

**Cooperation Indonesia-The Netherlands Programme
Call for proposals 2018
Application form**

Please consult the instructions for completing the application form in Annex 2 and read the call carefully

Registration

1. Title
Palm Oil Conflicts and Access to Justice in Indonesia

2. Project

a. Focus/foci

<input type="checkbox"/>	1. Water
<input type="checkbox"/>	2. Food
<input checked="" type="checkbox"/>	3. Rule of Law

b. Duration (max. 36 months)

36	Months
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c. Main field of research (compulsory)

Please fill out one or more research fields and code from the [NWO research field list](#).

Code & Field of research: 44.10.00 Public Administration

If applicable: other fields of research, in order of relevance

Code & Field of research: 43.20.00 Constitutional and Administrative law; 44.20.00 Political science; 50.90.00 Environmental science;

3. Composition of the consortium

Consortium (i.e. those organisations and persons that carry the responsibility of the project). Please indicate the type of your organisation in twofold, for instance: "private company A1" or "NGO A2" or "research organisation B3"

Main applicant (coordinator)		Co-applicant	
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First name(s):	Ward	First name(s):	Afrizal
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Partner researcher awarded by RISTEKDIKTI 2018:

Dr. Afrizal, Senior lecturer, Department of Sociology, Andalas University. Research program: *Penelaahan Kelayakterapan Panduan Free, Prior and Informed Consent (FPIC) RSPO Sebagai Regulasi Konflik Industri Perkebunan Kelapa Sawit* ('Exploring the guidance of Free, Prior and Informed Consent (FPIC) of the RSPO as regulation for Conflicts concerning the palm oil Industry')

4. Consortium and track record

- a) Consortium: roles and added value
(Max. 400 words, please add word count)

Word count: 398

This interdisciplinary consortium combines practitioners and academics with extensive practical and research experience, having approached palm oil conflicts from diverse academic disciplines and perspectives.

The previous research and long-standing collaborations of political scientist *Ward Berenschot* prompted this project. Collaboration with Huma and Epistema dates back to 2009 when Berenschot was managing a project on Access to Justice. He worked with Walhi in Central Kalimantan since 2013, where they jointly set up a legal aid program. At KITLV Berenschot coordinated a 500k four-year project on citizenship as well as a Veni project that involved coordinating a team of Indonesian researchers similar to this project (Berenschot 2018). He will design the research protocols and coding scheme, oversee the newspaper analysis, and co-author academic output.

Environmental scientist *Otto Hospes* has widely studied conflicts and collaboration between the RSPO and the Indonesian state in regulating sustainable palm oil from a legal-anthropological and political science perspective. He has coordinated a five-year, 8-PhD research program on governance of palm oil industry in Indonesia and Thailand. Hospes will support the development of research protocols, analyze findings and co-author publications, as well as use his connections for dissemination.

Sociologist *Afrizal* is Indonesia's foremost authority on palm oil conflicts. After writing his PhD on conflicts in West Sumatra in 2007, he has gone on to author various publications on the topic as well as developing a wide-ranging network in Indonesia – including long-standing collaboration with our NGO partners. His role is to design the research protocols, assist in the coding and analysis, co-author the academic output and assist in dissemination.

Our two national NGO partners (HuMa and Epistema) are legal reform organisations headed by jurists, active in promoting reform measures related to environmental and land issues, as well as providing legal aid programs. They developed a website that provides an

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overview of conflicts (www.tanahkita.id) – an effort which this project aims to enlarge. Their role is facilitating the documentation of cases and using results to lobby national ministries.

Our four provincial NGO partners have years of experience in supporting communities affected by oil palm expansion. Their role will be to host the research assistants, facilitate documentation of conflict cases and use results to lobby governments. This project is partly developed in response to their expressed need to strengthen their capacity to document conflict cases.

This consortium met up during a preparatory workshop in Leiden in January 2018.

Consortium: recent publications

(Max. 5 per consortium member)

Ward Berenschot

Aspinall, Edward, and Ward Berenschot. Forthcoming fall 2018. *Democracy for Sale: Elections, Clientelism and the State in Indonesia*. Ithaca: Cornell University Press.

Berenschot, Ward, and Taufik Rinaldi. Forthcoming July 2018. "Paralegalism in Indonesia: Balancing Relationships in the Shadow of the Law." In *Community Paralegals and the Pursuit of Justice*, edited by Vivek Maru and Varun Gauri. Cambridge: Cambridge University Press (available at <https://www.cambridge.org/core/books/community-paralegals-and-the-pursuit-of-justice/>)

Berenschot, Ward. 2018. "The Political Economy of Clientelism: A Comparative Study of Indonesia's Patronage Democracy." *Comparative Political Studies*.
<https://doi.org/10.1177/0010414018758756>

Berenschot, Ward, and Gerry van Klinken. 2018. "Informality and Citizenship: The Everyday State in Indonesia." *Journal of Citizenship Studies* no. 22 (2). (Berenschot edited the special issue of Citizenship Studies on this theme)

Berenschot, Ward, and Adriaan Bedner. 2011. "Akses terhadap Keadilan: Sebuah Pengantar tentang Perjuangan Indonesia Menjadikan Hukum Bekerja bagi Semua Orang [Access to Justice: An Introduction to the Struggle to Indonesia's struggle to make the law work for everyone]" In *Akses Terhadap Keadilan: Perjuangan Masyarakat Miskin dan Kruang Beruntung untuk Menuntut Hak di Indonesia*. Jakarta: KITLV Jakarta., edited by W. Berenschot, A. Bedner, E. R. Laggut-Terre and D. Novrianti. Jakarta: KITLV Jakarta.

Otto Hospes

Pramudya, E.P., Hospes, O. & Termeer, C.J.A.M. (2018) Friend or foe? The various responses of the Indonesian state to sustainable non-state palm oil initiatives. *Asian Journal of Sustainability and Social Responsibility* 3: 1. <https://doi.org/10.1186/s41180-018-0018-y>

Rietberg, P. and Hospes, O. (forthcoming 2018. Unpacking land acquisition at the oil palm frontier: Obscuring customary rights and local authority in West Kalimantan, Indonesia. In press, Asia Pacific Viewpoint.

Pramudya, E.P., Hospes, O. & Termeer, C. J. A. M. (2017) The disciplining of illegal palm oil plantations in Sumatra, *Third World Quarterly*, 39:5, 920-940, DOI: 10.1080/01436597.2017.1401462

Hospes, O. (2014) Marking the success or end of global multi-stakeholder governance? The rise of national sustainability standards in Indonesia and Brazil for palm oil and soy, *Agriculture and Human Values*, 31, 3, (425).

Hospes, O. and Kentin, A. (2014). Tensions between global-scale and national-scale governance: The strategic use of scale frames to promote sustainable palm oil production in Indonesia. In: Padt, F., Opdam, P., Polman, N. and Termeer, K. (Eds). *Scale-sensitive Governance of the Environment*, Wiley Blackwell Publishers, pp. 2013-219

Afrizal

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- Gilbert, David E, and Afrizal. 2018. "The land exclusion dilemma and Sumatra's agrarian reactionaries." *The Journal of Peasant Studies*:1-21.
- Afrizal. 2013. "Oil Palm Plantations, Customary Rights, and Local Protests: A West Sumatran Case Study." In *Land for the People: The state and Agrarian conflict in Indonesia*. Athens: Ohio University Press.
- Afrizal. 2015. "Third-Party Intervention in Terminating Oil Palm Plantation Conflicts in Indonesia: A Structural Analysis." *Sojourn ISEAS* no. 30 (1):141-172.
- Afrizal. 2007. *The Nagari Community, Business and the State: The Origin and the Process of Contemporary Agrarian Protests in West Sumatra*. Marsh: Forest People Program and SawitWatch.

Selected Publications of NGO partners:

- Laili Khairnur. 2015 'Today is a defining moment for Europe's flawed biofuels policy', The Guardian 24-2-2015 (see: <https://www.theguardian.com/sustainable-business/2015/feb/24/today-is-a-defining-moment-for-europes-flawed-biofuels-policy>)
- Laili Khairnur (with Milieudefensie). 2007. Policy, Practice, Pride and Prejudice: Review of Legal, Environmental and Social Practices of Oil Palm Plantation Companies of the Wilmar Group in Sambas District, West Kalimantan (Indonesia) (see https://www.fooeurope.org/publications/2007/Wilmar_Palm_Oil_Environmental_Social_Impact.pdf)
- Firdaus, Asep. 2013. "PT Surya Sawit Sejati and the Waringin people of Kotawaringin." In *Conflict Or Consent?: The Oil Palm Sector at a Crossroads*, edited by Marcus Colchester and Sophie Chao, 54-69. Jakarta: The Forest Peoples Programme
- Asep Firdaus. 2007. *Mengelola Hutan dengan Memenjarakan Manusia (Managing Forest by Imprisoning People)*, Writer and Editor, published by HuMa, The Samdhana Institute and the SGP-PTF.

- b) CVs of consortium members
(max 1 page per CV, include in Annex)
annexed

Research proposal

5. Summary of the project proposal

Word count: 133

(Max. 150 words, please add word count)

This project engages in a first-ever study of general patterns and outcomes of oil palm conflicts across Indonesia. The aim is to provide input for legal reform and governance initiatives that will strengthen the capacity of rural communities to address grievances caused by oil palm expansion. So far these conflicts have only been studied through case studies with an emphasis on failing judicial institutions. This project proposes a new approach combining a focus on local processes of informal mediation *and* transnational RSPO interventions in which NGO's play a crucial connecting role. Using an innovative mixed methods approach, this project collaborates closely with local NGO's to document 220 conflict cases. We will use this dataset to identify cases and causes of successful conflict resolution on the basis of which policy recommendations will be made.

6. Description of the project

Word count: 1989

(Max. 2,000 words, please add word count)

- a) Background and rationale

The current palm oil boom is arguably one of the most rapid agro-environmental transformations in modern history (Cramb and Curry 2012: 234). In Indonesia, the world's largest producer of

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palm oil, the size of palm oil plantations has almost doubled over the last decade (Austin et al. 2017). This expansion has caused massive deforestation, forest fires, as well as intensifying conflict between oil palm companies and rural communities. Communities are protesting against both companies and governments, engaging in demonstrations, lobbying and litigation as well as road blockages, destruction of property and violence (Colchester et al. 2013, Cramb and McCarthy 2016, Pye and Bhattacharya 2013). They protest against the loss of access to land and the lack of adequate compensation, but also against pollution, labour conditions and the implementation of joint ownership schemes (Levang et al. 2016, Haug 2014; Dhialhaq 2014, Pichler 2015). While general data is lacking (in itself a motivation for this project), Sawit Watch counted 776 such conflicts in 2015 (Sawit Watch 2016). The resulting conflicts generally have lengthy, complex trajectories that often end in stalemates, causing considerable economic damage and human suffering.

This project's guiding hypothesis is that a more effective resolution of palm oil conflicts requires engagement with the plurality of formal and informal conflict resolution mechanisms. Rural communities can take their grievances to three main types of mechanisms: Indonesia's legal system, the dispute resolution facility set up by the Round Table for Sustainable Palm Oil (RSPO, a transnational multi-stakeholder body) and more informal, third-party mediation often guided by politicians and/or NGO's. Yet courts are often avoided due to the difficulty of proving land tenure (Bedner 2016) and the perceived corruptibility of judges (Berenschot and Rinaldi 2018) while the access to RPSO's facility is challenging for communities with limited resources and knowledge (Kohne 2014, Silva-Castenada 2015). Confronted with the limitations of these formal mechanisms, communities increasingly resort to third-party mediation by local politicians and NGO's (Dhialhaq and McCarthy 2018). These mediators, however, are often not impartial as they are easily influenced by companies. In order to overcome these shortcomings, we believe that the three mechanisms together can play a key role in seeking social justice. Their potential to do so, however, is untapped. We hypothesize that conflict resolution is most likely to be effective when local NGO's succeed in teaming up with local politicians and bureaucrats to facilitate informal mediation while at the same time helping communities to access formal mechanisms such as courts and RSPO's facility. We want to explore the effectiveness of such *plural conflict governance*, in which local politicians, bureaucrats and NGO's play a concerted, brokering role in both formal and informal conflict resolution.

Until now such hypotheses could not be tested as palm oil conflicts have only been studied through case studies. They highlight the relative powerlessness of rural communities when they are confronted with corporate violations as well as repression from state institutions (IPAC 2016, Colchester et al. 2006, Colchester et al 2013, Acciaioli and Dewi 2016, Afrizal 2013, Anderson 2013). Socio-legal scholars have highlighted the link between powerlessness and inadequate legal frameworks (Fitzpatrick 1997, Bakker and Moniaga 2008, Lucas and Warren 2013), while critical agrarian studies have focused on the nature of capitalist development in Southeast Asia (Tsing 2005; Peluso and Lund 2011), as well as social divisions within communities (Afrizal 2007, Borras and Franco 2013). They only available broader study is an online-search-based counting of conflicts (Abram et al. 2017)

There is an urgent need to move beyond case studies. Lacking reliable documentation of a broad set of conflicts we know relatively little about the usage and effectiveness of the different available dispute resolution mechanisms - or how they can be improved. The new, mixed methodology adopted by this project will allow - for the first time - to study how dispute resolutions mechanisms are generally used and why they often fail. With this knowledge we can identify, and advocate for, policy measures that can improve the effectiveness of these mechanisms.

b) Objectives

The main aim of this project is to strengthen the capacity of rural communities, oil palm companies and government institutions to address the grievances caused by oil palm expansion. To achieve this goal, the project aims to

- 1)** collaborate with its local NGO partners to document the trajectories and outcomes of a targeted 220 conflicts that have surfaced in Riau, West Sumatra, West Kalimantan and Central Kalimantan in the period 2005-2018.
- 2)** Use this dataset to study comparatively the usage, accessibility and effectiveness of Indonesia's legal system, RPSO's dispute resolution facility and informal third-party mediation as means to address palm oil conflicts.
- 3)** Use the resulting findings to advocate for policy measures and initiatives to improve the accessibility and effectiveness of conflict resolution mechanisms.

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c) Research questions and methods

The main research question of this project is: *how can the capacity of formal and informal conflict resolution mechanisms to address palm oil conflicts be improved?*

To address this question, this project studies how these mechanisms deal with conflicts, in terms of:

- Usage: What strategies do communities employ to address what kind of grievances? How often do they take their grievances either to Indonesia's legal system or alternative mechanisms like RSPO's dispute settlement facility or third-party mediation?
- Accessibility: What factors affect the capacity of communities to take their grievances to these mechanisms?
- Effectiveness: How do these mechanisms handle conflicts? How successful are they in providing solutions? What explains the successes and failures of conflict resolution mechanisms?

Table 1: Provinces and partner organizations					
Provinces	Expansion rate 2005-2013*	Character of Palm Oil expansion**	Number of conflicts 2000-2015***	Partner Organization	Newspaper archives employed:
West Sumatra	26%	Early expansion, on terms more beneficial to communities	80	Walhi West Sumatra (Chaus Uslaini)	Padang Express
Riau	36%	idem	450	Scale up (Rawa El Ramady)	Riau Pos
West Kalimantan	45%	Later expansion, on less beneficial terms	80	Lembaga Gemawan (Laili Khairnur)	Pontianak Pos
Central Kalimantan	57%	idem	260	Walhi C. Kalimantan (Dimas Hartono)	Kalteng Pos and Tabengan
*Source: Li 2015; **see Potter 2016; *** Partner estimates					

To address these questions, this project will document the trajectories and outcomes of a targeted 220 palm oil conflicts in West Sumatra, Riau, West Kalimantan and Central Kalimantan. To document these conflicts, we employ an innovative combination of quantitative and qualitative methods, using *newspaper-based protest event analysis*, *systematic case documentation* and *fieldwork*. We define palm oil conflicts as publicly expressed disagreements between members of rural communities and oil palm companies and/or state institutions over the establishment and management of plantations – thus excluding conflicts between smallholders.

- Protest event analysis.** This project will employ already-obtained¹ digital archives of regional newspapers to trace the incidence and character of events related to palm oil conflicts. In doing so, this project takes inspiration from the contentious politics literature which regularly employs newspaper-based event analysis to study collective action in Western Europe (e.g. Kriesi et al.

¹ Except Riau Pos and Tabengan

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1995, Tilly 2008 and Hutter 2014). This project will, to our knowledge, be the first time this method is employed for this purpose in Southeast Asia (see Vu 2006). By building and coding a new, hitherto unavailable newspaper archive, this project opens up a wholly new avenue for the study of contentious politics in this region. In the first year the post-doc will work with two interns to code all conflict-related events found in the digital archives of all above-mentioned regional newspapers (2010-2018).

2. **Case documentation.** This project will hire and train 8 field assistants (2 per province) to work for 8 months alongside our local NGO partners to collect material to document trajectories and outcomes of conflicts. After receiving a thorough training on research and coding procedures each field assistant will follow an extensive research protocol – developed in the first year – to document conflict trajectories. This involves collecting police records, above-mentioned newspaper articles, NGO-reports as well as engaging in (phone) interviews with community members, outside observers and (when possible) company representatives. These varied sources will allow for triangulation to ensure a reliable coding process. Assuming a rate of 3-4 cases per month, we expect that 8 assistants are needed for 8 months to document 220 cases.
3. **Fieldwork** The post-doc and the main applicant will engage in fieldwork to study in total 12 cases in more detail. This fieldwork will focus on identifying pathways that influence both accessibility and effectiveness of dispute resolution mechanisms. Particular attention will be paid to how the courts, RSPO’s facility as well as third-party mediation handle their cases, comparing a. cases that involved the RSPO’s facility with those that did not and b. cases where mediation succeeded and cases where it failed. (An envisioned extension concerns obtaining LPDP grants (www.lpdg.kemenkeu.go.id) to finance two PhD’s who will compare c. conflicts with and without RSPO-members and d. cases involving different land claims – yet these grants are unnecessary to achieve the here-stated goals).

Case Selection: The four project-provinces Riau, West Sumatra, West Kalimantan and Central Kalimantan are selected and compared because they offer relevant and representative variation in terms of the generosity of compensation offered to communities (see table 1). To identify cases for inclusion in the conflict database, this project will use above-mentioned newspaper analysis, as well as records provided by NGO partners to make a long list. Per province 40-70 cases will subsequently be randomly selected for study and inclusion in the case database.

Coding and analysis Employing the material obtained through case documentation, fieldwork and the newspaper analysis, the postdoc together with the research assistants will code conflict cases using an elaborate coding scheme which involves (among others) *basic characteristics of conflict and actors*, *conflict strategies* (protest repertoire, use of violence), *usage of dispute resolution mechanisms* and *outcomes*. We define success in outcomes in terms of achieving satisfactory and lasting agreements between companies and communities. During a preparatory workshop held in January 2018 a first draft of the coding scheme was developed, which will be further refined during the kick-off workshop and the mid-term workshop.

This case database provides a unique opportunity to develop and test explanations for the usage, accessibility and effectiveness of different dispute resolution mechanisms – including the above-mentioned hypotheses about plural conflict governance. This enables us to identify under what conditions and in what manner conflicts are most likely to be solved in a quick, peaceful and fair manner – thus generating the input for policy briefs mentioned below.

d) Description of activities and e) time line

To execute this project, the following research activities are planned:

Table 2: Research activities												
	Year 1 (2019)				Year 2 (2020)				Year 3 (2021)			
	1	2	3	4	1	2	3	4	1	2	3	4
Kick off workshop with project partners, i.a. to develop coding scheme												
Finalizing coding scheme and research protocols												

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Interns & postdoc: Coding of newspaper archives	
Training of 8 research assistants on case documentation & research protocols	
RA's document conflict cases, supervised by postdoc & MA, supported by partner NGO's	
Mid-term 'Case analysis workshop': RA's, together with Postdoc & consortium members discuss progress in case documentation and start coding	
RA's, together with postdoc & MA: coding of cases using documentation	
Postdoc and MA: Fieldwork on 12 selected cases	
<i>Output:</i>	
Publishing website containing the conflict database	
Writing policy briefs	
Postdoc et al.: Writing academic papers and (in 2022) monograph	
Dissemination activities - see below	

e) Sustainability after the project

Our longstanding connections with local partners will also contribute to the sustainability after the project. The methods, research protocols and website developed during this project will continue to be used to document conflict cases, both by our partners and NGO's in other provinces. In this way the conflict database generated by this project will still be used and enlarged after the end of this project.

Second, this project will train local staff of our NGO partners (i.e. our research assistants) in case documentation. We expect that the skills that our local partner organizations thus obtain will strengthen their work and advocacy in the future.

7. Knowledge sharing & Research uptake

Word count: 593

(Max. 600 words, please add word count)

a) Stakeholder engagement and c) communication

This project's Output will not only involve two academic papers (on contentious politics and on dispute resolution) and a monograph on oil palm conflicts, but also four policy briefs on evaluations of usage, accessibility and effectiveness of (a) RSPO's dispute resolution facility, (b) Indonesia's legal system and (c) plural conflict governance, as well as (d) a general overview of character and scope of conflicts. In addition we will make our conflict database available through a website in collaboration with HuMa's tanahkita.or.id - which will enable enlargement of the database after this project ends.

The table below elaborates how we intend to disseminate these outputs. This project has four main stakeholder groups. *Local governments and politicians* are provided with input on how local informal mediation and plural conflict governance could be strengthened. At the national level, particularly the *ministry of forestry and the ministry of justice* will be engaged to convey results and input on how the limited accessibility and effectiveness of Indonesia's legal system can be addressed. Thirdly, this project will engage *the palm oil industry and particularly the RSPO* to convey results and input on the effectiveness of RSPO's dispute

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resolution facility. Fourthly, this project strengthens the advocacy strategies of *local and national NGO's*, i.a. through the policy briefs and the production of a short video on conflicts.

Apart from the other dissemination activities mentioned below, particularly important is the conference on palm oil conflicts organised in the final year. By bringing together representatives from local government, national ministries, the palm oil industry and NGO's, this project aims not only to disseminate an overview of the projects findings, but also generate a discussion on policy measures and initiatives that could be adopted to better address palm oil conflicts.

Table 3: Dissemination strategy				
Knowledge users	Partners	Output and outcomes	Dissemination activities	Timeline
Oil Palm Industry and RSPO	RSPO	Policy brief on evaluation of RSPO's mechanism	Presentation at RSPO's annual meeting	Fall 2021
Provincial & district governments	Our local NGO partners	Policy briefs on overview study & on plural conflict governance	-Public launch and discussion in each prov. by NGO partners and government repr. and politicians - NGO's use output to lobby governments	July 2021 2021-2024
National NGO's and National Government	HuMa and Epistema	Policy brief on access to and usage of legal system	-Huma and Epistema will use policy briefs for advocacy -Conference on Oil Palm Conflicts in Jakarta - Launch of Website	2021-2024 Dec. 2021 Dec. 2021
Local and national NGO's	Our partner organizations	Case documentation, website and all policy briefs	- ongoing case documentation through website - policy briefs support advocacy activities -making short video on conflicts as advocacy tool	2019-2024 2020-2024 2021

b) Capacity development

First, this project strengthens the capacity of our partner NGO's to document (their work on) conflict cases. This proposal partly grew out of our interaction with our local partner NGO's who regularly remarked that they lack both human resources and capacity to properly document these conflicts. This project will build that capacity by employing and training local research assistants, often already affiliated to the NGO. By building skills this project will enable our project partners to better document cases, even after this project.

d) Monitoring & Evaluation

As detailed above, this project monitors the progress of the project through active supervision (by post-doc and M.A.) of the case documentation and through a. training of research assistants and b. a mid-term workshop. The above-mentioned conference will be used to bring project partners together to evaluate this project.

8. Theory of Change & Impact Pathway with indicators

Word count: 399

From a study of general patterns of oil palm conflicts...

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The lack of reliable data on how the grievances caused by oil palm expansion are currently addressed, has held back the capacity of NGO's, government institutions as well as the palm oil industry to improve dispute resolution mechanisms, in at least two ways. First, the lack of reliable data on the scale and the resolution rate of oil palm conflicts, is enabling some actors to claim that this is a problem of a few 'bad apples' and that current institutions are successful in dealing with this problem. The proposed research can serve to evaluate these claims by providing a much-needed general overview of how effective available conflict-resolution mechanisms actually are.

Second, such research on a large number of conflicts can also serve to identify what kinds of governance initiatives can actually work to generate satisfactory, peaceful and sustainable agreements to solve conflicts between oil palm companies and communities. Such a study can serve to identify what obstacles need to be addressed, and what best-practices deserve to be emulated and how plural conflict governance could be strengthened.

...to providing input for strengthening dispute resolution mechanisms...

In this way these outcomes of the project – particularly its overview and evaluation of usage, accessibility and effectiveness of available mechanisms - can, first, serve to convince policy makers, politicians and the oil palm industry to put in more effort and energy to strengthen available mechanisms and adopt new initiatives.

Second, these outcomes can serve to identify reform measures and governance initiatives to better address the limitations of current mechanisms. As discussed above, through our NGO partners and connections with state and industry actors this project implements a dissemination strategy to convey this input to relevant stakeholders. With the data that this project generates, both local NGO's and our national partners (Huma and Epistema) can strengthen their advocacy activities.

...to reducing the human and economic damage caused by oil palm conflicts.

By strengthening the capacity of dispute resolution mechanisms to address palm oil conflicts, this project aims to help rural communities, palm oil companies and Indonesian authorities to find quicker, more peaceful and fairer solutions to the grievances caused by palm oil expansion. In this way this project aims to reduce the average duration of conflicts and incidence of violence while increasing the number of successful, fair and lasting agreements between companies and rural communities.

Baseline study

An added value of this project is that its documentation of a large number of conflicts *is in itself* a baseline study that enables the evaluation of the effectiveness of (policy) interventions. By building a database of conflicts up to 2018, this project will, in the future, make it possible to study whether conflict trajectories in the coming decade are different – in terms of, for example, incidence of conflict, levels of violence, rate of successful resolution and duration. Such comparisons of conflict trajectories in different time periods can also allow for an evaluation of the effectiveness of the policy recommendations generated by this project – and thus its impact.

Complete Impact Pathway diagram with indicators at output and outcome level (max. 1 page)

This research project aims to study general patterns of oil-palm related conflicts in four Indonesian provinces...

...in order to provide input for legal reforms and governance arrangements...

...that can serve to strengthen the capacity of rural communities to address the grievances caused by palm oil expansion

Research outputs	Indicators
A dataset detailing the trajectories and outcomes of 220 palm oil conflicts	<ul style="list-style-type: none"> a. Dataset of 220 conflicts published on website b. A newspaper-based catalogue of related protest events
Analysis of the usage, accessibility and effectiveness of different dispute resolution mechanisms	<ul style="list-style-type: none"> c. Monograph on palm oil conflicts d. Two academic paper on collective action and dispute resolution
Evaluation of the effectiveness of these mechanisms	<ul style="list-style-type: none"> e. 4 Policy briefs that evaluate effectiveness of mechanisms & recommend improvements

Research outcomes	Indicators
Recommendations for improving accessibility and effectiveness of Indonesia's legal system, conveyed to state authorities	<ul style="list-style-type: none"> a. (Local) government take measures to improve accessibility and effectiveness of Indonesia's legal system
Recommendations for strengthening mediation and plural conflict governance conveyed to local governments	<ul style="list-style-type: none"> b. Local governments take measures to strengthen mediation and plural conflict governance
Recommendations for improving accessibility and effectiveness of RSPO's dispute resolution facility, conveyed to RSPO	<ul style="list-style-type: none"> c. RSPO takes measures to improve accessibility & effectiveness of dispute resolution facility

Impact
A quicker, more peaceful and fairer resolution of palm oil conflicts



9. Funds requested

- a. **Total budget overview** € **415.265**
- b. Requested contribution from NWO (max. 250k €) € 250.000
- c. Available contribution RISTEKDIKTI (max. 40k€) € 40.000
- d. Other in-kind/cash contribution € 125.265

Total costs/budget line:	Amount:	% of budget (see next column)	Call requirements:	Amount and sources of other co-funding (in-kind)	Amount and sources of other co-funding (cash)	Amount RISTEKDIKTI co-funding
Personnel	161.600	65%		100.265 (KITLV and WUR)	25.000 (KITLV)	33.495
Research	46.760	19%	Max 20% NWO grant			2.000
Research Uptake		17%	Approx. 15-20% NWO grant total 4 categories			
Stakeholder engagement	16.570	7%				0
Capacity development	6.100	2%				0
Communication costs	3.000	1%				3.505
Monitoring & Evaluation	15.970	6%				1.000
Overhead LMIC		0%	Max 10 % for LMICs			
Audit costs	0	0%	Max € 5.000 NWO grant			
Total budget:	250.000	100%		100.265	25.000	40.000

b. Budget estimates

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					NWO grant	RISTEKDIKTI grant	Other co-funding (In-kind / Cash)		Totals
Personnel costs (please clarify below calculations of salary per month)									
Name	Category	FTE	Salary per month (for 1 fte)	Months (total working on the project)	From the NWO grant	From the RISTEKDIKTI grant	In-kind	Cash	
1.	Postdoc	1	Sen.wet.onderz. Schaal 11-0 NWO salaristabel	36	156.600	33.495		25.000	215.095
2.	Senior Researcher	0,2		36			53.762		53.762
3.	Senior Researcher	45 dagen in 3 jaar		36			46.503		46.503
1 bench fee					5.000				5.000
Replacement grants for permanent academic staff					0				0
Research costs Please specify (travel, durables, consumables, assistance: <i>max 20% NWO grant</i>).									
-case documentation (Indonesian research assistants and travel costs)					32.400				32.400
- fieldwork (travel costs)					7.820	2.000			9.820
- coding newspaper archives (internships and acquiring archives)					6.540				6.540
Knowledge sharing and research uptake costs Please specify for each of the four categories below (<i>between approximately 15 – 20 % of the NWO grant</i>)									
Stakeholder engagement Please specify									
- Presentation at RSPO's annual meeting					4.570				4.570
- public launch and discussion					5.000				5.000
- conference with practitioners and policymakers					7.000				7.000
Capacity development Please specify									
- Training Indonesian research assistants (travel, accomodation costs)					6.100				6.100
Communication costs Please specify									
- website					3.000				3.000
- short movie						3.505			3.505
Monitoring & Evaluation Please specify									
- Project kick off and Final Review workshop (with stakeholders)					6.130				6.130
- Midterm case analysis workshop (travel, accomodation costs)					9.840	1.000			10.840
Overhead LMIC Please specify (<i>max 10% NWO grant</i>)									
Audit costs					0	0	0	0	0
Totals					250.000	40.000	100.265	25.000	415.265

10. Data management

(Answer the following questions. Max 300 words)

1. Will data be collected or generated that are suitable for reuse?
Yes
2. Where will the data be stored during the research?
During the research the files related to the documentation of conflict cases will be stored locally. In the second phase of this project these files will be used to code conflict cases in order to build a conflict dataset.
3. After the project has been completed, how will the data be stored for the long-term and made available for the use by third parties? To whom will the data be accessible?
This dataset will be made publicly available through a designated website. We will also store this dataset in DANS. This data will be accessible to all. Privacy of informants will be protected, as this dataset will only contain our coding of conflict trajectories, not the informant-specific material on which this coding is based.
4. Which facilities (ICT, (secure) archive, refrigerators or legal expertise) do you expect will be needed for the storage of data during the research and after the research? Are these available?
We will use DANS – available
Secondly, the project's website with the conflict dataset will be maintained by HuMa.

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Annexes

No other annexes than those listed are allowed

Annex	Attached y/n
CVs consortium members (obligatory)	Y
Support letters from other co-funding partners with guarantee for co-funding (if applicable)	Y
Draft Consortium Agreement (obligatory)	Y

Signatures

By submitting this document I declare that I satisfy the nationally and internationally accepted standards for scientific conduct as stated in the *Netherlands Code of Conduct for Scientific Practice 2012* (Association of Universities in the Netherlands).

Main applicant/coordinator

Name: Dr. Ward Berenschot

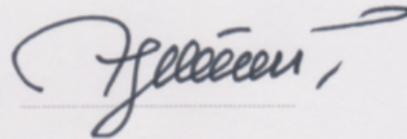
Signature:



Co-applicant

Name: Dr. Afrizal

Signature:



Co-applicant

Name: Dr. Otto Hospes

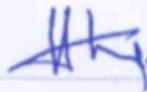
Signature:



Co-applicant

Name: Laili Khairnur

Signature:



Co-applicant

Name: Dimas Hartono

Signature:



Co-applicant

Name: Asep Firdaus

Signature:



Co-applicant

Name: Dahniar Andriani

Signature:



Co-applicant

Name: Uslaini

Signature:



Co-applicant

Name: Dr. M. Rawa El Amady

Signature:



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Annex 1. CVs of Consortium members

Only CVs of consortium members are allowed (max. 1 page each)

Dr. Ward Berenschot

Kometensingel 183, 1033 BE, The Netherlands. Tel: +31630040710 ; 17-7-1977.

Education

2009 PhD in Social Sciences (*Cum Laude*) at University of Amsterdam (the Netherlands) for dissertation entitled '*Riot Politics: Communal Violence and State-Society Mediation in Gujarat, India*'.

1996-2002 Masters in Political Science (*Cum Laude*), University of Amsterdam.

Professional Experience

April 2011 – present Postdoctoral Researcher at the Royal Netherlands Institute of Southeast Asian and Caribbean Studies

2010 – 2011 Project Manager of project 'Building Demand for Legal and Judicial Reform' a collaborative project with UNDP and World Bank on Access to Justice in Indonesia.

2008 – 2009 Lecturer Conflictstudies, Universiteit van Amsterdam

Selected successful Grant Applications

2013-2017 KNAW-SPIN grant for 'From Clients to Citizens? Emerging Citizenship in Democratising Indonesia' (€550.000)

2013 – 2016 NWO Veni grant for 'Shades of Clientelism: A Comparative Study of Indonesia's Patronage Democracy' (€250.000)

Selected Consultancies

2011 For Open Society Institute: "Paralegalism and Legal Aid in Indonesia" a study on the functioning of community-based paralegals.

Teaching

Several courses on Conflict Studies, Politics of South and Southeast Asia, Political Violence

PhD Supervision

5 PhD students

Publications (apart from above mentioned)

Monograph: *Riot Politics: Hindu-Muslim Violence and the Indian State* (Columbia University Press 2011).

Articles: articles in *World Development*, *Development and Change*, *Comparative Political Studies*, *Citizenship Studies*, *Critical Asian Studies* on access to public services, communal violence, Indonesian politics, Citizenship.

Edited volumes/special issues: Editor of special issue of *Journal of Citizenship Studies* (on Citizenship in Indonesia). Editor of four edited books: 'Citizenship in Southeast Asia' (Brill 2016), 'In Search of Middle Indonesia' (Brill 2014), 'Access to Justice in Indonesia' (Obor 2011, in Indonesian) and 'Ethisch Geweld: groepsconflict in de schaduw van de staat' (Amsterdam University Press 2009)

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Dr. Afrizal

Kompleks Perumahan Unand, D1-07-15, Ulu Gadut, Bandar Buat, Padang, West Sumatra, Indonesia, tel: 081363099882. 20/5/1962

Education

PhD (2006) in Sociology and Asian Studies at Flinders University Australia. Title of the dissertation: 'The Nagari Community, Business and the State: The Origin and the Process of Contemporary Agrarian Protests in West Sumatra.

MA (1996) in Sociology at University of Tasmania, Australia

Recent Professional Experience

2007 – now Lecturer at Dept. of Sociology Faculty of Social and Political Sciences, Andalas University

Teaching

Several courses on Sociological theory, qualitative research methods, Social Movements, Agrarian Conflict

Selected Publications (apart from above mentioned)

2010 Large-Scale Palm Oil Plantation Development, Recognition of Local People's Customary Rights and Agrarian Conflicts in Indonesia after the Fall of President Soeharto: A Lesson Learned from Provinces of West Sumatera and Riau. CIAS Discussion Paper, No. 15.

2009 The Trouble with Palm Oil: Conflicts between villagers and Plantation Companies in Sumatra are still unresolved , *Inside Indonesia* 98 (nov-dec)

2006 Sosiologi Konflik Agraria: Protes-Protes Agraria dalam Masyarakat Indonesia Kontemporer [Sociology of Agrarian Conflict: Agrarian Protests in Contemporary Indonesian Society], Andalas University Press, Padang

2014 Manajemen Konflik Perkebunan Kelapa Sawit: Panduan Mekanisme Berdasarkan FPIC (Free, Prior, and Informed Consent) Alih Fungsi Tanah Ulayat untuk Pembangunan Guna Meminimalisasi Konflik [Oil Palm Plantation Conflict Management: A Guide of Mechanism Based on FPIC (Free Prior and Informed Consent) of Acquisition of customary land for development to regulate conflicts], Andalas University Press, Padang

And several Indonesian language reports and policy briefs on palm oil conflicts

Cooperation Indonesia-The Netherlands Programme, Call for proposals 2018
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Dr. Otto Hospes

Cerise 33, 6708 LG Wageningen, The Netherlands, +31-(0)317-48399; 29-5-1963

Education

PhD (1996) in Agriculture and Environmental Sciences, with specialization in legal anthropology and development studies. Wageningen Agricultural University, The Netherlands. Dissertation: "People that count: Changing savings and credit practices in Ambon, Indonesia"

MSc (1987, cum laude) in Non-western sociology of Wageningen, with specialization in non-western law, development sociology and development economics.

Recent Professional Experience

Associate Professor at Public Administration and Policy, Wageningen University (2011-now)

Visiting Professor at Nantes University/EU-LASCAUX programme in 2011

Associate Professor at Law and Governance, Wageningen University (2007-2011)

Selected successful Grant Applications & managed projects

Research Program on 'Next Generation of Value Chain Governance Arrangements' in Southeast Asia. Duration: 2014-2019. Funded by the Netherlands Scientific Council for Research (NWO). Budget: €500K

Research Program on 'Towards the Identification of Sustainable Pathways for Palm Oil Production, Trade and Governance' in Indonesia and Thailand. Duration: 2012-2017. Funded by Wageningen University. Budget: €1.3 million.

Research Project on 'Biodiesel and Food Security'
Duration: 2009-2010. Funded by the Netherlands Development Agency ICCO. Budget: €50K

Teaching

Several courses on Law Governance and Policy; Law and Public Power; Food, Nutrition and Human Rights

PhD Supervision

7 PhD students, as well as MA student supervision

Selected Publications (apart from above mentioned)

Hospes, O. 2014. Marking the success or end of global multi-stakeholder governance? The rise of national sustainability standards in Indonesia and Brazil for palm oil and soy. *Agriculture and Human Values*: 31: 425-437.

Pramudya, E.P., Hospes, O., Termeer, C.J.A.M. 2016. Governing the palm oil sector through finance: The changing roles of the Indonesian state, *Bulletin of Indonesian Economic Studies*

And several book chapters and articles in, among others, *Public Policy and Administration Research, Energy Policy, International Food and Agribusiness Management Review*

Cooperation Indonesia-The Netherlands Programme, Call for proposals 2018
Application form

Asep Firdaus (Epistema)

Komp.Nuansa Telaga Kalibaru, Blok F.23, Depok, West Java Mobile: 0812-19467619 – 0815-8791019

E-mail: ay_firdaus@yahoo.co.id , June 6th, 1976

I have been a legal advisor since 1998 and have been holding a litigation license from Indonesian Advocates Association (Persatuan Advokat Indonesia-PERADI) since 2002. I am a mediator especially on natural resources disputes/conflict and have been involved in practical mediation in last two years. I am an expert on Natural Resources/Agrarian Law, Civil/Criminal Law, Procedural Law, Law-Making Procedures, Legislation and system of law in Indonesia. I also have experiences on voluntary legal service for the poor that has been going on for fifteen years and I have been conducting legal researches on current legal problems in Indonesia.

Education

- MA (2013) Law (magister Hukum), Universitas Indonesia with the Thesis titled "Effectiveness of Land Rights Settlement Through Mediation (A Case Study of Land Rights Dispute between PT. Citra Riau Sarana versus Kenegerian Pangean Peoples in Kuantan Singingi District in Riau Province)"
- BA (2001) Law, Diponegoro University, Semarang, with the Bachelor Thesis titled "Procedures of Environmental Dispute Settlement Through Mediation"

Professional Experience

- 2014 – present Director, Epistema Institute
- 2011 – present Saptono - Firdaus Law Offices , owner/managing director
- 2005 – 2011 HuMa, Executive Coordinator
- 1998– 2005 Semarang Legal Aid Foundation, Executive Director (2002 – 2005)

Selected Publication

- 2015 'Forest Management Unit (FMU) and Community-Based Forest Management (CBFM) Instrumen including Land Tenure Reform, 2015, requested by URDI- GGGI
- 2013 "PT Surya Sawit Sejati and the Waringin people of Kotawaringin." In *Conflict Or Consent?: The Oil Palm Sector at a Crossroads*, edited by Marcus Colchester and Sophie Chao, 54-69. Jakarta: The Forest Peoples Programme
- 2012 'Conflict Resolution Models by Non-Judicial Body in Indonesia', Epistema Institute
- 2007 Mengelola Hutan dengan Memenjarakan Manusia (Managing Forest by Imprisoning People), Writer and Editor, published by HuMa, The Samdhana Institute and the SGP-PTF.

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Andriani Dahniar (HuMa)

andriandahniar@gmail.com; +62 81341333080

Education

MA (2013) Master International Development, University of Canberra, ACT, Australia
BA (1999) Faculty of Law, Tadulako University with concentration Administration State Law.

Professional Experience

2014 – present Executive Director, HuMa

My duties are engaging with government agents, such as Minister of Environment and Forestry, Legislative Member, Presidential Staf Officer (KSP), drafting regulation, such as Minister Regulation, and District Regulation (Perda), organising public support, such as networking with civil society. Also management: developing term of reference, reviewing proposals, supervising staff, budgeting, reporting, monitoring and communication to donors. Moreover, I have been organizing local and international meeting and/or conference, such Tenure Conference, Hutan Adat Celebration at state palace. I have been coordinating minimum four different donors and projects per year, such as Right Resources Institute (Washington), ICCO-EU (Europe), Rainforest Norway (Norway), PI-Zivic (Belgium-German), and the Asia Foundation (USA),

2000 – 2013 Executive Director, Bantaya association

My responsibility was to coordinate internal and external of organization for project and indigenous people advocacy; My team and I were working on advocacy cases which were relating with indigenous peoples issues; I was facilitating meeting and workshops between indigenous communities, government, and legislative for recognizing their local institution and practices.

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Laili Khairnur (Lembaga Gemawan)

Jl. Dr. Wahidin, Gg. Ujung Pandang, Komp. Janur Asri no B. 22 Pontianak

Recent Professional Experience

- 2002– now Executive Director, Lembaga Gemawan
- 2015-2018 Responsible for All Gemawan Program Cooperation with : Ford Foundation Program, Misereor , TFCA Kalimantan, and MCA-Indonesia.
- 2013-2015 Advocacy team of CSO Coalition on Local Bureaucracy Reform issue in West Kalimantan
- 2006 – 2015 Top person in charge for whole project of Gemawan : Natural Resources Management program, Good Governance and Anti Corruption Program, Women and Economic Development program, International Network program
- 2011 Coordinator for Indonesian partner of Palm Oil Monitoring Initiative Program (POMI)- RAN- USA
- 2008 Civil Society Observer representative for Mediation Process of Sajingan Kecil and Senujuh Village with Wilmar International , CAO-IFC-World Bank
- 2005 Junior Consultant of Civil Society Involvement in Combatting Illegal Logging Program, MOU United Kingdom-Indonesia 2005 , DFID-UK

Teaching

Lecturer at Muhammediyah University

Selected Publications

- 2015 'Today is a defining moment for Europe's flawed biofuels policy', The Guardian 24-2-2015 (see: <https://www.theguardian.com/sustainable-business/2015/feb/24/today-is-a-defining-moment-for-europes-flawed-biofuels-policy>)
- 2007 (with Milieudefensie) 'Policy, Practice, Pride and Prejudice: Review of Legal, Environmental and Social Practices of Oil Palm Plantation Companies of the Wilmar Group in Sambas District, West Kalimantan (Indonesia)' (see https://www.foeeurope.org/publications/2007/Wilmar_Palm_Oil_Environmental_Social_Impact.pdf)
- 2009 "Mutuara Damai Dari Kalimantan" (book: 'Peaceful Pearls from Kalimantan), Institute Dayakology, Pontianak
- 2012 (With Forest People Program), "Biofuel Partnerships: from battleground to common ground? The effects of biofuel programs on smallholders' use of land and rights to land in four countries", Forest Peoples Program (available at: <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2012/cordaid-partners-new-publication-biofuel-partnerships-battlegr>)

And several opinion pieces in Pontianak Pos

Cooperation Indonesia-The Netherlands Programme, Call for proposals 2018
Application form

Dimas Hartono (Walhi Kalteng)

Desa Anjir Serapat Baru, Km. 8,2 No. 41, RT. 002, Kecamatan Kapuas Timur, Kabupaten Kapuas, Kalimantan Tengah, Indonesia. +62 811 5204 04 , 20-11-1980

Education

1999 – 2007 BA Economics, University of Palangka Raya, Palangka Raya

Recent Professional Experience

2017 – present Executive Director, Walhi Central Kalimantan. Responsible for daily management, project implementation, advocacy strategy, legal aid program.

2012 -2017 Executive Director, Yayasan Betang Borneo

2010 – 2011 Reporter, Lembaga Kantor Berita Negara (LKBN) ANTARA

Volunteer Experience

2013 Research Team on Implementation of The Regulation about sustainable plantation management (Perda No. 5/2011)

2013 Governor Regulation Drafting Team About Handling And Conflict Resolution On Plantation Business Disorders And Regulation governor On Handling And Protection High Conservation Value Forest In Plantation.

2013 Drafting Team on Regional Regulation about the Regional Strategy REDD+ in Central Kalimantan

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Chaus Ulsaini (Walhi Sumatra Barat)

Jl. Beringin III A No. 9 Kel. Lolong Belanti Kec. Padang Utara Kota Padang West Sumatera – Indonesia, Mobile: +62 811 3345 654

Ulsaini has 10 years' experience in disaster risk reduction and climate change adaptation in a community based disaster management, hazard vulnerability capacity assessment, local resilience action plan, organic farming and environmental service.

Education

SP in Agriculture Faculty, major in Social Economic, Andalas University on 2008

Recent Professional Experience

2014 – present	Executive Director of WALHI West Sumatera
2013– 2014	Project Officer of FIELD Foundation in Padang Pariaman, West Sumatera.
2012 – 2013	Project Officer SCALE – R (Program API Perubahan) at Mercy Corps
2011 – 2012	Project Coordinator for Climate Change Adaptation through land conservation and sustainable agriculture Program, LP2M-BFA

Volunteer activities

Member of Climate Change Adaptation and Disaster Risk Reduction for Resilience Trainer Community in Lampung Province (Komunitas Trainer API Perubahan Lampung) since 2013. Komunitas Trainer API Perubahan Lampung work for climate change adaptation and disaster risk reduction capacity building for community, student, government and private sector.

Member of West Sumatera Disaster Risk Reduction Forum (Forum PRB Sumatera Barat) since 2012, Forum PRB Sumatera Barat work for campaign and advocacy disaster risk reduction, hazard, vulnerable and capacity assessment, group discussion for disaster risk reduction issue.

Cooperation Indonesia-The Netherlands Programme, Call for proposals 2018
Application form

Dr. M. Rama el Rawadi

erhaabadi@gmail.com; Tel: 08127627068, 20-7-1968

Education

PhD (2014) in Antropology, Universitas Indonesia (Jakarta)

MA (1997) in Anthropology, Universiti Kebangsaan Malaysia (Bangi)

Recent Professional Experience

2005 – now Founding director, SCALE UP (Conflict Resolution organisation). Scale Up has been involved in conflict mediation of dozens of conflict, as well as supporting communities through training and advise. Involved in programs of community empowerment and organizing trainings.

2014 – now Founder and director, Padi Institute (see <http://thinkpadi.blogspot.com>)

Selected Publications (apart from above mentioned)

2016 Konflik SDA Pengalaman dan Penanganan : Sewindu Konflik Sumberdaya Alam Riau
2007--2014

2012 Tuake dan Budaya Hutang : Studi tentang Perubahan Sosial-Budaya di Pedesaan. (ISBN :
978-602-1372-91-6)

2013 Etnografi : Analisis Teks, Lapangan dan penulisan. ISBN: 978-602-1087-02-2

Cooperation Indonesia-The Netherlands Programme, Call for proposals 2018

Application form

Annex 2. Letters of support from co-funding partners

Letters of support should indicate commitment to timely contribute to the project as indicated in the application form (max 2 pages each). Please specify in kind and cash co-funding in this letter. Signatures are required.

See below



since 1851

Koninklijk Instituut
voor Taal-, Land- en Volkenkunde
Royal Netherlands Institute of Southeast Asian
and Caribbean Studies

Leiden, 12 June 2018

Dear Ward Berenschot,

With this letter the Royal Netherlands Institute for Southeast Asian and Caribbean Studies (KITLV) confirms its support for the proposed research project 'Palm Oil Conflicts and Access to Justice in Indonesia' submitted by KITLV-researcher Ward Berenschot and colleagues at Wageningen University, Andalas University and a consortium of Indonesian NGO's. KITLV agrees to act as the host institution for this project and the institute is willing to provide basic facilities throughout the project period. KITLV will also contribute financially to the project – see the guarantee letter.

As a research institute one of the main objectives of KITLV is to study the changing character of Indonesia's society, economy and politics. The topic of this proposal – the resilience of rural Indonesians in the face of oil palm expansion – closely connects to this objective. The proposal builds on various research programs that KITLV has recently executed on the character of citizenship and politics in contemporary Indonesia. The proposed project closely relates to these programs as it takes up one of the main challenges that Indonesia currently faces. The proposed research collaboration builds on and extends KITLV's long history of scientific cooperation with Indonesia.

Please do not hesitate to contact me if you have further queries.

With kind regards,

Prof. dr. Gert Oostindie
Director KITLV

Koninklijk Instituut voor
Taal-, Land- en Volkenkunde
Reuvenplaats 2
Postbus 9515
2300 RA LEIDEN

Het KITLV is een instituut van de Koninklijke Nederlandse Akademie van Wetenschappen (KNAW)
KITLV is an institute of the Royal Netherlands Academy of Arts and Sciences (KNAW)

Postbus/PO Box 9515 • 2300 RA Leiden • The Netherlands • Tel. +31 (0)71 527 2295 • Fax +31 (0)71 527 2638
Bezoekadres/Visiting Address: Reuvenplaats 2 • 2311 BE Leiden
E-mail: kitlv@kitlv.nl • Website: www.kitlv.nl



since 1851

Koninklijk Instituut
voor Taal-, Land- en Volkenkunde
Royal Netherlands Institute of Southeast Asian
and Caribbean Studies

Verklaring cofinanciering NWO Indonesië-Nederland call 2018

Datum : 12 juni 2018
Naam instelling : Koninklijk Instituut voor Taal-, Land- en Volkenkunde (KITLV-KNAW)
Naam onderzoeker : Ward Berenschot
Titel Onderzoek : Palm Oil Conflicts and Access to Justice in Indonesia

In kind contributie

De directie van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde (KITLV-KNAW) verklaart dat de instelling € 25.000 van de kosten van de aan te stellen post-doc onderzoeker in het bovengenoemde onderzoek voor haar rekening neemt.

In Cash contributie

Daarnaast verklaart de directie KITLV-KNAW dat de heer Berenschot een contract voor onbepaalde tijd heeft bij haar instelling en dat de heer Berenschot voor een periode van drie jaar voor 0,2 fte wordt vrijgesteld om aan bovengenoemd onderzoek te werken.

Handtekening vertegenwoordiger instelling

Naam : Prof. dr. G.J. Oostindie
Directeur
Datum : 12 juni 2018

Koninklijk Instituut voor
Taal-, Land- en Volkenkunde
Reuvenplaats 2
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E-mail: kitlv@kitlv.nl • Website: www.kitlv.nl



KEMENTERIAN RISET, TEKNOLOGI DAN PENDIDIKAN TINGGI
UNIVERSITAS ANDALAS
FAKULTAS ILMU SOSIAL DAN ILMU POLITIK

Alamat : Gedung Dekanat FISIP, Limau Manis Padang Kode Pos 25163
Telp/Faks. (0751) 71266 Email : sosioandalas@gmail.com Web: <http://fisip.unand.ac.id/sosiologi>

Padang, 11 June 2018

Dear Dr. Berenschot,

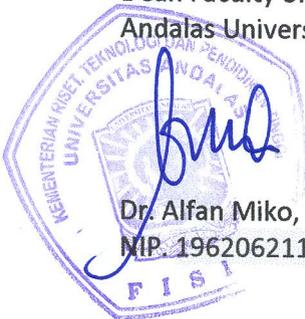
With this letter I would like confirm the support of Andalas University for your research project 'Palm Oil Conflicts and Access to Justice in Indonesia', which you developed in collaboration with Dr. Afrizal from Andalas University. We confirm that when needed Faculty of Social and Political Sciences Andalas University will provide help and basic facilities to support the proposed activities, and Dr. Afrizal will participate in this research project.

We support this project because its aim – to study responses to Oil Palm expansion – is a pertinent topic here in West Sumatra where agrarian changes have had a big impact on economic and political life. Dr. Afrizal has a longstanding research experience in this field. He has not only written his dissertation on this topic but continues to study the evolution of old and new conflicts that have emerged in West Sumatra. We, therefore, feel that this project could be beneficial to Andalas University and we hope that this project will be the beginning of a fruitful interaction between KITLV, Wageningen University, and Andalas University.

Feel free to contact me if you have any questions.

Best regards,

Dean Faculty of Social and Political Sciences
Andalas University



Dr. Alfian Miko, M.Si
NIP. 196206211988111001



P.O. Box Postbus 8130 | 6700 EW Wageningen | The Netherlands

Royal Netherlands Institute of Southeast Asian and Caribbean Studies
(KITLV)
Att. Dr. Ward Berenschot
Reuvenplaats 2
2311 BE Leiden

Dear dr. Berenschot,

Wageningen University hereby confirms its support for the project proposal "Palm Oil Conflicts and Access to Justice in Indonesia" led by dr. Ward Berenschot, researcher at KITLV.

The main aim of this project is to strengthen the capacity of rural communities, oil palm companies and government institutions to address the grievances caused by oil palm expansion.

We hereby confirm our *in-kind contribution* to the project as indicated in the proposal:

- 45 working days of Otto Hospes for the duration of the project (3 years). The total value of this contribution is 46.503 EUR.

Yours sincerely,

Dr. M.M. Hackmann
Director Operations

Social Sciences Group

DATE
June 11, 2018

SUBJECT
Letter of Support

OUR REFERENCE
A4145

POSTAL ADDRESS
P.O. Box Postbus 8130
6700 EW Wageningen
The Netherlands

VISITORS' ADDRESS
Building 201
Hollandseweg 1
6706 KN Wageningen

INTERNET
www.wur.nl

HANDLED BY
Baiba Hermanns-Vagule

TELEPHONE
+31 (0)317 48 17 22

EMAIL
baiba.hermanns-vagule@wur.nl



Pontianak, 10 June 2018

Dear Ward Berenschot,

With this letter I would like to express the willingness of Lembaga Gemawan to participate in the proposed research project 'Palm Oil Conflicts and Access to Justice in Indonesia' as part of the research consortium of KITLV, Andalas University and Wageningen University. As director of Lembaga Gemawan I confirm that we are willing to participate in this project and support its activities.

Lembaga Gemawan has worked for many years with communities that suffered from the expansion of oil palm in West Kalimantan. We have support communities in their struggle for compensation and better treatment from companies, and their search for alternative livelihoods. For this reason we are glad to participate in the documentation of conflict cases as this research project proposes. This is something that is much needed, with this project we hope to obtain support in better documenting the cases that we are involved with, as well as the many other instances of strife between communities and companies in West Kalimantan.

We also hope that this project, and its support for case documentation, will help to show the scale of the problem. This can help us with advocacy and lobby activities. We confirm that we will take up the outcomes of this research project in such activities, as we will use it to put pressure on local governments to develop new measures and policies to find solutions for the conflicts caused by oil palm expansion.

We wish you good luck with the application, greets,

Laili Khairnur



Kalimantan Tengah

Jln. RTA Milono KM 3 No. 128, Palangka Raya – Kalimantan Tengah
Telp / Fax :-
E-mail : walhi.kalteng@gmail.com, kalteng@walhi.or.id
Web : <http://www.walhikalteng.org>

Indonesia Wahana
Forum Lingkung
for Hidup
Environment Indonesia

Palangka Raya, 12 June 2018

Dear Ward Berenschot,

With this letter I, Dimas Hartono, would like to convey the willingness of Walhi Kalteng (Friends of the Earth Kalimantan) to participate in the research project “Palm Oil Conflicts and Access to Justice in Indonesia”. We are willing to support the research project by assisting in the documentation of conflicts that are occurring in Central Kalimantan due to Oil Palm expansion.

Central Kalimantan is suffering from a large number of conflicts. Walhi Kalteng has for many years been working to help communities to protect their land or address the pollution caused by palm oil companies. We have worked with Ward Berenschot on setting up a paralegal project on these conflicts. We hope that this project will enable us to better document the chronology of these conflicts. This will be beneficial to improve our work. We would help the researchers in their documentation work wherever we can.

We will also contribute to this project by using the documentation to lobby the provincial government. In the past we have also been involved in lobbying the provincial government for more a new arbitration board to deal with these conflicts. They have not yet implemented this. We hope that we better documentation of the problem, we can convince the government to take action.

We look forward to working together,

Kind regards,

A handwritten signature in black ink, appearing to be "Dimas Hartono", written in a cursive style.

Dimas Hartono

Director Walhi Kalteng

Padang, 06 June 2018

Dear Ward Berenschot,

With this letter I, Uslaini, state the willingness of Walhi Sumatera Barat (Friends of the Earth West Sumatra) to participate in the research project "Palm Oil Conflicts and Access to Justice in Indonesia". We are willing to support the research project by assisting in the documentation of conflicts that currently take place as a result of palm oil plantations.

Walhi Sumatera Barat has for many years been working to help communities to protect their land or address the pollution caused by palm oil companies. We hope that this project will enable us to better document the chronology of these conflicts. This will be beneficial to improve our work. We will help the researchers in their documentation work wherever we can.

We will also contribute to this project by using the documentation to lobby the provincial government. Over the last few months we have also been involved in lobbying the provincial government for more new policies to deal with these conflicts. They have not yet implemented this. We hope that with better documentation of the problem, we can convince the government to adopt better policies.

We look forward to this cooperation

**Eksekutif Daerah
Wahana Lingkungan Hidup Indonesia
Sumatera Barat**

Wahana Lingkungan Hidup
Indonesia
Sumatera Barat

Jalan Beringin III A No. 9
Kelurahan Lolong Belanti
Kecamatan Padang Utara
Kota Padang

(0751) 7054673

Email:
walhisumbar30@gmail.com
Website :
www.walhisumbar.or.id
facebook.com/walhisumbar
twitter.com/WalhiSumbar
instagram.com/walhisumbar

Uslaini WALHI
SUMATERA BARAT
USLAINI, S.P

Direktur Eksekutif



No. : 019/Scale-Up/Eks/VI/2018
Annexes : -

Pekanbaru, June 12th 2018

Dear Ward Berenschot,

With this letter I, Dr. M. Rawa El Amady, state the willingness of Scale Up to participate in the research project "Palm Oil Conflicts and Access to Justice in Indonesia". We are willing to support the research project by assisting in the documentation of conflicts that currently take place as a result of palm oil plantations.

Scale Up has for many years been working for promoting conflict resolution issues in natural resources by Alternative Dispute Resolution (ADR). We concern in industrial plantation and palm oil sector. Based on our experiences, we have ability to doing documentation and research in palm oil sector.

We will also contribute in this project by using research result to support the provincial government for evaluating their regulation. Over 10 years, we have already facilitated conflict resolution process between societies and companies. We also engaged government for participating in conflict resolution.

We look forward to this cooperation.

Kind regards,

Dr. M. RAWA EL AMADY
Scale Up Director



Num.: 043/BP-Epistema/VI/2018

Re.: Support Letter

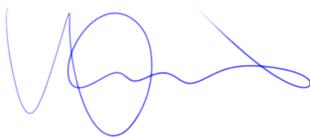
Jakarta, 10 June 2018

Dear Ward Berenschot,

With this letter I would like to express the willingness of Epistema to participate in the proposed research project 'Palm Oil Conflicts and Access to Justice in Indonesia', which you developed in collaboration Andalas University, Wageningen University and Epistema. We confirm that will support this project and participate in its activities whenever possible.

Epistema has worked on issues that are closely related to the objectives of the proposed research program. Epistema is a research institutes that works on topics related to land rights, environmental law as well as agrarian reform. Through its various research projects over the years, Epistema developed considerable expertise on both laws and policies related to palm oil expansion, as well as on grass-root responses to this expansion. For this reason, we hope that this project will serve to support and expand our existing work on particularly conflicts related to palm oil expansion. But also we are keen to participate in developing approaches to analyse these conflicts, and to produce studies that could be of benefit for our advocacy efforts. We have collaborated with other ngo's to develop a website on agrarian conflicts (tanahkita.id), which, we hope, can be elaborated through this project. Epistema has also for years campaigned for stronger (environmental) regulation, and we hope that this project can support these efforts as we hope and expect that the results of this project can help us in this efforts; we hope that this project can help us to show the need for finding better solutions for the many ongoing conflicts.

Kind Regards,



Asep Y. Firdaus
Director of Epistema

Dr. Ward Berenschot

Koninklijk Instituut voor Taal-, Land- en Volkenkunde (KITLV)
Royal Netherlands Institute of Southeast Asian and Caribbean Studies

Jakarta, 10 June 2018

Dear Dr. Berenschot,

With this letter, I would like to express the willingness of HuMa to participate in the proposed research project 'Palm Oil Conflicts and Access to Justice in Indonesia', which you will submit for the Indonesia-Netherlands call of NWO. We confirm that we will support this project and participate in its activities whenever possible.

This project connects closely to the objectives and activities of HuMa. Over the years HuMa has built up the first database of conflicts caused by land use change in Indonesia – see www.tanahkita.id. This grew out of a collaboration with several other Indonesian NGO's – some of which are now a partner in this project. The proposed research project also aims to study a large number of palm oil-related conflicts. For this reason, we hope that this project will serve to support and expand our existing conflict documentation. However, also, we are keen to participate in developing approaches to analyze these conflicts and to produce studies that could be of benefit for our advocacy efforts. HuMa has over the years campaigned for stronger (environmental) regulation, and we hope that this project can support these efforts. As our contribution to this project, we will endeavor to support the efforts to document conflict cases by making available our contacts as well as the material we have already gathered. Second, we intend to use the results of this project to strengthen our advocacy work.

We look forward to collaborating with KITLV, Wageningen University and Andalas University on this project.

Best regards,



Dahniar Andriani., M.ID

Executive Coordinator of HuMa

Annex 3. Draft Consortium Agreement

DRAFT CONSORTIUM AGREEMENT RESEARCH PROJECT
'PALM OIL CONFLICTS AND ACCESS TO JUSTICE IN INDONESIA'

Between:

KITLV established in Reuvenplaats 2, Leiden, the Netherlands represented by Dr. Ward Berenschot, hereafter "KITLV", the Coordinator;

Andalas University established in Gedung Dekanat FISIP, Limau Manis Padang, Indonesia, represented by Dr. Afrizal, hereafter "Andalas",

Wageningen University established in Hollandseweg 1, Wageningen, the Netherlands, represented by Dr. Otto Hospes, hereafter "WUR",

Hereafter: the Academic Partners

Lembaga Gemawan established in Jl. Batas Pandang Kompleks Kelapa Hijau No. 18 Pontianak 78117, West Kalimantan, Indonesia, represented by Laili Khairnur, hereafter "Gemawan",

Walhi Central Kalimantan established in Jln. RTA Milono KM 3 No. 128, Palangka Raya – Central Kalimantan, Indonesia, represented by Dimas Hartono, hereafter "Walhi Kalteng",

Walhi West Sumatra established in Jl. Beringin IIIA No. 9, Kel. Lolong Belanti, Kec. Padang Utara, Indonesia, represented by Chaus Uslaini, hereafter "Walhi Sumbar",

Scale Up established in Jl. Kenari No 15, Kampung Melayu, Sukajadi, Pekanbaru 28124, Riau, Indonesia, represented by M. Rama el Rawady, hereafter "Scale Up",

Epistema established in Jalan Manggis Blok B No.18 Kel. Rawajati, Kec. Pancoran, Jakarta Selatan 12510, Indonesia, represented by Asep Firdaus, hereafter "Epistema",

HuMa established in Jl. Jati Agung No. 8, Jati Padang - Pasar Minggu, Jakarta 12540, Indonesia, represented by Andriani Dahniar, hereafter "HuMa",

Hereafter: the Private Partners

Hereinafter individually or jointly referred to as respectively "Party" or "Parties", relating to the Project entitled 'Palm Oil Conflicts and Access to Justice in Indonesia'(in short Palm Oil Conflicts), hereinafter referred to as "Project"

WHEREAS:

- The Parties, having considerable experience in the field concerned, have submitted a proposal (attached to this agreement as Annex 1, hereafter: "the Proposal") for the Project to NWO-WOTRO Science for Global Development), hereafter: WOTRO, in the 2018 Indonesia-the Netherlands call;
- WOTRO awarded to the Parties funds for the Project as further stated in the grant decision of WOTRO including the approved budget of 1 November 2018, attached to this agreement as Annex 2 (hereafter: the Grant Decision);

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- the Parties wish to specify or supplement binding commitments among themselves in addition to the provisions of the NWO and WOTRO regulations that are applicable to the Project;

therefore Parties have agreed as follows:

1.1.1 Definitions:

Words beginning with a capital letter shall have the meaning defined either herein or in the NWO regulations or in the WOTRO Regulations.

1.1.2 Article 1 Purpose and scope of the cooperation

- (1) The Parties undertake to co-operate under the conditions of the Grant Decision and this Consortium Agreement in order to achieve the goals of the Project.
- (2) The goals of the Project and activities are described in the Proposal and the Grant Decision.
- (3) The Parties agree and undertake reasonable endeavours to perform those parts of the Project as are allocated to each of them in the Grant Decision.
- (4) The Project shall be performed in accordance with the following documents which constitute an integral part hereof and are listed in order of precedence in case of conflict:
 - the Grant Decision;
 - the NWO regulations;
 - the WOTRO Regulations;
 - the Call for Proposals;
 - this Consortium Agreement;
 - the Proposal.

1.1.3 Article 2 Duration of the Agreement

- (1) This Consortium Agreement shall have effect from the date that the Project officially starts.
- (2) This Consortium Agreement shall continue in full force and effect until complete fulfilment of all obligations undertaken by the Parties under the Grant Decision and under this Consortium Agreement.
However, this Consortium Agreement or the participation of one or more Parties to it may be terminated in accordance with the terms of this Consortium Agreement.
- (3) If the Grant Decision is terminated by WOTRO or if a Party's participation in the Grant Decision is terminated, this Consortium Agreement shall automatically terminate in respect of the affected Party/ies, subject to the provisions surviving the expiration or termination. Termination shall not affect any obligations of a Party leaving the Consortium incurred prior to the date of termination, unless otherwise agreed between the Parties. This includes the obligation to provide all input, deliverables and documents for the period of its participation.

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- (4) In the event of (premature) termination, the Parties will remain bound by the Articles 1(4), 3(2), 7, 9 and 10 of this Consortium Agreement, for the term as set forth in such Article.

1.1.4 Article 3 Financial

- (1) The Coordinator shall receive the funding from WOTRO according to the financial schedule in the Grant Decision.

- (1) The Coordinator shall receive the funding from WOTRO according to the financial schedule in the Grant Decision. The Coordinator shall distribute the funding related to travel costs, research costs, appointment of research assistants and organization of project-related activities according to task-specific budgets agreed upon between the party and the coordinator.

A Party shall be funded only for its tasks carried out in accordance with the Proposal and the Grant Decision.

- (2) Each Party shall be solely responsible for justifying its costs with respect to the Project towards WOTRO. Neither the Coordinator nor any of the other Parties shall be in any way liable or responsible for such justification of costs towards WOTRO.
- (3) A Party which spends less than its allocated share of the budget as set out in the Proposal or will be funded in accordance with its actual duly justified eligible costs only. A Party that spends more than its allocated share of the budget as set out in the Proposal will be funded only in respect of duly justified eligible costs up to an amount not exceeding that share.
- (4) The Coordinator is entitled to withhold any payments due to a Party identified by the Project Board to be in breach of its obligations under this Consortium Agreement or the Grant Decision. The Coordinator is entitled to recover any payments already paid to a defaulting Party. The Coordinator is equally entitled to withhold payments to a Party when this is suggested by or agreed with WOTRO.

1.1.5 Article 4 Project Organisation – Project Board

- (1) The Project Board is the decision-making body of the consortium. The Coordinator is the legal entity acting as the intermediary between the Parties and WOTRO. The Coordinator shall, in addition to its responsibilities as a Party, perform the tasks assigned to it as described in the Grant Decision and this Consortium Agreement.
- (2) The Project Board shall consist of one representative of each Party (hereinafter referred to as "Member"). Each Member shall be deemed to be duly authorised to deliberate, negotiate and decide on all matters listed in this Consortium Agreement. The Coordinator shall chair all meetings of the Project Board, unless decided otherwise by the Project Board.
- (3) The Project Board shall be free to act on its own initiative to formulate proposals and take decisions in accordance with the procedures set out herein. The following decisions shall be taken by the Project Board:
- Proposals for changes of the Project, to WOTRO;
 - Changes to the distribution of the budget, to be agreed with WOTRO

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- Entry of or withdrawal of Party to/from the consortium and approval of the settlement on the conditions thereof (needs approval from WOTRO)
 - Identification of a breach by a Party and handling a defaulting party.
 - Permission of objections for Publications according to article V of the WOTRO regulations
 - IP issues according to article 8.
- (4) The Parties agree to abide by all decisions of the Project Board. This does not prevent the Parties from submitting a dispute for resolution in accordance with the provisions of settlement of disputes in article 10(2) and 10(3) of this Consortium Agreement.
- (5) The Coordinator shall convene meetings of the Project Board at least once every 6 months and at any time upon written request of any Member. Meetings may take place in person or via electronic means. The coordinator shall send each Member a written agenda no later than 14 calendar days preceding the meeting. Any decision may also be taken without a meeting if the chairperson circulates to all Members a written document which is then signed by the defined majority of Members.
- (6) The Project Board shall not deliberate and decide validly unless two-thirds (2/3) of its Members are present or represented (quorum). Each Member shall have one vote. Defaulting Parties may not vote. Decisions shall be taken by a majority of two-thirds (2/3) of the votes cast.
- (7) A Member which can show that its own work, time for performance, costs, liabilities, intellectual property rights or other legitimate interests would be severely affected by a decision of the Project Board may exercise a veto with respect to the corresponding decision or relevant part of the decision. In case of exercise of veto, the Members shall make every effort to resolve the matter which occasioned the veto to the general satisfaction of all Members.
- (8) The Coordinator shall produce written minutes of each meeting which shall be the formal record of all decisions taken and shall send minutes to all Members within 10 calendar days of the meeting. The minutes shall be considered as accepted if, within 15 calendar days from sending, no Member has sent an objection in writing to the Coordinator with respect to the accuracy of the draft of the minutes.

Article 5 Project organisation - Coordinator

- (1) The Coordinator shall be the intermediary between the Parties and WOTRO and shall perform all tasks assigned to it as described in the Grant Decision and in this Consortium Agreement.
- (2) In particular, the Coordinator shall be responsible for:
- monitoring compliance by the Parties with their obligations;
 - collecting, reviewing and submitting information on the progress of the Project and reports and other deliverables (including financial statements and related certification) to WOTRO in accordance with the Grant Decision;
 - preparing the meetings, proposing decisions and preparing the agenda of Project Board meetings, chairing the meetings, preparing the minutes of the meetings and monitoring the implementation of decisions taken at meetings;
 - transmitting promptly documents and information connected with the Project;
 - administering the financial contribution of WOTRO and fulfilling the financial tasks described in Article 3.

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- Coordinating the writing process related to the output of the project.
- (3) If one or more of the Parties is late in submission of any project deliverable, the Coordinator may nevertheless submit the other parties' project deliverables and all other documents required by the Grant Agreement to the WOTRO in time.

2 Article 6 Execution of the Project

- (1) Each Party undertakes to take part in the efficient implementation of the Project, and to cooperate, perform and fulfil, promptly and on time, all of its obligations under the Grant Decision and this Consortium Agreement as may be reasonably required from it and in a manner of good faith.
- (2) Each Party undertakes to notify promptly the other Parties any significant information, fact, problem or delay likely to affect the Project.
- (3) Each Party shall promptly provide all information reasonably required by the Project Board or the Coordinator to carry out its tasks.
- (4) Each Party shall take reasonable measures to ensure the accuracy of any information or materials it supplies to the other Parties.

Article 7 Publications

With regard to publications, Parties shall comply to the WOTRO regulations. In particular this means that:

- (1) Up to a period of three years after termination of the Project, all publications based on Results derived from the Project, must have the prior consent of all Parties.
- (2) All publications should be made accessible by Open Access publication.
- (3) All data generated during the Project will, after the prior consent of all Parties be offered to the DANS Open Access repository within three years after termination of the Project.
- (4) Analyzed data upon which publications are based, including meta-data, should be made accessible for further research by Open Access publication simultaneously with the publication.
- (5) For Open Access publication of data that are relevant for re-use but not generated during the Project (background data), the consent of the Party that provided those data is needed.

2.1.1 Article 8 Intellectual Property rights

- (1) All Results are available to all Parties for the purpose of execution of the Project and for non-commercial research and education.
- (2) Intellectual Property Rights to Results are owned by the Party that generated such Result. In the event Parties generate Results jointly, the Intellectual Property Rights to such Results are owned jointly by those Parties.
- (3) In the event a Result is capable of protection by Intellectual Property Rights and one or more of the Parties wish to protect such Result, the Parties, together with WOTRO will consult and agree who will bear the cost of such protection. Intellectual Property Rights are applied for in the name of the owning Party(ies).
- (4) All Results of the Project for which it is decided not to apply for a patent and/or which have appeared to be not patentable or otherwise protected through intellectual property rights, shall become public knowledge and be made available through Open Access.

2.1.2 Article 9 Liability

- (1) In respect of any information or materials (incl. Results and Background) supplied by one Party to another Party under the Project, no warranty or representation of any kind is made, given or implied as to the sufficiency or fitness for purpose nor as to the absence of any infringement of any proprietary rights of third parties.

Therefore,

- the recipient Party shall in all cases be entirely and solely liable for the use to which it puts such information and materials, and
- no Party granting rights to another Party shall be liable in case of infringement of proprietary rights of a third party resulting from any other Party exercising its Access Rights.

- (2) No Party shall be responsible to any other Party for any indirect or consequential loss or similar damage such as, but not limited to, loss of profit, loss of revenue or loss of contracts, provided such damage was not caused by a wilful act or gross negligence.

A Party's aggregate liability towards the other Parties collectively shall be limited to the Party's share of the total costs of the Project as identified in article 3(1), provided such damage was not caused by a wilful act or gross negligence.

- (3) Each Party shall be solely liable for any loss, damage or injury to third parties resulting from the performance of the said Party's obligations by it or on its behalf under this Consortium Agreement or from its use of Results or Background.
- (4) No Party shall be considered to be in breach of this Consortium Agreement if it is prevented from fulfilling its obligations under the Consortium Agreement by Force Majeure. Each Party will notify Project Board of any Force Majeure without undue delay. If the consequences of Force Majeure for the Project are not overcome within 6 weeks after such notification, the transfer of tasks - if any - shall be decided by the Project Board.

2.1.3 Article 10 Applicable laws and disputes

- (1) This Consortium Agreement shall be construed according to and governed by the laws of The Netherlands.
- (2) In case of dispute or difference between two or among several Parties arising out of or in connection with this Consortium Agreement, the Parties shall first endeavour to settle it amicably. Should this, however not lead to a settlement either, each Party concerned has the right to request the dispute to be brought to mediation or any other form of alternative dispute resolution (ADR). The other Parties involved shall give constructive consideration to such request.
- (3) All disputes or differences arising in connection with this Consortium Agreement that cannot be settled as provided for in 9(2) shall be finally settled by the competent court in The Hague.