil industry was not present in the hydropower industry.

Using the hydropower industry as a case study, this chapter aims to address two of the research sub-questions that this thesis set out to answer – how are NGOs able to translate the norm of responsible corporate behaviour on which their discursive power is based into power and influence on companies that are driven primarily by commercial considerations, and what role does material power played in this? The analytical framework it uses to do this is the same as that used in previous chapters, namely identifying the different ways in which discursive power and material power were used by the various actors involved in the transmission of power and influence from the NGOs to the companies they were targeting. This chapter analyses in detail the process by which power and influence was transmitted from the NGOs to the dam builders in four different dam campaigns. Its findings confirm those of the first case study, although there were significant differences that, amongst other things, led to additional understandings about the role of material power in the ability of NGOs to influence.

First, it found that, as in the palm oil case, the only form of power that the campaigning NGOs were able to directly exert was discursive, and that they used it in two different ways – to challenge the framing and reputations of their corporate targets, and to activate concerned individuals. The discursive power of NGOs was once again based on the normative principle of environmentally and socially responsible corporate behaviour. A difference in this second case was that the principle had been partly translated into more specific requirements for this industry by the principles established by the World Commission on Dams. These were specific standards against which NGOs could hold companies accountable, and which were incorporated into the social and environmental guidelines used by financial institutions.

Second, this chapter confirmed the findings of the palm oil case that in the process of transmitting power and influence from NGOs to their primary corporate targets, there were two other types of actors involved apart from the NGOs and those corporate targets – concerned individuals and intermediate corporate actors. These played distinctly different roles, and employed discursive and material power in different ways.

Third, this second case study confirmed the finding of the first that material power was involved, however, there were significant differences. While the only form of power that NGOs were able to exert was discursive, in some campaigns this discursive power could be translated into material power exerted by other actors. In certain circumstances, the NGOs were able to harness the material power of intermediate actors and have it directed at their primary targets, the dam builders. However, this was not always successful. Unlike the palm oil campaigns, the NGOs were not always able find intermediate actors that were able to exert effective material power on the dam builders. When this happened, the transmission of power and influence was interrupted and the NGOs' influence on their primary targets was minimal. This highlighted the importance and possibly essential role that intermediate actors played in the NGOs' ability to influence their primary targets, and more significantly the fact that the exercise of discursive power when not supplemented by this material power was not enough to influence their primary targets and force them to change. NGOs' ability to influence their primary targets appeared to be dependent on their ability to harness the material power of intermediate actors.

This chapter is in four parts. In the first part, after a brief description of the hydropower industry, there is an examination of the campaigns by NGOs to influence the financial institutions that funded large-scale dam projects. Initially NGOs' campaigning to influence this industry was directed at the financial institutions that supported large dam projects, rather than at the dam building companies. This was a useful prelude to their later campaigns directed at companies as it created specific standards for this industry against which NGOs could hold companies accountable, and which were incorporated into the social and environmental guidelines used by financial institutions. The second part of the chapter describes in detail four NGO campaigns directed at particular dam projects. These were the NGO campaigns to stop the Ilisu dam in Turkey, the SCORE dams in Sarawak, a dam on the Mekong River in Southeast Asia, and a dam project in Patagonia in southern Chile. The third part of this chapter analyses these four campaigns to reveal the chains of influence through which power and influence was transmitted from NGOs to their primary targets, the dam building companies, the different types of actors involved in these chains, and the forms of power they used. The fourth part of the chapter examines some factors that affected the ability of NGOs to exert influence, specifically the skills and capacities that they possessed, and the involvement of governments.

The hydropower industry

The term hydropower refers to the use of large dams to generate electrical power. The water impounded behind a hydropower dam wall is released to flow down through turbines thus spinning them and the generators to which they are attached. The spinning of the rotors of the latter generates electricity – which is then sent at high voltage through transmission lines to urban or industrial centres where it is put to use lighting homes and powering industry. Most of 50,000 or so large dams currently in operation have been built for irrigation purposes rather than to generate hydropower. Only about 10,000 of them have electric power generation as their main purpose. But these hydropower dams are on average the biggest, most expensive and, in terms of their contactors and investors, the most international of the large dams (Bosshard 2010: 59).

The hydropower industry is made up of a range of different types of companies. Most developers of hydropower projects are consortia typically consisting of a state-owned utility responsible for the provision of electric power, development banks providing finance for the project, construction companies that build the dam wall and associated structures, and companies that supply the turbines, generators and other related equipment. These consortia tend to act like private companies, although they often have state-owned entities within them. The construction and equipment companies are usually large international firms that have close relations with the state as one of their primary clients. None of these entities – engineering companies, state authorities or development banks – sell products to the consuming public. The state electricity authorities are usually separate from the commercial companies that distribute electricity to users and charge for it. They are not public facing companies and therefore are not subject to pressure from concerned customers.

The concerns that NGOs have with the hydropower industry include the negative impact that dams can have on the livelihoods and welfare of vulnerable communities living at or near the dam sites. Large numbers of people living in the areas that are to be flooded as the dam fills have to be resettled, often with minimal or no compensation or to marginal lands, resulting in their increased poverty. Dams can also produce a large-scale alteration to the natural hydrologic regime of the rivers on which they are located, with massive impacts on the fisheries on which communities depend. According to one source, an estimated 472 million river-dependent people have had their livelihoods negatively affected by large dams (Richter, Postel et al. 2010: 14). Dam proponents on the other hand see them as beneficial for poor communities. Most of these dam building projects have been in poorer countries in Africa, Asia and Latin America, driven in most cases by the governments of those countries and international financial institutions such as the World Bank, who saw them as being of great benefit for the economic development of poorer nations as a whole, even if local communities had to suffer some disruption.

The negative effects on livelihoods meant that there was often active resistance by the directly affected communities, and campaigns in the countries in which the dams were located to stop their development. It was these local campaigns of resistance that first drew the attention of international NGOs to these large dam projects. One of the most notable of these was that against the giant Narmada dam project in north-western India, a large and highly controversial project whose net costs and benefits were widely debated (Khagram 2002, Narula 2008). There were many other similar campaigns of local resistance – in Nepal, Colombia, Indonesia and other places - in which those directly affected by a dam project mounted strong popular resistance (Forbes 1999, Martinez and Castillo 2016, Hanif and Sastrodinomo 2021). The main strategy used by these local communities was mass public protests to make their grievances known and to apply as much political pressure as they could to the dam developers and the government.

The anti-dam campaigns of most interest to this thesis were those in which these local campaigns by affected communities were supported by NGOs campaigning at a local, national and international level. It was these campaigns that ran at multiple levels (local, national, international), such as the Narmada campaign that had most effect in terms of bringing about change in the institutions that financed the dam building industry and the industry itself. There was a useful synergy between these different NGO campaigns operation at different levels and in different political arenas (Khagram 2004). The national and international NGOs and campaigns enabled the local NGOs to project their messages and concerns to a wider audience, including to influential financial institutions. The local campaigns on the other hand gave the national and international NGOs with whom they worked credibility and relevance, as well as the information they needed to campaign effectively.

NGO campaigns directed at the World Bank

From the 1980s onwards, some international NGOs based in the US and Europe began to take an interest in and to support these campaigns of local resistance in poorer countries, mainly because of their interest in the World Bank. There was at the time a growing concern by a number of these NGOs about the environmental and social impact of the large economic development projects that the World Bank was funding in poorer countries. The World Bank was a powerful and somewhat autonomous inter-governmental institution funded by American, European and other affluent governments and based in Washington DC. Amongst the economic development projects that the World Bank was funding were a number of large dam projects, and as a result there was a growing interest by these international NGOs in these dams as examples of World Bank funded projects that the NGOs felt were inappropriate and increasing rather than decreasing poverty (Khagram 2000).

NGO campaigns were launched in the US and Europe in support of the local campaigns of resistance, but with a different emphasis, namely having the

World Bank improve its policies on the way the projects it funded were implemented. These included the Bank's policies on the land rights of indigenous people, the minimizing of environmental impacts, and how the displacement of communities should be handled. Several large dam projects funded by the World Bank were used in this way, to illustrate the inadequacies of its current policies (Nelson 1997, Fox and Brown 1998, Park 2009, Saklani and Dye 2024).

A particularly useful illustration of what the NGOs regarded as the inadequacies of the Bank's policies and practices was the large Narmada dams project in India. The NGO campaigning on this dam project involved fact-finding missions, media publicity and parliamentary resolutions, supplemented by regular public demonstrations in front of the World Bank's headquarters in Washington DC and its regional offices in other countries (Fox and Brown 1998, Khagram 2000, Park 2009). The main strategy used was publicising the negative social and environmental impacts of the Narmada dams so as to convince the donor governments who provided the World Bank's funding to apply pressure on the Bank to reform its funding policies (Khagram 2000). One notable outcome of this was the withdrawal in 1990 of Japan's Overseas Economic Cooperation Fund from the Narmada project and the Japanese Government pressuring the World Bank to stop financing it (Narula 2008).

In response to this mounting tide of criticism, the Bank began to review its policies and practices. In 1991 it commissioned a team of independent experts to re-examine the Narmada projects. This found that 'performance under these projects has fallen short of what is called for under Bank policies and guidelines' (Narula 2008: 364-7). In 1993 it created an Inspection Panel to investigate and report back on the adherence or otherwise of the projects it funded to Bank policies. The following year it established a Public Information Centre to demonstrate its increased transparency and accountability (Fox and Brown 1998). In 1994 the Bank also undertook a review of resettlement problems in its portfolio of dam projects (Khagram 2000).

World Commission on Dams

However, the controversy over the funding of large dams continued, and eventually led to calls for a comprehensive review of the building of such dams and for the setting of standards for their design and construction (Khagram 2000, Locher and Scanlon 2012). Thus in 1998 the World Commission on Dams was established to review the performance of large dams and make recommendations. According to John Briscoe, who was then the World Bank's Senior Water Advisor, it was an attempt to bring together stakeholders from all sides of the debate to develop a reasoned consensus, a shared understanding and a shared set of recommendations that would ensure that bad dams were not financed and built, and that good dams were financed and built without inordinate costs or delays (Briscoe 2010: 403).

The World Commission on Dams (WCD) consisted of experts drawn from the private sector, professional associations, civil society, academia, and one government representative. It met for two years, and at the end of that period in November 2000 produced a report called *Dams and Development: a New Framework for Decision-Making* that set basic standards for the industry. Its views on large dams were summed up in the report thus:

> Dams have made an important and significant contribution to human development, and the benefits derived from them have been considerable. In too many cases an unacceptable and often unnecessary price has been paid to secure those benefits, especially in social and environmental terms, by people displaced, by communities downstream, by taxpayers and by the natural environment. (WCD 2000: xxviii)

To improve the development outcomes of projects, the report presented a new framework for decision-making based on recognizing the rights of all interested parties. It set out five 'Core Values' - equity, efficiency, participatory decision-making, sustainability and accountability. It also established seven 'Strategic Priorities' for dam projects - gaining public acceptance, comprehensive options assessment, addressing existing dams, sustaining rivers and livelihoods, recognising entitlements and sharing benefits, ensuring compliance, and sharing rivers for peace, development and security. Among other things, the Strategic Priorities called on dam developers to prioritise 'the avoidance of impacts, followed by the minimisation and mitigation of harm to the health and integrity of the river system'. They also made the point that:

> Successful mitigation, resettlement and development are fundamental commitments and responsibilities of the state and the developer. They bear the onus to satisfy all affected people that moving from their current context and resources will improve their livelihoods (WCD 2000: xxxv).

Each of the 'Strategic Priorities' was supported by a number of 'Policy Principles' and detailed 'Guidelines' that set out specific actions that dam developers should follow if they were to comply with the Strategic Priorities.

The data and analysis of the effects of large dams that the WCD presented, the solid arguments and evidence that it contained, could not be ignored, and the fact that it was written by a group that included industry representatives gave it added credibility in the eyes of many stakeholders. As Dingwerth said:

> Even though individual policy recommendations remain contested, the descriptive and analytical part is commonly accepted as the most solid and comprehensive assessment of the social, economic and environmental effects of large dams. As a result, post-WCD debates over large dams can hardly ignore the data provided by the commission as well as the conclusions the commission has drawn based on this data (Dingwerth 2008: 613).

One of the key stakeholders in the debate was the World Bank, and its views were expressed in its 2004 Water Resources Sector Strategy:

> [T]he Bank believes that the World Commission of Dams' Core Values and Strategic Priorities are appropriate principles and consistent with Bank practice

> and policies. The Bank will not, however, comply with the 26 Guidelines (World Bank 2004: 38)

It felt that compliance with the twenty-six Guidelines would effectively make it impossible for the Bank, or anyone else, to ever finance another large dam. (Briscoe 2010: 406-7). The response of the industry varied from company to company, however the industry body, the International Hydropower Association was relatively positive. In a presentation to the World Energy Congress in 2010 it expressed its views of the WCD report thus:

> While there is disagreement on its detailed recommendations, there is clear acceptance of the core values listed in the report: equity, efficiency, participatory decision making, sustainability and accountability. In addition, there is broad agreement on the objectives of the report's strategic priorities (Schumann, Saili et al. 2010: 10).

Most NGOs were very pleased with all aspects of the report as it contained all the principles that they were promoting, including the central one that project-affected people had rights. They saw it as a useful tool for influencing the way large dams were designed and constructed. At the launch of the WCD report on 16 November 2000, 109 NGOs from 39 countries signed an open letter calling on all public financial institutions to immediately and comprehensively adopt the recommendations of the report, and to integrate them into their relevant policies (Bosshard 2010: 61).

The advent of the WCD's report brought about a significant change in the environment in which this industry operated (Dubash 2010: 420). It basically set down what dam builders needed to do if they were to minimise the negative social and environmental impacts of dams, and in that sense, it can be regarded as an interpretation of what social and environmental responsibility meant in practice for dam builders. The WCD report and in particular its Core Values and Strategic Priorities can be thought of as a partial codification of the principle of social and environmental responsibility for this industry. The acceptance of these principles by the industry meant that dam builders not only accepted that they should operate in a socially and environmentally responsible manner, but also accepted what this meant in practice, at least at a general level.

This had implications for the NGOs that were trying to influence this industry as it meant that, as a result of their efforts to influence the World Bank, there were now standards widely accepted within the industry to which dam builders could be held accountable. As academic Susan Park said:

> One can argue that the WCD recommendations are being diffused around the world and that international actors like the World Bank, the dam industry and states can be assessed against the recommendations (and found wanting thus far). In other words, there are now legitimate principles and guidance for development in the dam industry with which actors must contend. (Park 2009: 121).

Effect of the WCD report on financial institutions

For the NGOs campaigning on dams the most significant aspect of this change was the spread of acceptance of the WCD's principles among the financial institutions that supported large-scale dam projects. The World Bank had accepted that the WCD's Core Values and Strategic Priorities were appropriate principles and its policies and practice were influenced by them (World Bank 2004: 38). Because the World Bank was influential as a funder of economic development projects, the changes it made to its funding and operational policies had a ripple effect on other institutions that funded such projects. For example, in 2013, World Bank influence and NGO pressure led to a group of private banks instituting their own guidelines, called the Equator Principles (O'Sullivan and O'Dwyer 2015). Based on World Bank standards and guidelines, the stated aim of these was to ensure that 'the projects we finance and advise on are developed in a manner that is socially responsible and reflects sound environmental management practices' (Equator Principles 2013: 2, 6).

Also influenced by the WCD's standards and the reformed World Bank guidelines were a type of financial institution of relevance to this case study, Export Credit Agencies (ECAs). These are quasi-governmental institutions established by the governments of more affluent countries to support their exporters and investors. Private companies that become commercially involved in a dam or other ventures overseas usually require credit from banks, and if those ventures are in less stable countries where the commercial risks are high, they require insurance guarantees for that credit in case of default. When such credit guarantees are not readily available from normal private sources, companies can turn to ECAs, whose task is to support exporters and those investing overseas. Many private sector projects in poorer countries, including dams, involve companies that are supported by the ECA of their country of origin.

However up until the mid-1990s few if any of these ECAs had environmental and social standards guiding the type of projects they would support (Knigge, Gorlach et al. 2003). In the 1990s NGOs began pressuring them by pointing out ECA-supported projects that had negative environmental or social impacts. In 2000, 347 NGOs from 45 countries signed a declaration (The Jakarta Declaration) calling for common and binding standards for all ECAs (Jakarta Declaration 2000). At about the same time, several national governments, under the banner of the Organization for Economic Cooperation and Development (OECD), set about working to establish harmonised rules and policies for their ECAs. In December 2001, an inter-governmental body called the OECD Working Party on Export Credits released its *Draft Recommendations on Common Approaches on Environment and Officially Supported Export Credits* (OECD 2001, OECD 2003). These were voluntary guidelines for ECAs based in OECD countries that set out the standards that a project seeking their support should meet. They were based on the social and environmental standards, guidelines, safeguard policies and operational manuals of the World Bank, which in turn had been influenced by the principles established by the World Commission on Dams. The *OECD Common Approaches* document said that one of its objectives was to:

> Promote good environmental practices and consistent processes for projects benefiting from officially supported export credits, with a view to achieving a high level of environmental protection (OECD 2001: 2).

The NGOs however were not satisfied with these and continued to press for binding and internationally harmonised standards for ECAs (Knigge, Gorlach et al. 2003). In particular, NGOs with an interest in large dams wanted binding standards that were based on the principles established by the World Commission on Dam (WCD). Three years after the release of the WCD's report, a study for a German Government agency on the extent to which ECAs had incorporated the WCD's principles found that they had been a significant influence:

> Although the recommendations set forth by the World Commission on Dams are not explicitly referenced in ECAs' environmental guidelines, the significance of the WCD's findings and report should not be underestimated. The WCD recommendations have certainly influenced the actual implementation of ECAs' environmental guidelines, and have undoubtedly marked a change in the way in which ECAs and stakeholders approach large dam projects. Thus, the WCD has created a set of normative rules which can no longer be ignored. (Knigge, Gorlach et al. 2003: 51).

These 'normative rules', in the creation of which NGOs had played a significant role, provided NGOs with new influencing opportunities, an indirect means of applying pressure to dam builders. NGOs were able to draw the attention of the financial institutions supporting dam projects (World Bank, Equator Principles Banks, ECAs) to the non-compliance of certain projects with their guidelines, thus motivating them to apply financial pressure on the designers and builders of large dams to bring their projects into line with the standards that were now expected of the industry by its financial supporters. In other words, the NGOs through their campaigning to influence financial institutions had created influential intermediate actors with social and environmental guidelines that could be used by them to exert a level of influence on dam builders that they themselves were unable to.

International campaigns on particular dams

In the period after the release of the WCD report in 2000 and the general acceptance by the industry of its basic principles, campaigning by international NGOs on dams entered a new phase. They turned their attention from financial institutions to the dam builders themselves, the companies that were involved in the construction of particular hydropower dams. These were the companies that provided consulting services to dam projects, the companies that designed and constructed dams, and those that supplied the turbines, generators and transformers needed to generate the electrical power.

Four such campaigns are described in this chapter: the international NGO campaigns directed at the companies involved in the Ilisu dam in Turkiye, the SCORE dams in the Malaysian state of Sarawak, the Xayaburi dam on the Mekong River, and a series of dams in Patagonia in southern Chile. These campaigns were chosen because they represented a variety of different approaches taken by NGOs and a range of different outcomes. In the first example (Ilisu Dam campaign) the NGO strategy involved the use of financial institutions and in particular ECAs as influential intermediate actors. In the second (Sarawak dam campaign) the NGOs attempted to use a company providing technical support to the dam project as an intermediate actor. In the third example (Xayaburi Dam campaign), the intermediate actor used was a quasi-government body in the home countries of the companies involved. In the fourth example (Patagonia dam campaign) a merchandising company was used as an intermediate actor. This selection of campaigns also presented a range of different outcomes for NGOs, different levels of influence achieved, ranging from substantial to none.

A timeline of these NGO campaigns and other key activities related to the regulating of the hydropower industry is given Appendix B.

The Ilisu Dam in Turkiye

The first campaign to be examined is that on the Ilisu Dam in the Kurdish region of south-eastern Turkiye, a large project initiated by the Turkish Government. The local, national and international NGOs opposed to the dam publicly criticised it on the grounds that it would completely or partially flood 199 villages and the ancient city of Hasankeyf whose history stretched back thousands of years and was rich in unexplored archaeological sites. They claimed that up to 78,000 people, most of them Kurdish, would be displaced by the construction of the dam (Erdem 2006, Hasankeyf 2017).

The Turkish Government on the other hand in its public statements said that only 2,000 families would be displaced, that steps were being taken to preserve the cultural heritage, and that the dam would have major environmental benefits in terms of saving greenhouse gas emissions that would otherwise be generated by thermal power plants (Ministry of Foreign Affairs no date). The government saw hydropower dams as generating much needed energy for the country and as managing scarce water resources in an arid region:

> [I]ncrease in the energy consumption means improving the quality of life of the Turkish citizens. Turkey, which is neither oil nor natural gas producer, plans to meet the rising energy needs in several ways, including the increasing use of its indigenous sources and in that respect, hydropower…… In arid and semi-arid regions where precipitation is generally limited to four or five months a year, water resources development projects are indispensable for sustainable socio-economic development. (Ministry of Foreign Affairs 2018).

In 1997 the Turkish Government had put together a consortium of companies to undertake the construction of the Ilisu Dam, led by the UK-based engineering firm Balfour Beatty. In order to obtain credit from private banks to finance this project, which was regarded as commercially risky, these companies needed credit guarantees, and for this they applied to Export Credit Agencies (ECAs) in their home countries. The ECAs were at this stage under pressure from NGOs for their support of projects with negative environmental or social impacts, and hence were cautious about involvement in this project. They presented the Turkish Government and the companies with four conditions that had to be met if export credit guarantees were to be provided. These required that the project included a responsible resettlement program, upstream water treatment plants to ensure water quality, the maintenance of the water flow downstream and the preservation of the archaeological heritage (Eberlein, Drillisch et al. 2010: 295-6, Atzl 2014: 205-6).

First Ilisu NGO campaign

Three UK-based NGOs took up this issue of the Ilisu Dam and were later joined by others to form an international movement that became known as the 'Stop Ilisu Campaign' (Eberlein, Drillisch et al. 2010: 304, Atzl 2014: 205-6). These NGOs were able to take advantage of the ECAs' concerns by highlighting non-compliance with their guidelines and thus motivating the ECAs to apply more pressure to the dam builders. The NGOs were in other words able to use the ECAs as influential intermediate actors that could be influenced by highlighting non-compliance with their standards, and could in turn apply financial pressure to the companies involved in the Ilisu Dam project.

In the years that followed, the NGO campaigners provided information on an on-going basis to the media, and to politicians and officials in Europe who could influence their ECAs. Besides regular statements and media releases, the NGOs organised information events and protests, and maintained contact with journalists on major newspapers. A key activity was briefing and lobbying politicians in European countries to ensure they were aware of what was happening at the dam site and of the NGOs' concerns, on the assumption that this would generate pressure on the ECAs operated by their government (Eberlein, Drillisch et al. 2010, Atzl 2014). This meant that there was a chain of influence extending from the NGOs to the dam builders. The campaigning actions of the international NGOs motivated politicians and journalists in the relevant European countries. The politicians in particular were able to influence the ECAs operated by their governments, which were in turn able to exert influence on the dam-building consortium.

This first NGO Ilisu campaign was successful in stopping the dam. In October 2000 the London-based NGO Kurdish Human Rights Project undertook a fact-finding mission to gauge the compliance of the project with the four conditions set by the ECAs, and found that several of them were unresolved (Eberlein, Drillisch et al. 2010, Atzl 2014). Faced with this lack of compliance and other serious difficulties, financial institutions and companies began to withdraw from the consortium. The chief executive of the lead engineering firm, Balfour Beatty, said that with commercial, environmental and social issues still unresolved and no early resolution likely, it was in the best interests of his company to withdraw from the project (Shah and Waugh 2001). By 2002 the consortium had collapsed and the Ilisu dam project appeared to be dead. The NGOs involved celebrated this as a victory for their campaign. As the dam was now apparently not going ahead, the campaigning subsided (Atzl 2014).

Second Ilisu NGO campaign

However, the Turkish Government remained resolute that the dam should be built, and by 2005 it had established a second consortium. This second consortium also needed credit from private banks, which in turn required export credit guarantees. As the companies involved in the new consortium were from Germany, Austria and Switzerland, guarantees were sought from the ECAs of those three European countries (Atzl 2014: 206). Having agreed by this stage to respect the OECD's *Common Approaches on Environment and Officially Supported Export Credits*, these ECAs had to consider the environmental and social aspects in their decision, and were conscious of the failure of the first consortium to meet the conditions put on it. Hence, they negotiated a formal agreement with the Turkish Government on the condition for their providing guarantees. In December 2006, the three European ECAs decided to approve in principle the export credit guarantees for the Ilisu project, subject to the consortium fulfilling 153 conditions in areas such as resettlement, preservation of cultural heritage, environmental protection and trans-boundary issues. Compliance with these conditions was to be verified by an independent committee of experts appointed by the ECAs. In the meantime, in August 2006, even before the export credit guarantees had been obtained, the construction of the dam was officially begun (Eberlein, Drillisch et al. 2010, Atzl 2014).

A media-oriented NGO demonstration against the Ilisu Dam at a meeting of Export Credit Agencies in Paris in November 2008 (Photo: ECA Watch).

In response to the formation of this second consortium, the NGOs involved in the first Ilisu campaign relaunched their campaign, once again employing ECAs as influential intermediate actors. Major players in this second campaign were NGOs from the three countries whose ECAs were involved – Counter Current from Germany, ECA Watch from Austria, and Berne Declaration from Switzerland (Atzl 2014: 207). In Europe this second Ilisu campaign centred on NGOs providing information to politicians and officials who could influence the actions of the three ECAs. The campaigners briefed politicians in Germany, Austria and Switzerland on the negative impacts of the dam, and on the Turkish Government's and the consortium's failure to adhere to the conditions set by the

ECAs. In 2007 the Swiss NGO Berne Declaration and two London-based NGOs published reports detailing this lack of adherence to the conditions set by the ECAs (Atzl 2014: 208).

The NGOs also provided regular updates, statements and media releases to journalists on major newspapers. A search of the ProQuest database for coverage in English-language newspapers[4] showed that there was a marked peak in coverage of the issue in August 2006, the month in which the NGO campaign was revived. In that month, 19 articles appeared in English language newspapers, 10 of them in the Turkish Daily News, six in leading UK papers and three in other papers. In all of these articles, both the government's and the NGO's points of view were presented, but with a bias towards the later, as evidenced by headlines such as 'Go-ahead for dam that will drown history' (The Times, London, 10 August 2006), and 'Turkey revives controversial dam project that will force 50,000 out of their homes' (The Independent, London, 11 August 2006). Coverage in the English language press in Turkiye was also sympathetic to the NGO position with headlines such as 'Dam construction begins, a town drowns' (Turkish Daily News, 6 August 2006), and 'Ilisu Dam: A golden necklace for Tigris or a rope around Hasankeyf's neck?' (Turkish Daily News, 13 August 2006). This survey does not include coverage in Turkish newspapers in local languages, nor German, Austrian or Swiss newspapers, for which there were no accessible data bases. In Turkiye, coverage in the Kurdish and Turkish language media was important because the activation of the concerned public in that country (as against the directly affected communities in Hasankeyf) was an important NGO strategy. Atzl (2014: 214) says that the campaign in Turkiye was focused on the Kurdish and Turkish media, and involved the use of press

[4] The ProQuest database at https://www.proquest.com/results/ was searched for mention in newspapers only of the term 'Ilisu Dam' in the period 1 January to 31 December 2006. The survey was of English language newspapers only, and did not include newspapers in the Turkish or German languages. The coverage in English language newspapers was taken as an indication of, or a proxy for, the level of coverage in the media more generally.

releases in those languages and high-profile events such as concerts, symposia and demonstrations.

In Germany, Austria and Switzerland, media coverage was less important because the key individuals whom the NGOs sought to reach and activate were politicians who could influence the ECAs, and these could be reached directly by the NGOs through letters, submissions and meetings, without the involvement of the media. However, Atzl (2014: 214-5) does say that in Germany there was indeed ‘nation-wide media coverage of Ilisu, including reports in major newspapers and on television’.

In Turkiye, local affected groups and NGOs had begun organizing, and in early 2006 they established a coalition known as the ‘Initiative to Keep Hasankeyf Alive’ with the aim of raising awareness domestically of the impacts of the dam and to gain support for its halting (Atzl 2014: 207). Activities included organizing visits to Hasankeyf by groups of people from Istanbul, tree planting near the town to symbolize other options for the use of the region’s natural resources, and a visit and song composed by a well-known German-Turkish pop star (IR 2010, Atzl 2014: 215). The campaigners made use of images of picturesque Hasankeyf with its minaret, ruins and cave dwellings that were to be drowned by the dam – and in 2009 a petition was started aimed at having Hasankeyf declared a UNESCO World Cultural Heritage Site. (Eberlein, Drillisch et al. 2010: 305, Atzl 2014: 215).

The campaign against the Ilisu dam in Europe was assisted by these local campaigners in Turkiye. This included assistance in organizing tours of European countries by representatives of the affected communities. Four such visits were organized to the three European countries by delegations of mayors and other representatives from the towns in Turkiye that would be affected by the dam. These included meetings with and the lobbying of parliamentarians, representatives of relevant Ministries, ECA officials and the companies involved (Atzl 2014: 214-5). This added to the credibility of the campaign and the NGOs in the eyes of politicians and journalists as it provided direct supporting evidence and testimony from the affected communities in Turkiye. This was reinforced in March 2008 when over 100 people from the dam-affected area travelled to the Turkish capital Ankara to hand over 1500 signed letters to German, Austrian and Swiss politicians via their embassies, demanding that their ECAs withdraw from the Ilisu project (Eberlein, Drillisch et al. 2010: 305).

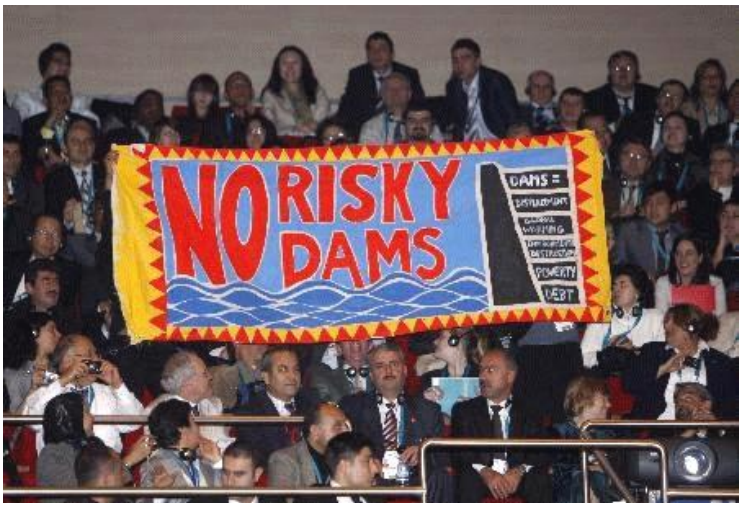
A demonstration against the Ilisu Dam in Hasankeyf with the historic ruins of town’s bridge in the background. (Photo: Doga Dernegi).

Eventually however it was the response of the three ECAs that brought about the demise of the second consortium. Reports by NGOs and visits to the dam site by the ECAs’ independent panel of experts continued to show that despite some progress, the Ilisu project still did not comply with the agreed social and environmental conditions. Finally, after more warnings and visits by the panel of experts, on 7 July 2009 the three ECAs announced the withdrawal of their export credit guarantees. On the same day, three European banks withdrew their export credits. The German engineering company Zeublin AG and the Swiss company Alstrom then withdrew from the consortium. However, the

Austrian company Andritz remained, saying that it regretted the decision of the ECAs and remained interested in the Ilisu project (Atzl 2014: 209).

<u>Third consortium formed</u>

While this strategy was effective in having the European ECAs, banks and companies (with the exception of Andritz) withdraw from the project, it did not stop the dam from going ahead. In late 2009, the Turkish Government announced that three Turkish banks would finance the project. The government appeared to have stepped in to provide the credit guarantees that the Turkish banks required, thus bypassing the European ECAs and allowing the project to proceed. The result was the formation of a third consortium led by the Austrian engineering company Andritz and consisting of it plus a number of Turkish engineering companies and banks (Conker 2016: 24, Hasankeyf 2017: 3). In early 2010 construction of the Ilisu dam re-commenced (IR 2010). The international NGO campaign continued, but it had now lost its main source of leverage, the European ECAs, who were no longer involved. The NGO campaign no longer had a financial institution that could act as effective intermediate actors and influence the dam builders. As a result, the campaigning efforts by the German, Austrian and Swiss NGOs declined.



NGO activists hold up a banner at the 2009 Water Forum in Istanbul. (Photo: International Rivers)

> [A]s the Turkish banks and construction companies came to a leading position in the re-organization of the second consortium, the anti-dam networks have [sic] lost

> a significant leverage in the final period. Therefore, even though the domestic actors continued to oppose the project in the final period, their impact remained limited (Conker 2016: 28).

The domestic campaign continued, now led by the Turkish NGOs ('Initiative to Keep Hasankeyf Alive' and 'Doga Dernegi'). In September 2015 a Global Day of Action was held, followed by a second one in September 2017 involving actions in 16 cities including 10 in Europe (ANF 2017, Hasankeyf 2017). However, the Turkish Government remained intransigent and construction of the dam continued. By 2018 the dam wall was completed and the filling of the dam began, slowly submerging the old town of Hasankeyf. By 2020 the dam was full and the electricity generated by the Ilisu Dam began coming on-line (IR 2020, Chibani 2023). With the campaign to save Hasankeyf now lost, the attention of the NGOs turned to other issues around the Tigris River on which the Ilisu dam was located. As early as 2012 a 'Save the Tigris River and Iraqi Marshes Campaign' had been formed, which included 'Initiative to Keep Hasankeyf Alive' (SaveTigris 2024). By the 2020s, the campaign had moved on to other issues related to the Tigris River.

Sarawak dams and Hydro Tasmania

The second example of an NGO campaign is that waged against a controversial set of large dams in the Malaysian state of Sarawak. This was a classic example of campaigns of resistance at a dam-site level by local affected communities and campaigning by NGOs at an international level mutually assisting one another. The campaigns by local affected communities in Sarawak involved mass public protests, court cases, and blockades of roads leading to dam sites, aimed at having the grievances of the communities known and at applying as much political pressure as possible to the dam developers and the Sarawak government. This was assisted by NGOs campaigning at an international level whose aim was to pressure other actors outside of Sarawak who could in turn exert influence on the Sarawak government and/or the dam builders. However, the international campaigners had difficulty in finding such actors. The corporate actor that they did choose proved to be ineffective as it had little or no ability to influence the Sarawak government and/or the dam builders.

The building of large dams in Sarawak was from the beginning actively resisted by the indigenous forest-dwelling people who were being displaced or negatively affected by them. An initial focus of this local campaigning was the Bakun Dam on the upper reaches of the Rajang River, whose construction between 2000 and 2011 involved the displacement of some 10,000 indigenous people. Resistance by local affected people included mass demonstrations at the dam site, and a court case in Sarawak against the dam builders that was unsuccessful (Hance 2011b). In 2008 the construction of a second dam, Murum, was begun, which also involved the displacement of large numbers of indigenous people (Hance 2011a, IR 2012a). This was to be the first of 12 new hydropower dams that the state government of Sarawak intended to build as part of a giant project that it called the Sarawak Corridor of Renewable Energy (SCORE) (SIWRS no date). Threatened by this on-going program of dam construction, the indigenous leaders from all the affected groups organized themselves into a network of resistance called the ‘Save Sarawak Rivers Network’ (Tawie 2012). Amongst other things, this resistance took the form of indigenous leaders filing a corruption complaint in a Sarawak court in September 2012 against the Chief Executive in charge of the SCORE project, and of local people mounting a month-long blockade of the access road to the Murum dam (IR 2012c, IR 2012d).

From the beginning, these local campaigns had received some international support from overseas NGOs - including Friends of the Earth UK, Berne Declaration in Switzerland, and the California-based International Rivers (Jaura 1996, Khalid 2007). But in 2012 the campaign was taken to an international audience in a more serious way. A number of international NGOs based in the USA, Switzerland, Norway, UK, Japan and Australia formed a coalition with the

Save Sarawak Rivers Network and began an international campaign to stop these Sarawak dams.

Their strategy options were however somewhat limited. The Sarawak Government and its agencies were actively opposed to the NGOs and resistant to any pressure from them. They stressed the benefits of the dams and accused the NGOs of opposing and hindering the economic development of the state.

> The certain NGOs' demands to halt the hydropower projects would diminish the State's ability to invest in the developments that Sarawakians want, and also continue to keep the affected indigenous communities below the poverty line. In order to deliver on this growth for all to enjoy, the State needs the development that the SCORE projects bring (Sarawak Energy 2013).

No financial institution could be found that could be used as an influential intermediate actor to influence the dam builders. There was little information available to the NGOs or the public on who was funding the SCORE dams, but it appeared to be the Malaysian state and federal governments, some government-linked companies and Malaysian private investors (Sovacool and Bulan 2011). None of these were screening their investments for social and environmental impacts, and none were particularly susceptible to NGO influence.

The ability of the NGOs to shame or undermine the reputation of the companies building the dams was also limited as construction was in the hands of two Chinese companies, Sinohydro and China Three Gorges Corporation (IR 2014a). The view amongst NGOs was that publicly criticizing these companies for non-compliance with certain standards was not going to work:

> Chinese companies do not feel a moral obligation to meet environmental and social standards. And they have less respect for standards that they were not involved in establishing (Interview HP-11)

Another former staff member of an NGO felt that the most significant determinant of how Chinese companies operated was the policies of the government in Beijing, and that any NGO lobbying needed to be via dialogue at that level:

> Advocating a policy of no dams is not going to work, and so the approach must be a technical dialogue with the authorities, informing them about international best practice and the need to modify dam proposals in line with them (Interview HP-9)

Influencing the Chinese construction companies via dialogue with the government in Beijing was not a practical option for the NGOs, and the two Chinese companies did not appear to be susceptible to shaming or attacks on their reputations by NGOs at the Sarawak level. Hence, they were not targeted by the NGOs involved in this campaign.

This left the NGOs with very limited strategic options. However, there was one company involved in the SCORE dam projects that was susceptible to shaming and attacks on its reputation, as it had publicly committed itself to certain environmental and social standards. This was the Australian dam-building company Hydro Tasmania that was providing technical support to Sarawak Energy, the government agency responsible for building the SCORE dams. The NGOs maintained that because of the support it was providing, Hydro Tasmania shared responsibility for the destruction caused by the SCORE project. A reason for targeting Hydro Tasmania was that its senior staff had been key players in the setting of social and environmental standards for the hydropower industry. A few years earlier, two staff members had been prominently involved in the Hydropower Sustainability Assessment Forum that set standards for this industry (see Chapter 7). One of them had in fact been the Convenor of the Forum. In a 2012 paper, these two staff members of Hydro Tasmania had said they believed that corporate social and environmental responsibility ‘at this point in time is almost business-as-usual for modern corporations’ and that ‘basic good practice for hydropower requires good environmental and social impact assessments, and effective mitigation and self-sustaining compensation measures' (Locher and Scanlon 2012: 2, 20). The company itself had said that it was committed to reducing its environmental and social impacts (Hydro Tasmania 2017). These were commitments to which NGOs could hold it accountable, and which enabled them to influence the company by highlighting non-adherence to principles that it had publicly committed to. The idea was that Hydro Tasmania could be convinced or urged to act as an intermediate actor that could apply pressure to Sarawak Energy, the agency responsible for the construction of the dams.

<u>The campaign in Australia in 2012</u>

The campaign aimed at urging Hydro Tasmania to act was an international one, but its main activities were in Australia in 2012. Campaigning activities included a demonstration outside the Hydro Tasmania offices in Hobart, and letters sent by the international NGO coalition to the Australian Foreign Minister and the Tasmanian State Premier (Hydro Tasmania was a state government owned company). These called on these Australian governments to live up to their commitments to protect indigenous rights and the environment. A petition was also organized, and media publicity generated in Australia (Sarawak Report 2012).

Although it was not a public-facing company, Hydro Tasmania proved to be image sensitive. On 21 August 2012 an item highly critical of the company's involvement in the Sarawak dams project was screened in Tasmania on the local TV program *Dateline*. Within hours, an angry Chief Executive Officer of the company was on radio rejecting the claims made in the program and demanding an apology from the TV station that broadcast it. In a media release the company said that it was not building any dams in Sawarak and that its role was confined to providing advice, training and feasibility studies for Sarawak Energy and it could not be held responsible for decisions made by Sarawak Energy. It said that it was committed to creating a sustainable future and 'to building a greater commitment to sustainability in locations where we operate', which presumably included Sarawak (Hydro Tasmania 2012, IR 2012b). The result was a contest in the media between two different interpretations or framings of Hydro Tasmania's activities and involvement in Sarawak.

This photo, intended for the media, shows representative of the affected communities in Sarawak demonstrating their opposition to Hydro Tasmania in the centre of Melbourne. (Photo: Sarawak Report / FB)

Media coverage of the campaign was significant. A search of the ProQuest database of Australian newspapers for the five months during which the campaign was at its peak (July to December 2012) found 17 articles on the controversy[5]. This did not include coverage in other media such as the controversial TV report on *Dateline* and other coverage on TV and radio news bulletins. Of the 17 newspaper articles, four covered both the position of the NGOs and the company's response, three contained the NGO position only, and five the company's response only. This means that of the 17 articles in this sample, seven contained a description of NGOs' position about the Sarawak dams while nine contained a description of the company's position.

In November 2012 the campaign's profile and credibility in Australia was assisted by the direct participation of the Sarawak campaigners. This took the

[5] The ProQuest database at https://www.proquest.com/results/ was searched for mention in Australian and New Zealand newspapers and wire services of the terms 'Hydro Tasmania' and 'Sarawak'' in the period 1 July to 31 December 2012. Once again coverage in English language newspapers was taken as an indication of, or proxy for, coverage in the media more generally.

form of a twelve-day tour of Australian cities by three representatives from the Malaysian indigenous coalition Save Sarawak Rivers (Dela Rosa Yoon 2012, Sarawak Report 2012).

As the indigenous leaders headed home after the tour, Hydro Tasmania officials were before the Tasmanian Parliament facing questions about why the company became involved in Sarawak in the first place, and why international standards were not applied in the construction of the Murum Dam in which Hydro Tasmania staff played a key role (ENS 2012). All this publicity and criticism appears to have had an effect on Hydro Tasmania for, in December 2012, the company announced that it would be terminating its involvement in the Sarawak dams by the end of 2013 (ENS 2012). In the months that followed all of its staff in Sarawak were withdrawn. However, its withdrawal did not have any perceivable effect in Sarawak as the design and construction of the SCORE dams continued. As the head of Hydro Tasmania, Roy Adair, had said in the meeting with the Tasmanian Parliament, the company was not a key player in the Sarawak hydropower program, and was not involved in the construction of the Baram Dam, the next one on the SCORE program (ENS 2012). While the campaign in Australia was successful in achieving its aim of having Hydro Tasmania withdraw from the Sarawak dam projects, the larger objective of having the SCORE project halted was not achieved. Hydro Tasmania was not an essential or important enough player in the SCORE project for its withdrawal to have any significant influence on Sarawak Energy or the SCORE project.

<u>The campaign in Sarawak</u>

In 2013 the next dam in the SCORE project, the Baram, was officially announced by the Sarawak Government. This was met with increased resistance in Sarawak. Local affected people constructed a permanent blockade of the access road to the dam site, which over the following two-and-a-half years prevented any preparatory construction work being done on the dam (IR 2015)). Supporting these local actions were a number of Sarawak-based NGOs, including the Save Sarawak Rivers network and some international NGOs.

In May 2013 the International Hydropower Association (IHA), the industry body that represented international hydropower companies and that had initiated the Hydropower Sustainability Assessment Forum, held its bi-annual world congress in Kuching the capital of Sarawak. The local and international groups opposing the Sarawak dams took the opportunity to come together and demonstrate outside the IHA Congress, and to run their own alternative congress. During the demonstration, they presented written demands regarding the Sarawak dams to the Executive Director of the IHA, Richard Taylor, who in turn promised to make their statement available to all participants at the Congress (Borneo Post 2013).

A demonstration by NGOs outside the IHA World Congress in Kuching in May 2013. (Photo: Save Sarawak Rivers)

The local NGOs however continued to be vigilant over the possibility of more large dams being announced, as there was talk of sending excess power overland to the neighbouring state of Sabah or across the border into Indonesian Kalimantan. This vigilance proved to be necessary for in late 2023 the Chief Minister of Sarawak suddenly announced that three new sets of cascading dams were to be built on three different rivers. Following this surprise announcement, more than 500 residents from one of the proposed dam sites, led by the local NGO Save Sarawak Rivers, signed a petition calling on the government to provide more information about the proposed dams and an assessment of their potential environmental effects. Their demand was that the government consult them fully or simply drop the plan (Sarawak Report 2024, mongabay.com 2024b). At the time of writing, local and international NGOs were continuing their campaigning to ensure that no more large dams were constructed on Sarawak's rivers.

What can be said then about the extent of NGO influence on the Sarawak dams? The campaign in Australia was certainly successful in having Hydro Tasmania withdraw from the Sarawak dam projects, but this had little effect on the SCORE project in the short term as Hydro Tasmania was not an essential or important player in the project. In Sarawak, the SCORE dams did not go ahead, but this may have been due to the failure of the proposal to export excess power. However, the campaigning and blockades by community groups and NGOs certainly created significant delays in the construction of dams, and may have been a factor in the government's decision to not proceed with the Baram and the other large dams of the SCORE project.

Xayaburi Dam on the mainstream of the Mekong

The third example of an international campaign that involved NGOs targeting hydropower companies was that against a dam on the mainstream of the Mekong River in Southeast Asia. Once again this involved the use by NGOs of intermediate actors. The first intermediate actors that they attempted to use were quasi-government bodies in the home countries of the companies involved. Later they used the Thai legal system. However, none of these intermediate actors were willing or able to exert meaningful pressure on the dam builders.

The Mekong is one of the major rivers in Southeast Asia. The Xayaburi Dam in the Lao Peoples Democratic Republic was the first dam to be proposed on the mainstream (as against the tributaries) of the Mekong. The consortium building this dam included a Thai company (Xayaburi Power Company), a Finnish engineering company (Poyry PLC) and several other engineering companies and Thai banks. Poyry supplied a range of services to the government of Laos as part of the preparation for and construction of the dam, and in November 2012 it became the leader of the Xayaburi Dam consortium (IR 2013a).

At a summit between European and Asian governments in Vientiane in 2012, demonstrations were held on the river outside the meeting and a petition sent to government representatives. (Photo: International Rivers)

The Mekong River provides an important source of livelihood for millions of people living along its length. It is one of the world's most productive freshwater fisheries, and provides fertile soil and irrigation for the growing of rice which is a staple in the region. Referring to the plan to build eleven dams on the mainstream of the Lower Mekong, of which Xayaburi was the first, the NGO International Rivers described the importance of the river and its concerns thus:

> The livelihood and food security of around 60 million people are at risk. If built, the dams would drastically affect the fisheries that provide jobs and the region's main source of protein. The dams would block nutrients from flowing into agricultural areas, and displace over 100,000 people (IR 2013a: 1).

One of their concerns was that the construction of the dam would have a severe negative impact on the ability of various fish species to move up and down the mainstream, which would threaten their survival in the river. Ame Trandem from the International River's Bangkok office said in an interview that 'To move forward with the Xayaburi Dam would be reckless and irresponsible, as the dam would fatally impact the river's ecosystem and fisheries' (Fawthrop 2012).

The strategies available to the NGOs to influence this project were quite limited. Laos was ruled by a socialist government that exercised tight political control, and as a result NGOs in Laos found it very difficult to organize local affected communities. This meant that concerns over the dam and its impacts had to be expressed mainly through regional and international NGOs (Hirsch 2010: 320). Local and international NGOs based in Thailand played a major role in this. Although the dam was in Laos, it was located on the border with Thailand and a number of Thai companies and banks were involved. Also, 95 percent of the power generated by the dam had been purchased by the Electricity Generating Authority of Thailand (IR 2014b). However, the options for NGOs to exert influence in Thailand were also limited. The Thai Government was strongly supportive of the dam, and a Bangkok-based NGOs maintained that this government support was because of pressure from the Thai companies involved (Interview HP-14). Another NGO person who worked on dam campaigns in the Mekong region stressed that there was a close connection between Thai hydropower companies and the government:

> The Mekong region is one of the hardest to work in because of the nature of governments there and the limitations on freedom of speech. In Thailand for example influencing the government is very hard because of the close connections

> between it and the industry. There is something of a revolving door between the two, as there is in many countries (Interview HP-13).

Given these limitations, the strategy chosen by the NGOs was to target a prominent European company involved in the project, the Finnish company Poyry, using the standards for responsible business conduct set down in the *OECD Guidelines for Multinational Enterprises*. The OECD, or Organization for Economic Cooperation and Development, is an inter-governmental body that has set standards to which its member governments (of which the Finnish Government was one) have committed themselves. The stated aim of these standards is to 'provide non-binding principles and standards for responsible business conduct' and 'to promote positive contributions by enterprises to economic, environmental and social progress worldwide' (OECD 2011: 3). The first two general policies that the *OECD Guidelines* set down for multinational enterprises are that:

> Enterprises should (1) contribute to economic, environmental and social progress with a view to achieving sustainable development, (2) respect the internationally recognised human rights of those affected by their activities (OECD 2011: 19).

The *OECD Guidelines* have a complaints mechanism that is designed to contribute to the resolution of issues that arise concerning their implementation in specific instances (OECD 2011: 72) and it was this that the NGOs used. A finding that a company was in breach of the *OECD Guidelines* could hopefully exert moral pressure on it, and perhaps prompt a reaction from investors or the public in its home country. In June 2012 an international coalition of 14 civil society organisations from Europe, the US and the Mekong region jointly submitted a complaint about the engineering company Poyry to the Government of Finland, under the provisions of the *OECD Guidelines for Multinational Enterprises* (OECDwatch 2012, IR 2013a). The complainants alleged that the services provided by the Pöyry Group to the government of Lao PDR were in breach of the guidelines. The NGOs also made their complaints public by issuing media releases in Finland, the US and Vietnam. However the company refused to dialogue or negotiate with the complainants, and the decision of the Finnish government agency was that Poyry had not acted in breach of the *OECD Guidelines* (OECDwatch 2012).

Nine months later, the same tactic was tried again, this time in Austria. The target was another company involved in the Xayaburi dam, the Austrian engineering company Andritz, which was contracted to supply operating equipment for the project. This was the same company that was involved in the Ilisu Dam and had its export credit guarantees withdrawn by the Austrian Export Credit Agency (ECA) in 2009. The Xayaburi project however was not reliant on credit guarantees from the Austrian or any other ECA. In April 2014, NGOs from Austria, the US and the Mekong region submitted a complaint against the company to the Austrian government under the provisions of the *OECD Guidelines*, and issued media releases to highlight their complaints. As the holder of a US$300 million contract to supply custom-built parts that would generate the electric power, the NGOs considered Andritz to be contributing to the adverse impacts of the dam (OECDwatch 2017). In April-May 2017, three years after submitting the complaint, a group of six Mekong-based NGO complainants withdrew from the OECD process saying that it had failed to provide an adequate framework through which key issues and concerns could be effectively discussed and negotiated (IR 2017). In June 2017 a Joint Statement was agreed to by Andritz and the remaining NGO complainants, in which the company agreed to develop further its policies and procedures in relation to human rights and environmental standards and to hold informal exchanges with the remaining complainants over the situation of the communities that were to be resettled by the dam (OECDwatch 2017). This was not a satisfactory outcome from the NGOs' point of view as construction of the dam and displacement of communities continued (IR 2017).

In the meantime, a number of community groups affected by the dam, supported by Thai and international NGOs, including International Rivers and Earth Rights International, attempted to use the Thai legal system to stop the dam proceeding (Yeophantong 2020: 108). In 2012, a lawsuit was filed by a group of 30 villagers against five Thai government agencies for allowing this project to go ahead in violations of the Thai government's international obligations. The case was however unsuccessful. Two years later in 2014 the villagers tried again, this time in a higher court (B&HRRC 2024). The significance of this court case was articulated at the time by the Mekong Legal Director for the NGO Earth Rights International:

> This case supports the demand, regionally and globally, for human rights and environmental protection to be given prominence in decisions around large-scale and destructive projects (B&HRRC 2015: 3).

This was a call by the NGOs to have dam builders take into account the social and environmental impacts of their projects. The importance of this was stressed by another NGO representative, the Bangkok-based Director of International Rivers, who said:

> As millions of people in the region stand to be adversely impacted by the Xayaburi Dam and other Mekong mainstream dams, the future of hydropower development in the basin and its trans-boundary implications, are at the centre of this precedent-setting lawsuit in the Thai Administrative Court (B&HRRC 2015: 4).

The case took eight years - but in August 2022 it was dismissed (IR 2022). By this time, it was far too late to stop the dam. Construction had begun in 2012 and by 2019 it was completed and the Xayaburi hydropower dam was generating electricity. The campaign to stop the Xayaburi dam was lost, but the struggle to protect the Mekong and the communities that relied on it from other proposed dams continued. At the time of writing, the campaign to stop these proposed new dams was continuing.

The campaign to stop the Xayaburi Dam failed basically because the NGOs involved were unable to find an intermediate actor that was able to exert significant influence on the project or its backers. The intermediate actors that the NGOs used to influence the two companies, Poyry and Andritz, were unwilling or unable to influence the dam builders, as were the Thai courts.

Members of the Thai Mekong People's Network outside the Thai court after the verdict in August 2022. The slogan on their tee-shirts says 'Justice for the Mekong River and her people' (Photo: Wichai Juntavaro)

Dams in Patagonia

The fourth and last example of an NGO campaign to influence hydropower companies was the campaign to stop a series of dams in Patagonia in southern Chile, and in particular the part of this campaign that was conducted in the United States by the NGO International Rivers. This campaign was significantly different from the others described in this chapter in that there was an image-sensitive retailing company involved that the NGO could use as an intermediate actor.

The Patagonia dams project, announced by the Chilean government in 2006, involved the building of five dams on two pristine rivers in the untouched rainforests of Patagonia in southern Chile. Electricity generated by the dams would be transmitted 1,500 miles north to the capital Santiago, requiring one of the world’s longest clear-cut of forest for the transmission lines. The Chilean government argued that these dams were needed because the country’s economy was reliant on hydroelectric power, and energy demand had begun to outstrip supply. Energy generating capacity needed to be doubled in the next decade if it was to keep up with demand, and enable electricity prices to be lowered and the economic level of poorer Chileans to be raised. More energy generation was also needed if Chile’s all-important mining sector was to expand. Hydropower companies had already fully utilized the generating potential of the country’s northern and central rivers and now needed to utilize the capacity of its southern rivers, especially those in Patagonia (Barrionuevo 2011, Pearson, Adronofsky et al. 2013: 523).

A demonstration in Barcelona, Spain, part of the international campaign to stop the dams in Patagonia.

Environmental NGOs and others were concerned that the dams would flood rare temperate rainforest and that the clear-cut for the transmission line would destroy rainforest that was unique to this part of the world and was the home of an endangered deer species. National and international environmental groups formed a campaigning coalition called the Patagonia Defense Council and initiated an international campaign to stop the dam, under the slogan of '*Patagonia sin represas'* ('Patagonia without dams') (IR 2008a).

The campaign in the US

This international campaign was run in Chile, in Spain and in several other countries. This study however confines itself to one aspect of the international campaign, the part that was run in the United States (US). This was run by the California-based NGO International Rivers, one of the most prominent of the international NGOs involved in opposing large dams. Rather than trying to influence the government of a foreign country (Chile), the strategy adopted by this US-based NGO was to influence a local public-facing company, the Atlanta-based hardware chain Home Depot, which could be used as an influential intermediate actor to influence the dam builders.

The reason for using Home Depot as an intermediate actor was somewhat convoluted. Forty-nine percent of the dam project in Patagonia was controlled by two large Chilean companies, Matte and Angelini, and these were the primary targets of the campaign. They were large conglomerates that had other interest in Chile apart from energy generation, including timber. They were major exporters of timber to the US, and one of the major customers in the US for their timber products was Home Depot. In 2003 Home Depot had signed an agreement to protect Chile's native forests, and International Rivers claimed that their buying of timber products from companies that were destroying rainforest in Patagonia was contravening the spirit of that agreement. To make the connection between timber products and dams, International Rivers stressed the amount of rainforest clearing that would be required by the dams and transmission lines (IR 2008b, IR 2009b).

The campaign in the US was primarily directed at the potential and actual customers of Home Depot asking them to request the company to cancel its timber contracts with Matte and Angelini as a way of putting pressure on the

Chilean companies to withdraw from the dam project. The campaign involved asking customers to send letters and emails to Home Depot, and having supporters throughout the US demonstrate at Home Depot stores. According to the NGO, 'thousands of consumers have written to Home Depot' and several US environmental organizations communicated to the company the need for it to take action'. At the company's annual shareholders meeting in Atlanta in May 2009, International Rivers activists unfurled a giant banner that read 'Dam Home Depot' (IR 2009b). This campaigning continued for several years from 2008 to around 2011.

The chain of influence in this campaign was similar to that in the palm oil campaigns, but with an extra step at one end. The NGO activated concerned individuals in the US who were customers of, and therefore able to exert financial pressure on, a public-facing company (Home Depot), which they hoped would in turn exert pressure on their primary target, the Chilean conglomerates, Matte and Angelini. The extra step in the influence chain was that Home Depot's pressure was on the forestry arms of the Chilean conglomerates which it was hoped would influence the conglomerates as a whole, including their energy arms. The Matte and Angelini groups of companies were large conglomerates. Their interests and investments in forestry and energy were intricately interconnected. For example, members of

Demonstration in the car park outside a Home Depot store in the US against the company's involvement in the Patagonia dams. (Photo: International Rivers) the Matte family held executive positions on all of the companies that were part of the group (IR 2009a, IR 2009b). The NGO's assumption was that as interconnected conglomerates, Matte and Angelini could be pressured through the potential loss of business and export revenue by their forestry arm to withdraw the involvement of their energy arm from the dam project (IR 2008b).

In responding to the campaign, a spokesperson for Home Depot defended the company by saying that the timber it was buying from the Chilean companies was not coming from native forests, and as for the dam project, he could not see how it was a Home Depot issue (IR 2008b). International Rivers' response was that their suppliers were major partners in the dam project, and if Matte and Angelini pulled out, it would stop the dams going ahead. The NGO wanted Home Depot to use the commercial power it had over the two Chilean companies, as a major buyer of their timber, to pressure them to withdraw from the dam projects.

The campaign in Chile

In the meantime, opposition to the dam was growing in Chile. In April 2011, a poll found that 61 percent of Chileans were opposed to the damming of the Patagonia rivers, nearly double the figure of two years earlier (IR 2011). When formal approval was given for the dams to go ahead in May 2011, massive protest demonstrations erupted on the streets of Santiago and other Chilean cities.

> In what has become a surprising national movement, organizers have mounted large protests for several weeks since a government environmental commission in May approved the $3.2 billion Hidro Aysen dam complex in a pristine region of Patagonia. …. Many Chileans consider Patagonia a national treasure, and the battle to stop the project has inspired people to join the anti-dam cause to an extent that other environmental protest movements in South America have not (Barrionuevo 2011: 1).

The protest movement caught the government of President Sebastian Pinera by surprise and resulted in his approval rating falling from 41 to 36 percent (Barrionuevo 2011). By June 2012, with the protests continuing unabated, the government put the Patagonian dams project on hold (Kraul 2012). In the face of this on-going high level of public opposition, Chile's Committee of Ministers, the country's highest administrative authority, undertook a review of the 2011 decision to approve the dams. They found that there had been procedural irregularities and charges of misconduct and as a result in June 2014, they cancelled the environmental permits for the dams. This meant that the Patagonia dams could not go ahead. A spokesperson for a local NGO in Patagonia said of the decision: 'This is a tremendous victory for citizens.' The Executive Director of the Patagonia Defense Council described it as 'the greatest triumph of the environmental movement in Chile' (IR 2014c).

A massive demonstration against the Patagonia dams in Valparaiso City, Chile, in May 2011 (Photo: Elisio Fernandez / Reuters).

The combination of national and international campaigns and the public protests in Chile against the Patagonia dams was successful in that they caused the dams to be cancelled. But the main factor in this success appears to have been the popular opposition in Chile rather that the international NGO campaigning (of which the International Rivers campaign in the US was part). The dam campaigns described in this chapter show that the attitude and nature of the government of the country in which the dam was located was a critical factor in determining the extent to which NGOs were able to influence a dam project. If the government promoting the dam project was determined that it should go ahead, and was somewhat authoritarian in nature and hence not particularly sensitive to public opposition, then it was very difficult for the NGO to have any effective influence. This was the case in the Ilusu Dam campaign for example where the Turkish Government made sure the dam went ahead after the NGOs had caused the ECAs to withdraw. The difference in the Patagonia dam campaign was that the Chilean government was more sensitive to public opinion than those of Turkiye, Sarawak or Laos, and the public opposition to the dams in Chile was very large. It was this public opposition and the public protests that made the difference.

What then can be said about the role played by the NGO campaign in the US directed at Home Depot? Instead of a campaign directed at a foreign government, the NGO chose to use a local corporate actor that was indirectly involved in the dam project, and was sensitive to consumer pressure. However, despite the efforts of International Rivers and its supporters in the US, Home Depot never cancelled their orders with Matte and Angelini, and the latter never withdrew from the dam project. The NGO campaign in the US probably added to the general sense of widespread opposition to the dams that led to its cancellation, but it was not a critical factor.

Use of discursive power by NGOs in dam campaigns

From these descriptions of four campaigns by NGOs to influence hydropower companies involved in particular dam projects, this chapter now turns to an analysis of these campaigns. The aim is to identify the ways in which different forms of power were used by the various actors involved in the transmission of power and influence from the NGOs to the dam builders.

In each of the campaigns studied, NGOs challenged the dam builders’ framing of their projects with an alternative framing that stressed the environmental damage that they caused, and the undermining of the livelihoods of vulnerable people displaced by the filling of dams or affected by changes in river flows downstream. This amounted to NGOs using discursive power as their challenges were based on a principle (social and environmental corporate responsibility), communicated via the media, briefings, letters, and other communicative means, and used to re-frame the perceptions of certain projects and of the industry in the eyes of the public, journalists, politicians and financial institutions. The NGOs used discursive power to challenge the dam builders’ framing of their projects and to undermine their claims of responsible behaviour. The NGOs were able to exert this discursive power because there were principles of social and environmental responsibility to which dam builders were expected to conform, and against which NGOs could hold them accountable, codified by the World Commission on Dam in the form of its Core Values and Strategic Priorities. The NGOs were able to use the general acceptance of these principles within the industry, and in particular by financial institutions, as the source of their discursive power by pointing out violations of them by particular dam projects. In the Ilisu campaign, for example, it was the highlighting through discursive means of the project’s non-compliance with the principles on which the ECAs’ funding guidelines were based that enabled the NGOs to undermine the project’s financial support (at least initially). In the Sarawak campaign it was these principles or expectations of companies that were the basis of the NGOs’ ability to threaten the reputation of Hydro Tasmania. NGOs’ ability to exert discursive power to challenge the dam builders’ framing of their projects and to undermine their claims of responsible behaviour, was based on the norm of socially and environmentally responsible corporate behaviour.

The NGOs were also able to use discursive power to activate concerned individuals (journalists, politicians, members of the public). The one action, highlighting non-compliance with accepted standards, had two different effects on two different groups. On the dam builders it had the effect of challenging their framing of the projects they were involved in. On concerned individuals, for whom care for the environment and social justice were internalised moral values and personal norms, it had the effect of activating some of them to undertake pro-environmental actions. The concerned individuals motivated in this way and utilised by the NGOs in each of the four campaigns are listed in Table 6-1. In the Ilisu dam campaign, the most important concerned individuals activated by the NGOs were European politicians who could exert influence on the European ECAs that supported the project. The NGOs exposed these politicians to the negative aspects of the dam project, so that their personal moral principles (and perhaps political interests) would motivate them to exert pressure on their country's ECA. Individuals activated by the NGOs also included members of the public who were concerned about the social and environmental impacts of large dams on vulnerable people. In the Ilisu campaign, these were members of the public in Turkiye activated by local NGOs to exert pressure on the Turkish Government and the dam builders, as well as on politicians and officials in Europe via petitions and letters. In the Sarawak and Patagonia dam campaigns they were members of the public activated to exert pressure on Hydro Tasmania or on Home Depot.

I have not included as 'concerned individuals' the local communities who were directly impacted by the dams. In this thesis, the term 'concerned individuals' is used to describe individuals who were motivated to act by the NGOs and were part of the chain of influence between the NGOs and their primary targets. The local affected communities were motivated to act by the situation in which they found themselves, not by the NGOs. While they were certainly trying to exert pressure on the dam builders, they did not need to be motivated to do so by the NGOs. For the local, national and international NGOs campaigning to stop dams the local affected communities provided motivation and resources, and were certainly part of the efforts to influence the dam builders. But they cannot be classed as ‘concerned individuals’, as they were not motivated to act by NGOs and were not part of the chain of influence by which NGOs’ power was transmitted to the dam builders.

Among the concerned individuals whom the NGOs used in the dam campaigns were journalists, those whose motivation for covering the stories about dam projects and broadcasting the NGOs messages included concern about the issues that the NGOs raised. They may have covered these stories simply because they were of interest to their readers, viewers or listeners, or because they were personally concerned about the issues, or a combination of both. Journalists whose stories took an anti-dam stance were probably motivated by their own personal moral values, and could therefore be classed as ‘concerned individuals’. Examples include the journalist who wrote newspaper articles with headlines such as ‘Go Ahead for Dam That Will Drown History’ by Suna Erdem of The Times, London (10 August 2006); ‘Turkey Revives Controversial Dam That Will Force 50,000 Out of Their Homes’ by Justin Huggler of The Independent, London (11 August 2006); ‘Chilean Patagonia Spared from US$10 Billion Mega Dam Project’ by David Hill of The Guardian (12 June 2014).

This case study has shown that in their campaigning to influence hydropower companies and dam projects NGOs used discursive power based on the principle of socially and environmentally sustainable corporate behaviour. This had been partially codified by the World Commission on Dam in the form of its Core Values and Strategic Priorities, which had become widely accepted by the industry and by the financial institutions that supported it. In their campaigning to influence dam builders the NGOs used discursive power based on this principle in two ways: (1) to challenge the dam proponents’ framings of their projects and undermine their claims of responsible behaviour, and (2) to activate concerned individuals. These two ways corresponded to two mechanisms identified in Chapter 2 by which a norm can influence behaviour, social sanctioning and norm activation.

Influence chains in hydropower campaigns

Having identified the type of power that NGOs used (discursive) and the source of this power (the principle of social and environmental responsibility), this case study now turns to identifying how this power was transmitted from the NGOs to their primary targets, the dam builders. This process involved translating the principle of responsible corporate behaviour into power and influence on business actors whose motivation was essentially commercial. The case study has identified the chains of influence through which power and influence was transmitted, the different types of actors involved in these chains, and the types of power that each exerted. The chains of influence for each of the four dam campaigns are illustrated in Figures 6-1, 6-2, 6-3 and 6-4.

As in the first case study, these influence chains are best understood by distinguishing between the different types of actors involved – 'concerned individuals', 'intermediate corporate actors', and the NGOs' 'primary targets'. The concerned individuals used by NGOs in these dam campaigns were discussed in the previous section, and are listed in Table 6-1. Key actors in these chains were the intermediate actors used by the NGOs, who are also listed in Table 6-1. These are defined as corporate or institutional actors that could be influenced by concerned individuals and could in turn exert influence on the NGOs' primary targets, in this case the builders of dams. The intermediate actors used varied from campaign to campaign, as did their level of effectiveness. In the Ilisu dam campaign, the NGOs initially used European ECAs that were effective in influencing the dam builders. In the Sarawak and Xayaburi dam campaigns, and the Patagonia campaign in the US, the NGOs used as intermediate actors companies and institutions that were ineffective in terms of influencing the dam builders.

Different actors in the influence chains exerted different forms of power. Each of the links in the influence chain diagrams is marked with a letter, which represents an activity and a type of power used. Table 6-2 gives the meaning of each of these letters. For example, links marked B in each of the diagrams represent NGOs exerting pressure directly on the dam builders through the use of discursive power to challenge their framings and their reputations. A letter in brackets in the diagrams indicates that this particular link in the influence chain was ineffective. As indicated in Table 6-2, some actors within the chains exerted discursive power while others exerted material forms of power. It was the exercise of discursive power that led to the exercise of material power. The core of the influence chains was (i) NGOs using discursive power to activate concerned individuals (links C1, C2, F and I), which led to (ii) concerned individuals using material power to influence intermediate actors (links D), which in turn led to (iii) intermediate actors using their material power to influence the NGOs' primary targets (links E). The use of discursive power by NGOs to challenge companies and consortia, and to activate concerned individuals, initiated a process by which the material power of concerned individuals and intermediate actors was harnessed and resulted in material power being exerted on the NGOs' primary targets.

Table 6-1. Actors and targets used by NGOs in hydropower campaigns

NGO Campaign	**Concerned individuals used**	**Intermediate actors used**	**NGOs' primary targets**
Ilisu dam campaign.	Journalists and politicians in Europe.	European Export Credit Agencies (ECAs).	Companies involved in the Ilisu project.
Sarawak dams and Hydro Tasmania campaign.	Journalists in Australia. Concerned members of the public, including those in Tasmania.	Hydro Tasmania.	Sarawak Energy.
Xayaburi dam campaign.	None.	Finnish and Austrian contact points for OECD complaints mechanism.	Companies involved in the Xayaburi dam project.
Patagonia dams campaign in the US.	Customers of Home Depot. Journalists in the US.	US hardware chain Home Depot.	Chilean companies Matte and Angelini

Figure 6-1. Influence chains and causal links – Ilisu Dam Campaign

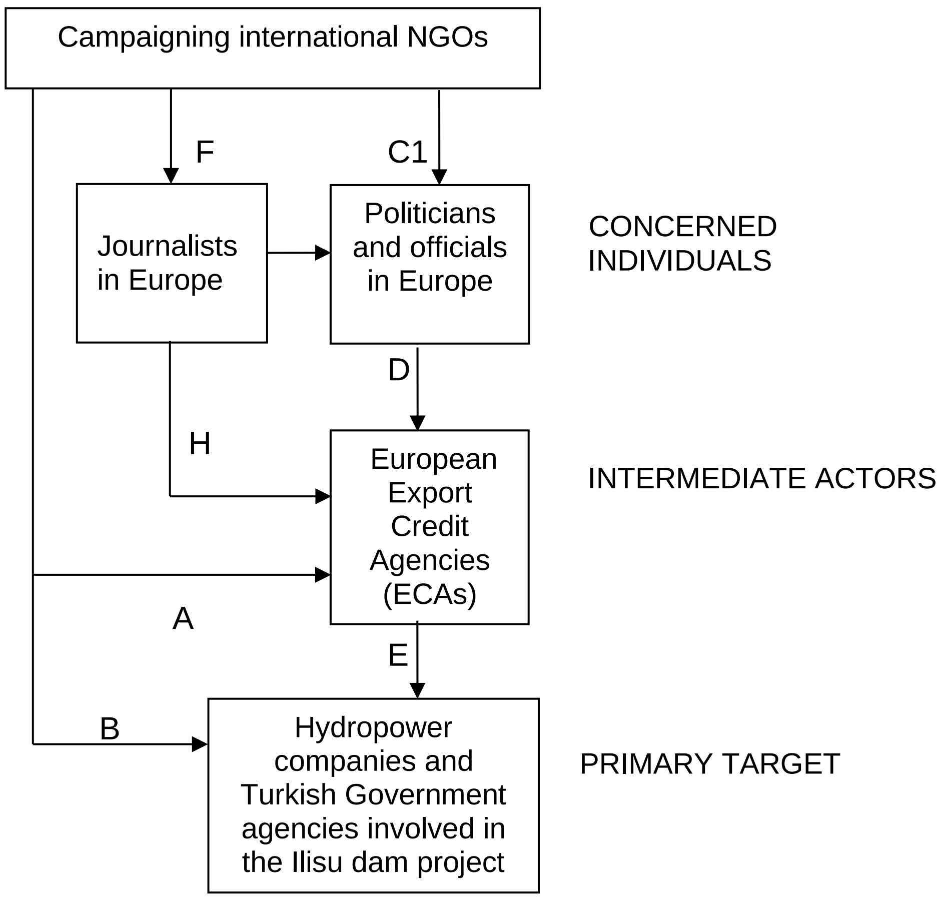


Figure 6-2. Influence chains and causal links - Sarawak Dams Campaign

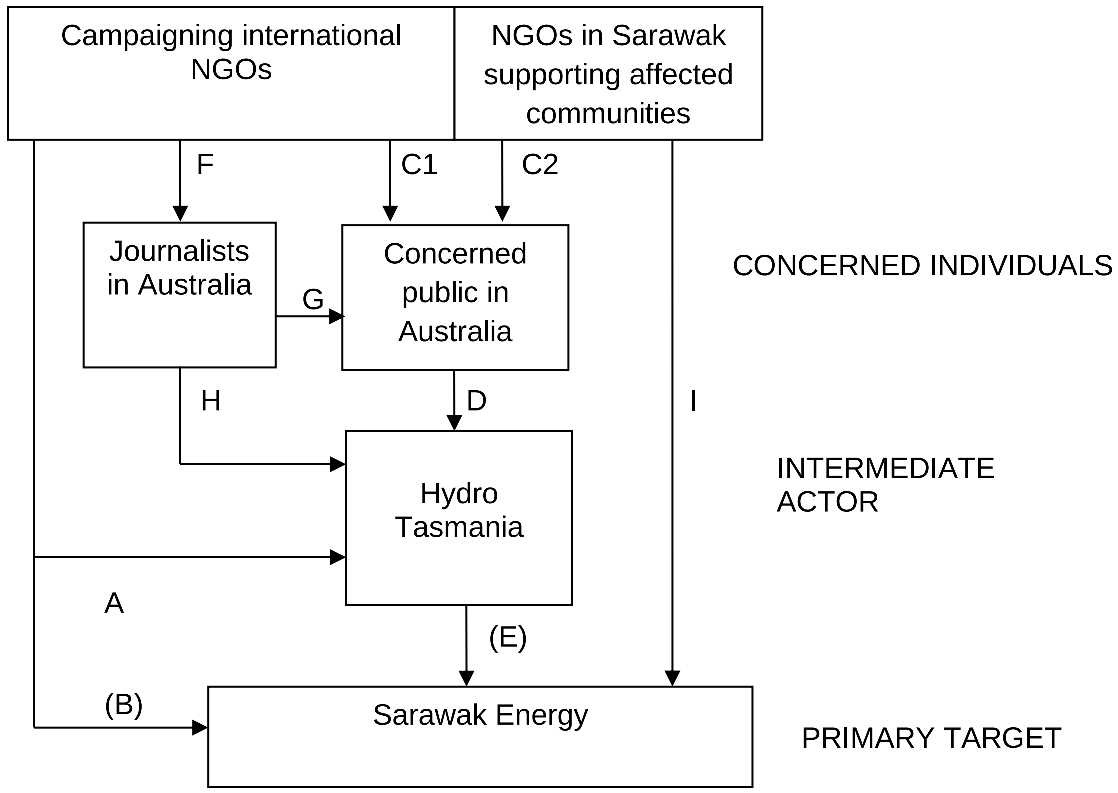


Figure 6-3. Influence chains and causal links - Xayaburi Dam Campaign

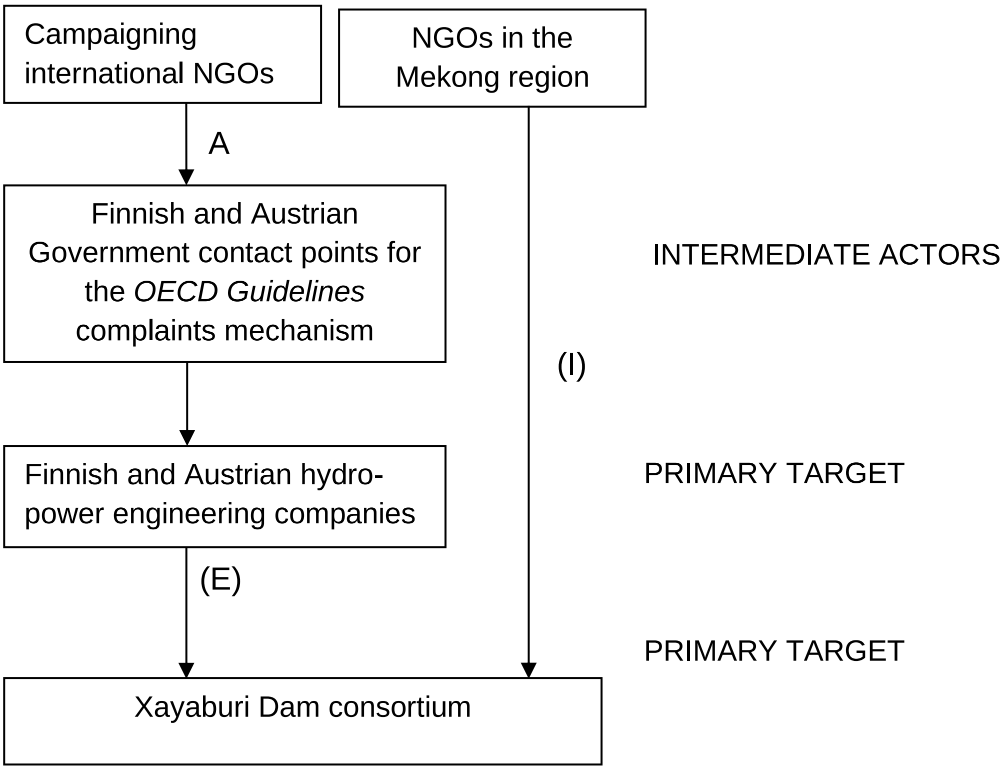


Figure 6-4. Influence chains and causal links - Patagonia Campaign in the USA

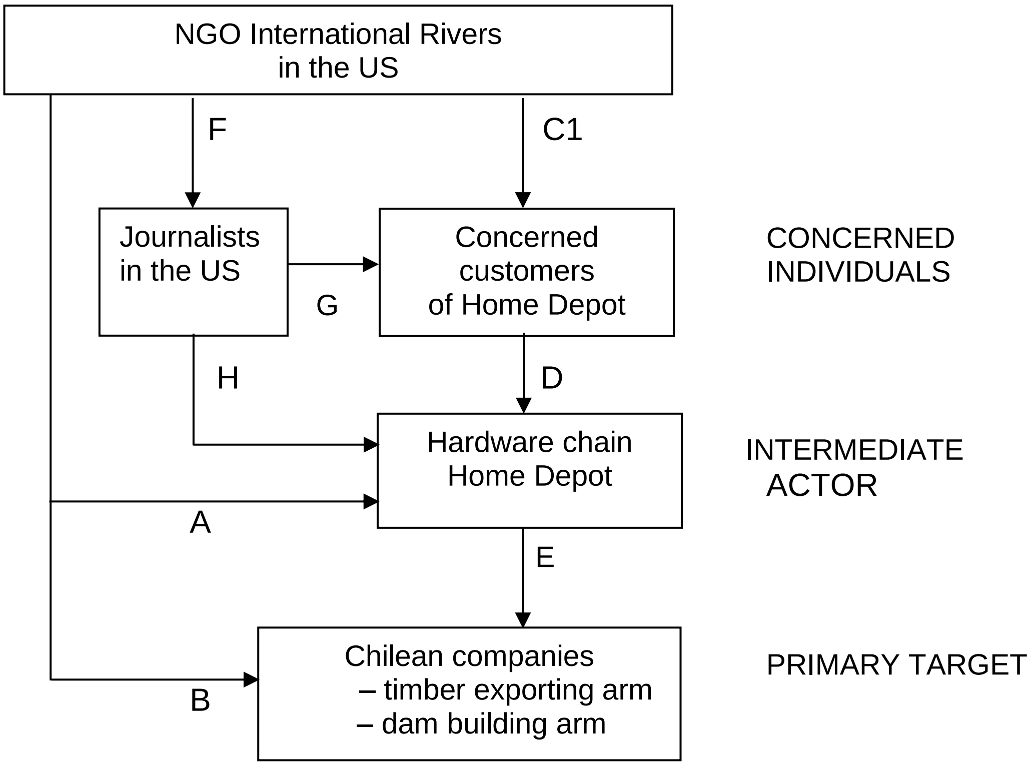


Table 6-2. Activity and types of power involved in each influence link

Influence link	Activity	Type of power used
A	NGOs exerting pressure directly on intermediate actors to withdraw from dam project.	Discursive power used to challenge intermediate actors.
B	NGOs exerting pressure on the dam builders.	Discursive power used to challenge the dam builders.
C1	NGOs making concerned individuals aware of problems caused by particular dams.	Discursive power used to activate concerned individuals.
C2	Local NGOs in affected countries making concerned individuals aware.	Discursive power used to activate concerned individuals.
D	Concerned individuals undertaking actions to put pressure on intermediate actors.	Material (structural and instrumental) power.
E	Intermediate actors putting pressure on dam builders.	Material (structural and instrumental) power.
F	NGOs making journalists aware of problems caused by particular dams.	Discursive power used to activate journalists.
G	Journalists broadcasting to concerned individuals the NGOs messages about problems with particular dams.	Discursive power used by journalists to activate concerned individuals.
H	Journalists creating pressure on intermediate actors by broadcasting the NGOs messages about problems with particular dams.	Discursive power used by journalists to challenge intermediate actors.
I	Pressure on dam builders by local NGOs in countries where the dams were located.	Discursive power used to challenge the dam builders.

An important finding from this case study was that, while the only form of power that NGOs were able to exert directly in these campaigns was discursive, their exercise of this discursive power enabled them in certain circumstances (for example in the Ilisu campaign) to harness the more coercive material power of other actors (the ECAs) and have this exerted on the dam builders. This however was not effective in all of the campaigns. In the Sarawak, Xayaburi and Patagonia dam campaigns the material power that they attempted to harness was not strong enough to influence the dam builders. The harnessing of material power appears to have been essential if the NGOs were to influence their primary targets, the dam builders. When they were not able to find an effective intermediate actor and harness its material power, their ability to influence the dam builders was minimal. In other words, the exercise of discursive power alone when not supplemented by this material power was not enough to influence their primary targets and force them to change. This was true in three quite different dam campaigns, but because of the number of examples presented was small, this conclusion has to be regarded as tentative.

A related conclusion was that effective intermediate actors played an important and possibly essential role in the NGOs' ability to exert influence. When effective intermediate actors could not be found, the transmission of power down the influence chain from NGOs to primary targets was interrupted, and the latter were not subjected to power that would make them change the way they operated. The ability to find effective intermediate actors was affected by the structure of the industry. A difference between the two case studies was that in the palm oil case, effective intermediate actors were easier for NGOs to find because the industry had a commodity supply chain in which there were image-sensitive public-facing companies. In the hydropower industry there were no such companies, and finding effective intermediate actors were therefore more difficult. The different structures of the two industries was a factor that affected the ability of NGOs to find effective intermediate actors, and therefore to exert influence on their primary targets.

Skills and capacities

The exertion of discursive power by NGOs to challenge the dam builders' framing of their projects and to activate concerned individuals was made possible and effective because of certain skills and capacities that many of the NGOs possessed. This second cases study found that these skills and capacities were the same as those identified in the first case study - skill at packaging information, skill at using the media, and credibility in the eyes of sectors of society.

Skill at packaging information

In both the palm oil and hydropower cases, NGOs packaged information about negative impacts gathered at the plantation or dam-site level in ways that were likely to attract the attention of journalists, and/or in ways that would resonate with concerned individuals. Examples from the dam campaigns include the use of images of picturesque but endangered Hasankeyf with its minaret, ruins and cave dwellings in the Ilisu Dam campaign, or in the Patagonia campaign highlighting the amount of rainforest clearing required by the dams and transmission lines. Highlighting aspects such as these that would attract or motivate facilitated their use of discursive power to activate concerned individuals.

In dam campaigns in which the NGOs were trying to influence politicians and officials in Europe rather than the general public (for example the Ilisu and Xayaburi campaigns), their approach to packaging information was a little different. For these, the NGO information needed to be packaged in ways that resonated with the personal values and concerns of those politicians and officials, but in reports that were authoritative in appearance and content and not sensationalist. The NGOs ability to activate these concerned individuals (politicians and officials) using discursive power was more reliant on their ability to gather credible information and package it in an authoritative way.

Skill at using the media

There were however other wider audiences whom the NGOs needed to reach (for example, the general public in Turkiye, in Tasmania, and in the US) and for this they needed to be skilled at using the media. In order for their discursive power to be effective in activating concerned individuals and challenging dam projects, NGOs needed to be skilled at persuading journalists to take up and broadcast their messages to a wide audience. One of the ways in which they did this was by organizing events that would be of particular interest to the media because they provided journalists with interesting images. (Some of these are illustrated by the photos in this chapter). The skills involved included understanding the needs of the media, what kind of stories, messages or images would be of interest to them, and how and when they should be provided. Their level of success in generating media coverage in these campaigns varied but was significant. Mention has been made of coverage in mainstream English-language newspapers, which has been taken as an indication of the level of coverage in the media more generally, including radio, TV and social media, and in outlets in languages other than English.

Credibility

For the NGOs' discursive power to be effective in these campaigns it was also essential that their messages and framings were seen as believable and more credible than those of the dam proponents. Dam builders and their supporting governments presented their projects as economically necessary and useful, while NGOs presented an alternative framing of them as socially and environmentally irresponsible. The result was a discursive contest over whether the dam projects were or were not in line with the principle of responsible behaviour. For example, in the Ilisu campaign, the consortium building the dam stressed the economic benefits of the dam and said that the effect on village people and the historic town would be minimal. The NGOs countered this by accusing the dam builders of irresponsible behaviour by flooding villages, displacing vulnerable people and damaging the historic town. NGOs needed to be able to convince journalists, officials, concerned individuals and others that their messages and framings were more credible than those of the dam builders.

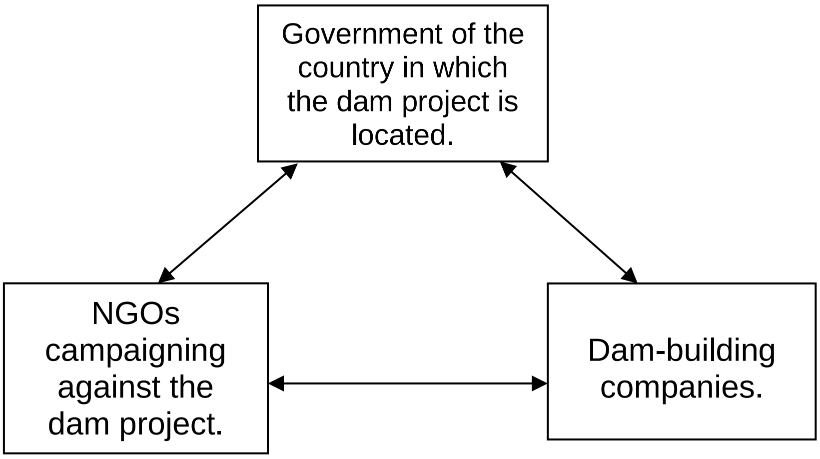
One of the bases of the NGOs' credibility was the role they had taken as the promoters and disseminators of the principle of corporate environmental and social responsibility. NGOs were also seen as having no commercial interests in the dam projects they were attacking. They appeared to be acting in the public interest rather than from any financial self-interest (Yaziji and Doh 2009: 102-4, Boström and Hallström 2010: 46). These views of NGOs may or may not be accurate, but to the extent that they were held by certain actors, they enabled the NGOs' viewpoints and messages to be regarded as credible and taken seriously.

The results of the newspaper searches given above indicate that there were newspaper journalists who considered the NGOs' claims and messages to be credible enough to be worth checking and reporting on. This is not to say that these journalists regarded everything that the NGOs said as accurate, but the NGOs were regarded as sufficiently credible for the journalists to consider it worthwhile investigating their accusations further and reporting on them. The same was true of the ECAs and the National Contact Points for *OECD Guidelines for Multinational Enterprises*. The NGOs had sufficient credibility for them to be able to convince these bodies that their claims were worth investigating. They were not however taken at face value. The ECAs sent their independent experts to check the accuracy of the NGOs' information, and the National Contact Points sought their own sources of information and made up their own minds about whether the NGO claims about contraventions of the *OECD Guidelines* were valid or not. But the key point once again is that the NGOs' information and claims were regarded as sufficiently credible to be taken seriously and to warrant further investigation.

The role of governments

Another significant finding to be drawn from this second case study that takes us beyond the findings of the first case study is the role that governments can play in obstructing NGO influence. In three of the dam campaigns described, a significant factor limiting the ability of NGOs to exert influence on the dam builders was the involvement of governments. In the Ilisu, Sarawak and Xayaburi dam campaigns, the governments of Turkey, Sarawak, Laos and Thailand played important and sometimes critical roles in supporting the dam builders in resisting pressure from NGOs. For example, after the second Ilisu dam consortium collapsed, it was the Turkish Government that brought in alternative sources of finance to enable the dam to go ahead when other banks and the European ECAs withdrew. In Sarawak the state government and its agencies actively opposed the NGOs and their campaigns to stop the SCORE dams by, amongst other things, using sources of financing that were beyond the reach of NGOs. These governments had their own agendas that included the economic development of regions under their jurisdictions, and appeared to regard the NGOs and the social and environmental standards that they promoted as obstacles to the development of these important dam projects. The result was that they acted to protect the dam builders against pressure from campaigning NGOs and the standards they were promoting. In this way, their involvement acted as an obstacle to the ability of NGOs to exert power and influence on dam builders. This role of governments has been noted by other authors, including Sokphea Young in his study of international NGOs' attempts to influence the sugar industry in Cambodia. This failed, he says, due to the political nexus between the government and the sugar companies. He suggests that to ensure the effectiveness of NGO efforts 'one should take into account the power of the government in relation to local politico-commercial elites' (Young 2017: 1).

The dam campaigns can be thought of as involving interactions between three sets of players – the NGOs, the dam building companies, and the government of the country in which the dam was located. Unlike the palm oil campaigns in which governments played a less significant role, in the dam campaigns their role was quite significant. Each of these three sets of players can be envisaged as being at one corner of a triangle, with the sides of the triangle representing the interactions between them. The interest of this thesis is primarily with one side of the triangle – the interactions between NGOs and companies and how NGOs were able to exert influence on these transnational companies. This interaction was however influenced by another side of the triangle - the interactions between governments and companies. As the ruling authority in the country in which the companies were operating, the government had considerable structural and instrumental power over the companies. In the initial phases of the Ilisu Dam campaign, the power that the NGOs were able to generate on the companies (via the European ECAs) prevailed over the power of the government. In other campaigns, the power of the government prevailed over that of the NGOs, and the dam projects went ahead.



Although not the central interest of this thesis, note should be taken of the third side of the triangle – the interactions between NGOs and governments. In each of the four dam campaigns described, there were such activities by NGOs directed at governments rather than companies. These were led by local and national NGOs (such as Initiative to Keep Hasankeyf Alive and Save Sarawak Rivers) who supported and/or organised the local affected communities and activated other citizens to oppose the dam. In the Ilisu, Sarawak and Xayaburi campaigns these efforts by NGOs and local affected communities to influence governments were not successful, but in the Patagonia dam campaign they were successful in preventing the dams from being built.

What has been learnt

This chapter has traced in detail the process by which power and influences was transmitted from the NGOs to the dam builders that were their primary target, via chains of influence. This second case study has supported the findings of the first case study that, apart from the NGOs and their targeted companies, there were two other types of actors involved in this process – concerned individuals and intermediate corporate actors - that played distinctly different roles in the process. Concerned individuals (for example European politicians or customers of Home Depot) translated the NGOs discursive power into material power on intermediate corporate actors (ECAs, Home Depot), while the later hopefully transmitted material power to the NGOs primary targets, the dam builders, although this was not always effective.

This second case study has also supported the finding from the first that the only form of power the campaigning NGOs were able to exert directly was discursive, and that they used this discursive power in two quite different ways – to challenge the framing and reputations of dam builders who did not conform to widely-accepted standards or principles, and to activate concerned individuals who valued those principles as personal norms. The NGOs' discursive power was once again based on the principle of environmentally and socially responsible corporate behaviour. A difference in this second case was that the principle had been partly translated into more specific requirements for this industry by the Core Values and Strategic Priorities established by the World Commission on Dams. These were specific standards against which NGOs could hold companies accountable, and which were incorporated into the social and environmental guidelines used by financial institutions such as Export Credit Agencies.

Also confirmed by this second case study was the finding of the first that material power was involved - but there were significant differences from the first case study. While the only form of power that NGOs were able to exert was discursive, in some campaigns (such as the Ilusu Dam campaign) this discursive power could be translated into material power exerted by other actors (ECAs) on the dam builders. In certain circumstances, the NGOs were able to harness the material power of intermediate actors and have it directed at their primary targets. However, this was not always successful. Unlike the palm oil campaigns, the NGOs were not always able to find intermediate actors that were able to exert material power effectively on the dam builders. When this happened (as in the Sarawak and Xayaburi campaigns), the dam builders were not subjected to the material power of intermediate actors, and the influence of the NGOs on them was minimal.

Note should be taken here of the way that NGOs used the transnational nature of this industry to exert influence. They did this by linking the situation in the countries where the problems were occurring but opposition was largely ineffective, with actors in other countries who could hopefully bring pressure to bear that might correct the situation. The NGOs' primary targets (the dam builders) were located in countries with relatively closed non-participatory political structures (Turkiye, Sarawak, Mekong countries) where even mass demonstrations by affected groups had limited effect on governments or on dam builders. The latter were however susceptible to significant influence when they were dependent for financial support on actor in other countries where environmental and social standards were more politically efficacious (such as in Europe). The clearest example of this was the susceptibility of the Ilisu dam building consortium to influence when it was dependent on Export Credit Agencies (ECAs) in Europe, but which ceased when the consortium ceased to be transnational in nature and became one of mainly Turkish companies and banks. The NGOs collected information about negative impacts at a dam site level in countries where opposition generally had little effect, and transmitted it to countries where it could hopefully have significant political and commercial effects, where there were concerned individuals and effective intermediate corporate actors who it was hoped could generate significant pressure on the dam builders. However, this strategy did not always work as it was not always possible for the NGOs to find intermediate actors that were able to exert effective pressure on the dam builders.

There are three important points to be drawn here that take an understanding of NGO influence forward beyond that obtained from the first case study. The first is the important and possibly essential role that intermediate actors played in the NGOs' ability to influence their primary targets. If effective intermediate actors could not be found, the transmission of power down the influence chain from NGOs to primary targets was interrupted and the latter were not subjected to any material power. The second related point is that NGOs' ability to influence their primary targets appeared to be dependent on their ability to harness the material power of other actors, that discursive power alone was not enough. The exercise of discursive power when not supplemented by this material power was not enough to influence their primary targets and force them to change. A third lesson, also related to the above two, is that the structure of an industry is a factor that affects the ability of NGOs to exert influence. The structure of the hydropower industry was different from that of the palm oil industry in that there were no public-facing image-sensitive companies in the hydropower industry that could be used as effective intermediate actors. This meant that in the dam campaigns, it was much more difficult for the NGOs to find effective intermediate actors that could exert influential on the dam builders.

Another significant finding from this second case study was the fact that governments can play a significant role in obstructing NGO influence. They have their own agendas that included the economic development of regions and countries under their jurisdictions, and may regard the NGOs and the social and environmental standards that they promote as obstacles to the development of these economically important dam projects. They can therefore act to protect the dam builders against pressure from campaigning NGOs and the standards they are promoting and thus become an obstacle to the ability of NGOs to exert power and influence on dam builders. The ability of governments to do this, to counter NGO pressure and protect what they regarded as important industries, was more pronounced when there were no effective intermediate corporate actors (public-facing companies, financial or other institutions with social and environmental guidelines) exerting pressure from outside for more responsible corporate behaviour.

This second case study has confirmed the finding of the first that the exertion of discursive power by NGOs and their efforts to harness material power was made possible and was assisted by certain skills and capacities that the NGOs possessed. These were their skill at packaging information in an attention-grabbing and motivating manner, their skill at using the media to have their messages broadcast to a wide audience, and the credibility that came with their non-profit status and role as the promoters of corporate responsibility.

In their campaigning to influence the hydropower industry, the NGOs were able to achieve a number of things. They were able to substantially influence the financial institutions that supported large dam projects and have them introduce social and environmental guidelines. They were also able to seriously challenge a number of particular dam projects and in one case temporarily stop its construction, and in another permanently prevent it going ahead. In the face of these challenges, the industry body, the International Hydropower Association, felt the need to respond and to demonstrate to their financial supporter and other key stakeholders that they operated in a responsible and sustainable manner. This led to the International Hydropower Association inviting NGOs to help them develop a set of credible standards for the industry against which dam projects could be assessed. The ways in which NGOs exerted influence on those standards in the multi-stakeholder dialogue forum that developed them, the Hydropower Sustainability Assessment Forum, is dealt with in the next chapter.

Chapter 7
Influencing the Hydropower Industry through Dialogue

This chapter continues the second case study of NGOs influencing the transnational hydropower industry by analysing the way they were able to influence it through dialogue in a multi-stakeholder standard-setting forum, the Hydropower Sustainability Assessment Forum (HSAF). The aim of this chapter is to address two of the research sub-questions that this thesis set out to answer – how do NGOs exert power and influence on business actors when in dialogue with them, and what role does material power play in this? It does this by using the same analytical framework that was used in previous chapters – identifying the different ways in which discursive power based on a normative principle, and material power, were used by the actors involved in the transmission of power and influence from NGOs to their primary business targets.

There are very few academic authors who have looked at the role of NGOs in the HSAF. One that has is Eichert (2014) who explores the various strategies NGOs use to promote sustainable dam development and considers why some choose to adopt a collaborative approach towards the industry. Comparing a collaborating NGO (WWF) with a more confrontational one (International Rivers) she suggests that the main factor accounting for this different approach is ideological differences. This chapter addresses a quite different question, how those NGOs who took a collaborative approach (including WWF) were able to exert influence in the HSAF.

In doing so, it confirms the findings of the first case study that the main process by which power and influence was transmitted from NGOs to business actors when in dialogue was by the NGOs exerting two forms of power directly on the business actors. The NGOs used their discursive power to persuade the business actors of their interpretation of the principle of responsible corporate behaviour and what needed to be included in the standards. At the same time, the NGO used the structural power they had acquired as a result of the business actors in the dialogue forum needing to retain their on-going involvement in order to give the standards credibility. This meant that the NGOs were in a position of bargaining strength, and had positional or structural power vis-à-vis the business actors, which enabled them to have issues introduced into the standard-setting process that business actors in the forum were not keen on and resisted. It was a combination of discursive power to persuade and structural power to bargain that gave NGOs the ability to exert influence on business actors in the standard-setting dialogue forum.

The most significant finding from this chapter however that adds to the findings of the first case study is that the ability of the NGOs to exert power and influence effectively in a dialogue forum was affected by the structure of the forum, and in particular the way in which the industry was represented in it. A comparison between the two dialogue forums, the RSPO and the HSAF, shows that in the RSPO there were a variety of companies from among whom the NGOs were able to find supportive allies. In the HSAF there was a dominant industry actor, the International Hydropower Association, which the NGOs had to persuade or bargain with, largely without the support of other business actors, and this lessened the NGOs' ability to influence.

In this chapter, after a brief description of the structure of the standard-setting dialogue forum, the Hydropower Sustainability Assessment Forum, and how it operated, some examples are given of the dialogue, contestation and negotiations that occurred in the forum between NGOs and business actors over some key issues. It then analyses the types of power used by the NGOs in these negotiations, and the capacities they possessed that enabled them to exert this power effectively. It confirms the findings of the first case study that the key capacities were credibility, trustworthiness in the eyes of the business actors, and specialised knowledge. The chapter concludes with an examination of the practical outcomes that resulted from the exertion of power by NGOs in this dialogue forum.

Hydropower Sustainability Assessment Forum

The individual campaigns by NGOs directed at hydropower companies and dam projects described in the previous chapter had mixed results. However, the overall effect of years of NGO campaigning directed at the financial supporters of the industry and at particular dam projects was that the hydropower industry felt it needed to improve its image. In the wake of the World Commission on Dams (WCD), many of the industry's more important financial supporters had introduced or strengthened the environmental and social standards that they required projects to meet. The industry felt the need to respond to this and to demonstrate that it operated in a responsible manner by establishing standards for the industry, but standards that were not as demanding as those of the WCD. The establishing of these standards could be regarded as a strategic accommodation by the hydropower industry in the face of pressure from NGOs and its financial supporters.

The body that undertook this task of establishing industry standards was the industry association, the International Hydropower Association (IHA). Formed in 1995, several years before the establishment of the World Commission on Dams, its aim was to promote the benefits of hydropower and to encourage good practice in the industry. Its stated mission is 'to advance sustainable hydropower by building and sharing knowledge on its role in renewable energy systems, responsible freshwater management and climate change solutions' (IHA 2024a: 1). An industry representative said in an interview:

> The post-WCD period was an important one for the hydropower industry. The WCD's report, released in 2000, raised some key issues. The industry did not agree with all that the report said. The industry, through the International

> Hydropower Association, undertook to organise its own thinking on those issues, and to come up with its own position on them. (Interview HP-1)

The IHA undertook to establish the industry's own standards, based on the Core Values and Strategic Priorities of the World Commission on Dams report but interpreted in ways that it regarded as more realistic and reasonable. As a first step, in 2004 it published a set of social and environmental guidelines for dam developers that it called the IHA 'Sustainability Guidelines' (IHA 2004).

But voluntary guidelines set by an industry for its own self-regulation were unlikely to possess a high level of credibility with the industry's stakeholders, and in particular with potential financial supporters keen to avoid funding environmentally or socially irresponsible projects. To overcome this limitation, the IHA approached some NGOs seeking their endorsement of the IHA's 'Sustainability Guidelines', or at least an indication of how the guidelines would need to be strengthened if these NGOs were to endorse them. Discussions were begun with two NGOs, Worldwide Fund for Nature (WWF) and The Nature Conservancy, which resulted in several modified versions of the guidelines being drafted in 2005 and 2006, culmination in a version that was adopted by the IHA in 2006, and called the IHA's 2006 Sustainability Assessment Protocol (IHA 2006).

However further endorsement of the Protocol by NGOs was required, and this led to the establishing of a multi-stakeholder forum in which engagement and dialogue with NGOs over the Protocols could occur. The Protocol was at this stage a set of standards or guidelines adopted by the IHA alone and not yet endorsed by WWF or The Nature Conservancy or any other independent actors. To gain the endorsements that was needed, a more thorough review by NGOs was required. The three organisations approached other stakeholders, and from this was formed the Hydropower Sustainability Assessment Forum, to jointly review and strengthen the 2006 Sustainability Assessment Protocol so

Table 7-1. Timeline of the Hydropower Sustainability Assessment Forum

Feb 2004	Original version of IHA's Sustainability Guidelines is published.
July 2006	Original version of IHA's Sustainability Assessment Protocol is published.
May 2007	HSAF is initiated at a meeting between WWF, TNC and IH
March 2008	Meeting 1 of the HSAF, Washington D.C. Survey of what members thought was missing from Protocol.
July 2008	Meeting 2 of the HSAF, Santa Rosa. Transparency International gives presentation on corruption and financial transparency.
Sept 2008	Meeting 3 of the HSAF, Zambia.
Oct 2008	Meeting 4 of the HSAF, China.
Dec 2008	Meeting 5 of the HSAF, Brazil. Oxfam gives presentation on FPIC. WWF gives presentation on hydropower and climate change.
Jan-Feb 2009	Phase 1 Consultation on 'Key Components Document'.
March 2009	Meeting 6 of the HSAF, Turkey.
June 2009	Second IHA World Hydropower Congress held in Reykjavik, Iceland.
	Meeting 7 of the HSAF, Iceland. Oxfam presents report on human rights and hydropower.
Aug 2009	Interim Meeting, Webinar 1. Draft Protocol released for comment.
Sept-Dec 2009	Phase 2 Consultations, Trials of the Draft Protocol.
Dec 2009	Interim Meeting, Webinar 2.
Feb 2010	Meeting 8 of the HSAF, France.
March 2010	Interim meetings, Webinars 3 and 4.
May 2010	Meeting 9 of the HSAF, Lao PDR.
June 2010	Interim meeting, Webinar 5.
July-Aug 2010	Interim meeting, Webinar 6.
Oct 2010	Critique of the Draft Protocol signed by 67 NGOs and others.
Nov 2010	Strategic meeting of HSAF. Final version of Protocol agreed.
June 2011	Hydropower Sustainability Assessment Protocol officially launched at IHA's Third World Hydropower Congress in Brazil.

that it became a set of standards endorsed by some of the industry's NGO critics.

The Hydropower Sustainability Assessment Forum (HSAF) was the institutional setting in which NGOs engaged in dialogue with the hydropower industry over environmental and social standards. Over a period of two-and-a-half years between 2008 and 2010 its members met face-to-face ten times, and on-line in webinars a further six times (Table 7-1). Each of the nine regular and one 'strategic' face-to-face meetings were in a different city and in a range of continents. In 2010 agreement was reached and a revised version of the Hydropower Sustainability Assessment Protocol was launched by the IHA.

The HSAF was a multi-stakeholder body with 16 members drawn from different sectors. Seven were industry representatives, three were from financial institutions, and two from government agencies (German and Norwegian) that had an interest in hydropower. Four of the 16 members were representatives of NGOs - two from environmental NGOs (WWF and The Nature Conservancy) and two from social justice NGOs (Oxfam International and Transparency International) (IHA 2013d). Several of these groups of members had a wider reference group with whom they consulted, and whose views they were supposed to bring back to the Forum. The NGO members had informal reference groups with whom they conferred, while the IHA had a more formal one. The IHA's Reference Group consisted of representatives from 17 different hydropower companies or agencies and saw its role as bringing the industry's experience to the Forum to make sure that any proposed changes to the existing Sustainability Assessment Protocol were practical and reasonable from their point of view (Devernay 2008: 21).

As the process of negotiation over the Sustainability Assessment Protocol proceeded, draft versions were sent out to a wider group of industry stakeholders for their feedback. In January-February 2009, ten months after the HSAF had begun meeting and negotiating, a document setting out the changes made so far, called the Key Components Document, was sent out to various stakeholders with an interest in hydropower for their comments and feedback. This included a range of hydropower companies that had not been involved in the negotiations, academics with an interest in such things as the resettlement of dam-affected communities, and NGOs that did not want to be, or had not been invited to be, members of the Forum. The independent firm of consultants that organised this consultation reported back the findings of the consultation to the Forum, and this resulted in some further changes to the Protocol. This process of a wider consultation and feed-back on the evolving draft version of the Protocol was repeated later that year (September to December 2009), once again organized by a firm of consultants who then reported back the results to the HSAF, and once again resulting in some further changes. By late 2010 final agreement was being reached and the process was coming to an end. At its last meeting in November 2010, a final version of the Hydropower Sustainability Assessment Protocol was agreed to (HSAF 2010b: 2). The revised Protocol was officially adopted by the IHA and launched at the IHA's World Hydropower Congress in Brazil in June 2011.

After the release of the 2010 Protocol in June 2011, the HSAF was replaced by a new representative body called the Hydropower Sustainability Assessment Council to oversee its on-going use, the accreditation of assessors, the training of company staff and the general promotion of the assessment process. While the Council governed the use, application, quality control and future reviews of the Protocol (Locher and Scanlon 2012: 20), the IHA's Central Office acted as its secretariat or 'management entity'. The Council was a large body, on which all of the different stakeholder groups were represented. However, decision making was led by a smaller elected Governance Committee on which NGOs were represented (IHA 2013c, IHA 2020: 1-7).

In October 2023, a more independent version of the Hydropower Sustainability Assessment Council was established, called the Hydropower Sustainability Alliance, with responsibility for the implementation of the industry's standards and certification scheme. But with the standards now largely established and only occasional improvements being made, the interest and involvement of NGOs waned. Of the eight members of the Alliance's Governance Committee, only one was from an NGO, Dr Jian-hua Meng of WWF, who had been a member of the Council from its inception (HSA 2023: 11). The high point of NGO influence on the hydropower industry's standards was the period of the HSAF, 2008 to 2010, and it is on this period that this chapter focuses.

Contestation over the meaning of sustainability

During the two-and-a-half years in which the NGO and industry members of the HSAF met and dialogued in the HSAF there was disagreement between them over the fundamental question of what the principle of sustainability meant in practice for dam builders. The IHA's 2006 Sustainability Assessment Protocol saw sustainability as involving economic development as well as the protection of the environment and the promotion of the social development of people living in poverty. It defined it as follows:

> Sustainable development has been defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs….. Sustainability requires the integration of three components – economic development, social development and environmental protection – as independent, mutually reinforcing pillars. Eradicating poverty, changing unsustainable patterns of production and consumption, and protecting and managing the natural resource base underpinning economic and social development are overarching objectives of and essential requirements for sustainable development (IHA 2006: 1).

The NGOs in the HSAF however had a different interpretation. For them the meaning of 'sustainability' for the builders of large dams had been spelled out by the World Commission on Dams (WCD). One NGO member of the HSAF said in an interview: 'For the NGOs in the Forum, the WCD report set the road-map for what should occur when dams are constructed' (Interview HP-10). Another NGO representative said in an interview that his organization's reason for joining the HSAF in the first place was basically to ensure that the recommendations of the WCD report were incorporated into the standards. It saw the HSAF as an opportunity to talk to key players in the industry about WCD standards and to ensure that they were introduced into the deliberations (Interview HP-7). The basic principles or Strategic Priorities that the WCD report enumerated had been largely accepted by the industry and by the IHA, and had an influence on the negotiations in the HSAF. A non-NGO member of the HSAF described the role of the WCD principles thus:

> Within the Forum there was very little discussion of the WCD report; it was not a big issue, although its standards did act as a reference point. Its recommendations on environmental sustainability were no longer considered contentious, and were simply there in the background. However, its social justice standards were not so widely accepted and had to be defended by the social NGOs (Interview HP-5).

The WCD and its Strategic Priorities were not always in the background. Sometimes they were in the foreground. At Meeting 4 in October 2008 a paper was presented that compared the IHA's 2006 Sustainability Assessment Protocol with the Strategic Priorities of the WCD (HSAF 2008a). This found that there were commonalities between the two but also differences. For example, the WCD's Strategic Priority 'Gaining Public Acceptance' called for dam builders to obtain the free, prior and informed consent of any indigenous or tribal people affected by the dam. The IHA's Protocol at that point made no mention of free, prior and informed consent.

Also, during the first round of public consultation in early 2009 there was, according to the consultants' report, a general view from civil society organizations that an assessment tool would only be credible if it was clearly positioned as implementing the WCD guidelines. But as the Protocol was not so positioned they were suspicious of it and of the IHA's intentions (Ove Arup 2009: 10). The official HSAF response to this said:

> Although the WCD and the HSAF have different points of departure and different end products (WCD produced guidelines, HSAF is producing a measurement tool that sets out a graded spectrum of performance), much of the focus on sustainability considerations in the HSAF are and will continue to be informed by the WCD…. Although implementation of WCD aspects is not an explicit objective of the Forum, understanding linkages is important to a variety of stakeholders. The Forum is committed to undertake and make publicly available an analysis of how the Key Component Document (January 2009) relates to WCD conclusions (HSAF 2009a: 3).

In fulfilment of this commitment, another paper comparing the draft Protocol as it was at that stage with the WCD's Strategic Priorities was presented to Meeting 5 of the HSAF in December 2008. This was basically to reassure members, and in particular NGO members, that the issues of the Strategic Priorities were being covered by the Protocol and that the two were compatible.

Limited aims of the HSAF

As well as contestation over what the principle of sustainability meant in practice, there was also contestation and disagreement between NGOs and industry representatives over what the exact purpose of the HSAF was, beyond the general one of promoting the sustainability of dam projects. The industry representatives saw it as producing a strengthened and more credible tool for assessing the sustainability or quality of dam projects. The NGO members on the other hand were keen for a set of minimum requirements of hydropower projects to be developed, based on the principles established by the WCD.

The debate and disagreement over purpose continued and was not resolved until Meeting 8 in February 2010 when a compromise agreement was reached. This was that the HSAF would develop an assessment tool rather than a set of minimum standards for the industry, a strengthened version of the IHA's 2006 Sustainability Assessment Protocol. But while the Protocol was not going to define minimum standards, it was going to define what constituted 'basic good practice' for the industry, and draw attention to practices that did not meet this standard and that required improvement. As one interviewee said: 'It is a tool for learning, not judgement' (Interview HP-3). The agreement from Meeting 8 was worded as follows:

> The Forum aim is to develop an enhanced sustainability assessment tool to measure and guide performance in the hydropower sector, based on the hydropower sustainability guidelines and assessment protocol as developed by the IHA, that the Forum would recommend for adoption by the IHA and endorsement by HSAF members. The Protocol purpose is to inform decisions and continuous improvement efforts through evaluation of a hydropower project against a systematic set of sustainability criteria and with respect to basic good practice. (HSAF 2010a: 5-6).

The Protocol was to be a tool for assessing an existing or proposed hydropower project across a range of social, environmental, technical and economic topics. The project's assessment was to provide a sustainability profile that could be used to identify gaps and drive continuous improvement (IHA 2015: 36). It would be able to assess a project at any stage in its development, from the earliest planning stages through to operation.

The Protocol in effect defined hydropower 'sustainability' in terms of 20 or so topics covered in the assessment process. These included Environmental and Social Impact Management, Project Affected Communities and Livelihoods, and Biodiversity and Invasive Species. For each of the topics, a project was to be assessed and given a score from one to five. A score of three indicated 'basic good practice'. A score of five denoted 'proven best practice', which was defined as a level of performance on that topic that was hard to achieve but had been shown to be attainable in multiple country contexts. Assessments were intended to be objective and based on documented evidence, with the results presented in a standardised way to make it easy to see how existing facilities were performing or new projects were being developed (IHA 2013a: 1). Hence the process of dialogue and negotiation in the Forum was one of determining what particular issues under each of the 20 or so topics needed to be assessed in order to effectively gauge or measure the ‘sustainability’ of a project, and what constituted ‘basic good practice’ and ‘proven best practice’ for each of these issues.

In the process of dialogue and negotiation over these questions in the HSAF, there were several issues that stood out as major areas of contestation and disagreement between NGOs and industry representatives. The major environmental issue that led to serious contention was that of the greenhouse gas emissions that were released when dams were filled. There were a number of ways in which dams produced greenhouse gas emissions, but a major one was from the decomposition of vegetation that was submerged by the reservoir, entered it later or grew within it. There were also major concerns that could be classed as social issues – the displacement of dam-affected communities, and the impact of dams on downstream flows and fisheries. The NGOs were concerned that those displaced by the filling of dams and those downstream affected by reduced river flows, should not have their livelihoods or other amenities undermined or destroyed, and should not be forcibly impoverished through loss of land or fisheries. It was over these social issues and the rights of dam-affected people that the most serious contention occurred in the HSAF between NGOs and industry. The negotiations over these issues of serious contention, greenhouse gas emissions and the rights of dam-affected people, are now considered in detail, together with a third issue on which there was little contention, financial transparency and corruption.

Greenhouse gas emissions from dam construction

The issue of minimising greenhouse emissions from dams was introduced and promoted by WWF, but resisted by the industry. This resistance was aided by the fact that at that stage there was no established way of measuring these emissions that could be introduced or presented to the Forum. The NGO was unable to have the issue included in the Protocol because of a limitation in its expertise, its inability to provide a method of measuring emissions from dams.

In the original 2006 Protocol, the only mention of greenhouse gas emissions was in a section on assessing the sustainability of new energy proposals, which said that this should include: ‘Determining the level of direct and indirect greenhouse gas emissions over the life of the scheme’ (IHA 2006: 17). There was no mention of how this was to be determined or the need to minimise or reduce these emissions. In Meeting 5 in December 2008, Joerg Hartmann of WWF gave a presentation on the implications of climate change for hydropower sustainability, and pointed out that flooding valleys behind a dam covered vegetation that would otherwise be a natural carbon source or sink. Also, the anaerobic or anoxic decomposition of that vegetation under water meant that it emitted methane instead of carbon dioxide, the former being a much more potent greenhouse gas than the latter. He argued that the objective should be not only to evaluate greenhouse gas emissions from new and existing dams but also to reduce them as far as feasible. He pointed out that there were options for doing this such as vegetation management prior to flooding, reservoir oxygenation systems and methane capture. He did however also say that ‘methodological guidance’ was required as to how to do this, and that WWF was currently looking at methods for analysing and mitigating greenhouse gas emissions from dams (Hartmann 2008). At about this time, perhaps prompted by WWF, the IHA began working with UNESCO and the University of Quebec at Montreal to develop a scientific model that would predict GHG emissions from reservoirs without the necessity of costly field measurements (IHA 2024b).

During the first round of consultation on the draft revised Protocol in early 2009, some unnamed stakeholders expressed the view that there should be clearer guidance in the Protocol on acceptable levels of emissions (HSAF 2009b: 14). However, in the second round later that year, a number of industry stakeholders expressed concerns about the way in which it was being proposed that greenhouse gas emissions be treated. Some complained that the Protocol assumed the existence of data that did not exist, such as pre-impoundment data, that is, the situation and emission levels before a dam was filled (Ove Arup 2010: 21). The IHA Reference Group in a communication to all IHA member said that the ‘greenhouse gas issue cannot be dealt with in the proposed manner’ (Haaheim 2009: 2). In the end, the 2010 Protocol contained no requirement to even assess emissions from reservoirs because, it said ‘there is no established methodology as yet to do this; it is anticipated that in the future when a methodology is determined that it could be built into the Protocol’ (IHA 2010a: 23).

That methodology appeared several years later when the work that the IHA had initiated with UNESCO and the University of Quebec at Montreal came to fruition. In 2017 they announced the release of ‘The GHG Reservoir Tool’, a simple web-based tool that enabled hydropower companies to estimate and report on the net greenhouse gas emissions from a reservoir without having to take detailed measurements in the field (IHA 2019a). The requirement to estimate greenhouse gas emissions using this tool was subsequently incorporated into the Protocol, and a whole new chapter on ‘Climate Change Mitigation and Resilience’ appeared in the 2018 edition of the Protocol (IHA 2018a). The IHA had initiated the process of developing this tool when the HSAF was operating, and it may be that the arguments and pressuring by WWF on this issue in the HSAF had a role in the IHA’s decision to develop the tool. However, a more significant reason was the general increase in awareness in society of climate change and the need to reduce GHG emissions, and the increased scrutiny that dams were receiving as a result. In 2019 the IHA said:

> There is an increasing need to understand and manage the uncertainties around GHG emissions from reservoirs in an environment coming under greater scrutiny from governments, authorities, lenders, developers and other stakeholders (IHA 2019a: 3).

This was one of several improvements in the standards that occurred after the HSAF had finished its work. These came about, not as a result of direct NGO pressure, but as a result of a changed social environment in which the industry was operating and increased expectations and scrutiny it was experiencing. All of the stakeholders mentioned in the quote above were wanting to know what contribution dam reservoirs were making to GHG emissions, and the industry was under pressure to provide answers, which led to the need for a simple measuring or estimating tool.

In the first case study, of NGO influence on the palm oil industry, this same issue of greenhouse gas emissions was introduced into the RSPO by NGOs but with more success. The NGOs in the RSPO had a similar limitation to their expertise and knowledge of a method of measuring the emissions from the clearing of forest or peat-land for plantations. However, a difference between the RSPO and the HSAF was that in the former the NGOs were supported by an ally among the business actors. An environmentally conscious plantation company had independently developed a method for calculating emissions from its own operations and had made it available to the RSPO. This made it feasible to include in the RSPO's Principles and Criteria requirements of companies to measure, report and minimise greenhouse gases. The variety of companies that were present in the RSPO worked to the NGOs' advantage in that they could find allies and supporters from that quarter. There was no such variety in the HSAF. There was one dominant industry representative in the HSAF, the International Hydropower Association, and the NGOs had to influence it without the help of other supportive companies.

The evidence of NGO influence on this issue in the HSAF is the fact that it was they who first raised it in the dialogue forum and led the discussion on it. Although they were not successful in having greenhouse gas emissions incorporated into the 2010 Protocol because of a limitation in their expertise, the NGO did succeed, against resistance by the industry, in having an issue raised that otherwise would not have been raised. Its inclusion in the 2018 version of the Protocol was the result of factors other than direct NGO pressure.

The rights of dam-affected people

The second issue on which there was serious contestation and disagreement between NGOs and industry representatives in the HSAF was that of the rights of communities affected by dam projects. The IHA had serious disagreement not only with the NGOs but also with the World Commission on Dams report on this issue. Of particular concern was what it regarded as the Commission's and the NGOs' attempts to shift the balance of power in dam decision-making from developers and governments to local affected groups, and to allow the latter to have veto powers over dam development projects. Their argument was that the construction of a hydropower dam and the electric power that it generated was of benefit to the nation as a whole and that small local communities should not be allowed to prevent those benefits being generated for the majority. The decision to construct a hydropower dam should lie with national governments and not with local communities.

> The IHA agrees local populations should have more say in the decision-making process. However, in the pursuit of that noble goal, we believe that the Commission went too far by proposing a de facto veto right for a small minority, which is politically unreasonable and to the detriment of all (IHA 2001: 6-7).

The de facto veto right referred to was the principle of 'free, prior and informed consent', the right of local affected groups to restrict any development that impinged on their welfare unless it had their free, prior and informed consent. For the NGOs in the HSAF however, and in particular for Oxfam, which was the NGO that led on this issue, the rights of small local communities were a major issue of concern and free, prior and informed consent was regarded as a fundamental human right.

The original 2004 version of the 'Sustainability Guidelines' recognised only limited rights for project affected people. It made no mention of 'free, prior and informed consent' and only said that affected groups should be 'provided with the opportunity to be represented during the different phases of the project development', and that a negotiated and agreed outcome should be achieved 'wherever possible' (IHA 2004: 18). This allowed developers to proceed without the agreement of those affected on the basis that finding agreement was not possible. The 2006 Sustainability Assessment Protocol listed as best practice that a 'comprehensive stakeholder consultation process' should reveal 'strong community support or no significant community opposition' (IHA 2006: 56).

In Meeting 5 of the HSAF in December 2008 Oxfam's representative Michael Simon gave a presentation explaining the concept of 'free, prior and informed consent' (usually referred to as FPIC) and how it applied to the hydropower industry. He argued that there were advantages to be gained from respecting this right of dam-affected people as it lessened the risks of incurring costs from conflicts and delays, minimised the possibility of protests and litigation, and provided positive relationships and a mechanism for conflict and dispute resolution throughout the life of the project. It could also provide project developers with a competitive advantage in global competition. He pointed out that the principle had already been accepted by leaders within other industries including the Forest Stewardship Council, the Roundtable on Sustainable Palm Oil and leading mining companies, and argued that by adopting it, the HSAF could become a leader within the hydropower sector. He said that 'FPIC is the opportunity for all stakeholders….to achieve agreements which clearly respect and enable a human rights approach to sustainable development' (Simon 2008: 8)..

During the first round of consultation on the draft revised Protocol in January-February 2009, some unnamed stakeholders felt that the approach to the resettlement of those displaced by the filling of a dam did not take sufficient account of the rights and risks to the livelihoods of those displaced. As the consultants' report said:

> There was particular concern with the way that the policy objective had been phrased, with some stakeholders feeling that it sent the message that the Protocol fails to properly deal with the risk of impoverishment to those being resettled, and sends out a message that economic and social justice was not being taken seriously enough by the protocol. …. There were differing views on whether Free, Prior and Informed Consent should be a requirement, with civil society organisations seeing this as essential, and industry concerned that this could provide unacceptable veto rights (Ove Arup 2009: 13).

In its response to the consultants' report, the HSAF said:

> The Forum recognises that human rights could be more apparent in the Key Components Document, and agrees to look at mechanisms by which this could be achieved. In particular, the Forum supports the initiative of Oxfam to have recommendations developed on how human rights could be better reflected in the Key Components Document, and is committed to discuss and seek agreements on those recommendations. (HSAF 2009b: 7)

In May 2009, Oxfam arranged for a firm of consultants to prepare a briefing paper on how and where international human rights law and standards could be applied and integrated into the Protocol. This report, which was presented to HSAF members at Meeting 7 in June 2009, set out what international human rights law said that was relevant to the hydropower industry, and in particular what United Nations declarations and conventions needed to be referred to in any due diligence process undertaken by a corporation in order to meet its responsibilities to respect human rights (Allens Arthur Robinson 2009). The result was that a social issues reference group was established within the HSAF.

One of the issues that this reference group considered was the effect of a dam project, not only on those who were physically displaced by the flooding of a dam, but also on others whose access to assets or means of livelihood was disrupted. The working group recommended that the definition of displacement include ‘economic displacement’ as well as physical displacement, that those whose access to assets or means of livelihood was disrupted by a dam project should be treated in the same way as those who were required to physically move (HSAF 2009c: 2). Some industry members objected to having to obtain the same level of consent from those economically displaced as from those who were physically displaced, as this was an onerous task. To resolve the issue, an extra interim meeting of the Forum had to be convened in the form of an on-line ‘webinar’. This meeting, on 7 August 2009, decided that those who were ‘economically displaced’ should not be treated in the same way as those physically displaced but should be included under and treated as ‘Project Affected People’. The Oxfam representative was asked to work with the Forum Coordinator to edit the sections of the Protocol on Project Affected Communities, and Resettlement and Land Acquisition, in line with these agreements (HSAF 2009c: 3-4).

During the second round of consultations there was more push-back from industry on FPIC. A number of industry stakeholders felt that its application was unrealistic, and inappropriate in that it gave minorities the right to rule over majorities by stopping a dam development and denying the general population of the country the benefits of cheap electricity. The report of the consultants who ran the consultation said:

> A number of issues were raised with regard to FPIC. A point that was supported by a number of stakeholders was the view that it is not appropriate for an industry protocol to decide if some social groups have more rights than others. It was noted by more than one stakeholder that it is inappropriate because FPIC involves anti-democratic dimensions of giving minorities the right to rule over majorities (Ove Arup 2010: 31).

Oxfam on the other hand continued to argue for FPIC and the rights of project affected people. In a May 2010 statement Oxfam said:

> In the early and preparatory stages of considering the use of water for energy, and the studies for a project, there is a clear right of those who bear the risk of that use or development to say no to the project . . . The non-inclusion of a systematic representation of indigenous people and of project affected peoples into the deliberations has been a serious limitation of the Forum process. (Oxfam 2010: 2).

In the finally agreed Protocol of November 2010 the right of FPIC was only partially recognised and for indigenous people only. It said that 'proven best practice' was that 'plans and processes have been developed with the free, prior and informed participation of indigenous people'. Note that this says 'participation', not 'consent'. The IHA however felt that even this language in the Protocol went too far and asked that its dissenting view, that this was not proven best practice, be noted as a footnote in the Protocol documents (IHA 2010b: 81, 83).

The rights of project affected people more generally to have a say in the design of a project (as against their rights to veto it) were strengthened somewhat in the finally agree Protocol. The 2006 Sustainability Assessment Protocol listed as proven best practice (score of 5) that a 'comprehensive stakeholder consultation process' should reveal 'strong community support or no significant community opposition' (IHA 2006: 56). The 2010 Protocol listed something similar as basic good practice only (score of 3) namely that 'affected communities generally support or have no major on-going opposition to the plans for the issues that specifically affect their community'. It lists as proven best practice (score of 5) that: 'formal agreements with nearly all the directly affected communities have been reached for the mitigation, management and compensation measures relating to their communities' (IHA 2010b: 75, IHA 2010c:129). Oxfam however continued to argue that this was still too weak and did not adequately recognise the rights of dam-affected people. Despite strenuous last-minute efforts to find a compromise, the NGO remained dissatisfied with the final wording, and it too asked that its dissenting views be noted as a footnote in the Protocol documents (IHA 2010b: 77, 80, IHA 2010c: 131, 134). Despite these last-minute concessions, Oxfam remained dissatisfied and although it agreed to the final document it subsequently withdrew from involvement in the process.

Some years after the HSAF had completed its work and the 2010 Protocol was released, factors other than direct NGO pressure led to a significant strengthening of the requirement on FPIC for indigenous people in the Protocol. This came about because of the desire of the industry for hydropower projects to be eligible for 'green investment'. In December 2018, a meeting of the Protocol's Governance Committee was told that 'work had been going on with the Climate Bonds Initiative (CBI) to achieve hydropower's eligibility for green bonds' (a form of environmentally friendly investment) (IHA 2018b: 1). The Climate Bonds Initiative described itself as: 'An investor-focused not-for-profit organisation promoting large-scale investments that will deliver a global low carbon and climate resilient economy (ClimateBondsInitiative 2018: 2). It appeared that the CBI was not satisfied with the language in the 2010 Protocol around FPIC as it felt that it did not clearly indicate whether or not a hydropower project met the CBI's requirements regarding FPIC. As a result, a Working Group was established 'to identify what was basic good practice that complied with international law and could serve for external groups such as the CBI' (IHA 2019b: 5). In May 2020, the Working Group made a series of recommendations to strengthen the FPIC requirements in the Protocol and bring them in line with the requirements of the CBI and other green investors. The 2010 Protocol had listed as basic good practice that affected communities generally support or have no major on-going opposition to the dam project. The new requirement was that they should consent to the dam project. To achieve good practice, projects needed to show that 'Free Prior and Informed Consent had been achieved with respect to Indigenous Peoples' rights at risk, following the principle of proportionality' (IHA 2021b: 40).

This was a major strengthening of what was regarded as basic good practice with respect to FPIC. It came about not as a result of direct pressure from NGOs but from the requirement of green investors. However, it is likely that

NGOs had an indirect role in this. They had long focused on using financial institutions as a way of influencing dam builders (as outlined in the previous chapter) and in recent decades some, including Oxfam, had focused specifically on campaigning to have financial institutions incorporate FPIC into their funding guidelines (Oxfam 2019). While it is not possible to trace a direct causal link between this campaigning and the incorporation of FPIC into CBI's guidelines, it is likely that it had some influence. To the extent that this was the case, it was an example of campaigning by NGOs assisting the efforts of dialoguing NGOs to obtain stronger industry standards, of power exerted by NGOs in one mode assisting their exertion of influence in the other mode.

The influence that Oxfam had on this issue in the HSAF is evidenced by the fact that it was primarily its arguments and efforts that led to the issue of agreement by dam-affected communities being included in the Protocol, although in the end it was not included in a way that the NGO felt was satisfactory. The NGO was forced to accept an agreement that it felt was too weak, because the process of bargaining and negotiating to obtain agreement meant that it had to accept compromises. The post-HSAF improvement in the requirements of the Protocol on this issue was, as in the case of greenhouse gas emissions, the result of factors other than direct pressure from NGOs.

Comparing the two case studies, it can be seen that less was achieved by the NGOs on the issue of FPIC in the HSAF than in the RSPO, for the same reason that less was achieved on greenhouse gas emissions, namely the inability of the NGOs to find supportive industry allies in the HSAF. In contrast with the 2010 version of the Protocol, the RSPO's 2013 Principles and Criteria for the Production of Sustainable Palm Oil specified that the use of the land for oil palm should 'not diminish the legal, customary or user rights of other users without their free, prior and informed consent' (Criterion 2.3) and that no new plantings should be established on local peoples' land 'without their free prior and informed consent' (Criterion 7.5) (RSPO 2013). NGOs achieved much greater protection for the rights of affected groups in the RSPO than was achieved in the HSAF. The reasons for this were to do with the different structures of the two dialogue forums and the ways the industry was represented in them. In the RSPO there were a large number and variety of companies with different interests, from among whom the NGOs could find allies willing to support them. In the HSAF it was not possible to find such allies. There were only a small number of industry representatives in the HSAF and they were dominated by one body in particular, the International Hydropower Association (IHA).

Financial transparency and corruption

There was another issue that was raised by an NGO in the HSAF for inclusion in the Protocol that, in contrast to the previous two issues, was accepted with almost no contestation or resistance. This was the issue of financial transparency and avoiding corruption in hydropower projects. It had been largely overlooked by Forum members until an NGO brought it to their attention. According to a key industry representative interviewed: ‘At first the importance of these issues was not necessarily appreciated by all Forum members, but in the end the significance was recognised’ (Interview HP-1). Managing corruption risk was an issue of particular interest to the NGO Transparency International, which was able to bring to the HSAF its considerable knowledge and experience of the risks involved for large construction projects like dam building of a lack of financial transparency, and was able to convince Forum members that measures to avoid such risks should be included in the Protocol.

In the original 2006 ‘Sustainability Assessment Protocol’ there is no mention of corruption or financial transparency. However, at the second meeting of the Forum in July 2008, the representative of Transparency International in the Forum and two colleagues raised the issue via presentations. They outlined the potential corruption and governance issues that could arise in the hydropower sector, and argued that it was to the advantage of project developers to have measures in place that would help protect them from corrupt officials, contractors and staff. They pointed out the importance of making procurement processes public, the role of an ombudsman, tools available to address these issues, and the assistance that Transparency International could provide (HSAF 2008b: 5). These efforts by the NGO appeared to have had an effect and to have raised awareness of the importance of these issues in the minds of HSAF members. By the time of the first round of consultations, the consultants' report was saying that 'there was a view that corruption risk assessment should be included in more of the aspects' (Ove Arup 2009: 13). The HSAF's response to the consultants' report said:

> The Forum recognises the importance of corruption risk assessment and corruption prevention measures in the Protocol, and has had presentations and discussions on this subject at Forum Meeting 2. The Forum commits to review the Key Components Document to identify where references to corruption risks are made, to ensure that this is sufficiently apparent and that there are not significant gaps, and to review based on this information whether it could be better expressed in the Protocol (HSAF 2009b: 9).

In its final form, the 2010 Protocol addresses corruption prevention in several places. It describes best practice as requiring that 'procurement processes include anti-corruption measures as well as sustainability and anti-corruption criteria specified in pre-qualification screening', and that 'anti-corruption measures are strongly emphasised in procurement planning processes' (IHA 2010b: 73, IHA 2010c: 113, 127, IHA 2010d: 169).

This was once again an example of NGO influence on the Protocol, the inclusion of an issue that otherwise would not have been included if the NGO had not brought it to the attention of HSAF members and convinced them of its importance. It was not an issue whose inclusion the industry was opposed to or resisted. Its absence from the original 2006 version of the Protocol appears to have been simply because it was not regarded as important. But after Transparency International gave its presentation to the HSAF in July 2008 and raised awareness of its importance, the need to include the managing of corruption risk in the Protocol became widely accepted.

Practical outcomes

The final version of the Hydropower Sustainability Assessment Protocol was agreed to by the HSAF in November 2010, and in June 2011 it was officially launched by the IHA at its Third World Hydropower Congress in Brazil. It was not the set of minimum standards for the industry that the NGO had hoped for, but a system for assessing dam projects against a series of criteria, which it was assumed would highlight weaknesses and encourage improved performance by dam builders. The scoring of a project against the 20 or so sustainability topics would identify the project's strengths and weaknesses, and show where the operator or developer should most effectively target their efforts at improvement so as to meet the Protocol's definitions of sustainability. The IHA described it thus:

> The Hydropower Sustainability Assessment Protocol is a framework for assessing the sustainability of hydropower projects, and promoting the continuous improvement of hydropower sustainability performance (IHA 2013b: 23).

Unsurprisingly, the NGOs that were involved in the HSAF process regarded the sustainability assessment tool as useful and worthwhile, although further improvements were needed. Typical views were those expressed by The Nature Conservancy:

> The Protocol is not the final word on hydropower sustainability, nor is it a standard. It's a measuring tool to assess the relative sustainability of individual hydropower projects. However collaboratively agreeing on what should be measured and how to measure those features is a big step forward. (Opperman 2014: 4).

In a media release issued when the Protocol was launched in June 2011, WWF expressed what it regarded as the most positive aspect of the new tool. This was that it would ensure that the concerns of affected communities would be seriously addressed early in the process, and not after many of the crucial decisions had already been taken by companies and governments (WWF 2011).

The responses of NGOs that had not taken part in the HSAF process were more critical. A representative of one of these, International Rivers, said in an interview that the Protocol was useful in that it meant the industry had recognised there were errors in the way it had operated in the past that should no longer be tolerated. However, he said, there were some issues that were not adequately dealt with (Interview HP-12). A fact sheet published by International Rivers in 2013 was more specific in its criticisms. It criticised the HSAF process and the Protocol for poor transparency, lack of participation by affected communities, and an opaque and biased assessment system. It was concerned that the dam industry controlled the accreditation and selection of assessors and the terms of the assessment, and that this 'could allow the dam industry to green-wash a dam as sustainable while rights violations and poor practices get swept under the rug' (IR 2013b: 2).

In September 2021 a major step forward occurred when a certification scheme for hydropower projects was announced, and a new Hydropower Sustainability Standard was released that was to be the basis for the certification. The new Standard was a modified and simplified version of the Protocol. It covered 12 environmental, social and governance topics and had two levels of performance, 'good practice' and 'best practice', rather than the original three (IHA 2021b: 24). Hydropower projects that met the performance criteria classed as 'good practice' in the new standard could be awarded a new Certified Sustainable Hydropower label. This was a major step towards what the NGOs had been trying to achieve in the HSAF, a set of minimum standards that dam builders had to meet. The response of WWF was that, although the new standard needed to be rigorously implemented and strengthened, it was a major improvement in that it 'establishes minimum thresholds for the first time that hydropower projects must exceed to be certified, including the Free Prior and Informed Consent of indigenous people' (WWF 2021: 1-2). It was another example of a positive development that occurred after the HSAF had concluded and was therefore not due to direct NGO pressure but primarily to increased expectations of the industry by its stakeholders, in particular green investors and national governments. According to the IHA's Chief Executive, Eddie Rich, the certification scheme and its standards 'will address any confusion about whether a new hydropower project is sustainable, and will crucially help to unblock green investment and licensing decisions' (IHA 2021a: 3-4).

Use of discursive power by NGOs to persuade

In each of the three examples of NGOs exerting influence in the HSAF, the NGOs presented arguments to HSAF members in order to persuade them of their position and their interpretation of what sustainability meant in practice. This occurred on a number of occasions and in different forms – as presentations to meeting of the HSAF, reports that they made available to members, and as input to the two consultation processes. WWF argued the case for minimising greenhouse gas emissions; Oxfam argued for the rights of dam affected people; and Transparency International argued for the inclusion of financial transparency and anti-corruption measures in the Protocol. These were activities by which NGOs sought to change the minds, opinions and attitudes of other actors in the HSAF and in particular of the IHA, through the presentation of information and arguments. In other words, they were activities aimed at persuading. The NGOs sought to persuade business actors in the HSAF that, if the assessment protocols were to be regarded as properly addressing the principle of sustainability, they needed to include certain issues.

This amounted to the use of discursive power by NGOs – power that is based on a norm (sustainability), reflected in discourse and communicative practices and used to shape perceptions and identities. This was NGOs using discursive power to persuade business actors of their interpretation of what sustainability meant in practice. On greenhouse gas emissions they were unsuccessful in convincing HSAF members that this was an issue that should be included in the

Protocol. On FPIC they were partially successful, and on financial transparency they were successful. But whether successful or not, the NGOs employed discursive power to try and persuade the industry representatives and other members of the HSAF.

But they did so in the face of resistance and counter arguments from industry actors who, while they may have accepted the need for the industry to operate in a sustainable or responsible manner, contested with NGOs what this meant in practice for dam builders. A limitation of the NGOs' use of discursive power was that the normative principle on which it was based (responsible or sustainable corporate behaviour) did not have a meaning that was unequivocal but rather one whose meaning in practice could be and was contested by business actors. For example, the IHA and its industry reference group disputed with NGOs whether operating sustainably meant respecting the principle of free, prior and informed consent of affected communities. Contestation over the meaning in practice of sustainability or responsible corporate behaviour was a limitation on the ability of NGOs to use discursive power to persuade effectively. In this situation of discursive contestation in the HSAF, NGOs were forced to accept things that they did not fully agree with, such as a Protocol that contained no requirement to assess greenhouse gas emissions. They had to accept standards that they felt were not adequate because the process of obtaining agreement meant that they had to accept compromises.

Use of structural power

As in the case of the RSPO, the NGO were also able to bargain in the HSAF. The industry representatives in the HSAF needed to retain the NGOs' on-going involvement in the process in order to give the Protocols credibility, and this meant that the NGOs were in a position of bargaining strength. Their positions and arguments had to be taken seriously and given proper consideration. In other words, the NGOs had structural power vis-à-vis the industry representatives in the HSAF. This was a material form of power in that it involved a degree of coercion, of forcing industry representative to accept things that they would not otherwise have accepted. Keeping the NGOs reasonably happy in the HSAF meant that business actors had to take their views seriously and give them due consideration. A member of the HSAF who was interviewed said that the NGOs were influential in the forum because they were seen as representing a large constituency and as being able to create problems if they were not happy. If on the other hand they were happy with the Protocol they might promote it (Interview HP-5). The fact that they had this positional or structural power and the ability to bargain was evidenced by the fact that they were able to have raised and discussed issues that would not otherwise have been raised, some of which were not welcomed by the IHA and the industry more generally.

An overt example of an NGO using its positional or structural power to bargain over the content of the Protocol occurred just as negotiations were approaching final agreement in 2010. The Oxfam representative's dissatisfaction with the agreed statement on the rights of dam-affected people meant that he was declining to endorse the Protocol in this form. The Forum Coordinator, keen to have Oxfam's endorsement, made several concessions, including allowing the NGO's dissenting views to be included in the Protocol as footnotes. This was the overt use by the NGO of its bargaining or structural power.

It was the combination of these two forms of power that enabled the NGOs to have influence in the HSAF - discursive power used to persuade industry representatives of their interpretations of sustainability, and structural power to bargain based on the industry's need to retain their involvement. As mentioned in Chapter 4, the essential difference between these two types of power was that persuasion resulted in business actors willingly changing their position (for example on financial transparency and corruption) because they had been convinced that doing so was a good idea, whereas the use of structural power to bargain involved them retaining their position but reluctantly agreeing to something that they were not happy with (for example the free, prior and informed participation of indigenous people). One form of power led actors towards consensus and the other towards compromise.

Capacities

This ability of NGOs to exert influence in the HSAF through the use of these two types of power was made possible and effective because of certain capacities that the NGOs possessed. These were their credibility in the eyes of many of the industry's stakeholders, their trustworthiness in the eyes of the industry representatives in the HSAF, and their specialised knowledge and expertise.

<u>Credibility in the eyes of the public</u>

An essential capacity already mentioned was the credibility that NGOs possessed in the eyes of certain sectors of the public and the industry's stakeholders. The industry needed to borrow this credibility in order to give the HSAF and its Protocols credibility. This was the reason why NGOs were invited to become members of the HSAF. Without this credibility, NGOs would probably have had no role in the HSAF and no ability to influence the industry standards and assessment protocols that it developed. With it, they had significant bargaining power and the ability to exert structural power.

The fact that they lent credibility to the process was evidenced by the views expressed by non-NGO members of the HSAF in interviews. For example, a person associated with the IHA said: 'Their contribution has been essential and invaluable. The Protocol has gained credibility and legitimacy as a result of their involvement' (Interview HP-3). An industry representative in the HSAF said that they wanted the Protocol to be informed by and endorsed by NGOs 'so as to strengthen the industry's social licence to operate' (Interview HP-2). Another member of the HSAF said that the NGOs were 'the key to credibility for the process and the product' (Interview HP-5).

Trustworthiness in the eyes of business actors

Another capacity that was essential for the NGOs' ability to persuade was the trustworthiness that they acquired in the eyes of the industry representatives and others in the HSAF. Regarding the NGOs as trustworthy meant that the members of the dialogue forum were more open to seriously considering their issues and arguments. As in the RSPO, this was a quality or resource that the NGOs did not inherently possess but which was conferred on them by others and which they needed to preserve. In the HSAF a good level of trust developed between all members including the industry representatives and the NGOs, as evidenced by the statements of HSAF members who were involved. One member of the HSAF said in an interview: 'The trusting relationship that built with the NGOs was largely due to the individuals involved, the sensible approach taken by the NGO representatives' (Interview HP-6). Another said that the NGOs played a key interlocutor role throughout the process. 'It was they who kept everyone at the table when things got difficult' (Interview HP-7). Another member agreed but added that another factor was that members were thrown together for long periods:

> The members of the Forum spent a lot of time together, often in fairly isolated circumstances. People were thrown together with others whom they would not normally encounter in their normal working lives. …. Also, there was generally a very positive attitude amongst the members. There were no characters insisting on their own opinion, or using confrontation as their starting point. (Interview HP-5)

The trusting relationship that developed between members and the fact that the NGO representatives were regarded as trustworthy, meant that the industry representatives were more open to seriously considering their issues and arguments, which assisted the NGOs' ability to persuade and to exert influence on the Protocol.

Specialised knowledge and expertise

In the discursive contests that took place in the HSAF, another capacity that assisted the NGOs' ability to persuade, that underpinned their ability to use their discursive power effectively, was the specialised knowledge and expertise that they possessed on issues that were relevant to the setting of industry standards, but of which the business actors had little knowledge. For the NGOs, environmental and social issues such as greenhouse gas emissions from dams, the rights of dam-affected people and techniques for minimising corruption were core issues on which they had considerable experience and expertise. But for other members of the forum, they were peripheral at best to their work. As a staff member of the IHA said:

> NGOs have expertise in particular fields, and this made a valuable contribution. Unlike project managers who must cover many issues, NGOs are able to focus on one and gain expertise in that specific area - for example Transparency International in transparency, corruption and corporate governance. This kind of expertise had a visible influence on the content of the Protocol. (Interview HP-3)

The asymmetry of knowledge between NGOs and business actors on issues such as these gave the NGOs an advantage in arguing for their interpretations of what sustainability meant, and influence over what was included in the Protocol. A government representative on the HSAF said:

> There are many issues on which industry is not well informed, particularly the social impacts of their operations. It would be foolish of them to think that the other side did not have credible information to offer on this. NGOs have actual experience to offer of what happened in particular cases. Their input was not just abstract or theoretical. It is based on actual experience, and therefore very credible. (Interview HP-6)

In terms of the social impacts of dams, one of the most experienced and best-informed NGO in the HSAF was Oxfam. Its expertise was based on long experience working on economic and social development projects with poor and marginalised communities in Asia, Africa and Latin America. An industry representative in the HSAF said that the Oxfam representative added a lot to the process and was particularly strong on the protection of the rights of dam-affected people (Interview HP-2). This view was supported by another industry representative who said in an interview that Oxfam's representative:

> . . . had a deep understanding of social issues, and empathy for affected people. He was able to present and share the human perspective on many of the social issues, particularly as they relate to project-affected communities. He increased the understanding of social issues considerably for the Forum and in the Protocol. (Interview HP-1)

This person added that the NGO introduced new perspectives into the process of developing industry standards, including the obligation of corporations to respect human rights, the particular rights of indigenous people, and FPIC. Many of the industry people were not familiar with these, at least not in the context of a hydropower project, until the NGO highlighted their relevance (Interview HP-1). The IHA in a 2010 presentation to the World Energy Congress said: 'it is the knowledge and awareness raising which civil society actors bring to the table that helps change the way policy and business is done' (Schumann, Saili et al. 2010: 3). Conversely, as noted in the case of WWF and greenhouse gases, a lack of knowledge (of how greenhouse gas emissions from dams could be measured) could mean a limitation on the ability of NGOs to exert influence and power and have its issue included in the standards, by giving industry representatives a reason for not including it.

What has been learnt

The aim of this chapter has been to address two of the research sub-questions that this thesis set out to answer – how do NGOs exert power and influence on business actors when in dialogue with them, and what role does material power play in this? Using the same analytical framework as in previous chapters, it has identified the process by which power and influence was transmitted from NGOs to their primary target in the HSAF, the International Hydropower Association (IHA), and how the NGOs were able to influence the industry standards that resulted from the negotiations in the dialogue forum. It has confirmed the findings of the first case study (of the RSPO) that this was through the NGOs exerted power directly on their primary target. There were no 'concerned individuals' or 'intermediate corporate actors' involved in the HSAF, only the NGOs and their business targets.

To influence their primary industry target, the IHA, the NGOs used two forms of power, discursive and structural. Whereas in campaigning they used discursive power to sanction companies or to activate concerned individuals, in this dialogue forum they used it to persuade business actors. They used it to persuade the IHA and other business actors in the HSAF that certain standards were needed if the industry was to be regarded as operating in a responsible manner. Because of the IHA's need to retain their involvement in the setting of industry standards, they were able to exert structural (material) power directly themselves in the dialogue forums without having to rely on any third party. These two forms of power were fundamentally different in that persuasion resulted in industry representatives changing their beliefs and interests, whereas structural power resulted in them agreeing to things they did not want while retaining their fixed beliefs and interests.

This chapter has also confirmed the findings of the first case study that the ability of NGOs to exert this power and influence was made possible and effective because of certain capacities that they possessed. Credibility in the eyes of many of the industry's key stakeholders was the basis of their ability to exert structural power in the HSAF, and their ability to exert discursive power was underpinned by the trustworthiness that they had gained in the eyes of the business actors in the HSAF, and the specialised knowledge they possessed.

However, the most significant finding from this second case study, which added to those of the first case study, was that the structure of the dialogue forum and in particular the way in which the industry was represented in it had a significant effect on the ability of NGOs to exert influence. Unlike the RSPO, the HSAF did not have a variety of business actors with different interests, from among whom the NGOs could find allies willing to support them. The significant characteristic of the HSAF was that it was dominated by one particular industry representative, the IHA, whom the NGOs had to persuade or bargain with, without the support of other business actors. In the HSAF there were few if any supportive allies available and this lessened the NGOs' ability to influence. The structure of a dialogue forum, and in particular the way in which the industry was represented in it, was a significant factor affecting the ability of NGOs to exert influence.

Chapter 8
Discussion

Having examined in detail the processes by which NGOs were able to transmit power and influence to their primary targets in two transnational industries, palm oil and hydropower, through campaigning and through dialogue, this chapter now brings together some of the findings from these two case studies and discusses their implications. The chapter is divided into two parts. In the first part, after a brief summary of the ways in which NGOs used discursive and material power, an analysis is provided of how the exercise of different forms of power by different actors interacted with one another, and how these interactions assisted NGOs' ability to influence business actors in the two industries. The second section outlines the different factors that assisted or limited the NGOs' ability to influence business. These were: (1) contestation over the meaning of the norm upon which their discursive power was based, (2) the skills and capacities that the NGOs possessed, (3) the structure of the industry involved, (4) in dialogue, the structure of the dialogue forum, and (5) the involvement of governments.

Ways in which NGOs used discursive and material power

In both campaigning and dialogue, the NGOs used discursive power based on the widely-held principle of environmentally and socially responsible corporate behaviour. Bringing the findings from campaigning and dialogue together, this study has found that NGOs used this discursive power in three different ways – to challenge business actors and activate concerned individuals in campaigning, and to persuade business actors when in dialogue with them. These three ways of using discursive power correspond to the three mechanisms by which a norm can influence behaviour - social sanctioning, norm activation and normative persuasion. Putting this another way, the case studies have shown that the use of discursive power can have quite different effects depending on the audience to which it is directed. It can challenge and sanction those who violate a widely-held norm or principle. It can motivate or activate those who value the principle as a personally-held value and see it violated. It can persuade actors that are open to new information and arguments to change or improve the way they behave.

The case studies have also shown that material forms of power, that is, instrumental and structural power, were also involved. However, the way in which they were involved was different in each of the two modes in which the NGOs operated. In campaigning they aimed to harnessed the instrumental and structural power of other intermediate actors and have it directed at their primary targets. This material power may have been essential if their primary targets were to be influenced. When material power could not be harnessed because effective intermediate actors could not be found, as happened in several of the dam campaigns, the NGOs were not able to influence their primary targets. In dialogue they were able to exercise a material form of power themselves directly, in the form of the structural or positional power that they possessed in the two forums as a result of the business actors needing their involvement.

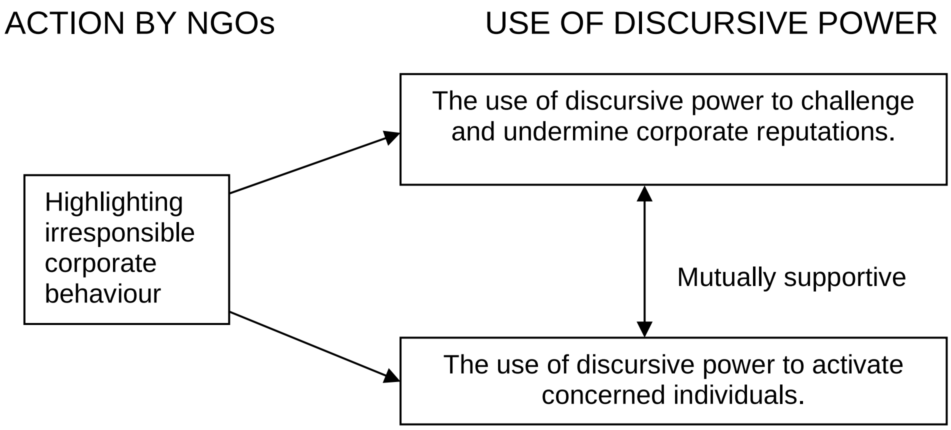
Interactions between different forms of power

The three different ways in which NGOs used discursive power did not operate independently but interacted with one another, and with material forms of power. The four principal ways in which they interacted with one another are described below. In some instances, the interaction took the form of the different ways of using power assisting each other. In other instances, the exercise of one type of power in certain ways generated the exercise of other types of power.

Interaction between the use of discursive power to challenge and to activate

The first of the significant interactions was between the NGOs' use of discursive power to challenge corporate reputations and its use to activate concerned individuals, which mutually assisted one another. The one set of actions by the NGOs, highlighting irresponsible corporate behaviour, produced two different effects depending on the audience. On the companies involved it had the effect of challenging their corporate reputations. On concerned individuals it had the effect of potentially motivating them to take some action. An example would be the campaign by NGOs against Hydro Tasmania and its involvement in the SCORE dams in Sarawak. The highlighting of the negative effects of this involvement challenged the company's reputation and standing as a responsible company. At the same time, it motivated concerned individuals to write protest letters and to demonstrate outside the company's offices in Hobart, and journalists to cover the issue. The one action, highlighting irresponsible corporate behaviour, constituted the use of discursive power in two ways. These two ways of using discursive power were mutually supportive in that the public challenging of corporate reputations, particularly via the media, assisted the activating of concerned individuals by making them aware of the situation. The activating of those concerned individuals assisted the challenging of corporate reputations by producing more public pressure on the company to change. These interactions are illustrated in Figure 8-1.

Figure 8-1. Interactions between the uses of discursive power by NGOs in campaigning.



<u>Interaction between discursive and material power in campaigning</u>

The second significant interaction was between discursive and material forms of power in campaigning. The NGOs' use of discursive power to activate concerned individuals resulted in material power (often of a financial nature) being exerted on intermediate corporate actors who then exerted material power on the NGOs' primary targets (in most but not all campaigns). An example was the campaign by Greenpeace to influence the practices of Indonesian plantation companies. The NGO highlighted the use by merchandising company Unilever of palm oil from growers whose production damaged the environment. This resulted in concerned individuals (Unilever's actual and potential customers) generating pressure on the company via petitions, protest emails and other means. This in turn led to Unilever using its commercial position as a major buyer of crude palm oil to exert material power on its suppliers (Indonesian plantation companies) to have them improve the way they operated. The exercise of discursive power to activate concerned individuals harnessed the material power of an intermediate actor that was directed at the NGO's primary targets.

Interaction between the exercise of power in campaigning and in dialogue

The third of the significant interactions between different uses of power that occurred in the case studies was between the exercise of power by NGOs in campaigning and its exercise in dialogue. The exercise of different forms of power in campaigning generated the formation of the dialogue forums, and enabled the NGOs to exert power in them - discursive power to persuade, and the structural power they had acquired as a result of the business actors needing their on-going involvement. The use of discursive power by NGOs in campaigning to challenge corporate reputations and to activate concerned individuals, together with the material power that this harnessed, created a situation in which companies in these two industries felt the need to be seen to be taking some action to address the challenges raised by NGOs. This resulted in the establishing of dialogue forums to develop industry standards, and the involvement of NGOs in those forums in order to give the standards credibility.

The exercise of power in campaigning not only generated the formation of the dialogue forums, it also helped maintain them, and assisted the NGOs inside the forums. Once the dialogue forums were established, the on-going presence of campaigning NGOs outside the forums and the threat that they posed kept the business actors at the negotiating table and maintained the momentum of the dialogue forums. Schouten and Glasbergen (2012: 74) for example in their study of the RSPO and its equivalent in the soy industry say that, ‘the interaction between internal and external NGOs in the RSPO often leads to moral leverage for internal NGOs in the negotiations’. Nikoloyuk, Burns et al (2010: 68) maintain that the external campaigns by Greenpeace on greenhouse gas emissions from plantation development ‘helped WWF push for the creation of the new plantings working group’ in the RSPO. The on-going campaigning and accusations by the external NGOs reinforced to companies in the dialogue forums the threats to their reputations and the need to counter those threats and accusations by implementing credible industry standards. This assisted the

NGOs in the standard-setting forums who were pushing for these effective standards that would be credible to the companies' stakeholders.

While some NGOs that had campaigned against companies in the palm oil and/or hydropower industries later engaged in dialogue with them in the RSPO or HSAF, others did not, and continued to campaign. Those NGOs that did not engage exercised power on business actors through campaigning, while those that did engage exercised their forms of power through dialogue. These two sources interacted with one another in that the exercise of power by the non-engagers outside the forums assisted the exercise of power by those that engaged in dialogue inside the forums.

Interaction between the use of discursive power and structural power in dialogue

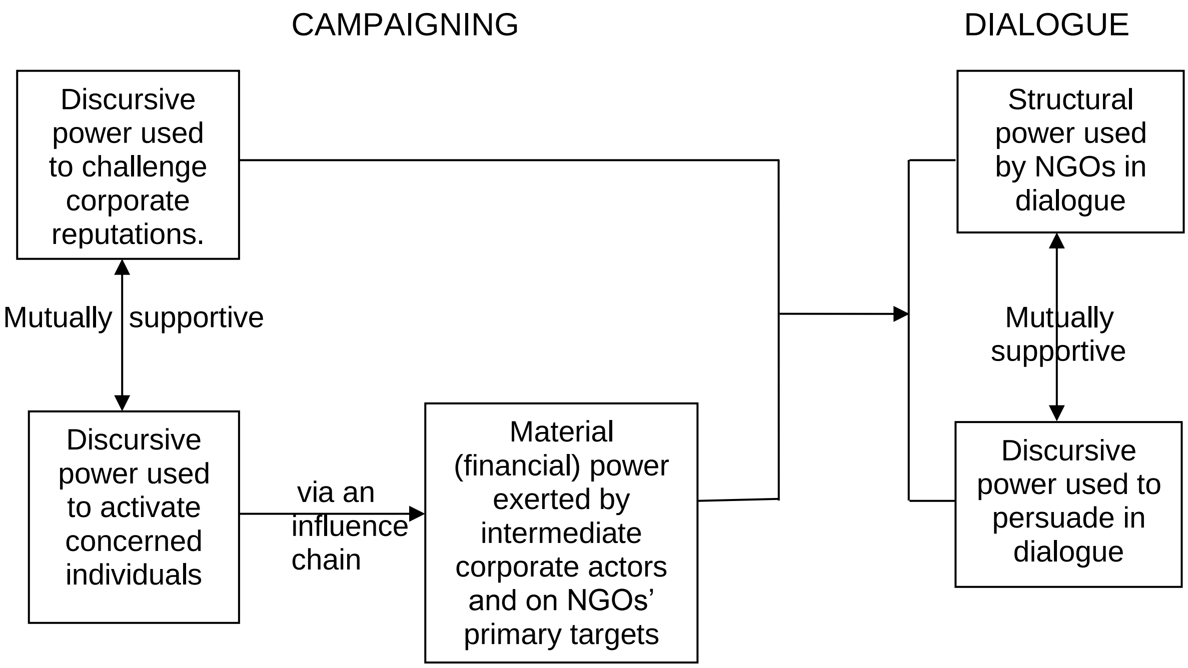
The fourth significant interaction was in the dialogue forums, between the NGOs' use of discursive power to persuade and their use of the structural power that they possessed in those forums. These two forms of power were closely interlinked, and mutually supported each other. In all the situations in which NGOs used discursive power to persuade companies of some point, there was an element of structural power at work in the background in that, in order to retain their involvement, the NGOs' views and arguments had to be treated seriously and not ignored or marginalised. Conversely in any of the situations in which NGOs used their structural power to bargain with business actors to have an issue included in the standards or to have them agree to some standard, they used discursive power to persuade. NGO positions were not put to companies as blunt demands from a position of bargaining strength but as reasoned positions backed up by scientific and other information and arguments that might persuade. For example, in the HSAF the NGO Oxfam used its strong bargaining position and structural power to insist on the inclusion of the principle of 'free prior and informed consent' (FPIC) in the Hydropower Sustainability Assessment Protocol, against the opposition of the industry. But at the same time, it presented arguments that the inclusion of FPIC would provide advantages for companies and projects. It used discursive power as well as structural power, and the two were inter-connected and mutually supportive.

While these two forms of power used by NGOs in the dialogue forums were closely interlinked and occurred together, there were situations in which one or other form dominated. For example, in the RSPO negotiations over FPIC, the NGO Forest Peoples' Programme used both forms, but the use of structural power predominated. Growers were resistant to implementing the requirements regarding FPIC and the NGO had to use its bargaining power to force the issue. The growers did not change their fixed beliefs or position regarding FPIC, but were forced to accept things that they were not happy with because the negotiating process had forced them to. On the other hand, in the discussions in the HSAF over financial transparency and corruption, the NGO Transparency International used discursive power only. Business actors were easily convinced that incorporating the issue into the Hydropower Sustainability Assessment Protocol was a good idea and was in their interests. There was little or no resistance, so the NGO did not need to use its bargaining position or structural power.

Which of the two forms of power predominated in a given situation depended on the degree of resistance that the NGO-promoted issue met with, and this varied depending on the issue and the type of company involved. There were negotiations over an issue in which the NGOs' influence was largely dependent on one form of power with one type of company and another form of power with other companies. An example would be the negotiations in the RSPO over the issue of growing oil palms on peat-land. The NGOs influence on merchandising companies depended predominantly on their use of discursive power as these companies were largely supportive of moves that would reduce the greenhouse gas emissions associated with palm oil - while their influence on growers depended predominantly on structural power as the latter were resistant to such moves.

In summary, the case studies have demonstrated that the NGOs not only used discursive power in three different ways but that those different ways interacted with one another and with more material forms of power in ways that assisted the NGOs ability to exert power and influence. All these interactions are illustrated in Figure 8-2.

Figure 8-2. Interactions between different forms of power



Factors that affected NGOs' ability to influence

The case studies have not only identified how the exercise of different forms of power by NGOs and other actors interacted with one another, they had also identified the different factors that assisted or limited the NGOs' ability to exert those different forms of power effectively. These are summarised in Table 8-1, and are now considered in turn.

Table 8-1. Factors that affected the ability of NGOs to use discursive power effectively.

Factor	Effect on NGOs' ability to use discursive power effectively
Contestation over the meaning of the norm of social and environmental responsibility.	This enabled business actors to put forward alternative interpretations of what responsible behaviour meant in practice. In campaigning, this limited the effectiveness of NGOs' use of discursive power to challenge corporate reputations and to activate concerned individuals. In dialogue, it limited their ability to persuade using discursive power.
The skills and capacities that NGOs possessed.	These made the NGOs' exercise of power possible and effective in both campaigning and dialogue. (See Table 8-2 for details).
The structure of the industry involved.	In campaigning this affected the ability of NGOs to find effective intermediate actors, and therefore to harness material power directed at their primary targets.
The structure of the dialogue forum.	In dialogue this affected the ability of NGOs to find supportive business actors in the dialogue forum who would assist them.
The involvement of governments.	This affected the ability of NGOs to influence their primary targets as governments assisted companies to resist the demands of NGOs for greater social and environmental responsibility.

Contestation over the meaning of a norm

The first of the factors that affected the ability of NGOs' ability to exert power effectively was the fact that their discursive power was based on a norm, and the meaning in practice and implications of that norm could be, and was, contested by business actors. This was something that the agentic constructivists had pointed out, that the meaning of a normative principle can be contested by differently socialized actors, such as NGOs and companies (Sikkink 2011, Wiener 2014, Hofferberth and Weber 2015, Lantis 2016). This meant that the interpretation by NGOs of what constituted socially or environmentally irresponsible behaviour could be challenged and contested by companies who put forward different interpretations.

In campaigning, the NGOs' use of discursive power to challenge companies' reputations by highlighting irresponsible behaviour was affected by the companies' ability to contest the NGOs' allegations and to present an alternative interpretation of their behaviour as responsible. Companies used their countervailing discursive power to refute the NGOs' assertions and to present alternative interpretations of their operations and behaviour. As a result, NGOs found themselves in discursive contests with companies over whether the latter's operations were or were not in line with the principle of responsible corporate behaviour.

These discursive contests between alternative interpretations occurred mainly in the media. An example from the palm oil case study was the public debate that occurred between Greenpeace and the palm oil company Sinar Mas in 2009. When Greenpeace accused the company of irresponsible deforestation by clearing virgin forest and peat-land, the company responded saying that the NGO's accusations were inaccurate, misleading and exaggerated, that it could not be accused of irresponsible deforestation as it only cleared land that had been previously farmed or logged. This was an alternative interpretation of what constituted irresponsible deforestation. An example from the hydropower case study was the campaign over the Ilisu Dam in Turkey. The NGOs accused the dam builders of irresponsible behaviour by flooding villages and displacing vulnerable people, and damaging the historic town of Hasankeyf. The consortium building the dam and the Turkish Government countered this by saying that the effect on village people and the historic town would be minimal and more than offset by the economic benefits the dam would bring to the under-developed region in which it was located, and the much-needed electric power it would generate. This was once again a different interpretation of what constituted responsible behaviour by dam builders. In both cases, business actors took advantage of the contestability of the principle of social and environmental responsibility and used their own discursive power to counter the discursive challenges by NGOs to their reputations by presenting different interpretations of what constituted responsible behaviour.

In dialogue the fact that the meaning of responsible corporate behaviour could be contested affected the ability of NGOs to use discursive power to persuade. In the RSPO and HSAF the NGOs faced discursive contests with business actors as the latter presented counter-arguments and alternative interpretations of what responsible corporate behaviour meant in practice, and what should or should not be in the industry standards. Examples from the palm oil case study were the contests in the RSPO over what types of forest needed to be preserved if serious deforestation was to be avoided and animal habitats protected, or whether the rights of affected communities meant that their free, prior and informed consent had to be obtained before an oil palm development went ahead. The contestability of the meaning of responsible corporate behaviour could be used by business actors as a way of resisting the demands of the NGOs, and arguing for standards that were more suited to their commercial needs. As in campaigning, the result was contests between the discursive power of the NGOs and that of the business actors in the forums. The outcome of those contests in the dialogue forums determined what went into the industry standards.

In these discursive contests in the RSPO and HSAF, the NGOs did not always win. On a number of occasions, they had to accept compromises and standards that were less than what they thought was needed. Unlike in campaigning where NGOs and business actors could maintain differing and incompatible positions, in the dialogue forums they had to find a mutually acceptable position that both sides could live with, and which would then form part of the industry standards. On some issues, their positions were too far apart and no agreement could be reached, which meant that the NGOs' issue could not be included in the industry standards. An example was the issue of minimising greenhouse gases emissions from dams. On other issues, reaching agreement meant that the NGOs had to compromise, which was a limitation on their ability to exert influence in dialogue. An example from the palm oil case study was the set of industry standards released in 2013. WWF made it clear at the time that, while they voted for their acceptance, they regarded them as a compromise, the best that could be achieved at the time, but far from satisfactory (WWF 2014).

In these discursive contests, the NGOs did however have some wins, in campaigning and in dialogue. In campaigning, despite the countervailing discursive power of the companies involved, the NGOs were able to use their discursive power to create serious challenges and problems for companies, and to activate significant numbers of concerned individuals. In dialogue they were able to introduce new issues into the debates over standards and, to varying extents, persuade business actors of their interpretation of what responsible corporate behaviour meant in practice and what should be in the industry standards. A key factor in this relative success was the fact that in these discursive contests the NGOs were able to use certain non-material resources that they possessed, useful skills and capacities that they had, but which the business actors did not possess to the same degree, such as greater credibility in the eyes of the public, more skill at using the media, and specialised knowledge on environmental and social issues.

Skills and capacities that NGOs possessed

This leads to the second factor that affected the NGOs' ability to use power effectively, namely the skills and capacities that many of them possessed. Unlike contestation, this was a factor that had a positive effect, making their exercising of different types of power possible and more effective. Some of these skills and capacities were essential if an NGO was to be able to exert power effectively. Many of these skills and capacities have been identified or alluded to in the literature on the role of NGOs in the governance of business. What this thesis adds is identifying their significance in terms of the exercise of discursive or material power by NGOs. It identifies how each skill or capacity made the NGOs' exercise of power possible or effective in each of the two modes of operating. The relevant skills and capacities possessed by the NGOs and the ways in which they enabled them to exert power effectively are summarized in Table 8-2.

Skill at packaging their messages

The first of these was skill at packaging information about corporate activities in ways that were dramatic, told a story that was readily understandable by the public, and was effective in motivating concerned individuals. The reports and other material the NGOs produced stressed the negative impacts of plantations or dams on such things as virgin rainforests, the habitat of endangered species, the welfare of displaced people or historically important sites such as Hasankeyf in Turkey. There were many negative effects of these corporate activities that could have been highlighted, but the NGOs chose ones that would resonate with the sensitivities of individuals whom they wished to motivate to act. The NGOs' skill in packaging their messages in this way, highlighting threats to things that people valued, assisted their use of discursive power to activate concerned individuals.

Table 8-2. Skill or capacity that enabled NGOs to exert power effectively.

Mode of operation	Skill or capacity possessed by NGOs	How it enabled or assisted NGOs to exert power effectively
In campaigning	Skill at packaging their message for maximum effect	Assisted NGOs' use of discursive power to activate concerned individuals.
	Skill in using the mass media of communication.	Enabled NGOs to have their messages broadcast to those whom they wished to influence or activate. Enabled NGOs to use their discursive power to challenge companies and to activate concerned individuals.
In campaigning and in dialogue	Credibility in the eyes of the public. Being seen as more credible than companies.	Enabled NGOs to use discursive power in campaigning to challenge companies and to activate concerned individuals. Enabled NGOs to be included in the dialogue forums, where they could exert discursive power to persuade, and structural power.
In dialogue	Trustworthiness in the eyes of some business actors in the dialogue forum.	Enabled the NGOs to use their discursive power effectively to persuade business actors.
	Specialized expertise and knowledge.	Assisted NGOs' use of discursive power to persuade business actors in the dialogue forums.

Skill at using the media

To have their messages about corporate activities reach as many concerned individuals as possible, NGOs needed to be skilled at using the mass media of communications – the press, radio, TV and social media. The widespread broadcasting of their messages also maximised their challenging of corporate reputations. Skill at using the media was essential if NGOs were to be effective in using discursive power to challenge companies and to activate concerned individuals. Evidence of the high level of skill that some NGOs had in attracting media attention was provided in the case studies. Greenpeace was particularly skilled in this regard as illustrated by the dramatic and often innovating events that they staged as part of their campaigning on palm oil (see photos in chapter 4). Other smaller and less well-known NGOs were also skilled at having the media broadcast their messages, for example the NGOs in Turkey and Europe that worked on the Ilisu dam campaign (see photos in chapter 6).

In this the NGOs had the advantage of being the initiators of the media challenges and able to control the timing of their release. They were able to take as much time as they needed to gather information for a well-researched and well-documented media campaign, to package it in a useful way, and release it to the media when they were ready and when they thought it would have most impact. My experience of working as an advocate for Oxfam was that the companies that were the subjects of these media challenges were usually given little or no notice by the NGO before the accusations against them appeared in the media. This meant that the companies were often forced into a defensive position of having to deny the allegations or defend themselves as best they could at short notice. An example from the case studies was Hydro Tasmania having to respond the next day to accusation contained in a well-researched *Dateline* program that was screened on television the evening before.

Credibility in the eyes of key stakeholders

Another skill or capacity that was essential for NGOs' effective exercise of power was their credibility in the eyes of many of the key stakeholders of these two industries. In campaigning this affected their use of discursive power to challenge companies and to counter their alternative framings in the media, as it meant that their accounts and interpretations of what was happening at a plantation or dam site were more likely to be believed by the public and by journalists. For the same reason it also assisted NGOs' use of discursive power to activate concerned individuals. In dialogue, the NGOs credibility was the reason they were included in the RSPO and HSAF, so that they would impart some of their credibility to the standards being developed in those forums. It was an essential capacity possessed by the NGOs as without it, they would probably not have been involved in either of those forums and not able to exert their discursive and structural power to influence the standards being negotiated. The NGOs' credibility arose from the role they had taken as the promoters of the principle of responsible corporate behaviour, and the fact that they appeared to have no commercial interests in the industries they were criticising, whereas the companies involved had commercial, financial and reputational interests to defend. Their messages were therefore likely to be regarded as more credible than those of the companies involved.

Trustworthiness in the eyes of business actors in the dialogue forums

The skills and capacities that were needed for the exercise of power by NGOs in dialogue were different from those they needed in campaigning as the relationship between NGOs and business in dialogue was different, less accusatory and confrontational and more cooperative in nature. The skills and capacities that NGOs needed and used in dialogue were those that assisted them to debate, argue and negotiate.

One of these was trustworthiness in the eyes of business actors in the dialogue forum. This was a necessary condition for the NGOs to be able to use their discursive power effectively to persuade. Trustworthiness meant that the business actors regarded the NGOs as negotiating in good faith, in an honest way, and as not having devious unspoken motives, such as closing down the industry altogether. The companies that trusted the NGOs were open to seriously considering their issues and arguments, and to being persuaded to support them. Those that did not trust the NGOs were not open to this. This was illustrated most clearly in the negotiations that occurred in the RSPO. In that forum there were some companies that regarded the NGOs as trustworthy (mainly merchandising companies) and others that did not (mainly growers). Companies that regarded the NGOs as trustworthy were open to being persuaded by them and to support them. An example of this was the support that business actors provided for some of the resolution presented by the NGOs to the RSPO General Assembly. In several instances the number of votes in favour of the resolution was significantly greater than the number of NGOs in the RSPO, which meant that there must have been a significant number of business actors who voted with and supported the NGOs on the issue. But there were also those, mainly growers, who did not regard the NGOs as trustworthy and who, if judged by their public statements, appeared to believe that the NGOs were trying to undermine the industry by making inaccurate and unsubstantiated accusations and insisting on unreasonable and unnecessary standards. With these companies in the RSPO, the NGOs' use of discursive power to persuade was largely unsuccessful because the essential element of trust was not there. Being regarded as trustworthy was essential if NGOs' discursive power was to be effective in persuading business actors in the dialogue forum.

<u>Specialist expertise</u>

Another capacity that assisted the NGOs in the dialogue forms was the specialist expertise that they possessed on issues relevant to the setting of standards, but which the business actors did not possess to the same degree. This specialised expertise was on such things as the greenhouse gases released when certain types of forest were cleared and burnt, and the human rights of indigenous people and those affected by plantations or dams. These were issues that were central to the work of the NGOs and on which they were well informed, but on which business actors were usually not well informed. This knowledge differential meant that the NGOs' arguments on issues such as these carried significant weight in the dialogue forums and gave the NGOs an advantage in arguing for what was needed in the standards. It assisted their ability to use discursive power to persuade and to counter the discursive power of the business actors in the dialogue forums. Conversely, a lack of knowledge or expertise acted as a limitation on the NGOs' ability to persuade, as happened in the HSAF over the issue of greenhouse gases emitted from dams. The NGOs lack of knowledge of a feasible way of measuring this meant that they were not able to persuade the business actors in the forum that minimising greenhouse gas emissions should be included in the standards for the hydropower industry.

Choice of approach that NGOs took to business

Different NGOs possessed different skills and capacities, and the possession of certain skills and capacities could have had an effect on the choice of approach that NGOs took to business, confrontational or cooperative. NGOs would naturally tend to focus on approaches that utilised the skills and capacities that they had, and to avoid approaches that required skills and capacities that were not their strength. For example, Greenpeace was an NGO that possessed the media and campaigning skills needed to publicly challenge the reputations of companies, as it did with Unilever and Nestle. It was not noted for its ability to persuade business actors in dialogue. It therefore focused on confrontational campaigning and on using its discursive power to challenge companies and activate concerned individuals. Conversely Transparency International was an NGO that possessed the capacities needed to discursively persuade in dialogue, including its specialised knowledge of issues to do with corruption, but was less skilled and experienced at campaigning and publicly challenging corporate reputations. Consequently, it focused on a cooperative approach and on using its discursive power to persuade in dialogue in the HSAF. The possession or otherwise of certain skills and capacities could have had an effect on the choice of approach that NGOs took to business, confrontational campaigning or cooperative dialogue, and therefore on the ways in which they used discursive power.

This has implications for the analysis within the literature on NGOs and the governance of business of the factors determining whether an NGO will adopt a confrontational or cooperative approach to business (Carmin and Balser 2002, den Hond and de Bakker 2007, Comi, Lurati et al. 2015, Dzhengiz, Barkemeyer et al. 2021). The factors identified by authors in this literature include the nature of the targeted industry, the NGO's prior experience, environmental philosophy, core beliefs about such things as the use of violence, and the NGO's political ideology, with politically radical NGOs choosing more confrontational strategies and moderate NGOs choosing cooperative ones. A factor not mentioned in this literature is the skills and capacities that the NGO possessed. Those that possess the skills and capacities needed to persuade business actors in dialogue are likely to choose a cooperative approach. Those that do not possess such resources are more likely to choose a confrontational approach.

However, the correlation between skills and capacities possessed and approach taken by an NGO is not completely clear or straight forward. For example, the reverse of the above may also be true. The adoption of a particular approach, confrontational or cooperative, for ideological or other reasons may lead NGOs to then develop the skills and capacities that are needed to pursue that approach effectively. It also should be noted that there were some NGOs in the case studies that possessed the skills and capacities needed to be effective in both confrontational campaigning and cooperative dialogue (for example WWF and Oxfam). This meant that they had the option of changing their approach if and when they thought circumstances warranted it (as WWF did in the RSPO). What can be said though is that the capacities and skills that an NGO possesses could be a factor determining whether it takes a confrontational or cooperative approach to business, and that this has the potential to be further explored in the literature on the role of NGOs in the governance of business.

Structure of the targeted industry

The third of the factors that affected the NGOs' ability to use power effectively to influence business was the structure of the industry involved. The transnational structure of these industries meant that NGOs were able to link the situation in the countries where the problems were occurring but opposition was ineffective, with actors in other countries who were able to bring pressure to bear that might correct the situation. They were able to do this because the industries extending across both types of countries. They were able to collect information about negative impacts at a plantation or dam-site level in countries where opposition and concerns about environmental or social impacts generally had little effect, and transmitted it to countries where it was able to have significant political and commercial effects, where there were concerned individuals and effective intermediate corporate actors who could hopefully bring significant pressure to bear on the NGOs' primary targets, the plantation companies and dam builders. But being transnational and covering both types of country was not enough by itself. In the latter countries, finding concerned individuals and effective intermediate corporate actors who could bring significant pressure to bear on the NGOs' primary targets was not always easy or possible. Some industry structures made it easier for NGOs to find such actors, and therefore to harness material power and have it directed at their primary targets, while others made it more difficult.

The structure of the palm oil industry, with its commodity supply chain, meant that there were many image-sensitive merchandising companies in that industry that could be used by the NGOs as effective intermediate corporate actors. As public-facing companies they were exposed to and sensitive to customers concerned about where the palm oil came from and how it was produced – and they could in turn influence the growers of oil palms for whom they were major customers. The structure of the palm oil industry was such that it was relatively easy for NGOs to find effective intermediate actors and to have their material power exerted on the NGOs' primary targets, the growers of oil palms.

In the hydropower industry there was no supply chain and no public-facing merchandising companies. This meant that it was more difficult for NGOs to find intermediate corporate actors who could exert effective influence on the engineering companies who were building the dams. The NGOs were sometimes able to do this, for example in the initial phase of the Ilisu campaign where they were able to use Export Credit Agencies. But in the latter phases of that campaign, and in the Hydro Tasmania and Xayaburi dam campaigns they were not able to find effective intermediate actors and therefore not able to exert influence on the dam builders. In the Patagonia dam campaign, the NGOs used the public-facing hardware company Home Depot as an intermediate corporate actor, pressured to act by its concerned customers. But that meant that the NGOs' targets were companies that exported timber rather than hydropower companies. The transnational timber industry was different with a different structure from that of the hydropower industry. The conclusion from the campaigns that were directed at hydropower companies and consortia was that the structure of the hydropower industry made it difficult for NGOs to find effective intermediate corporate actors, and when they could not be found, the NGOs were unable to harness material power and their influence on their primary targets was minimal.

The industry structures that made it easier for NGOs to harness material power and have it directed at their primary targets were those in which there were public-facing image-sensitive companies. These were able to be influenced by NGOs and concerned individuals, and could in turn hopefully exert influence on the NGOs' primary targets. For the NGOs, being able to find and use such intermediate actors and harness their material power appeared to have been essential if they were to influence their primary targets, and their ability to find such actors was dependent on the structure of the industry.

Choice of corporate target

Recognising the effect of industry structure on the ability of NGOs to influence business, and the critical role that such intermediate actors play, has implications for the literature on NGOs and the governance of business, and in particular for the analysis within this literature of why NGOs choose certain companies as targets rather than others (Hendry 2006, Bartley and Child 2014, Eesley, Decelles et al. 2016). Authors within this literature identify a number of factors that influence this choice of corporate targets, such as how visible a company is, how grievous an offender it is, or how influential it is with other business actors. The case studies suggest that there is another factor not mentioned in the literature, namely that some corporate targets are chosen by NGOs simply because they are useful as intermediate corporate actors. They are easily influenced by concerned individuals and are able to exert influence on the NGOs' primary targets. An example from the palm oil case study was the targeting of Unilever by Greenpeace. This company was far from being the most grievous offender, but was chosen as a target because being a public-facing merchandising company it was able to be influenced, and as a major buyer of crude palm oil, it could in turn influence the NGO's primary targets, Indonesian growers. It was targeted because the NGO identified it as a useful and effective intermediate corporate actor that they could use to exert influence on their primary targets.

Structure of dialogue forum

While the structure of the targeted industry affected the ability of NGOs to exert influence in campaigning, the structure of the dialogue forum affected their ability to exert influence in dialogue. The key structural factor was the way in which the industry was represented in the forum, as this determined whether the NGOs could find supportive business actors who would assist them by pressuring the more resistant business actors in the forum. This is illustrated by a comparison between the RSPO and the HSAF.

In the RSPO there were companies from different parts of the palm oil supply chain (growers, traders, manufacturers, retailers) that had different interests and priorities, which meant that NGOs could find allies and supporters from among them. In particular there were manufacturers and retailers who accepted the need for the industry to operate more responsibly and to improve its image, and were willing to work with NGOs to pressure more resistant growers and others that were giving the industry a bad name.

The situation in the HSAF was different. There were only a small number of industry representatives in that forum and they spoke with a more unified voice. The hydropower industry was also made up of companies of different types – project developers, construction companies, equipment suppliers, etc – but their interests and concerns were similar. They were all involved in the same task, which was to construct a dam and to have it generate hydroelectricity. It was therefore possible to have an industry association that to a large degree could represent the views of the entire industry, which is what the International Hydropower Association (IHA) did in the HSAF. There were behind the IHA a number of companies that made up its Reference Group, but they also usually spoke with one voice. For example, during the second consultation over the draft Protocol, the members of the Reference Group carried out several trials of the draft Protocol and were able to present a unified response. Their central message was that ‘the industry welcomes the initiative to establish a sustainability assessment protocol’ but ‘major condensation and simplification is required’ (Haaheim 2009: 1). The IHA reflected the views of its Reference Group in the HSAF. The NGOs in the forum were therefore faced with a unified industry position, represented by the IHA. This meant that the NGOs had to deal primarily with the IHA as the target of their influencing efforts. If the NGOs were not able to persuade the IHA, there was nowhere else for them to go, no ability to use another group of business actors in the forum with different interests to exert pressure on the IHA. The result was that on some issues (for example greenhouse gas emissions, and free prior and informed consent) the NGOs' use of discursive and structural power had less effect in the HSAF than in the RSPO.

In summary, the way in which the industry was represented in the dialogue forum determined whether the NGOs could find supportive business actors who would help them by pressuring other more resistant business actors. It was therefore a factor that affected the ability of NGOs to use their discursive and structural power effectively in the dialogue forums.

The involvement of government

The fifth and last of the factors affecting the ability of NGOs to use their power effectively to exert influence was the involvement of the governments of the countries in which their primary targets operated. In each of the two case studies there was involvement by such governments, although it took different forms in each case.

In the hydropower case study, the involvement of governments was quite direct in that it was the governments of Turkey, Sarawak and Laos that initiated the dam projects (Ilisu, SCORE and Xayaburi dams) and directly supported the dam builders when they were challenged by NGOs. In the cause of promoting economic development, the governments of these countries assisted the dam building companies to resist NGO pressure, and reduced the ability of NGOs to use their power effectively to influence the dam builders. For example, in the Ilisu campaign, it was the Turkish Government that brought in alternative sources of finance to enable the dam to go ahead when European banks and Export Credit Agencies withdrew under pressure from NGOs. This directly and dramatically affected the ability of NGOs to exert influence as it meant that they no longer had any ability to exert material power on the builders of the Ilusu dam.

In the palm oil case, the involvement of the governments of Indonesia and Malaysia was less direct - establishing alternative standards and certification schemes for palm oil growers within their jurisdictions that were less demanding than those of the NGO-influenced RSPO. Although less direct, these did nevertheless affect the ability of NGOs to exert influence on some companies via the RSPO. This was reduced by the fact that the alternative standards established by the Indonesian Government meant that Indonesian growers were less reliant on RSPO certification. It also led to some Indonesian growers leaving the RSPO, which removed them from NGO influence.

A lesson to be drawn from this is that, in the interactions between NGOs and business, governments are likely to be there in the background with their own agendas and interests to protect, such as promoting and safeguarding economic development. When they feel that those agendas and interests are under significant threat they may intervene. This occurred in both of the case studies. In the name of promoting and safeguarding economic development, these governments assisted companies to resist the demands of NGOs for greater social and environmental responsibility, which affected the ability of NGOs to influence their primary targets, the growers of oil palms and the builders of dams.

Chapter 9
Practical Outcomes

Having so far discussed and analysed how the exercise of different forms of power by different actors interacted with one another, and the factors that affected the ability of NGOs to exert power and influence, the chapter now turns to an analysis of what the NGOs were able to achieve, the practical outcomes of these influencing efforts in terms of moving the industries in the direction of increased social and environmental responsibility. These practical outcomes were (i) pressuring companies into taking account of the environmental and social impacts of their operations, (ii) having companies establish codes and policies for themselves and their suppliers, and (iii) having industries establish voluntary standards and certification schemes for the industry as a whole.

The first of these outcomes was pressuring companies into taking account of the environmental and social impacts of their operations, putting these issues on the agenda of business actors in these two industries. By highlighting to an industry's key stakeholders, the negative environmental and social impacts of certain corporate activities, the NGOs created a situation in which companies, financial institutions and the industries as a whole felt the need to pay more attention to the environmental and social impacts of their operations. The NGO challenges to their corporate reputations and/or brand names, and the negative commercial and reputational implications of this, meant that companies and industries were forced to take account of these new and additional issues.

In response to these challenges, many companies and financial institutions put in place social and environmental policies for themselves and those with whom they were associated - their suppliers, or in the case of financial institutions the projects they supported. These policies and standards were aimed at projecting an image to their key stakeholders of being environmentally and socially responsible and taking these issues seriously. But it also meant that the NGOs had altered the rhetoric of these companies and institutions and caused them to publicly commit to certain environmental and social policies and standards that they had established for themselves, and to which the NGOs could then hold them accountable.

While these achievements were significant, they basically amounted to rhetorical commitments only by companies and financial institutions. The question remains of how effective these were in terms of reducing the negative environmental and social impacts of corporate operations at the plantation or dam-site level. Referring to the NGO campaigns to influence the palm oil industry, Dauvergne reminds us of 'the importance when evaluating activist campaigns of distinguishing between the influence on corporate policies and markets, and the effectiveness for environmental outcomes', pointing out that the enduring high rates of tropical deforestation raises serious questions about the effectiveness of such campaigns (Dauvergne 2017: 135, 137).

Whether these policies and standards established by individual companies and financial institutions were more than rhetoric, whether they were in fact seriously implemented, is not clear and would have varied from company to company and institution to institution. However, there were in the case studies several instances in which such actors seriously implementing the environmental and social policies that they had established for themselves. In the palm oil case, there were instances of merchandising companies (Unilever and Nestle) withdrawing orders from suppliers that did not meet the standards required by their company's policies. One effect of this was that some suppliers that produced or traded crude palm oil also adopted such policies (for example Wilmar's policy of 'No Deforestation, No Peat Land, No Exploitation'). The extent to which these policies were implemented at the plantation level is not known, but to the extent that they were, they would have produced significant positive outcomes. In both case studies there were also instances of financial institutions implementing the social and environmental guidelines they had established for the projects they would support. Examples include the Netherlands banks that in 2001 restricting their financing of any oil palm development that destroyed tropical rainforest, and the European Export Credit Agencies in the Ilisu case, whose withdrawal brought the dam project to a halt, at least temporarily. These were instances in which pressure from NGOs resulted in companies and financial institutions establishing policies that were implemented, with potentially significant positive outcomes at the plantation or dam-site level.

Limitations and uses of voluntary industry standards

As well as policies established by individual companies and institutions, the NGOs also succeeded in pressuring or persuading both industries to establish voluntary standards for the industry as a whole. These were the RSPO's Principles and Criteria for the Production of Sustainable Palm Oil, and the IHA's Hydropower Sustainability Assessment Protocol. In the case of the palm oil industry, a RSPO certification scheme was also established that involved minimum standards that companies had to meet if they were to be certified as operating sustainably. The IHA's Protocol established by the HSAF was an assessment tool only and did not set minimum standards. However, some years after the development of the Protocol by the HSAF, the hydropower industry in 2021 also established a certification scheme for sustainable hydropower projects that set minimum standards (IHA 2021a).

These voluntary industry standards that were negotiated in the RSPO and HSAF certainly had their limitations. They were, on many issues, not as strong as the NGOs thought necessary in order to properly protect the environment or the rights of vulnerable people, and they were voluntary and therefore not enforceable. The effectiveness of voluntary standards depends on how well compliance is monitored and what processes are put in place to persuade non-compliant companies to change their ways. On both of these counts, the standards and certification schemes established by the RSPO and HSAF were not strong. In the RSPO, the NGOs were critical of the way in which compliance was audited. This was highlighted at the 2018 General Assembly by an NGO who reminded members that an RSPO internal review had shown that many audits were not identifying non-compliance by companies. This, the NGO said, was because of 'the inherent conflict of interest that results from the certification bodies / auditors being chosen and paid for directly by the companies that they assess' (RSPO 2018b: 1). Some independent monitoring was done by NGOs, for example Forest Peoples Programme's 2013 report on the adherence with respect to FPIC of plantation companies that were members of the RSPO (Colchester and Chao 2013). But NGOs had limited human and material resources, and by themselves were not in a position to effectively monitor the compliance of a whole industry to its own standards. Penalties for non-compliant companies were also very limited. When palm oil companies that had been certified as operating sustainably were found to be not in compliance with the standards required, they were subjected to some shaming and social pressure, but that was all. There were no mechanisms in place to impose fines or other significant penalties on non-compliant companies.

This raises the question of the effectiveness of these voluntary standards, and the motivation of trans-national business for introducing them. Could the introduction of standards that do not demand much of companies be a strategy to preclude more restrictive regulation by state authorities? Some authors believe so. Moog, Spicer et al say that multistakeholder initiatives 'are seen by many critics as effectively limiting the political process and marginalizing the state as a potential enforcement mechanism'. As a result, they say, involvement in multi-stakeholder initiatives is problematic for NGOs 'because supporting non-government regulatory efforts can ultimately undermine prospects for state-led and interstate solutions to environmental and social problems' which they regard as necessary (Moog, Spicer et al. 2015: 473, 486). Abbott and Snidal believe that many company and industry codes have been adopted to pre-empt mandatory regulation by state authority (Abbott and Snidal 2009: 88).

Some authors have taken this further and argued that involving NGOs in the development of inadequate standards was a strategy to neutralise the NGOs and their damaging criticisms, that the promotion of dialogue between NGOs and business was a strategy of containment by business (Burchell and Cook 2013, Moog, Spicer et al. 2015, Bartley 2022, Taggart and Abrahams 2024). For example, in their analysis of the experiences of UK-based NGOs who have engaged in dialogue with companies, Burchell and Cook found that:

> NGOs gave experiences of some businesses using dialogue to quell criticism, failing to implement any substantive changes, thus coopting NGOs through appropriation. …. In this way, companies were seen to be utilising this new relationship as a way of silencing protest (Burchell and Cook 2013: 513).

Some radical NGOs have made the claim that the promotion of multi-stakeholder initiatives is a conscious strategy by corporations to increase their power in world affairs. Calling themselves the 'People's Working Group on Multi-stakeholderism', this group of NGOs say that corporations are promoting such initiatives so as to move the locus of key policy decision making away from the multilateral system (such as UN agencies) and towards multi-stakeholder mechanisms in which the private sector rules (Brennan, Berron et al. 2021).

In response to this, I would argue that, while pre-empting stricter regulation or neutralising NGOs' campaigning may have been among the motivations for companies to establish multi-stakeholder initiatives such as the RSPO and HSAF, these descriptions of them as ploys by business do not take account of the agency of NGOs. They assume a passive role for NGOs in processes in which corporate power dominates. I would argue that in the RSPO and HSAF this was not the case, that NGOs actively exerted discursive and structural power and countered corporate power. The result was that corporations did not always get what they wanted, and NGO influence on the process and the outcomes was evident. The standards that resulted were not ones that business would have instituted if they were in control of the process. They had to include issues that were not in their interests (such as obtaining the free, prior and informed consent of affected communities) because of the power and influence of the NGOs. A representative from a hydropower company who was interviewed made the point that NGOs introduced new perspectives and issues into the HSAF's standard setting process that industry people were not otherwise familiar with, including free, prior and informed consent and the rights of indigenous people (Interview HP-1). An NGO representative made a similar point that one of the RSPO's greatest achievements was in obtaining agreement on standards for the industry on the principle of free, prior and informed consent, and on the HCV (High Conservation Value) framework (Interview PO-23). The result was that the standards that resulted were stronger than the industry wanted. While the NGOs were not able to push the industries as far as they thought was needed, they did manage to pressure companies and industries into public commitments to issues and principles that they would not have otherwise made.

Those commitments created their own pressures for adherence. A public commitment by a company or an industry group to certain standards, including voluntary ones, creates internal pressures to conform to those standards. A disparity between what a company says and what it does, between its rhetoric and its performance, can create reputational risks. Non-adherence to standards that a business actor has publicly committed itself to leaves it open to accusations of hypocrisy, of saying one thing and doing another. Such an accusation is not good for corporate reputations or brand image and not good for business. Being seen as hypocritical or untrustworthy can have serious negative commercial consequences for a company and its reputation with customers and those with whom it has business dealings. If it is not able to back away from its rhetorical commitments, these tensions and risks will tend to drive a company towards bringing its performance more in line with those rhetorical commitments, towards increasing its adherence to the standards to which it has publicly committed itself (Haack, Schoeneborn et al. 2012: 7, Levy, Reinecke et al. 2016: 393). A rhetorical commitment to certain standards can lead a company to move in the direction of increased adherence, simply in order to reduce these tensions and risks. This phenomenon has been referred to as ‘rhetorical entrapment’ (Deitelhoff and Müller 2005: 174) or as corporate social responsibility being ‘talked into existence’ (Levy, Reinecke et al. 2016: 393). Companies can be trapped by their own rhetoric and public commitments into moving towards greater adherence to those commitments, even without any direct pressure from NGOs.

In summary I would argue that, while voluntary industry standards have their limitations, they are nevertheless useful. When governments are not willing or able to effectively regulate corporations operating within their jurisdictions, voluntary standards are a useful alternative, and a much better option than relying on national governments. Working to establish strong voluntary standards for these industries was a worthwhile thing for NGOs to do. They took companies further than they would otherwise go in terms of the social and environmental standards, to which companies publicly committed themselves and to which they could be held accountable. The NGO Oxfam expressed this succinctly when it said that it involved itself in multi-stakeholder initiatives such as the RSPO to establish voluntary standards ‘as a temporary second-best alternative for failing mandatory regulatory frameworks at national and international level’ (Hospes and Kohne 2009: 24)..

The role of governments in trans-national regulation

Where does this leave regulation by governments? What role does it, or should it, play in the governance of transnational business? There are differing views on this and, what Ruggie describes as a ‘long-standing and unresolved debate between voluntary corporate social responsibility and initiatives to impose binding legal obligations on multinational enterprises’ (Ruggie 2018: 317). As indicated above, there are authors who see the promotion of multi-stakeholder initiatives such as the RSPO and HSAF as a strategy by corporations to pre-empt state regulation, which by implication they regard as more effective and necessary. There are authors who argue that effective regulation of transnational business must involve the state in some way, that private initiatives alone are not enough and their promotion can undermine the positive and necessary role of the state (O'Rourke 2005, Moog, Spicer et al. 2015, Davies 2019, Hale 2020, Bartley 2022). On the other hand, the case studies have shown that there are governments that are not willing or able to effectively regulate corporations within their jurisdictions, and I have argued that in that situation voluntary standards are a better alternative.

What also needs to be taken into account in this debate is the fact that the role of national governments has evolving from that of centralized mandatory regulator to a more subtle role of catalyst, coordinator and supporter of diverse regulatory activities that are aimed at maximising the benefits of international trade and investment (Abbott and Snidal 2009, Hale 2020, De Marchi and Alford 2022, Alford, De Marchi et al. 2023). De Marchi and Alford argue that the role of governments in transnational supply chains (referred to as global value chains or GVCs) is to maximise the economic, social and environmental benefits that can accrue from involvement in them.

> Based on our analysis, it is clear that states have a central role to play in mediating GVCs and capturing the social, economic, and environmental gains from domestic firm and industry engagement (De Marchi and Alford 2022: 106).

In a later paper Alford, De Marchi and Krishnan (2023: 43) argue that private governance alone is not enough to achieve sustainable social and environmental upgrading outcomes. 'We assert that synergistic governance is required, where private governance aligns with public and social governance'. This aligns with what Davies (2019: 70) has said about NGOs providing 'transnational order in parallel with the international order provided by the society of states'.

In response to this, I would argue that a reliance on governments to provide solutions to environmental and social problems, with or without synergised private governance, is too general and unnuanced a position to take. There may be some governments that do that effectively. But a more nuanced position is needed which recognises that different governments will give different priorities to the objectives of environmental and social upgrading versus that of economic upgrading. When there are tensions and trade-offs between these different objectives, some governments, especially those of poorer countries, will give priority to economic upgrading to the detriment of environmental and social upgrading. This was a clear lesson from the case studies. There were governments for whom capturing the economic benefits from participating in global value chains was more important than environmental or social upgrading. The governments of the countries in which the palm oil was produced were motivated by the need to maximise economic benefits, and this conflicted with the need to minimise or eliminate environmental and social impacts. They were not willing to effectively regulate companies and industries to minimise their environmental and social impacts when those companies and industries were regarded as important for economic development. In fact, rather than regulating companies within their jurisdiction to ensure they met environmental and social standards, they assisted them to resist such standards that were being promoted by NGOs.

Summary

In summary, I have argued that NGOs in their efforts to influence these two transnational industries and move them in the direction of increased social and environmental responsibility, have achieved some significant practical outcomes. They have pressured companies into taking account of the environmental and social impacts of their operations, establishing codes and policies for themselves and their suppliers, and establishing voluntary standards and certification schemes for the industry as a whole.

While these achievements were significant, they amounted to rhetorical commitments by companies and the establishing of industry standards that were voluntary. The rhetorical commitments and voluntary standards certainly had their limitations, but they were not without their usefulness. Working to establish strong voluntary standards for these industries was a worthwhile thing for NGOs to do as it took companies further than they would otherwise go in terms of the social and environmental standards, to which they publicly committed themselves. Those commitments created their own pressures for adherence and companies could be held accountable to them.

I have also argued that, when governments are not willing or able to effectively regulate corporations operating within their jurisdictions, voluntary standards are a useful alternative. There may be some governments that regulate business effectively, but not all national governments can be relied on to do this. The case studies have shown that there are some that focus on the economic benefits that trans-national business and investment can bring and downplay their negative environmental and social impacts. In that situation, the promotion of voluntary standards can be a more effective alternative.

Chapter 10
Conclusions

The research question that this thesis seeks to answer is: how is it that NGOs that are apparently so much less powerful politically, economically and materially than transnational companies and industries have been able to exert sufficient influence on them to cause them to change in the direction of increased environmental and social responsibility? This is an important question as NGOs continue to play an important role in the global governance of transnational corporations and industries. The answer to this question provides an understanding of how they are able to play that role, what the source of their power is and how they use it, what they are and are not able to achieve as influencers of transnational business.

A review of the literature on NGOs' influence on business provided two useful insights that acted as a starting point to answering the research question. The first was that NGOs use the widely-held expectation of business that it should operate in a socially and environmentally responsible way and hold companies accountable to it. In other words, the fundamental source of NGO power is this widely-held expectation of business by its key stakeholders. This amounts to the use of discursive power by NGOs. The second insight was that NGOs sometimes use 'stakeholder allies' such as consumers and financial institutions who can exert financial pressure on companies by threatening to withdraw their custom or financial support from companies that act irresponsibly. This amounts to the use of financial or material power by these third parties, and raises the question of the extent to which NGOs use, or rely on, material forms of power. This literature also highlights the fact that NGOs can operate in two different modes vis-à-vis business, confrontational campaigning mode and more collaborative dialogue mode.

This review of the literature on NGOs' influence on business however left several questions unanswered, effectively sub-questions to the main research question. (1) What are the mechanisms and processes by which NGOs translate the normative principle of responsible corporate behaviour into power and influence on business entities that are driven primarily by commercial considerations and profit maximising? (2) How do NGOs exert power and influence on business actors when in dialogue with them? (3) What role does material power play in NGOs' ability to influence business, in campaigning and in dialogue? In the sections that follow in this chapter, each of these research sub-questions is answered in detail.

In doing so, significant contributions are made to the literature on NGO influence on business. The main contribution of this thesis is that it provides a clear and detailed analysis of how power and influence are transmitted from NGOs to their primary business targets, in both campaigning and in dialogue, and the power dynamics involved. In doing so it has identified the different types of actors involved in this process – concerned individuals and intermediate corporate actors – that are different in nature and play different roles in the transmission of power and influence.

This analysis of the power dynamics involved has revealed that discursive power can be used by NGOs in three different ways with very different effects on different audiences. The NGOs used their discursive power in campaigning to challenge companies and to activate concerned individuals, and in dialogue to persuade business actors. It has also revealed that material power played an important role in the NGOs' ability to influence business. Through the exercise of discursive power, NGOs were able to harness and generate material forms of power (instrumental and structural) that were directed at their primary targets, in both campaigning and in dialogue. This material power supplemented their discursive power, and may have been essential if their primary targets were to be influenced.

How power and influence was transmitted from NGOs to their primary targets in campaigning

The first research sub-question asked how NGOs were able to translate the normative principle of responsible corporate behaviour into power and influence on business entities driven primarily by commercial considerations. This study found that in campaigning they did this via a chain of influence that involved a number of different types of actors. In order to reach and influence their primary corporate targets (palm oil growers and dam builders), the NGOs needed to use a particular type of third party. As the source of their power was the widely-held expectation of responsible corporate behaviour, their ability to exert influence on companies was based on highlighting violations of this expectation to a company's customers and investors and the general public. However, in the two case studies, the NGOs' primary targets were not particularly susceptible to this. They were not public-facing companies, not susceptible to consumer concerns, and operated in countries in which the government supported them to resist NGO pressure. To overcome this, NGOs used key stakeholders of these primary targets (buyers of their product, financial supporters) who could be induced to exert financial or material pressure on them that the NGOs were not able to exert. The NGOs needed to find corporate or institutional actors that were sensitive to the expectation of responsible corporate behaviour and that could in turn exert effective pressure on the NGOs' primary targets. The result was a chain of influence through which power was transmitted from the NGOs via these influential stakeholders to their otherwise unreachable primary targets. In the process, NGOs' discursive power was translated into material power. These chains of influence are illustrated by Figure 4-1 and Figures 6-1 to 6-4.

Within these chains of influence there were, apart from the NGOs and their primary targets, two other types of actors involved that I have referred to as 'concerned individuals' and 'intermediate corporate actors' (ICAs). It was useful to distinguish between these two and not conflate them as they were different in nature and played different roles in the chain of influence. The first were individuals (such as consumers) while the second were corporate identities (such as merchandizing companies). Concerned individuals were the conduit through which discursive power was translated into material power in the influence chain. The NGOs' discursive power that activated them resulted in material power being exerted on the ICAs. The ICAs then transmitted that material power to the NGOs' primary targets (although not always effectively). When ICAs were able to transmit material power effectively to the NGOs' primary targets, it was because they were key stakeholders of those primary targets and able to withhold a vital resource that the latter needed (orders, income, financial support).

Of crucial importance in this process was the ability of discursive power to activate concerned individuals to take some action in support of the NGOs objectives. While NGOs in campaigning were confined to using discursive power, the use of this discursive power to activate concerned individuals initiated a process that resulted in material power being exerted on their primary targets.

While NGOs were also able to exert discursive power directly on their primary targets by highlighting their irresponsible practices at a plantation or dam site level, the most significant power exerted on them was the material power exerted by ICAs (their buyers or financial supporters). These ICAs played a critical role in the chains of influence. There was some evidence from the dam campaigns that the material power exerted by ICAs may have been essential if the NGOs' primary targets were to be influenced. When effective ICAs could not be found, as in some dam campaigns, the transmission of power was interrupted and the influence of NGOs on the dam builders was minimal. Finding effective ICAs may have been essential if NGOs were to influence their primary targets.

But finding effective ICAs was not always easy. Their availability was affected by the structure of the industry involved. The most useful industry structures in this regard were those in which there was a commodity supply chain containing image-sensitive brand-name companies who could be readily influenced by concerned individuals (their potential or actual customers or investors). Also useful were industries that had supply chains that were buyer-dominated (as in palm oil case study) as this meant that the NGOs' primary targets (growers of oil palms) were dependent on selling to a small number of buyers who then had the commercial advantage and could act as effective ICAs and exert commercial pressure and material power on the NGOs' primary targets (growers). However, the hydropower case study, and in particular the Ilusu Dam campaign, shows that effective ICAs can be found even when there is no supply chain, in that case in the form of financial institutions, Export Credit Agencies. The relationship between industry structure and the NGOs' ability to find effective ICAs and to exert influence on their primary targets is something that could usefully be investigated further.

How NGOs exerted power and influence when in dialogue with business actors

The second research sub-question asked how NGOs exert power and influence on business actors when in dialogue with them. Applying the same analytical framework and identifying the different types of actors involved, it was noted that there were no concerned individuals involved in the dialogue forums. In the RSPO there were NGOs, intermediate corporate actors (ICAs) in the form of image-sensitive merchandising companies, and the NGOs' primary targets, the growers of oil palms. In the HSAF there were no concerned individuals and no ICAs, only NGOs and their primary target, the International Hydropower Association representing dam building companies.

The structure of the dialogue forum, in particular the presence or otherwise of different types of actors, affected the NGOs ability to exert influence. The fact that there were no ICAs in the HSAF meant that it was more difficult for NGOs to exert influence in that forum. The presence in the RSPO of a variety of business actors with different interests and priorities meant that in that forum the NGOs could find allies from among them who acted as ICAs and forced more resistant companies to accept standards that they did not want by joining with the NGOs to out-vote them in the RSPO's General Assembly. The lack of such actors in the HSAF made influencing more difficult.

There are similarities here with the situation in campaigning. In both campaigning and dialogue, the presence of a variety of different companies with different interests and priorities (in a supply chain, or in a dialogue forum) was an advantage for NGOs as it made it more likely that they could find companies that would assist them in exerting influence on their more resistant primary targets. In campaigning this variety provided the NGOs with the opportunity to find effective intermediate actors, and in dialogue it meant they could find allies from among the business actors in the forum.

In both dialogue forums the NGOs used discursive power based on the norm of responsible corporate behaviour, but this time they used it to persuade, rather than to sanction or to activate as in campaigning. They used discursive power to persuade business actors that certain standards were needed if companies were to be regarded as operating in a responsible manner. However, the business actors in these dialogue forums were also able to use their own discursive power to challenge the NGOs and contest what responsible business conduct meant in practice. The result was discursive contests between NGOs and business actors in these forums. The NGOs however possessed certain capacities that assisted them in these contests, in particular their specialist expertise on issues relevant to the setting of standards.

The NGOs were also able to use material power in the dialogue forums in the form of the structural power that they had acquired as a result of the business actors needing their credibility for the industry standards being developed. The fact that the NGOs could in theory walk away from the standard-setting forums gave them a strong bargaining position and therefore structural power. This enabled the NGOs to have issues introduced into the standard-setting process that business actors in the forums were not keen on but had to take seriously and consider. The NGOs' credibility that gave them this structural power arose from the fact that, because of their campaigning, they were regarded by many as the champions of responsible corporate behaviour. This was reinforced by the fact they had no financial interests in the industries they were criticising. It was their non-profit status and their campaigning for responsible corporate behaviour that gave them credibility and therefore the ability to exert structural power in the dialogue forums. Unlike in campaigning, NGOs were able to exert this material form of power directly themselves in the dialogue forums without having to rely on any third party.

The two forms of power used by NGOs in the dialogue forums, discursive and structural, were quite different in their effects. The successful use of discursive power to persuade resulted in a business actor willingly changing its position because it had been convinced that doing so was a good idea. The use of structural power involved an actor keeping to its position but reluctantly agreeing to something that it was not particularly happy with because the negotiation process had forced it to accept a compromise. The use of discursive power to persuade led towards consensus through changed beliefs or interests, whereas the use of structural power to bargain led to compromises based on the fixed interests of actors.

In the HSAF there was no chain of influence involved through which power was transmitted. The NGOs interacted directly with their primary target with no intermediate actors involved. In the RSPO there was a short chain of influence. NGOs persuaded or influenced ICAs in the form of supportive companies (mainly image-sensitive merchandising companies) who then exerted instrumental power on resistant growers by voting with the NGOs in the RSPO General Assembly, thus compelling the growers to accept standards they did not want.

Comparing the transmission of power in campaigning and in dialogue it should be noted that in dialogue there was no process of NGOs' discursive power being translated into material power. In campaigning the NGOs were reliant on their discursive power being translated by concerned individuals into material power that was exerted via ICAs on their primary targets. In dialogue no such translation was necessary as the NGOs were able to exert material power directly on their primary targets. In the RSPO this was supplemented by the material power exerted by ICAs (supportive merchandising companies). The NGOs primary targets in the RSPO, the more resistant growers, were subjected to material power from both the NGOs and from companies that supported the NGOs.

This study has identified the different types of power used by the different actors in the dialogue forums. In both the RSPO and HSAF the NGOs used discursive as well as structural power. The ICAs in the RSPO (supportive merchandising companies) exerted instrumental power on the more resistant growers. In both the RSPO and the HSAF, the NGOs' primary targets (resistant growers and the International Hydropower Association) exerted discursive power to contest with the NGOs and challenge their interpretations.

The role played by material power, in campaigning and in dialogue

The third research sub-questions asked what role material power played in NGOs' ability to influence business, in campaigning and in dialogue. In campaigning, the ability of NGOs to harness the material power of other actors and have it directed at their primary targets was important, and may have been essential. While the NGOs were able to exert discursive power directly on their primary targets by highlighting irresponsible behaviour at a plantation or dam site level, it was the material power of other intermediate corporate actors that was of key importance. As mentioned previously there was evidence from the dam campaigns that it may have been essential. In those dam campaigns where the NGOs were not able to harness material power because the intermediate corporate actors that they used were ineffective, their influence on the dam builders was minimal. The number of campaigns in which this occurred was too small for definite conclusions to be drawn, but the case studies do suggest that in campaigning, the harnessing of the material power of other actors was essential if the NGOs' primary targets were to be influenced.

In the dialogue forums the NGOs were able to exert material (structural) power themselves without having to rely on other actors - although in the RSPO this was supplemented by the material power exerted by ICAs (supportive companies) on resistant growers. It was difficult to say whether in these dialogue forums discursive power was enough by itself without the exercise of material power because it was never exercised by itself. Both types of power were always exercised together by the NGOs and it was difficult to separate the effects of each. However, as mentioned in Chapter 8 there were negotiations in which it seems likely that the use of discursive power alone would not have enabled the NGOs to prevail, because of the strong resistance of the business actors to the NGOs' proposals. To overcome such resistance, the NGOs needed to use their bargaining position and structural power. The evidence is once again not enough for definite conclusions to be drawn, but the case studies do suggest that in dialogue as well as in campaigning, the use of discursive power alone by NGOs was not enough and material power was necessary if they were to be able to influence their resistant primary targets.

What can be said however about the role of material power in NGOs' ability to influence is that its use depended on the prior exertion of discursive power by NGOs. The exercise of discursive power by NGOs in campaigning was a necessary pre-condition for material power to be harnessed and exerted on the NGOs' primary targets. The use of discursive power by campaigning NGOs to activate concerned individuals initiated a process that led to the exercise of material power on those primary targets. Without the exercise of discursive power by NGOs this material power would not have been harnessed. In the dialogue forums, the ability of NGOs to use structural power would not have occurred without the prior exercise of discursive power in campaigning, which together with the other forms of power that it generated, led to business actors needing to establish industry standards and to involve NGOs in the process. Without the exercise of discursive power by NGOs no material power would have been harnessed or generated.

Theoretical significance of the findings

The contribution of this thesis to the literature on NGOs' influence on business is that it has provided a clear and detailed analysis of how power and influence is transmitted from NGOs to their business targets and the power dynamics involved. In doing so it has identified a typology of different types of actors involved in this process that played different roles in the transmission of power and influence – concerned individuals, intermediate corporate actors and the NGOs primary targets. Concerned individuals played the important role in campaigning of translating the NGOs' discursive power into material power, while intermediate corporate actors' role was to transmit that material power to the NGO's primary targets. In dialogue the intermediate corporate actors applied material power to the primary targets that supplemented the material power of the NGOs. Recognising the distinction between these different types of actors and the different roles they played clarifies the way in which influence and power was transmitted (or failed to be transmitted) from NGOs to their primary targets.

This analysis has confirmed two key insights from the literature on NGOs' influence on business. The first was an insight from stakeholder theorists, that NGOs used 'stakeholder allies' to increase their salience with companies – in these cases consumers, financial institutions, corporate customers, and in dialogue forums, supportive companies. These were all actors who could generate financial or material pressure on companies that the NGOs were unable to. The second insight that this analysis has confirmed is that NGOs use the widely-held expectation of business that it should operate in a socially and environmentally responsible way, and that they hold companies accountable to it. This normative expectation was the fundamental source of NGOs' ability to influence business.

Because their ability to exert influence was based on this normative expectation, the type of power they used was primarily discursive in nature. This thesis has identified the fact that this discursive power can be used in three different ways with very different effects on different audiences. NGOs used their discursive power in campaigning to challenge companies and to activate concerned individuals, and in dialogue to persuade business actors. These three ways corresponded to the three mechanisms by which a norm can exert influence, identified by constructivist authors who have written on socialization, and social psychologists who have written on 'norm activation'. These three mechanisms were: the sanctioning of those regarded as violating the norm, the activating of those who valued it as a personal norm, and the persuading of those who wanted to be seen as adhering to it of what they needed to do. The fact that their discursive power was based on a norm was however a limitation to the NGOs ability to influence because, as pointed out by the agentic constructivists, its meaning and implications in practice could be contested by differently socialised business actors.

While the NGOs relied primarily on the exercise of discursive power, they were able to harness and generate material forms of power (instrumental and structural) to influence their primary targets. By using their discursive power to activate concerned individuals in campaigning they were able to initiate a process by which material power was directed at their primary targets. This in turn created a situation in which NGOs were able to exert material power directly on business actors in the dialogue forums. This material power supplemented their discursive power, and may have been essential if their primary targets were to be influenced.

This thesis has also identified the fact that the ability of NGOs to exert influence on business actors was affected by the structure of the industry, or the dialogue forum, in which they were trying to exert influence. In particular it was affected by the availability or otherwise of a variety of companies with different interests and priorities. In campaigning this made it easier for them to find effective intermediate corporate actors that could exert power on their primary targets, and in dialogue it enabled them to find companies that would support them. This has implications for the applicability of the findings of this thesis to other industries, and indicates that further research is needed to establish whether the findings are applicable to NGOs influencing other industries and dialogue forums with different structures.

This thesis has also clarified the way in which the different skills and capacities that NGOs possessed assisted their ability to exercise discursive or material power effectively. It has also provided alternative perspectives on some issues that are raised in the existing literature on the role of NGOs in influencing business. One of these is the factors that affect the NGOs' choice of corporate targets. The literature identifies several factors that may determine this choice, but this thesis adds another. A company (such as Unilever or Nestle) may be chosen as a target simply because it makes a useful intermediate corporate actor, that is, it can be readily influenced by concerned individuals, and can in turn influence the NGOs' primary targets. There are also authors who analyse the factors that affect the approach that an NGO takes to business, confrontational or cooperative. This thesis adds another, the particular skills and capacities that the NGO possesses, which may be a factor determining this choice.

Practical significance of the findings

As well as the theoretical contributions and implications of the findings, there are also several practical implications. NGOs play a significant role in the informal regulation of transnational companies and industries, and this thesis has provided an increased understanding of how they are able to play that role, and what they are and are not able to achieve as influencers of transnational business. It has also added to the debate on the usefulness or otherwise of voluntary standards.

First, it has highlighted the central importance for NGO of promoting the norm of responsible corporate behaviour, the principle that companies should not damage or destroy the natural environment nor exploit or impoverish vulnerable people. The fact that this principle or expectation was a widely-held one among the key stakeholders (customers and investors) of the targeted companies and industries was the basis of the NGOs' ability to exert influence on them, the underlying source of the NGOs' power. Of key importance for NGOs was their role as the promoters and champions of this normative principle, as it underpinned their strategic use of it to influence business.

Second, this thesis has highlighted what the NGOs were and were not able to achieve in terms of the informal private governance of transnational business. What they were able to achieve was to put environmental and social issues on the agenda of companies and industries, to have companies establish policies and codes of practice for themselves and their suppliers, and to have industries establish environmental and social standards. This meant that companies and industries were making public commitments to certain social and environmental standards via these policy statements, codes of practice and industry standards. While these commitments were basically rhetorical, the commitments themselves were useful and significant. Any difference between a company's rhetorical commitments and its actual performance can create internal tensions for the company and a risk of exposure to the accusation of hypocrisy, which would be damaging for its reputation with its key stakeholders. Thus, the public commitments created pressure for increased conformity.

By arguing for the usefulness of public commitments by companies and industries, this thesis has contributed to the debate on the effectiveness of voluntary standards versus government regulation as means of regulating transnational business. While acknowledging the limitations of voluntary standards, it has argued that they are nevertheless useful. A public commitment to such standards can create pressure for companies to move in the direction of increased adherence in order to reduce tensions and risks. Also, in many situations they are a better option than relying on government regulation. When governments are not willing or able to effectively regulate corporations operating within their jurisdictions, as happened in the two case studies, voluntary standards are a useful alternative.

Taking the findings of this thesis forward

While the findings of this thesis are useful in themselves, there are several areas in which they could be taken forward to strengthen them or to provide further insights.

First, the findings were based on two case studies only, and while they were strengthened by the fact that most of the findings from the first case study were replicated in the second, they would be considerably strengthened if it could be shown that they also applied to other transnational industries. The findings that were replicated were: (i) discursive power was used by NGOs in the same three ways in both cases; (ii) in campaigning, NGOs' power was transmitted from NGOs to their primary targets and translated into material power in the same way; (iii) the dialogue forums, the NGOs exerted the same types of power in the same ways; (iv) material power played the same role in both cases; (v) the same factors assisted or limited the NGOs ability to exert influence effectively. It would be useful to determine whether these findings were applicable to NGOs efforts to influence other transnational industries through campaigning, in particular other industries that did not have a commodity supply chain. A variety of industries with different structures could be investigated – those that had a commodity supply chain and those that did not; those in which the supply chain was buyer-dominated (as in the palm oil industry) and those in which it was producer dominates (as in the mining industry). There are of course already a large number of studies that look at various aspects of NGO campaigns to influence other industries. But what is required here is studies that ask the same questions that this thesis asks. How were NGOs able to translate the norm of responsible corporate behaviour into power and influence on business entities in this industry – and what role does material power play in NGOs' ability to influence business actors in this industry? These additional case studies of NGOs campaigning to influence other transnational industries would also help answer the question of how essential the exercise of material power was to the ability of NGOs to influence their primary targets.

Second, it would also be useful to investigate the way in which NGOs exerted power in other dialogue forums established by other industries, particularly those with structures different from that of the RSPO and HSAF, for example those that had government representatives as well as business actors and NGOs. There are once again already many existing studies of NGOs' role in multi-stakeholder forums, such as the Forest Stewardship Council, the Marine Stewardship Council and the Roundtable on Sustainable Soy. But again what is required is studies that ask the same questions that this thesis has asked, about how NGOs exert power and influence on business actors when in dialogue with them.

A third way in which the findings of this thesis could be usefully extended is by investigating the effectiveness of voluntary standards such as those developed by the RSPO and HSAF in ameliorating the negative effects of corporate operations at a field level (for example at a plantation or dam site). A limitation of this thesis is that it has mainly focused on the processes by which NGOs brought about changes in the public commitments and rhetoric of companies rather than on whether these commitments were implemented in a meaningful way. It would be particularly useful to the debate about voluntary standards versus government regulation to investigate the extent to which these public commitments by companies resulted in positive changes and the lessening of negative environmental and social impacts.

A fourth way in which the findings of this thesis could be usefully extended is by investigating the internal power dynamics and processes that occur within companies that affect decision-making about social and environmental responsibility. This is once again an issue that this thesis did not pursue. Such an analysis would increase our understanding of how the actions of NGOs have the effects they do on companies. It would need to include companies with a variety of internal structures, including different relationships between branches and headquarters, and would investigate amongst other things the ways in which staff members or departments that were concerned about environmental and social impacts interacted with those with different priorities.

This thesis has provided some answers to the question of how NGOs are able to exert influence through campaigning and dialogue on transnational industries that are apparently so much more powerful than them. By providing an analytical framework based on how power is transmitted between NGOs and business actors, it has provided a clearer idea of how NGOs are able to exert influence on transnational business and what they can and cannot achieve in terms of informal private regulation.

Despite their limited material resources, NGOs will continue to play an important role in the informal regulation of transnational business, and this thesis has begun a process of understanding the power dynamics that enables them to do this. There are still questions to be answered and more research that is required. But this study has taken an important step towards understanding the influence that these important international actors are able to exert.

Appendix A
List of interviews conducted for case studies

Case study of NGO influence on the palm oil industry

Interview Number	General category or description of interviewee	Where interviewed
PO-1	Representative of a retailing company involved in the palm oil industry.	London, UK
PO-2	Representative of a retailing company involved in the palm oil industry, and Board member of the RSPO.	Rotterdam, Netherlands
PO-3	Representative of a plantation company involved in the RSPO	Singapore
PO-4	Representative of a plantation company involved in the RSPO	Singapore
PO-5	Representative of a plantation company involved in the RSPO	Jakarta, Indonesia
PO-6	Representative of a plantation company and plantation industry body involved in the RSPO	Jakarta, Indonesia
PO-7	Former senior staff member of the RSPO Secretariat in Kuala Lumpur.	By phone
PO-8	Senior staff member of the RSPO Secretariat in Kuala Lumpur.	By phone
PO-9	Senior staff member of the RSPO Secretariat in Kuala Lumpur.	By Zoom
PO-10	Senior staff member of the RSPO Secretariat, Kuala Lumpur.	By Zoom
PO-11	Senior staff member of the RSPO Secretariat, based in Jakarta.	Jakarta, Indonesia
PO-12	Official of an Indonesian government agency involved with the oil palm industry.	Jakarta, Indonesia

PO-13	CEO of a Malaysian palm oil industry body.	Kuala Lumpur Malaysia
PO-14	Consultant with an interest in the palm oil industry and the RSPO.	By phone
PO-15	Consultant with an interest in the palm oil industry and the RSPO.	Jakarta, Indonesia
PO-16	Consultant with a long involvement in the palm oil industry and the RSPO.	RSPO meeting in Medan, Indonesia
PO-17	Staff member of an NGO involved in advocacy on the palm oil industry, and member of the RSPO Board.	Utrecht and The Hague, Netherlands
PO-18	Director of an NGO involved in advocacy on the palm oil industry.	Oxford, UK
PO-19	Staff member of an NGO involved in advocacy on the palm oil industry, and member of the RSPO Board.	Oxford, UK
PO-20	Staff member of an NGO involved in advocacy on the palm oil industry.	Melbourne, Australia
PO-21	Staff member of an NGO involved in advocacy on the palm oil industry.	Melbourne, Australia
PO-22	Staff member of an international NGO involved in advocacy on the palm oil industry, based in Jakarta, Indonesia.	Jakarta, Indonesia
PO-23	Staff member of an NGO involved in advocacy on the palm oil industry, and member of the RSPO Board.	By phone
PO-24	Staff member of an NGO involved in advocacy on the palm oil industry.	London, UK
PO-25	Staff member of an NGO involved in advocacy on the palm oil industry.	London, UK
PO-26	Staff member of an international NGO involved in advocacy on the palm oil industry, based in Jakarta, Indonesia.	Jakarta, Indonesia

PO-27	Staff member of an international NGO involved in advocacy on the palm oil industry, based in Jakarta, Indonesia.	Jakarta, Indonesia
PO-28	Staff member of an international NGO involved in advocacy on the palm oil industry, based in Jakarta, Indonesia.	Jakarta, Indonesia
PO-29	Two staff member of an international NGO involved in advocacy on the palm oil industry, based in Kuala Lumpur.	Kuala Lumpur, Malaysia
PO-30	Staff member of an NGO involved in advocacy on the palm oil industry, and member of the RSPO Board.	RSPO meeting, in Medan, Indonesia
PO-31	Staff member of an NGO involved in advocacy on the palm oil industry.	Utrecht, Netherlands
PO-32	Staff member of an NGO involved in advocacy on the palm oil industry.	UK
PO-33	Staff member of an NGO involved in advocacy on the palm oil industry.	UK
PO-34	Staff member of an NGO involved in advocacy on the palm oil industry.	Jakarta, Indonesia
PO-35	Staff member of Indonesian NGO that advocates on the palm oil industry, and former member of RSPO Board	Bogor, Indonesia
PO-36	Staff member of an Indonesian NGO that advocates on the palm oil industry.	Bogor, Indonesia
PO-37	Staff member of an Indonesian NGO that advocates on the palm oil industry.	Bogor, Indonesia
PO-38	Staff member of an Indonesian NGO that advocates on the palm oil industry.	Jakarta, Indonesia
PO-39	Australian academics with an interest in the palm oil industry.	By phone
PO-40	Australian academics with an interest in the palm oil industry.	By phone

PO-41	Australian academics with an interest in the palm oil industry.	By phone
PO-42	Netherlands academics with an interest in the palm oil industry and the RSPO.	Utrecht, Netherlands
PO-43	PhD candidate in the Netherlands writing on NGOs and the palm oil industry.	The Hague, Netherlands
PO-44	Netherlands academics with an interest in the palm oil industry and the RSPO.	Utrecht, Netherlands
PO-45	Netherlands academics with an interest in the palm oil industry and the RSPO.	Gouda, Netherlands
PO-46	Netherlands academics with an interest in the palm oil industry and the RSPO.	Wageningen, Netherlands

Case study of NGO influence on the hydropower industry

Interview Number	General category of interviewee	Where interviewed
HP-1	Representative of the hydropower industry in the HSAF.	Hobart, Australia
HP-2	Representative of the hydropower industry in the HSAF.	Hobart, Australia
HP-3	Staff member of the International Hydropower Association.	London, UK
HP-4	Staff member of the International Hydropower Association.	London, UK
HP-5	Representatives of a government involved in the HSAF	Frankfurt, Germany
HP-6	Representatives of a government involved in the HSAF	Beijing, China
HP-7	Representative of an international NGO in the HSAF.	Melbourne, Australia
HP-8	Staff member of an NGO involved in advocacy on the hydropower industry.	Melbourne, Australia

HP-9	Former staff member of an NGO involved in advocacy on the hydropower industry.	Melbourne, Australia
HP-10	Representative of an international NGO in the HSAF.	By phone
HP-11	Policy Director of an NGO involved in advocacy on the hydropower industry.	By Zoom
HP-12	Staff member of an NGO involved in advocacy on the hydropower industry.	By Zoom
HP-13	Staff member of an NGO involved in advocacy on the hydropower industry.	By Zoom
HP-14	Staff member of an international NGO involved in advocacy on the hydropower industry, based in Bangkok, Thailand.	Bangkok, Thailand
HP-15	Staff member of a Bangkok-based NGO involved in advocacy on the hydropower industry.	Bangkok, Thailand
HP-16	CEO of an Australian NGO involved in river basin management.	By phone
HP-17	Former representative of an NGO in the HSAF	By email
HP-18	Chinese academic at a European university.	Beijing, China

Appendix B

Timelines of NGO activities and Campaigns

Timeline of key activities and NGO campaigns on palm oil.

Activity	**Began**	**Progress**
Roundtable on Sustainable Palm Oil.	2004	Still on-going in 2024.
Campaign by Friends of Earth on palm oil	2005	Still on-going in 2024.
Campaign by Greenpeace on palm oil	2007	Still on-going in 2024, but at a reduced level.
Principles and Criteria for the Production of Sustainable Palm Oil (P&Cs) first version.	2007	First version of P&Cs came into effect in 2007
Indonesian Sustainable Palm Oil (ISPO) standard	2011	Still on-going in 2024.
Malaysian Sustainable Palm Oil (WSPO) standard	2013	Still on-going in 2024.
Campaign by Forest Heroes on palm oil	2013	Peaked in years 2013 to 2017.
Palm Oil Innovation Group	2013	Still on-going in 2024.
Principles and Criteria for the Production of Sustainable Palm Oil (P&Cs) second version.	2013	First version of P&Cs replaced by an updated version.
Principles and Criteria for the Production of Sustainable Palm Oil (P&Cs) third version.	2018	Updated version of P&Cs came into effect

Greenpeace launches video "There is a Rang-Tan in my Bedroom"	2018	Responses peaked in the years 2018 to 2020.
Principles and Criteria for the Production of Sustainable Palm Oil (P&Cs) fourth version.	2024	Latest version of P&Cs came into effect.

Timeline of key activities and NGO campaigns relating to dams.

Activity	**Began**	**Finished**
NGO campaign directed at World Bank	Late 1990s	Effectively in 2000
World Commission on Dams	1998	2000
NGO campaign directed at Export Credit Agencies	Late 1990s	Effectively in about 2003
Campaign on Ilisu Dam in Turkiye.	Late 1990s	2018 when the dam was finished and filling of the reservoir began.
International campaign on dams in Patagonia.	2007	2014 when the environmental permit for the dams was cancelled.
Hydropower Sustainability Assessment Forum	May 2007	June 2011
Campaign on SCORE dams in Sarawak	2012	Campaign in Australia finished in 2012. Local campaign in Sarawak was still on-going in 2024.
Campaign on Xayaburi Dam, Mekong.	2012	Local campaigns in Mekong region were still on-going in 2024.
Hydropower Sustainability Standard and certification scheme launched.	Sept 2021	Still on-going in 2024.

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