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The Legal Reality of Biodiversity Conservation in Indonesia

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Abstract

As a policy biodiversity conservation takes on the form of legal interventions. These range from treaties in international law to statutes in national law; from the creation of administrative structures to spatial planning on the regional level to the implementation of protected areas. The latter alter the regulation of resource use on the local level rendering most activities within the designated area illegal.

While a programmatic shift from protectionist to community based strategies is on the way in international conservation organisations as well as national policies, there are scholars who already advocate a return to authoritarian approaches in order to address the current crisis in biodiversity conservation.

Against the backdrop of this debate this socio-legal comparative study investigates the legal environment of forest utilisation in four villages adjacent to Lore Lindu National Park in Central-Sulawesi, a biodiversity hotspot in Indonesia. This park was established in the early 80ies. Certain parts have been converted to farmland since the end of the 90ies, a period when the democratisation of Indonesia's political system that led to a loss of the authoritarian power of the state coincided with Sulawesi's cacao boom.

The main patterns of forest use and conversion as well as practices of protection are identified. Strong variations exist among the research sites and within the communities (e.g. between ethnic groups) regarding levels of encroachment. The claims to customary lands (*tanah adat*) within the park, and recent attempts of village institutions to control the exploitation of communities' forests and the area of the national park differ considerably.

Although the park is weakly protected, the declaration of a protected area alone with the possibility of sanctions has an impact on the individual's behaviour, in a socio-political system that is still perceived as erratic.

It is shown how the existence of a protected area, albeit weakly protected, shapes the social constructions of forest territories and resources.

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