

Transnational policy influence and the politics of legitimation

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Abstract

Many domains of transnational policy are now governed through dynamic, multi-level governance processes, encompassing transnational, national and sub-national scales. In such settings, both membership of policy communities, and distributions of authority within them, become more fluid and openly contested—increasing the importance of the politics of legitimation as a basis for distributing influence over policy processes and outcomes. Drawing on insights from theories of organisational and institutional legitimation, this paper theorizes three distinctive strategies of policy influence exercised by transnational actors in multi-level governance settings, through which strategic efforts to legitimize transnational actors and forums are deployed as means of transnational policy influence. The three strategies involve: transnational field-building; localized network-building; and role-adaptation. The effects of these influencing strategies on policy processes and outcomes are illustrated with reference to the case of Indonesian land governance, in which highly dynamic, contested and multi-scalar governance processes lend our theorized strategies particular salience.

Introduction

Many important global policy domains – spanning health, the environment, business regulation, and natural resource management – are now governed through multi-layered structures of authority. Managing these global policy challenges demands coordination between actors and institutional

forums at international, national, and sub-national levels, generating complex, multi-level governance challenges (Bernstein and Cashore, 2012; Oberthür and Gehring, 2006). Policies concerning land and natural resource management provide a classic example of such challenges. States remain central actors controlling access to land and natural resources, and often fiercely defend principles of sovereignty over land governance processes. Yet in dynamic and decentralized political contexts, authority is often distributed in complex and contested ways between national and sub-national authorities, and new sources of transnational state and non-state authority (Margulis and Porter, 2013).¹ In these settings, there is increased indeterminacy and contestation of both boundaries of membership of policy communities, and distributions of authority within them. Such fluidity and contestation demands more explicit justification of entitlements to exercise influence over policy making processes and outcomes.

While such dynamics have most often been analysed from the perspective of overall governing capacity, our central intervention involves exploring the implications of multi-level policy dynamics for the *influencing capacities* of competing policy actors. We focus in particular on the distinctive challenges faced by transnational actors promoting agendas of environmental governance, indigenous land rights and natural resource conservation. While the term ‘transnational actors’ is often used to refer exclusively to non-state actors (Keohane and Nye, 1974), we use the term to encompass state-based actors such as bilateral or multilateral donors,² as well as non-state actors such as NGOs. This allows us to capture the important ways in which both state and non-state actors often retain territorially constituted identities and allegiances, at the same time as engaging in partially deterritorialized, transnational fields of action.³

¹ Throughout the paper, we use the term policy to refer to specific goals, instruments and implementation systems through which collective purposes are pursued within a wider governance system. The term governance is used to refer to the broader set of actors, ideas and institutional arrangements through which policies are formulated and implemented.

² We use the term ‘donors’ to refer to external governmental or inter-governmental agencies that provide resources and technical assistance to state and/or non-state actors within a recipient country, with the aim of supporting policy, program or institutional development.

³ This has sometimes been referred to as a ‘transformationist’ lens for analysing the evolving relationship

For such transnational actors, the ability to exert influence at national and sub-national levels can crucially underpin their capacity to drive meaningful change on the ground (Young, 2006; Bernstein and Cashore, 2012). Yet, as new entrants into dynamic domestic policy settings, such actors lack direct authority and must often work actively to achieve recognition as legitimate participants within domestic policy communities. As our analysis in this paper seeks to demonstrate, the fluidity and contestation of both boundaries of participation and distributions of authority within multi-level governance settings increases the importance of the politics of legitimation as a basis for distributing influence over policy processes and outcomes.

Building on this central premise, the paper aims to theorize strategies of legitimation exercised by transnational actors within multi-level land governance processes—linking these strategies to processes of policy change by documenting key causal mechanisms through which influence is exerted. Our goal is not to develop a fully specified causal model of policy influence with the capacity to predict particular policy outcomes. Rather, it is to theoretically identify and empirically document recurrent causal mechanisms of influence through which legitimation strategies influence policy processes and outcomes targeted by transnational actors (Checkel, 2006). Our analysis focuses on the emergent, multi-scalar and highly contested policy field of land governance in Indonesia.

We show that transnational actors seeking to influence land governance at multiple scales face distinctive challenges in establishing legitimacy for their influencing roles within national and sub-national policy processes. Drawing on insights from theories of organisational and institutional legitimation—which have been influential in recent environmental governance scholarship, but relatively neglected in many broader theories of transnational policy and governance—we develop an account of three strategies deployed by transnational actors, whereby active efforts to legitimize

between state and non-state actors within an unevenly globalized polity (Behr, 2008; Sassen, 1999; Slaughter, 1997).

actors or forums within multi-level governance processes are deployed as a basis for exercising transnational policy influence. These involve, respectively, strategies of role-adaptation, localized network-building, and transnational field-building; our contention is that these strategies acquire particular salience within the distinctive structural conditions of multi-level governance settings. We illustrate these strategies in relation to two distinct episodes of transnational policy influence in the field of Indonesian land governance, and draw out broader theoretical implications for analysis of policy influence in other fields in which contested, transnational governance processes are pervasive.

Theorizing legitimation as a source of transnational policy influence

Policy influence can be broadly understood as entailing “purposeful efforts of institutions and actors, by whatever means or mechanisms, to steer policy and behaviour” (Cashore and Bernstein, 2012, p.586). Much of the extensive scholarship theorizing policy influence has focused at the domestic level, though some scholars have sought to extend theoretical frameworks to accommodate transnational policy-making contexts (Lifftin, 2000; Marks, 1996). Within such scholarship, the structure of public authority that constitutes the *target* of influencing strategies is often assumed to be relatively stable, reflecting a paradigmatic focus on established state authority (Sabatier, 1998, p.102). Policy influence is then theorized primarily with regard to influence over the beliefs or behaviour of authoritative policy-makers, whether through processes of ideational change, or shifts in the power or coalition-structure of competing interest groups (Kubler, 2001).

In contrast, scholarship on transnational and multi-level governance has highlighted the plurality of actors and authorities within transnational governance processes (Keck and Sikkink, 1998; Risse-Kappen et.al., 1999; Bernstein and Cashore, 2012). Yet, the implications of such plurality for dynamics of policy influence have rarely constituted a central focus (for exceptions, see Levy and Scully, 2007; Drezner, 2009; Cashore, 2002). This scholarship has also tended to give little attention

to the role political contests over the legitimation (and de-legitimation) of actors and forums might play in shaping processes of policy influence.

Meanwhile, scholars of organisational and institutional legitimation analysing a diverse array of legal, institutional and organisational contexts have shown how constructions or representations of legitimacy become particularly important in pluralistic environments in which there are conflicting expectations amongst different audiences—not only regarding specific contested policy outcomes, but also concerning who has a right to participate in policy making processes in the first place (Black, 2008; Suchman, 1995). On this view, legitimation can enable, augment or sustain other material and discursive sources of policy influence, while also providing a basis for *contesting* the influencing efforts of others—through overt challenges to legitimacy claims, or more covert strategies of resistance, avoidance or co-optation of legitimacy discourses (Oliver, 1991). We draw on these rich literatures on organisational and institutional legitimacy to more explicitly theorize how the contested politics of legitimation shapes processes of policy influence.

Our conceptualisation of legitimacy reflects a broad sociological understanding of the term, according to which legitimacy can be understood as “a generalized perception or assumption that the actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions” (Suchman, 1995, p.574). On this view, legitimacy contests concern not only claims about governing authority, but also broader claims regarding the entitlement of different actors to participate and exercise influence within policy processes (Johnson et.al., 2006).⁴ Conceptualising legitimacy in this way enables us to explicitly problematise the fluidity and contestation of political roles within dynamic, multi-level governance settings.

This framework for understanding legitimacy also provides a foundation for understanding the distinctively *strategic* forms of action through which transnational actors seek endorsement of their

⁴ This entails a broader view of legitimacy than that articulated by political and legal scholars focusing more narrowly on the legitimacy of institutions, rules or authorities (e.g. Hurd, 1999; Bernstein, 2004).

efforts to exercise authority or other forms of influence within multi-level policy processes. Recent developments in institutionalist scholarship⁵ have stressed the importance of strategic forms of agency within processes of institutional emergence and change, in which organisations are involved in active justification *vis a vis* society of their legitimacy, rather than more passive alignment and response based on compliance with external expectations that are assumed to be relatively settled (Palazzo and Scherer, 2006). Such approaches stress the contested nature of legitimation processes, and argue for the need to “take strategy seriously as the mode of dynamic interplay between entrepreneurs and fields” (Levy and Scully, 2007, p.972). Scholars in this tradition have emphasised the heightened salience of strategic processes of legitimation within unstable, dynamic or emergent fields, in which “the legitimacy-ascribing environment is not very homogenous” (Scherer and Palazzo, 2006, p.77; see also Suchman, 1995, pp.585-86).

Although strategic efforts to bolster recognition of an actor’s rightful authority or participation within a policy process can be conceptually articulated as a distinctive behavioural and social process, it is more challenging to empirically disentangle such processes from others with which they are closely entwined (Hurd, 1999). Strategic rationalities of transnational actors are closely interwoven with other instrumental and cognitive drivers of their behaviour; responses of other actors to their strategic legitimation claims are likewise driven by a complex mix of moral, cognitive and instrumental rationalities (Suchman, 1995). Moreover, a transnational actor’s strategic efforts to bolster the legitimacy of their participation in a given policy *process* are often intertwined with attempts to directly influence contested policy *outcomes*—yet these purposes are not always clearly differentiated. Empirically teasing apart these complex behavioural and social processes relies on information about the *motivations* as well as behaviour of actors, which may not be clear even to the actors themselves (Hurd, 1999).

⁵ Some have described this as a “strategic turn” in neo-institutional theory (Hensmans, 2003, p.357)

Distinctive interpretive challenges arise in analysing evidence regarding behavioural and discursive responses to legitimacy claims, as a basis for documenting the causal effects of such strategies. Examining behavioural responses to legitimacy claims (in the form of accommodation or resistance) provides direct evidence regarding the willingness of other actors to accept the policy roles that transnational actors seek to establish. However, such evidence does not provide a strong basis for attributing causality to legitimacy claims, as opposed to other instrumental or cognitive drivers of such acceptance. Here, analysis of evidence regarding actors' discursive endorsement or criticism of legitimacy claims is also crucial—taking seriously “the role of language and the giving of reasons in the construction of politics ... notwithstanding the fact that such statements might be disingenuous” (Hurd, 1999). The empirical analysis we present below draws on evidence of both kinds.

Theorizing legitimation strategies

Transnational field-building

Many influential theories of policy influence are premised on the assumption that both the structures of political authority over which competing actors seek influence, and the constitutive boundaries of corresponding policy communities, are relatively fixed. In contrast, the strategy of transnational field-building seeks to *re-construct* these audiences and sites of authority in ways that are more conducive to the exercise of transnational influence. This is of heightened importance in multi-level governance settings, particularly those which are unstable or emerging, as transnational actors embark on new lines of activity in domestic arenas without strong established precedents (Suchman, 1995, 585-86).

Our reference to this strategy as transnational field-building borrows conceptually from rich traditions of theorizing social and institutional fields. These can be broadly understood as “socially constructed arenas within which actors with varying resource endowments vie for advantage” in relation to a particular set of issues or concerns (Fligstein and McAdam, 2011, p.3). Such fields are institutionalised through some degree of shared understandings, norms or practices amongst

participants in the field, and encompass both authoritative institutional processes through which policy is made and implemented, and the wider social field in which policy-making authority is constituted, contested and legitimized (Purdy and Gray, 2009). This concept is particularly useful for understanding the fluid reshaping of political boundaries within a multi-level governance setting.

While many scholars of transnational policy and governance have emphasised the transnational spaces that are created by transnational advocacy and policy-making networks ‘outside’ of national political institutions and policy fields (Keck and Sikkink, 1998; Stone, 2004), others have also recognised the “transnational embedding of domestic rule- and policy-making” (Bruszt and Holzhaecker, 2009; Djelic and Sahlin-Andersson, 2006). Through such processes, transnational actors, norms and cognitive frames increasingly penetrate institutional spaces that are geographically and institutionally situated at national and sub-national levels. Such processes not only help to constitute practices within the field, but also help shape the boundaries of the field, and the identity of those actors who are recognised by others as legitimate participants.

Transnational field-building may take several forms. *First*, it may redefine the boundaries and identities of legitimate participants—manipulating environmental structures by creating new audiences and legitimating beliefs (Suchman, 1995). *Second*, it may re-frame the terms of participation around transnationalized norms or identities, thereby generating new justifications for the participation of transnational actors. Both of these dimensions of transnationalization may occur without shifting the domestic sites of policy-making authority. A *third* possibility is for transnational field-building to support the emergence of new or strengthened sites of transnational policy-making authority, operating ‘outside’ of domestic institutional spaces. *Fourth*, such strategies may attempt to shift policy-making processes between rival sites of authority—bolstering the authority or legitimacy of some forums, while resisting or contesting the legitimacy of others (Drezner, 2009). By transnationalizing the policy spaces through which domestic policies are made, transnational actors can draw in actors that possess different mindsets and assumptions regarding appropriate terms of

legitimacy—shifting the substantive norms and cognitive frames that are influential within the policy field.

Localized network-building

Transnational actors such as NGOs or donors rarely seek to influence transnational policy in isolation. Rather, their engagement with policy-making processes occurs more frequently through wider networks and alliances, bringing together both transnational and domestic actors. Such strategies are of particular salience within emergent or dynamic fields, in which the legitimacy of new entrants into a field can be enhanced by integrating their activities “under the umbrella of pre-existing taken for granted” (Suchman, 1995, p.586)—one important means of which involves “convincing pre-existing legitimate entities to lend support” (p.587). Network-building at the domestic level can help to build the legitimacy and effectiveness of transnational policy-influencing efforts in several ways.

First, engagement of transnational actors with domestic networks can enable them—by association—to access new sources of legitimacy. Legitimacy gains can result simply from alliances between organisations with complementary sources of legitimacy—whether in the form of different resources, expertise, or ways of working (Kelly, 2007). In the transnational context, domestic organisations offer distinctive sources of legitimacy by virtue of their membership in domestic cultural and political communities. This can enable transnational actors to win acceptance for their influence over transnational policy-making processes by demonstrating how it is guided by “links with and experience in the South” (Hudson, 2000). Participation in domestic networks may also enable an implicit division of labour, in which transnational actors can focus on less visibly political roles, such as funding, training, or capacity building, leaving more overtly political advocacy or lobbying to domestic groups (Bernstein and Cashore, 2012). Such activities can sometimes “help shift the balance of power in domestic policy processes” (Bernstein and Cashore, 2012, p.594), by

sharing resources and knowledge with existing groups, or facilitating the creation or strengthening of supportive coalitions.

Legitimation at the domestic level is likely to be particularly strong in cases where these networks become more deeply embedded within wider social networks and relationships, through processes that have sometimes been referred to as ‘localization’ of transnational norms or policy agendas. Localization “describes a complex process and outcome by which norm-takers build congruence between transnational norms ... and local beliefs and practices” (Acharya, 2004, p.241). Domestic actors play a central role in selecting international norms that may enhance their own legitimacy or authority, then framing, grafting and adapting these in ways that that can be accommodated within the domestic cultural and political environment. These strategies can be particularly important as means of countering efforts to delegitimize transnational actors on the basis of their status as outsiders (Benhabib, 2009; Bernstein and Cashore, 2012, p.593 and p.602).

While domestic actors are central to such processes, localization can also facilitate transnational influence to the extent that the agency and legitimacy of domestic actors can be harnessed towards shared policy goals—facilitating more deeply embedded and sustainable forms of influence. However, as transnational influence diffuses across networks and becomes localized, transnational actors can lose control over the norms, framing, and associated coalitions through which influence is exerted.

Role adaptation: Constructing legitimate roles at the domestic level

Sociological accounts of legitimacy have highlighted the social, institutional and discursive processes through which participants make sense of their own and each other’s roles within a given social relationship, and understand them as legitimate (Black, 2008, p.152). For transnational actors, central to securing recognition by domestic policy actors is therefore to frame their *role* in the policy process in terms that other actors in the policy field can accept as legitimate—defining, limiting and adapting their purposes and functions as necessary in response to dynamics of acceptance,

resistance, or challenge. In multi-level governance settings where both participants and authorities in policy processes are fluid and contested, role-definition takes on heightened importance.

Acceptance of the legitimacy of a given actor's role will depend in part on the degree of congruence of the organisation's role with prevailing beliefs or expectations within the domestic policy field—these in turn reflecting highly context-dependent values, interests, and cognitive frames (Bernstein, 2011; DiMaggio and Powell, 1983). Achieving such congruence is particularly challenging in transnational policy settings, where claims about the legitimacy of influencing roles are directed to multiple audiences at significant cultural and geographical distance to one another (Black, 2008).

In responding to this challenge, actors can endeavour strategically to shape processes of role-definition in ways that appeal to the expectations of key audiences (Suchman, 1995; Palazzo and Scherer, 2006; Black, 2008). It is for this reason that role *adaptation* can play such a significant role in the politics of legitimation, enabling actors to shift roles (and narratives about these roles) in accordance with dynamics of recognition or resistance amongst other actors in the field. For example, depending on the context, policy influence may be legitimized based on particular organisational structures or processes, claims of expertise in a particular 'technical' issue, support for particular principles or values, or links to constituencies in the global South (Hudson, 2000).

Legitimation contests and transnational policy influence: illustrative cases

How then do these strategies of policy influence operate in practice? We explore these dynamics through a case study of land governance in Indonesia—a fluid and highly contested policy field in which sub-national, national and transnational actors have all played prominent roles. This case illustrates a structural context (cf. Peterson 1999) which is not only multi-scalar, but also characterised by significant instability and contestation. Within this field, decentralization of governance has been associated with unclear, overlapping and sometimes competing sources of authority (McCarthy, 2004; Sahide and Giessen, 2015), producing a proliferation of actors vying for influence over Indonesia's highly-prized land and resource base (*author self-reference*).

The Indonesian land governance case thus strikingly embodies core ontological features of the multi-level governance settings on which our analysis of transnational policy influence focuses. We expect the legitimation strategies we analyse to have particular salience in other contexts in which new policy fields are being formed, or where there is instability, change and contestation within the governance system—unsettling structures of authority. Such conditions may be most striking in emerging democracies, but are also common in established democracies wrestling with dynamics of institutional complexity (Duit and Galaz, 2008) or globalization (Meadowcroft, 2007). The salience of these strategies in other contexts is likely to vary not only inter-jurisdictionally, but also over time.

Indonesia's national Ministry of Environment and Forestry (merged from separate sectoral agencies in 2014), has long exercised authority over land within State Forests (*Hutan Negara*), particularly through the issue of large-scale licences for varying productive or conservation purposes. Other actors gained increasing influence in the course of Indonesia's sweeping democratic and institutional reforms,⁶ together with new decentralization policies which gave added discretionary authority to sub-national authorities to increase revenue and formulate domestic budgets. Land can now be granted as concessions by district heads and governors in cases of small-scale licences, or where no other title has been claimed, as long as such designations are in line with the forestry and agrarian laws.⁷ Customary land-communities also have a strengthened basis to assert control over land following a Constitutional Court ruling in 2013.

A range of transnational policy actors also play a significant role in Indonesian land governance, including private standard-setting and certification bodies, transnational companies and NGOs, and bilateral and multilateral donors. During the early stages of Indonesia's democratic reforms, such donors wielded significant influence through technical inputs into policy design, provision of grants,

⁶ These changes recognised civil society organisations and civil liberties, rolled back the pervasive role of the military, devolved significant political powers to sub-national governments to constitute Indonesia's multi-level governance system, and sought to entrench a multi-party electoral system.

⁷ Land governance is also carried out by authorities across a range of other portfolios, including those responsible for licencing and regulation of agricultural plantations, environmental regulation of land use, and management of land conflicts through law and order institutions (particularly police and military).

loans and other material resources to assist Indonesia's economic recovery, and participation in policy forums such as the Consultative Group on Indonesia, which supported broader reform processes. Over time, such influence has diminished somewhat, as the economy has strengthened, political alliances have been reshaped, and forums such as the Consultative Group disbanded. Diprose et al. (2019) detail efforts to further wind back some democratic reforms, particularly since the 2014 presidential elections, alongside growing resource nationalism and wider illiberal tendencies.

Within the case study of Indonesian land governance, we have carried out intensive studies of two distinct episodes of attempted transnational policy influence—where episodes are understood as spatially and temporally bounded streams of action and interaction (Tilly et.al., 2001; Gerring, 2004). These involve: efforts by transnational NGO networks to achieve strengthened social and environmental regulation of land acquisition and use in the palm oil sector; and attempts by transnational networks of donors and NGOs to achieve land tenure clarification in domestic customary forest governance.⁸ The two episodes differ with regard to the categories of transnational actors involved, and the specific policy processes and outcomes they sought to influence. Examining both enables us to explore the robustness of our theoretical account of transnational policy influence across different episodes within a single structural context; our goal is not to explain varying outcomes across the episodes, but rather to provide contrasting illustrations of how the theorized strategies of policy influence played out in practice.

Analysis of these episodes of transnational influence enables us to trace the micro-social processes through which transnational influencing strategies are exercised, and the behavioural responses of

⁸ The palm oil case draws on a multi-year collaborative study on governance of land conflicts in the palm oil sector (involving 62 interviews and focus groups involving over 150 individuals). The domestic customary governance case involves extended ethnographic work and more than 100 interviews over two years, as well as several years of applied policy research, observation and evaluations of processes of land governance associated with REDD+ pilot programs in Indonesia. Taken together, the analysis draws on several years of research, involving a range of stakeholders from companies, NGOs, government officials, transnational actors, and communities, observation, document analysis, and direct participation in land governance processes within Indonesia.

domestic policy actors to these efforts (cf. George and Bennett 2004; Peterson, 1999, p.3).⁹ The transnational actors we examine sought multi-faceted forms of policy change, concerning both the design and implementation of complex policy regimes. Such change occurs over extended timeframes; ‘wins’ and ‘losses’ can occur simultaneously at different levels of the policy field, and both are subject to ongoing contestation and potential reversal. Our focus on analysing causal processes within specific episodes of attempted policy influence enables us to document the effects of transnational influencing strategies not only on specific policy outcomes, but also on intermediate indicators of field transformation: policy actors’ beliefs and practices concerning the participation of transnational actors; discursive practices within the policy field; and distributions of authority and influence between actors more or less supportive of transnational influencing objectives. This provides a richer understanding of transformations within the policy field than could be achieved by a narrower focus only on discrete policy outcomes.

Transnational NGOs promoting social and environmental regulation of palm oil production

The first episode of transnational influence we examine focuses on the efforts of a broad transnational coalition of environmental, indigenous and human rights NGOs to influence social and environmental regulatory policy targeting land use practices in Indonesia’s palm oil sector.

Prominent members have included international NGOs, including World Wildlife Fund (WWF), Greenpeace, Friends of the Earth (FoE), national affiliates of Oxfam, and issue-specific NGOs such as the Forest Peoples Program (Pye, 2010). These coalitions have sought policy change in several areas of social and environmental regulation in the palm oil sector: protections for community land tenure, ensuring legality of land purchasing or licensing processes, free prior and informed consent (FPIC) for communities affected by new land acquisitions or conversions, and protections around the use of high conservation value (HCV) land (Colchester et. al. 2006; McCarthy, 2012). We map causal

⁹ For debates in the literature on the usefulness and predictive power of this approach to case study analysis, see, for example, Peterson (1999) and Gerring (2004).

mechanisms of influence linked not only to changes in these targeted policies, but also intermediate measures of policy field transformation, involving changes in the beliefs and behaviour of key policy actors.

Transnational field-building

Transnational field-building occurred through several interconnected processes—each of which directly influenced the beliefs and behaviour of policy actors within the field. First, transnational NGOs and their Indonesian allies targeted global production and trading networks through which Indonesian palm oil is brought to global markets. Campaigns targeted a range of supply chain actors, including western banks and financial institutions, food retailers, processing and trading companies, and Indonesian growers—seeking to reshape their discursive commitments to social and environmental standards, and harness their structural market power as large buyers to pressure others in the policy field to adopt similar commitments (Balaton-Chrimes and Macdonald, 2016).

As the policy field transnationalized, international NGOs gained enhanced discursive power to frame debates about land governance through the lens of social and environmental norms. Norms focused on forest conservation and human rights protections had already been firmly established in key consumer markets, particularly in Europe, through prior campaigns surrounding biofuels, deforestation, climate change and human rights (Balaton-Chrimes and Macdonald, 2016). Pye (2010, p.866) presents detailed evidence of “a major shift in how biofuels and palm oil were perceived” in Europe as a result of NGO campaigning—associated with widespread favourable media coverage of social and environmental issues, and increased support by many European governments for stronger social and environmental standards in palm oil supply chains. Transnational rescaling of the policy field thus provided a more receptive audience for social and environmental norms—reshaping dominant discourses within the field as a whole. Moreover, by bringing western market actors into the policy field, established power relations within the field were structurally altered, as powerful buyers of palm oil, such as Unilever and Nestle, lent their weight to demands for stronger social and

environmental standards governing palm oil production, and claimed some increased legitimacy for such influence on the basis of the transnationalized boundaries of the policy field.¹⁰

Transnationalization of the field in turn facilitated the empowerment of new transnational sites of direct policy-making authority. The most striking example of transnational governing authority in this field is the Roundtable on Sustainable Palm Oil (RSPO)—a multi-stakeholder governance scheme that sets social and environmental standards for business activity in the palm oil sector, and certifies companies against these standards. The RSPO is legally constituted in Switzerland, while the Secretariat is currently based in Kuala Lumpur, with a satellite office in Jakarta. Its membership and governing Board is organized around representatives from corporate and NGO sectors of the palm oil industry.¹¹ Through shifting the locus of decision-making towards this transnational forum, transnational actors – including NGOs, companies and investors – gained a direct means of influence over the social and environmental standards governing significant volumes of Indonesian palm oil production. The RSPO now exercises direct rule making authority over around 10% of Indonesian palm oil companies operating in the sector,¹² whose production is certified in accordance with principles and criteria negotiated within the transnational policy field.

Localized network-building

Although establishment of bodies such as the RSPO can create important opportunities for the exercise of direct rule making authority, transnational authorities must compete for legitimacy with other established authorities, including those within host country governments. In Indonesia, development of the Indonesian Sustainable Palm Oil system (ISPO) has been ongoing since 2011, constituting an important government-controlled rival to the RSPO.

¹⁰ Almost 20% of the global market for palm oil is now RSPO certified, with many influential European buyers moving towards objectives of 100% certified palm oil purchases. <https://rspo.org/certification/national-commitments>

¹¹ These are oil palm growers, palm oil processors or traders, consumer goods manufacturers, retailers, banks and investors, environmental or nature conservation NGOs, and social or developmental NGOs.

¹² Author interview, Indonesian NGO representative, Jakarta, September 2012

This rival standard-setting and certification scheme was established in response to sustained transnational demands for strengthened social and environmental standards, and there have been some efforts to represent this initiative as endorsing equivalent transnational sustainability norms as those developed by the RSPO. At the same time, other domestic actors have more openly challenged the RSPO's legitimacy as a foreign entity, particularly to the extent that it could be construed as challenging the sovereignty of the Indonesian state. According to one participant in the ISPO initiative: "We're a sovereign country. We're in a much higher position than any organisation could ever be ... We are the biggest producers, exporters and consumers of palm oil so we should control ourselves. We don't need outsiders - NGOs to control us".¹³ While such legitimacy challenges vary in the degree to which they are openly articulated, they have played a persistent role in constraining the capacity of transnational actors and authorities to engage in domestic policy processes.

In responding to such threats of de-legitimation, strategies of local network-building have played an important role. By building coalitions with established actors in the domestic policy field, transnational actors have tried to resist challenges to their legitimacy on the basis of their status as 'outsiders'. International NGOs have worked together with a number of Indonesian NGOs at national and sub-national levels within Indonesia, including Sawit Watch (devoted to scrutiny of the palm oil sector) and groups such as the Indonesian Forum for the Environment (WALHI). Such alliances bring together the expertise, resources and networks of transnational NGOs, with local organisations who are perceived to "have primary legitimacy in their own countries [thereby facilitating the] most impact in terms of promoting long-term, sustainable change".¹⁴

Such local sources of legitimacy have facilitated collaborative policy-making relationships with parts of the Indonesian government. The RSPO has engaged in institutional collaborations with the Ministry of Agriculture, and with the Central Kalimantan provincial government, where there has

¹³ Author interview, Indonesian government representative, Jakarta, September 2012.

¹⁴ <https://www.oxfam.org/sites/www.oxfam.org/files/oxfam-southern-campaigning-and-advocacy.pdf>

been some notable progress in strengthening protections for HCV land, through legal and procedural reforms (RSPO 2011). There are further examples of direct collaboration between RSPO programs and key government agencies, such as programmatic collaborations between the RSPO and Indonesian Ministry of Agriculture in relation to smallholders (WWF 2013). Broader cross-sectoral alliances have included the international Palm Oil Innovation Group (POIG), formed in 2013, through which a number of international NGOs and palm oil producing companies have engaged directly with government agencies on social and environmental policy issues of shared concern.¹⁵ Similarly, an initiative titled the Indonesia Palm Oil Pledge, involving the Indonesian Chamber of Commerce and several prominent companies, involved a shared commitment to lobby government to codify key elements of the pledge into law, particularly regarding protections for HCV land. Such strategies have helped strengthen access to government policy-making processes and shifted the balance of influence within local coalitions in favour of transnational influencing goals. Nonetheless, such commitments have remained limited in scope, and faced significant challenges of operationalization—particularly in the context of a broader nationalist resurgence that has gained ground since 2014. In June 2016 it was announced that the Indonesia Palm Oil Pledge was to be officially terminated, amidst a push from President Joko Widodo’s administration to assert visible government control over the terms of initiatives designed to combat deforestation.

Role-adaptation

The ability of transnational actors to shift between transnational field-building and local network-building strategies has depended importantly on their capacity to adapt their own roles in accordance with varying audience expectations. When engaging in transnational field-building strategies, transnational NGOs have engaged more openly in advocacy around palm oil standards, reflecting significant congruence between such overtly political roles, and beliefs of transnational consumers, companies and governments about appropriate NGO roles. In contrast, where both

¹⁵ Author interview, NGO representative, UK, July 2012.

transnational NGOs, and the RSPO itself, have sought domestic influence through local networks, they have emphasized their contributions to capacity building, learning and dialogue—adapting their roles to norms of appropriateness prevailing in the national policy-making arena. Forest People’s Program for example highlights the focus of its advocacy activities on targeting “international funds and policy processes”, while local engagement is directed towards providing “support to local partners seeking to influence the formulation of national policies”.¹⁶ Oxfam has similarly highlighted its emphasis at the local level on “technical, financial and institutional strengthening for civil society organisations ... at community or national level”, alongside broader alliance building and ‘learning’ activities.¹⁷

Transnational NGO and donor networks promoting reforms to land tenure

The second transnational influencing episode we examine involves efforts by shifting coalitions of transnational and domestic NGOs, bolstered at times by international donors and grant-making organisations, to strengthen security of customary land rights through support for both tenure and land boundary clarification within national policy frameworks, and for the Central Kalimantan provincial government’s efforts to create an inventory of Dayak customary land. Dayak customary communities in Central Kalimantan are largely dependent on land and forests for their livelihoods, but have experienced increasing threats of land dispossession from a range of extractive industry concessions, agribusiness ventures, and sometimes conservation and climate change mitigation programs that seek to conserve tracts of land with high potential for carbon capture, as part of the global Reducing Emissions from Deforestation and Forest Degradation (REDD+) initiative.

The processes of transnational influence on which we focus here were initially centred on development of the Dayak Customary Land Inventory Program, which aimed to strengthen customary tenure by issuing customary land statement letters (known as SKTA).¹⁸ After the policy’s

¹⁶ <https://www.forestpeoples.org/en/work-themes/climate-forests>

¹⁷ <https://policy-practice.oxfam.org.uk/our-work/land-rights>

¹⁸ The Customary Land Inventory Program was part of a wider provincial government initiative to recognise

formal adoption in 2009, influencing efforts surrounding processes of implementation continued. Wider efforts to map land boundaries and clarify tenure, particularly in forests, were scaled up in 2011 when Central Kalimantan was designated as Indonesia's REDD+ pilot province¹⁹, reflecting the importance of community land tenure rights within global social and environmental safeguard frameworks.²⁰

Transnational field-building

Since the early 1990s, communities and NGOs working in Central Kalimantan developed networks with transnational actors supporting their agendas of strengthened customary land rights. These efforts intensified in the mid-2000s as decentralization resulted in the rapid issue of forest concessions for industrial, logging or agribusiness activities, generating conflicts with local communities. Some of the leading Indonesian NGOs working on these issues—Kemitraan, Network for Participatory Mapping (JKPP), WALHI, and The Alliance of Indigenous Peoples of the Archipelago (AMAN)—were increasingly supported both financially and organisationally by transnational donors and grant-making organisations.²¹ The goals of these transnational actors were varied; some focused on indigenous rights, while others sought primarily to promote agendas of climate change mitigation, particularly under the auspices of the REDD+ agenda.

As these transnational networks expanded and consolidated, domestic NGOs were exposed to global norms on human rights and environmentalism, which they gradually adopted as tools for articulating

Dayak customary rights, revitalise customary institutions that were significantly weakened under Suharto, and to mobilise political support for promoting the primacy of the Dayak to hold key positions in Kalimantan provincial and district governments, which began in the early 2000s.

¹⁹ Clarity of land boundaries and tenure are also important for meeting other goals of domestic and transnational actors supporting REDD+, such as delineating the boundaries of carbon sinks (and measuring carbon content and hence, avoided emissions), as well as determining the related rights to the revenues and other benefits conferred to governments, communities, and private investors in return for protecting carbon sinks (Resosudarmo et al., 2013).

²⁰ Designating a REDD+ pilot province was a core component of the agreement between the Indonesian and Norwegian governments (under Indonesia's Yudhoyono administration) stipulated in the Letter of Intent (May 2010), in which Norway would provide *up to* USD1 billion in performance-linked funds for Indonesia's efforts to reduce deforestation and forest degradation.

²¹ These included various bilateral agencies (including from Norway, Japan and Australia), the Ford Foundation, the World Bank, and UNDP, among others.

their claims. Particularly relevant were norms concerning indigenous rights, tenure security and community FPIC. Many of these norms were drawn from prominent inter-governmental frameworks such as the multi-lateral UNDRIP and REDD+ standards, enabling Indonesian NGOs to draw on established transnational norms as political tools to negotiate with domestic policy makers (see Affif, 2016, p.135). NGO activists used their proximity with politicians and mid-level provincial government officials to organize informal meetings to lobby for customary land recognition—highlighting widespread global recognition of indigenous rights as a basis for bolstering their claims.

By promoting the salience of transnational norms within policy discourses at the sub-national level, NGOs that were working together with the provincial government (particularly Dayak politicians) were able to bolster the authority of supportive policy forums, especially when these came into competition with forums less sympathetic to customary land rights. For example, transnational norms around indigenous rights were used to delegitimize the Ministry of Forestry as the sole authority on land rights, and in turn to legitimize broader national land-mapping programs, including the Ancestral Domain Registration Agency (BRWA, initiated by national NGOs) and the national One Map Policy (discussed further below). Transnational actors further supported these initiatives by providing training and technical assistance for sub-national and national NGO activists and indigenous communities.

Similarly, promotion of transnational policies and norms in the form of REDD+ safeguards had a significant impact on reshaping domestic policy processes. Many discussion forums were facilitated by UN-ORCID in coordination with the Presidential Taskforce on REDD+—inviting other donors, Ministries, and NGOs to participate in developing new REDD+ policies, including safeguards such as strengthened land tenure. Importantly, because the boundaries of the policy field were being reoriented towards a transnational agenda, transnational actors were regarded as having a right not only to influence agenda-setting, but also to participate directly in these forums.²² These forums,

²² Interview with a representative from an influential international NGO, September 2012.

together with a range of on-the-ground demonstration activities, were directly funded by international donors, enabling another direct channel of influence (Resosudarmo et al., 2013). According to one prominent observer, transnational initiatives targeting deforestation prompted “a tectonic shift in the dialogue about forests, who participates in it, realignment of domestic constituencies among themselves and *vis a vis* international constituencies, in a way that I haven’t seen in 25 years”.²³

Transnational field-building was further reflected in the re-shaping of formal institutions within the Indonesian state. The Presidential Taskforce on REDD+ was located within and formally controlled by the Indonesian government (under the Presidential Delivery Unit for Development Monitoring and Oversight), receiving technical and other support from international donors. More formal institutional arrangements for managing REDD+ were later instituted through the establishment of a REDD+ Agency (with the same leadership and many staff from the initial Taskforce). Creating such ‘ad hoc’ mechanisms to instigate new initiatives, rather than seeking to reform powerful interests within existing ministries, has been a common political strategy in Indonesia (Brown and Peskett 2011; Schutte, 2009). Reflecting this practice, creation of the Taskforce and the Agency expressed a conscious effort to moderate the Ministry of Forestry’s control over the policy agenda, thereby supporting a more accommodating environment for diffusion of transnational norms.²⁴

The Taskforce consulted closely with Indonesian NGOs and their international partners on development of REDD+ safeguards, and made significant headway in establishing land-mapping initiatives and promoting social and environmental safeguards—empowering domestic actors who were supportive of strengthened safeguards (such as the Ministry of Environment and the President’s office) in the face of resistance from the Ministry of Forestry, whose long-standing power to issue unfettered extractive concessions was perceived to be threatened by land tenure reforms.

²³ Lang 2012c, citing a spokesperson from CIFOR, *no page*.

²⁴ The Ministry of Forestry has long controlled nearly 70% of Indonesia’s land (Resosudarmo et al., 2013).

Nonetheless, resistance strategies undertaken by competing elites within the Indonesian government ended up proving partially effective. The newly established REDD+ Agency was disbanded in January 2015 following the election of President Joko Widodo (with a history in forestry) in late 2014; its functions were incorporated into the Ministry of Forestry.

Local network-building

The influence of transnational policy agendas also depended importantly on the ability of domestic actors to ‘localize’ transnational norms, in the specific sense of adapting them to accommodate the national and sub-national discourses and interests of established elites. Sub-nationally, NGOs sought to localize their agenda by highlighting the potential of the customary land inventory program to support the economic development goals of the provincial government.²⁵ In negotiations with provincial policy makers, NGOs argued that clarification of Dayak customary land status and boundaries would reduce uncertainty for investors requiring land for their activities, in turn strengthening large-scale investment, community access to livelihood resources, employment opportunities and overall economic development. These discursive claims achieved some resonance with local elites—the Secretary of the Provincial government suggested in a meeting with businessmen that recognition of Dayak customary land would help to provide “a better business environment”.²⁶

Of particular importance were efforts to build coalitions within and outside government to support specific initiatives. For example, the “One Map” sought to consolidate all official land maps into one overarching spatial and land tenure map for Indonesia, thereby strengthening land tenure. It received funding and technical support from UNREDD and donors such as USAID, alongside support from several government ministries and the President’s office. The broader legal and regulatory changes occurring around customary land title increased the power of local NGOs to lobby central

²⁵ Interview, Director of a Central Kalimantan-based NGO, July 2012.

²⁶ Interview, representative of AMAN, Central Kalimantan, July 2012.

government to include customary title in One Map. Even when President Widodo's new administration abandoned some elements of REDD, policies such as One Map, which had already established strong bases of support at national and sub-national levels, continued to have lasting effects.

However, such processes of localization were also associated with some loss of control on the part of transnational actors. Because transnational actors were engaged only indirectly in sub-national policy-making processes, it was sometimes difficult for them to defend their policy agendas against resistance or co-optation by countervailing local coalitions opposed to customary land protection. These countervailing coalitions did not seek openly to challenge the legitimacy of the policy agendas promoted by transnational coalitions. Rather, they focused on resisting the particular processes through which the customary land-mapping program was institutionalized and implemented. For example, one countervailing coalition was led by the Kapuas and Katingan district governments, who believed the mapping program would threaten their ability to issue mining or plantation licenses on local land, or that land re-claims would emerge where licences had already been issued.²⁷ These elites supported the program at a rhetorical level, voicing recognition of customary rights, but then resisted implementation silently, by not allocating the appropriate district budgets for program implementation.

Role adaptation

For transnational coalitions seeking sub-national policy influence over customary land rights, the ability to adapt organisational roles in accordance with varying (transnational and local) fields of action played an important role in building legitimacy for transnational influencing efforts. As in the palm oil sector, while advocacy strategies by transnational actors were used more freely within transnationalized fields, their local engagement focused primarily on empowering allied Indonesian

²⁷ Interview with Official at the Secretariat of Provincial Government, September 2012.

NGOs within domestic forums, for example through support for local activists and communities to improve their land-mapping skills.

The ability to shift strategically between different narratives about organisational roles was also important for *Indonesian* NGOs participating within transnational networks. These NGOs faced parallel challenges, balancing their participation in transnational spaces with defence of their legitimacy as 'local' actors. Such NGOs tended to frame their roles in the policy process differently, depending on who they were interacting with. When the Indonesian NGOs met with communities, they underlined their membership of the Dayak community. When they interacted with district and provincial officials, they emphasised their role working with communities to help reduce land conflict, and promote a strengthened local investment climate. When they communicated with transnational donors they highlighted their role as members of civil society committed to promoting international norms, including recognising indigenous rights and the importance of land boundary and tenure clarification as appropriate to the goals of these transnational actors (Kurniawan, 2016). They thereby adapted their self-representations in accordance with varying expectations concerning grounds of legitimate participation and policy influence, to accommodate both local and transnational audiences.

Conclusion

Drawing on detailed empirical research conducted in Indonesia in the intensely contested policy field of land governance, we have theorized and empirically illustrated three influencing strategies—transnational field-building, local network-building, and role-adaptation—each of which entails efforts by transnational actors to bolster their influence by actively legitimizing their authority and/or rights to participate within key policy-making processes.

The three were shown to be complimentary, not rival, strategies: in both influencing episodes presented, they were all used together. However, in each episode the strategies were combined in different ways, generating different patterns of impact. In palm oil, there was stronger

establishment of direct transnational authority over the policy field, in the form of RSPO's regulatory standards. This facilitated direct influence over a section of the Indonesian palm oil sector, but also engendered more overt forms of discursive resistance to transnational legitimacy claims.

Transnational influencing efforts targeting strengthened land tenure achieved deeper and longer-term processes of localization, enabling transnational policy agendas to build greater legitimacy within local policy-making forums. Domestic actors seeking to resist the transnational policy agendas in this case tended to avoid direct discursive challenge of transnational norms, drawing instead on strategies of avoidance, symbolic compliance or bureaucratic and legalistic resistance.

In both episodes, transnational field-building strategies were important as foundations of direct policy influence, but were vulnerable to overt legitimacy challenges linked to efforts to re-nationalise the relevant policy fields. While local network-building entailed some surrender of direct transnational influence, it also created some resilience against such strategies of resistance and delegitimation—though local networks remained vulnerable to resistance via passive avoidance, or capture by local political interests. Different mixes of transnational field-building and local network-building strategies thus entailed complex trade-offs between sources of influence, and vulnerability to effective resistance. Role-adaptation was an auxiliary strategy – creating flexibility and resilience in switching between transnational field-building and local network-building strategies in response to shifting political opportunities and constraints.

Across transnational actors of different kinds—including state-based donor organisations and NGOs—the legitimation strategies used were strikingly analogous. This finding resonates with studies of organisational legitimacy in other contexts, whereby organisations of different categorical types (e.g. profit versus non-profit) have been shown to adopt similar legitimation processes (Johnson et.al., 2006; Maguire, 2004)—reflecting the importance of structural pressures from the external environment as determinants of legitimation strategies (Sell and Prakash, 2004). Likewise in the episodes of transnational policy influence we have examined, similarities in the legitimation

strategies used by state and non-state actors are consistent with our contention that structural features of the dynamic, multi-level governing environment underpin the distinctive salience of the legitimation strategies we have theorized. We therefore expect to observe similar legitimation strategies in other multi-level governance contexts with a comparable structural character, regardless of variations in beliefs and motivations of both transnational actors and audiences of different kinds. This proposition would of course benefit from further empirical scrutiny in future research.

Not only does this analysis shed light on the complex multi-scale dynamics of policy influence through which land governance in Indonesia plays out; it also offers broader insights for our understanding of strategies and processes through which transnational actors influence domestic policy in multi-level governance environments. Within such settings, dissensus in relation to key norms and cognitive frames limits the ability of established actors in the relevant field to mobilize the power of taken-for-grantedness in support of their own legitimacy (Suchman, 1995). This in turn provides structural opportunities for distinctive strategies of policy influence (and its resistance), grounded in the contested politics of legitimacy.

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