



Tropentag 2005

Stuttgart-Hohenheim, October 11-13, 2005

Conference on International Agricultural Research for Development

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 and 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.

This socio-legal comparative study investigates the legal environment of forest utilization in four villages adjacent to Lore Lindu National Park in Central-Sulawesi, a biodiversity hotspot in Indonesia. Parts of it 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's regulations and boundaries are weakly enforced only, 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 and shapes the social constructions of forest territories and resources.

1 Indonesia's biodiversity policies

The main national legislation for biodiversity conservation in Indonesia is stipulated in the acts regarding Biodiversity Conservation (1990), Spatial Planning (1992), and Environmental Management (1997) and in the Basic Forestry Law (1999) (Soekmadi 2002) and in the ratification of the United Nations Convention on Biological Diversity (1994). These laws are not sufficiently related to each others, employing, e.g. differing definitions of protected areas (Waddell 2002: 268).

In addition, obligations stemming from the involvement of international donors in nature conservation require the Government of Indonesia to abide by the conditions of loan agreements (see, e.g., Development of a Park Zonation and Boundary Plan 1998: 3).

The principal agency in charge of conservation is the Directorate General of Protection and Nature Conservation from the Ministry of Forestry which is responsible for all protected areas. The Ministry of Agriculture is responsible for crop diversity and animal husbandry, while the Office of the Ministry of Environmental acts as a coordinating agency and has prepared together with

the National Development Planning Bureau, the Biodiversity Action Plan in Indonesia. To heighten the complexity, a number of other ministries are also concerned with the regulation of land use and natural resource management. It leads to conflicts and confusion in policy implementation as the authority to determine land use and spatial planning is not clearly defined (Buchori, Ardhan 2002: 281f). The policy of regional autonomy that fundamentally altered the relationship of the central state and the provincial and regency level governments further adds to the potential overlap of authority and to conflicting interests.

In this paper I will focus on the conservation of biodiversity within Indonesia's system of protected areas, which consist of 35 marine and 379 terrestrial protected areas. The latter cover 10% of Indonesia's land (Rhee, Kitchener, et al. 2004: 4-1f).

While a programmatic shift from protectionist to community based strategies is on the way in international conservation organisations as well as national policies, e.g. in Indonesia, there are scholars who already advocate a return to authoritarian approach in order to address the current crisis in biodiversity conservation (Brandon, Redford, et al. 1998, for a critique of Brechin, Wilshusen, et al. 2002). In the villages investigated the protectionist paradigm was still employed at the time of research.

2 Research region & methods

Lore Lindu National Park in Central Sulawesi is a biodiversity hotspot due to its high number of endemic species. It was established on the basis of three protected areas, which at that time already existed for ten to twenty years. It covers about 220.000 ha of mountainous terrain.

Three of the four villages presented in this study are located in the regency of Poso, on the eastern side of the park, one in the regency of Donggala in the north of it.

I applied a qualitative approach conducting semi-structured interviews with village officials, selected households and rangers of the park. Data was collected from June 2001 till June 2002. As the research is part of the collaborative research center STORMA (Stability of Rainforest Margins in Indonesia) the villages and the 89 participating households were chosen based on the common stratified STORMA sample (Zeller, Schwarze, and Rheenen 2002).

3 Patterns of forest utilization

The local population depends on a relatively small number of forest products (mainly timber, rattan and firewood). While the access to forest produce is important, a greater value is assigned to having sufficient areas of forest left that can be transformed into arable land. This perception of forest as a land reserve is especially prominent in one research village that has faced rapid population increase due to migration. Generally, affluent migrants from other provinces are attracted by the relative ease to purchase fertile land in certain villages. In these particular villages the community forest has nearly vanished completely. Arable land is perceived as very scarce, and the LLNP adds to the pressure. As the demand for agricultural land and its price increase, some autochthon families are prompted to open more forest and thereby establish ownership rights. In these villages (two out of four research sites) arable land and forest outside the protected area has become already scarce in the perception of the local community.

The migrants have the means and knowledge to invest into labour extensive cacao cultivation, which is rapidly becoming the dominating cultivation system in the region due to strong incentives of favourable world market conditions. The shift in cultivation systems to cacao production led to an increasing demand for arable land. A significant number of inhabitants of the native ethnic group sold large parts of their landholdings and now fear for the future of their children (see for Central Sulawesi Li 2001).

Forest utilization differs along ethnic lines: Migrant depend less on the forest, as they use fewer forest products and collect their fuel wood mainly in their cacao plantations. The commercial

extraction of rattan is still common in two of the four villages, providing important cash income for households belonging to the native ethnic groups.

Community forests de facto constitute open access areas without restrictions (fore residents): Few respondents claim that there are rules that prohibit the opening of fields close to rivers and on steep slopes; however it is also acknowledged that these rules are not enforced by any institution. Forest use outside the LLNP is restricted by private property rights. One is not supposed to encroach on forest plots that are already owned. One might collect products that are not perceived as scarce (firewood) but has to ask permission for others. Conflicts that arise if someone encroaches on someone else's land are usually solved with the help of the village government. It should be noted that the village elders' councils "traditionally" do not engage in natural resource management in any way.

The relatively small number of rules and institutions that restrict forest use and forest conversion can be explained by the fact that until recently this resource has not been regarded as scarce and therefore there was little need to regulate its use. Recently, due to rapid population growth all fallow land/secondary forest outside LLNP has been converted in two of the research villages.

In these villages several hundred ha of the national park have already been cleared. There, while the general advantages of a protected forest are acknowledged (mainly providing rain, protecting from floods, landslides and erosion and conservation of habitats for animals) they are perceived of lesser value than the potential for opening more arable land.

4 The Implementation of Conservation Policies in Lore Lindu National Park

The LLNP's administration currently has an insufficient number of rangers and lacks backing of other institutions (forest department, police) in order to efficiently monitor and protect the park from encroachment. Alternative strategies, which involve the local communities in the management of the park, can not be based on any existing or even vanished local practises of managing the forest. Even though some villagers complained about the consequences of the recent conversion of arable land and although the majority of respondents seemed to respect and appreciate the national park, there is still no discussion in any of the villages in terms of ways or needs to protect the forest.

Actually the rules state that no one is to take any products out of the park, not to speak of opening it. In practise however, it is acknowledged that in certain villages, there is no forest left outside the park, where people can find trees that are suitable for construction, and that rattan is necessary for building the traditional way. One field station currently employs 16 rangers to protect a border that is 150 km long. It therefore seems understandable that the rangers concentrate on checking the commercial exploitation of wood and rattan, and are not too strict on extraction of products for private use. Contrary to the legislation, the National Park therefore is not closed off to local communities, who still have access to forest products for subsistence use.

Illegal logging and rattan collection organized by traders in the provincial capital Palu does take place. This is facilitated by three factors: 1) The forestry department on the regency level still issues licences for logging and rattan collection in the valleys in question. Although it is obvious that the produce does not come from the production forest there, which is more difficult to access and already more depleted, the forestry department does not check on the origin of the produce. 2) The local police probably is involved in the trade. 3) Village heads in these particular villages do not interfere or are involved themselves.

The rangers are asked to issue warnings first before turning someone to the police, but their position became very weak since the events of organized large scale clearing in the another part of the park took place. They have to justify why locals are not allowed to use the forest (which means opening it), while there outsiders can clear-cut much larger areas and nothing happens. While this might be a debatable argument it points to a problem of legitimacy, not because the park as such

is questioned, but the way how it is protected (or not protected for this matter) is perceived as unfair. The field station of the Palolo valley had to be closed after violent conflicts. Encroachment on a bigger scale that is not sanctioned provides an inroad for people to encroach, who would not have dared to break the law before. A number of respondents (in the research village with the heaviest encroachment of the park) stated, that fields inside the LLNP have only been opened since the head man set the example. However, it is important to point out, that still it is not the majority of villagers who have the courage and have an interest to open fields inside the LLNP.

Most respondents claim not to be informed sufficiently about the reasons for the establishment of the national park, which seems accurate as the responsible extension officer could not be contacted for an interview during the entire field work period. This clearly points to an implementation failure by the LLNP's administration. However the rationale of the park is not contested as such. The advantages of the park are acknowledged by a vast majority of the respondents: They range from the protections of animals, which should be preserved, to the protection of the trees, to the maintenance of regular rainfall and the protection from erosion and against floods, to the provision of material aid because of the park, to the attractions of tourists by the park. Even the respondents who can not think of a direct advantage or benefit due to the park, do not argue the fact that the state declared this forest protected. The argument of resistance in two research villages where the park is contested is made along the lines, that parts of the park should be returned to these villages, because the border is too close to the village, and because it covers parts of the customary land. Interestingly, this seems to be a rather recent claim, again probably since the end of the nineties. At that time the need for additional land became obvious and/or the political environment seemed to be more favourable for stating it.

5 Conclusion

Lore Lindu National Park is seriously threatened. However, the threats are not uniform, but rather confined to certain sites. The practices of implementation of conservation policies are relatively independent of actual legislation, but are rather established through the day to day interaction of rangers and residents. While the management of Lore Lindu National could be greatly improved, the key to limiting the current encroachment is not to be found at the local level. The extent of discontent is limited - as people after living next to the protected areas came to terms with it - and could be addressed by compensation, if funds were provided. Illegal logging as the inroad for conversion is the most serious encroachment. The trade in timber is organized in the provincial and could be easily controlled. The very fact that there is no political will to tackle this because government officials in the provincial gain from these activities shows that the most serious threats to Indonesia's biodiversity are beyond legal questions or implementation issues.

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