

The Protectionism of European Union Towards Palm Oil Contribution on Biofuels

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ABSTRACT

This undergraduate thesis aimed to answer the reason why did European Union decide to stop the import of Crude Palm Oil for the use of biofuels. Regarding palm oil industry, EU is the second market of palm oil in global market. The two biggest palm oil production Indonesia and Malaysia covered more than 70% percent of EU palm oil import. The Renewable Energy Directive made by EU is a threat to palm oil producers, especially those that make the export of palm oil as one of the largest sources of income. The existence of the interests behind EU policy by raising various environmental issues, makes Indonesia feel discriminated as the largest producer of palm oil at this time. Therefore, in this research the writer would like to find out and explore the reason of EU decision to stop import palm oil, whether it is purely for environmental reasons or the protection of local industries. To puzzle out the unusual, this undergraduate applied Protectionism theory. Thus, this research discovered the environment issue and EU action based on their decision making process.

Keyword(s): European Union, Palm Oil, Renewable Energy Directive, Protectionism, Indonesia, Malaysia

INTRODUCTION

Palm oil is a commodity found in various countries. This plant is a primary material that widely used for a variety of foods, cosmetics, hygiene products, and can also be used as a source of biofuels or biodiesel. Globally, its usage is increasing massively. Palm oil also appears frequently in the news: its opponents point to good research evidence that careless palm oil development destroys forests, drains peat swamps, destroys rare species, pollutes air and water, triggers climate change, seizes indigenous peoples' property and afflicting the rural poor (Colchester, et al., 2011). Recognition of these problems also comes from the industry itself, which is driven by consumer concerns, has acknowledged that the method of production must

change and that has established the Roundtable on Sustainable Palm Oil (RSPO) through which companies operate through acceptable and valued methods feasibility and certification support.

Nowadays, most of the attention has been focused mainly on significant palm oil exporting countries, namely Indonesia and Malaysia, which have entered more than 80% of the global market (World Growth Report). Three countries namely Indonesia, Malaysia and Thailand became the countries that controlled the export of Crude Palm Oil (CPO) by 74% to the EU, which was dominated by Indonesia. Environmental issues and standardization are significant pressures for Indonesia as the world's largest palm oil producer. At present, the European Union occupies the second position as Indonesia's biggest export destination after India, which certainly has an effect on export value with the EU regulation which stipulates the contribution of CPO to biofuels to 0% (Pablo, 2018).

Palm oil is currently a list of Indonesia's top export products. Based on data from the Central Bureau of Statistics (BPS), palm oil is the most favored export commodity from Indonesia. Its export value of USD 17.17 billion, 28% of Indonesia's total exports in 2017. Inevitably, the prospect of the palm oil industry is now increasingly bright, both in the domestic market and in the world market. In the world market, in the last ten years, the use or consumption of palm oil has grown at an average of 8% -9% per year. This growth rate is expected to continue to survive, even if it is closed, possibly increasing in line with the trend of using alternative oils based on vegetable oil or biofuel. Both Indonesia and Malaysia applies various cooperation, certifications related to Crude Palm Oil (CPO), like issuing the Indonesian Sustainable Palm Oil Certification System (ISPO) which aims to increase the competitiveness of Indonesian palm oil in the global market, reduce greenhouse gas emissions, and meet market demands criteria for palm oil that are environmentally friendly.

Regarding the biofuel industry, the EU plans to reduce CPO usage since November 30, 2016. On that date, the European Commission submitted a reduction in CPO through legislative proposals in the European Parliament. One of the proposed changes is "the proportion of plant-based biofuels that can count towards the EU's renewable energy target will be reduced gradually to 3.8% until 2030". In the next stage, namely first/ single reading, the EU Parliament agreed to adopt the proposal on March 1, 2017. Then a discussion was held again and quite tough on the Council, on December 6, 2017. At the discussion, the European Committee of Industry and Energy issued the European Parliament recommendations that are increasingly burdensome to the CPO Industry: Contributions from biofuels produced from CPO will be reduced by 0% starting in 2021 (Hanung, 2018). Furthermore, on June 14, 2018, a trilogy meeting between Parliament, the Council, and the European Commission to discuss RED II

related to palm oil from Indonesia and Malaysia which triggered the country to protest vigorously. Now the three parties agreed to provide additional time for Indonesia and Malaysia. The palm oil content in biofuels will no longer be included in the EU climate target and will only be banned entirely by 2030. The EU has also decided to maintain the volume of imports and will reduce imports of palm oil per year starting in 2023 (European Union, 2018).

THEORETICAL FRAMEWORKS

ANALYSING THE IMPLICATION OF EU DECISION TO STOP IMPORT CPO THROUGH PROTECTIONISM THEORY

This paper analysis the EU decision to stop import CPO by using protectionism theory to approach the implication of EU decision to protect the domestic companies by supporting renewable energy. Protectionism is a view in a trade that has been present far since hundreds of years before century as illustrated in the philosophy of Plato and Aristotle. According to Aristotle, the best condition for a country is self-sufficiency; various forms of exchanging domestic products with outside money will only have a detrimental effect on the country. Protectionism means deliberate policy by the government as an effort to control imports or exports by providing trade barriers such as quota tariffs that aim to protect industries and producers in the country from competition from outside parties (Kartika, 2013).

The liberalization efforts to create free, multilateral and non-discriminatory world trade are constraining by the development of various instruments of protectionist policy. The conflict between free trade and protectionism policy is a complex problem (Rothbard, 1986); free trade encourages the creation of an open market without government interference which causes the domestic market to controlled by imported goods. On the other hand, the state is obliged to protect and balance the import and export figures so that the economy in the country continues. Thus, the state is faced with a dilemma in which decisions go in the direction of free trade or choose protectionist policies as a stronghold of the country's economy. In a situation like this, protectionist policies are considered to interfere with the free trade system. Nevertheless, the world trade environment that is truly free and free from government interference has not yet realized. So far no country in the world has been able to liberate trade from various forms of protectionism (McGee, 1996).

Philip I Levy in *Imaginative Obstruction: Modern Protectionism in the Global Economy* places intent as an essential key that needs to identify in defining protectionist policies adopted by the state (Levy, 2009). Levy classifies protectionism as seen from the

nature of its transparent or implicit policies and the form of policy instruments used. The three theories in defining protectionism formulated by Levy are as follows.

First, **intentional protectionism**, this form of protectionism is the most transparent form with policy formulations that explicitly favor the domestic industry rather than imports. The policy instrument used is a commonly known instrument in the form of the application of import tariffs, export subsidies, and quotas. Although it has experienced a very drastic reduction since the strengthening of trade liberalization at the global level, this type of protectionism is still very commonly applied in developing countries for manufacturing commodities and almost all countries for agricultural products.

Second, **incidental protectionism** is a form of protectionism that has the same effect as intentional protectionism but works indirectly. In policy terms, this form of protectionism does not appear to explicitly discriminate against foreign products on products originating from domestic producers. It implements the provisions that have strong legitimacy as a requirement for external products that will enter the domestic market. This type of protectionism works indirectly by including non-trade elements such as health, environment, religion, labor protection, et cetera, into the import requirements of products (Rothbard, 1986). The most controversial issue is the application of health and safety standards. These issues represent how issues that were previously considered to have nothing to do with international trade eventually became a reasonable part of the current trade.

Third, **instrumental protectionism**, this form of protectionism is the least transparent and applied form by using trade policy as a tool to encourage political policy change in other countries. If the bluff given is successful in changing the policies of other countries, the protectionist policy does not become applied, although it positively influences the political relations between the countries. However, if there is no political change, a form of trade protection will be applied as a consequence of the threat.

ANALYSIS

ECONOMIC RELATION, POLICY, AND PALM OIL ISSUE BETWEEN INDONESIA AND EU

The cooperation between Indonesia and the European Union has been going on for a long time. The cooperation influenced by relations between the European Union and ASEAN. As one of the founders of ASEAN and a country that has a significant influence on the development of the Southeast Asian region, Indonesia certainly has many discourses on cooperation with various parties, especially the European Union as an ideal regional to date. For Indonesia, the

EU is an important market and one of the primary sources of foreign investment in Indonesia. Bilateral trade between the two countries in 2010 reached USD 28.20 billion and continued show an increasing trend from year to year. At present, the European Union is the second largest export market that is very promising for Indonesia at 16.1% of the total value of Indonesian exports, equivalent to USD 14 billion. While in terms of imports, the European Union is Indonesia's fourth import source which posted a value of 12.7% or as much as USD 7 billion. On the other hand, in terms of the European Union it, in the economic field Indonesia only occupies the 37th position as the EU target or target market of 0.5%. In terms of being a source of imports, Indonesia was only ranked 23rd by posting a percentage of Europe's import value of only 1% (Revolvy.). Meanwhile, in terms of foreign direct investment, the European Union is the largest investor in the mining and petrochemical industries.

A Comprehensive Economic Partnership Agreement (CEPA) between the European Union and Indonesia will improve economic relations between the two economies, and benefit both parties. The CEPA will provide access to EU member states to enter the considerable and currently experiencing Indonesian market growth and in particular to various service sectors. The CEPA will also provide opportunities for EU companies to use Indonesian resources as a tool for investment and economic activity in the future. Besides, the benefits of the agreement for the Indonesian economy will be far more significant. The Indonesian government formed a team under the coordination of the Ministry of Trade to begin reviewing the Partnership Agreement (CEPA). Through a mature scoping paper in negotiations, the implementation of the CEPA is expected to produce a mutually beneficial solution for both parties regarding the CEPA, especially negotiations on EU-Indonesia long-term cooperation (EU External Action, 2017).

Indonesia is currently the largest producer of palm oil worldwide. As the largest producer of palm oil, Indonesia sees the need for a growing share of palm oil as an opportunity to export. The value of Indonesian palm oil exports during the period 2007-2014 experienced fluctuations. The most significant export value of palm oil in 2011 and the lowest in 2007 (Ermawati & Septia, 2013). Palm oil is a leading commodity from the plantation subsector whose export performance is influenced by competitiveness and changes in market share that occur in both the domestic and international markets. As an export commodity, palm oil makes Indonesia the largest exporter of palm oil in the world, followed by Malaysia, Ecuador, Colombia, Thailand with export value reaching USD 4.2 billion in 2014 (UN Comtrade, 2019)

Indonesia and Malaysia dominate global palm oil production. These two countries together account for around 85 percent of the total global palm oil production. Indonesia has palm oil producing centers in almost all regions of Indonesia. The average oil palm plantation is in Sumatra and Kalimantan. The largest Indonesian palm oil producer is in Riau Province which has an area of 2,296,849 hectares and produces palm oil amounting to 7,037,636 tons. Oil palm plantations in Indonesia are managed in three forms of governance namely People's Plantation, State Plantation, and Private Plantation. From all outside the area and production of Indonesian oil palm plantations, 51.6% is owned by Large Private Plantation, 41.5% is owned by People's Plantation, and State Plantation owns the rest at 6.9% (Diretorate General of Estate Crops).

The European Union on April 23, 2009, made RED the overall policy for the production and promotion of energy from renewable sources in the EU. EU countries must ensure that at least 10 percent of their transportation fuel made from renewable sources in 2020. RED establishes the sustainability criteria for biofuels for all biofuels produced or consumed in the EU to ensure that they were produced sustainably and environmentally friendly (EC Europa). The RED policy limits the use of oil palm-based biofuels because carbon savings from CPO-based biofuels are considered to fail to meet the target set by the EU by 35 percent. The limitation on the use of CPO-based biofuel can reduce the value of Indonesian palm oil exports to the EU. By making the difference between biofuels based on these criteria, it is not following the discipline set by the WTO because the sustainability criteria of this biofuel can affect international trade.

In April 2017, the Indonesian government was shocked by the European Union Parliament's resolution not to buy palm oil for biodiesel in 2021 because it was considered not to be produced sustainably and triggered deforestation. The decision taken after the European Union Parliament agreed to use environmentally friendly renewable energy, stated in "Report on the Proposal for a Directive of the European Parliament and the Council on the Use of Energy from Renewable Sources." Parliament also agreed to suppress up to 7 percent of the use of palm oil for transportation renewable energy sources until 2030. The decision made the biggest CPO export producing countries such as Indonesia and Malaysia threatened to lose markets in the EU. When viewed on average, Indonesian and Malaysian CPO production is around 80 percent of world production. In Indonesia, responses come from various state actors, and deforestation of oil palm plantations which violates the principles stated in global palm certification or known as Roundtable Sustainable Palm Oil (RSPO).

The social issues that accompany the expansion of oil palm plantations and the trade in palm oil have received the attention of social scientists, from social conflicts, land conflicts, marginalization of indigenous peoples and their livelihoods, conflicts in labor relations, trade, to loss of biodiversity (Marti, 2008) The Varkkey study 2016 emphasized the relationship between the expansion of oil palm plantations and the politics of government patronage (Varkey, 2016). This politics of patronization has led to the government's ignorant attitude in dealing with issues of environmental sustainability and social justice as evidenced (Pye, 2010). The issue of environmental sustainability and social justice strengthened with global certification (RSPO) in 2004, so studies on global (RSPO) and national certification (ISPO and MSPO) also emerged (RSPO). Despite the positive effects of fulfilling the sustainability criteria in the ISPO principles on the trade in Indonesian palm oil to the European Union, there are also issues of controversy over environmental sustainability and social justice, including problems of deforestation, destruction of biodiversity, land conflicts, and indigenous peoples in around oil palm plantations (ISPO). Also, besides that this is also exacerbated by the rolling health issue that the body gives adverse effects due to consuming high saturated fat from palm oil.

The EU ETS market uses a cap and trade system, namely cap (capped); The total emission of a country is limited to these restricted emissions, allowances will emerge (excess emissions that are not used). The EU ETS itself officially began in 2005 until 2013, EU ETS has been running in 3 different periods, namely the period 2005-2008, 2008-2012, and the most recently implemented period is 2013-2020. The 2008 scheme is called the "learning by doing" phase by making several more mature determinations, the second phase 2008-2012 is the commitment period of the Kyoto Protocol by implementing a National Allocation Plan for each country that proposes a cap limit of the total emissions from the relevant installation, which then will be approved by the European Commission. With the EU ETS standard, palm oil products from Indonesia-Malaysia are considered not to meet these standards, the combined oil palm production between Indonesia and Malaysia is considered to produce carbon above the average threshold of 0.86 metric tons, or 860 kilograms of carbon dioxide produced from coconut plantations palm oil every day (Dutton, 2012). For this reason, the European Union decided to set an anti-dumping import duty while for Indonesia's bio-diesel and palm bio-fuel by 2.8 - 9.6 percent and take effect in July 2013.

Furthermore, what has recently become a serious threat to the largest producers and exporters for the EU is the regulation of Renewable Energy Directive II (RED II) along with the delegated act. This means that it tends to discredit Indonesian and Malaysian CPO. RED II

Regulation is an EU policy related to the production and promotion of renewable energy which will take effect from 2020-2030. This policy stipulates that the EU must fulfill 32% of its total energy needs through renewable sources in 2030. To support it, the EU will issue a delegated act, which stipulates the criteria for high-risk and low-risk crops for land function change and deforestation

The following are the results of the main agreement produced at the trilog meeting on the June 14 Renewable Energy Directive II (RED II), 2018, including the European Commission, European Parliament, and the European Union Council stipulating:

- Set new, binding and renewable energy targets for the European Union for 2030, which is 32%, including a review clause in 2023 for increased target revisions
- Improve the design and stability of the support scheme for renewable energy
- Downsizing and significantly reducing administrative procedures
- Establish a clear and stable regulatory framework for self-consumption
- Increase the level of ambition for the transportation sector and the heating/cooling sector
- Improving and clarifying the sustainability of bioenergy use, considering among other things that biofuels should not be made from raw materials obtained from land of high biodiversity value, such as primary forests and other tree lands, protected areas or grasslands that have high biodiversity (EEAS Europa, 2018).

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FACTS AND CAUSES OF EU DECISION TO STOP PALM OIL IMPORT

Many environmental practitioners express their views on global warming, such as Western environmental experts, in this case, Europe, have often published that the primary cause of global warming is increasing carbon emissions (the main greenhouse gas). So that the most significant carbon emitting countries should be held accountable. According to the International Energy Agency (IEA, 2016) report, the most significant contributor to carbon emissions is from the consumption of fossil fuels (petroleum, coal and natural gas). About 70 percent of the world's total carbon emissions come from the consumption of fossil fuels. According to the IEA report, Europe (E-28) produces carbon emissions from fossil fuels

consumed at 3160 million tons of carbon dioxide or 3.1 gigatons. If calculated carbon emissions per person of the European population is equivalent to 6.22 tons of carbon dioxide. While at the same time, the IEA report noted that Indonesia produces emissions from fossil fuels of only 436 million tons of carbon dioxide or 0.4 gigatons of carbon dioxide or for every Indonesian population to produce emissions equivalent to 1.7 tons of carbon dioxide.

The area of Indonesia's oil palm plantations is only about 8.5% of the total forest in Indonesia (129 million ha), of which around 15% is in peatland. The area of oil palm plantations on peatland is around 11% of the total 14.9 million ha of peatland in Indonesia. Based on the percentage of oil palm plantations on relatively small peatlands it seems very excessive if it is accused of contributing much to global warming. In the ecophysiological aspect, oil palm plantations are net absorbers of carbon dioxide (CO₂) gas, with the absorption of 64.5 tons CO₂ /ha/year. This uptake is even higher than rain forest which is only 42.2 tons/ha/year. The net data of CO₂ absorption is relatively the same as the results of the research of Harahap et al. (2008). Each agricultural development will cause a reduction in above ground biomass, both in oil palm, soybeans, rapeseeds, and other oil-producing plants. However, planting oil palm can replace above ground biomass faster and bigger than soybeans or rapeseeds, even the potential for oil palm biomass production is greater than tropical forests.

Deforestation occurs throughout the world to meet the needs of land for development, including in the European Union and North America. Study Mathew (1983) revealed that in the period 1600-1983, the area of deforestation in the subtropics, especially in Europe and North America reached 653 million hectares. Deforestation on the planet has occurred since time immemorial, as long as a human civilization on planet Earth. Study Elaine Matthews (1983) entitled: *Global Vegetation and Land Use: New High-Resolution Data Bases for Climate Studies* published in the *Journal of Climate and Applied Meteorology Volume 22: 474-487* reveals how deforestation occurs on planet Earth. According to the study since the pre-agricultural period until 1980. Planet Earth has experienced deforestation throughout the ecosystem. Sub-tropical forests have experienced deforestation of 653 million hectares and tropical forests of 48 million hectares. Deforestation of sub-tropical forests mainly occurs in the European and North American regions (the United States and Canada). Besides deforestation or function changes also occur in other forest areas such as 213 million hectares of woodland.

The study also revealed that in the 1990-2008 period for the food needs of the EU community (feeding the EU) it was met from the results of deforestation covering 10 million hectares in various countries. The details of the 10 million hectares include 41 percent (4.14

million hectares) of soybeans from Brazil, Argentina, Paraguay and 13 percent (1.3 million hectares) in the form of beef cattle ranches from South America while palm oil is only 0.8 percent (0.8 million Ha), namely from Indonesia and Malaysia. If specified per commodity / sector, the biggest drivers of deforestation for global agriculture in the 1990-2008 period were cattle farms (58 million hectares), expansion of soybean gardens (13.4 million hectares), expansion of corn (7.5 million hectares), especially in South America (Brazil, Argentina, Paraguay and surrounding areas). As for the expansion of global oil palm plantations which have been heralded by western countries and NGOs, it turns out that only around 5.5 million hectares have been in that period. It is only about 10 percent of the total deforestation for beef cattle (ranch) (GAPKI, 2017).

The European Commission study clearly shows that the accusations that oil palm expansion is the primary driver of global deforestation is a big lie. With the results of the European Commission study, it is evident that the most significant deforestation that supplies Europe is soybeans and beef. If the EU defines deforestation as a negative externality and uses a negative externality tax as a way of internalizing negative externalities, then it should also apply to soybean and beef imports from South America. The two EU import commodities reached 54 percent embodied EU deforestation. While palm oil from Indonesia and Malaysia contributes very little, which is only less than one percent.

The presence of commodities with larger production quantities and offering lower prices pose a severe threat to industrial players in Europe, especially for soybean, palm oil, and sunflower farmers, as well as European domestic companies that do not remain silent to see this phenomenon happen. The black campaign which spreads almost all of Europe and also strong protests from European farmers by conducting demonstrations and blockades demanding the EU to protect the sustainability of their agriculture. One of organization initiated in 2010, European Renewable Ethanol (ePURE) supported by several European domestic agricultural production companies and ethanol producers in the EU has ambitions to create jobs and investment opportunities for the sustainability of the EU economy by exploiting the local potential in ethanol. ePure always gives a significant influence on decision making on EU institutions, especially in the field of renewable ethanol (Michalapoulus, 2016).

Based on the agricultural budget issued by the EU, farmers in the EU get a substantial subsidy, which is 59 billion euros or if it is estimated to be almost equivalent to IDR 1,000 trillion. Catherine Bearder, a member of the EU Parliament from the Liberal Democrats, revealed data that of the 45 members of the EU Parliament's agricultural committee, 25 of them were farmers, ex-farmers, or owned agriculture-related businesses (Stam, 2018). So, it is not

surprising if the lobby conducted in smoothing the way for the soybean oil, palm oil and sunflower always provides a positive influence to support local agriculture or industry.

Local media reported that some EU Parliament members received funds of up to 5,000 pounds, equivalent to IDR 93 million per month from the agricultural business. Greenpeace itself acknowledges that farmers lobby input in EU decision-making processes is stinging actively. While the EU vegetable oil industry has a strong lobby position, of which there is the European agricultural giant Avril Group. According to EU Transparency Register data, Avril has a budget of 4.8 million euros or around IDR 78 billion per year with 76 professional lobbyists to lobby the interests of the vegetable oil industry in the EU. One of the massive lobbies used by farmers and the vegetable oil industry in the EU is the weakening of palm oil by raising non-trade issues such as health, environment, labor, et cetera. This aims to shift even to stop using palm oil as vegetable oil on the EU market.

CONCLUSION

As a conclusion, anti palm oil attitude in Europe emerged as a new idea urging the European Parliament only to use local products. This idea is under the left, right, center, farmers, industrialization, as a protection effort for local products. This research in line with the implication where the EU seeks to support renewable energy and improve economic welfare in an effort to protect domestic companies. The efforts made by the combination of the anti-palm oil movement finally resulted in the European Parliament Resolution banning oil palm as biofuel in Europe starting in 2021. This resolution was approved by 485 of the 751 members of the European Parliament or 60%, with the aim of reducing the import of palm oil, so local products such as rapeseed, sunflower, and soya remain the primary commodities (Oegroseno, 2018). The European Parliament uses the issue of deforestation as the reason for banning oil palm as a vegetable oil material in the European Union.

Efforts were made by the EU to stop using palm oil as vegetable oil, Bas Pick out of Green MEP Netherlands stated that the use of palm oil needs to be reduced to zero by 2021. Then ePURE secretary general Emanuelle Desplechin stated that LJE should stop promoting the use of oil in biofuels. Besides, since November 2013, the EU officially filed anti-dumping against Indonesian palm oil. This shows that the issue of anti-palm oil brought by the EU comes from business competition between farmers and domestic industries, mainly the rapeseed, sunflower and soybean industries, in the vegetable oil market in the European Union. Moreover, in this competition, they aim to get rid of palm oil which is not a domestic product from the EU market. Although Indonesia or international agencies present the facts of the issue

of oil palm brought by the EU, it cannot stop the EU from implementing burdensome regulations for palm oil producers.

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