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Recognition of Biocultural Rights and Forest Governance in Indonesia and Benin

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Abstract

This article examines the juridification of biocultural relationships with the living world through a comparison between Indonesia and Benin. It does not assume that social categories or land-tenure regimes are equivalent. Instead, it compares trajectories of recognition through which historically constituted relationships amongst communities, territories, authorities and forest resources become administratively legible. In Indonesia, the customary forests of Hiang and Lempur, in Kerinci district, illustrate the shift from adat rules and local recognition to national recognition of hutan adat following Constitutional Court Decision No. 35/PUU-X/2012. In Benin, the Dokunon sacred forest in Toué (Covè), the Kikélé sacred forest and the Bassila classified forest reveal three distinct forms of territoriality: community-based sacredness, municipal formalisation and state classification. Drawing on a structured qualitative comparison and a corpus combining social-science research, legal norms and forest-policy archives, the article demonstrates that recognition is never a simple validation of a pre-existing order. It selects authorities, establishes boundaries, translates norms and redistributes access rights. Biocultural rights are therefore approached less as a uniform legal category than as a process of institutional translation whose effects oscillate between security, empowerment and the reconfiguration of community relationships with the living world.

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Introduction

Community forests have become a prime testing ground for contemporary transformations in the relationship between law, culture and biodiversity. They are simultaneously spaces for subsistence, political territories, places of memory, repositories of beliefs, reservoirs of biodiversity and objects of administration. This plurality challenges the traditional categories of environmental law. Conservation policies have long assumed that effective protection requires isolating natural areas from the social uses that intersect them. A growing body of literature, however, demonstrates that many ecosystems have been sustained by local institutions, access rules, religious practices and ecological knowledge that do not draw a clear distinction between nature and society.

The concept of biocultural diversity has specifically sought to capture this interdependence between biological diversity and cultural diversity, whilst the concept of biocultural rights has attempted to draw normative conclusions from it (Bavikatte & Bennett 2015; Bavikatte 2014).

The scientific value of this concept is, however, inseparable from its ambiguities. Biocultural rights have largely been conceptualised in relation to indigenous peoples, the commons and the protection of traditional knowledge. They have gained significant prominence in Latin American debates concerning the rights of nature and collective rights. Their extension to other contexts therefore calls for caution. Indonesian customary communities, the communities living alongside a protected forest in Benin, and the custodians of a sacred Vodun forest are not interchangeable, either historically or legally. The risk would be to turn the comparison into a search for artificial equivalences. The aim of this article is, on the contrary, to use the comparison to observe a common mechanism: the way in which the state translates into administrative and legal categories those community relationships with the territory and with living beings that have been formed according to other rationalities.

Indonesia and Benin provide two particularly fruitful examples in this regard. In Indonesia, the category of masyarakat hukum adat and claims to hutan adat have been the subject of a substantial body of literature on indigeneity, recognition, tenure and the limits of formalisation (Li 2000, 2001; Bedner & Arizona 2019; Arizona, Wicaksono & Vel 2019). Constitutional Court Decision No. 35/PUU-X/2012 marked a turning point by removing customary forests from the category of state forests. However, the implementation of this decision remains dependent on a set of recognition procedures that make communities and their territories identifiable to the administration (Hidayat *et al.,* 2018; Simarmata 2024). In Benin, research has focused more on sacred forests, beliefs, the history of wooded sanctuaries, local knowledge and their contribution to conservation (Juhé-Beaulaton & Roussel 2002; Kokou & Sokpon 2006; Djègo-Djossou *et al.,* 2012). At the same time, forestry policies have developed tools for classification and participatory management and, from 2012 onwards, a specific framework for the sustainable management of sacred forests.

These two research traditions rarely intersect. The Indonesian literature often asks who can be recognised as the community holding title to a customary territory; the Beninese literature more frequently asks how local beliefs and institutions contribute to the conservation of a forest area. Bringing these two traditions into dialogue raises another question: how does the transformation of socially regulated forest territories into categories recognised by the state reshape the authorities, knowledge and access rights that underpin biocultural relationships with living organisms? The hypothesis put forward is that recognition is never merely the validation of a pre-existing social order. In order to recognise, the state must define, delimit, name, represent and register. This process produces a selective translation: it can secure a community and its territory, but it can also redefine boundaries, select legitimate representatives and convert relational norms into administrative requirements.

The argument is based on a structured qualitative comparison. The Indonesian case studies are the customary forests of Hiang and Lempur, in the district of Kerinci (Jambi province), whose history is documented through local decrees, ministerial decisions and research on the role of non-governmental organisations (Harada *et al.,* 2022). In Benin, three situations are examined in distinct ways: the sacred Dokunon forest in Toué, in the commune of Covè; the sacred Kikélé forest in the commune of Bassila, used as a bridge case for local formalisation; and, finally, the classified forest of Bassila, created by administrative decree in 1943 and characterised by participatory management policies. The aim is therefore not to compare four identical cases, but to analyse several trajectories of legalisation through a single framework: community, territory, norms, authority, knowledge, state intervention, intermediaries, access and conservation outcomes.

Conceptual clarification and research questions

The concept of biocultural rights is useful provided that it is not accorded a uniform legal status. Bavikatte links it to collective rights that enable communities with a historical connection to a territory to preserve their practices, their knowledge and their role as guardians of life (Bavikatte 2014). This approach shifts conservation from a resource-centred model to a relational one: the territory is no longer merely an area containing resources, but a fabric of practices, obligations, narratives, kinship ties and responsibilities. It aligns with research on the commons, which has shown that the sustainability of a resource does not depend exclusively on public or private ownership, but also on the capacity of local groups to establish and enforce rules of use (Ostrom 1990).

This perspective, however, carries two risks. The first is communal romanticism. A community is neither homogeneous nor naturally conservative. It is shaped by relationships of generation, gender, wealth, origin and

authority. So-called traditional norms are themselves debated, transformed and sometimes reinvented. The second risk relates to the notion of recognition. As Tania Murray Li has shown with regard to Indonesia, the assertion of an 'adat' identity is not merely the resurgence of a pre-existing identity; it is also a political articulation in which certain traits become relevant because they provide access to rights, resources and institutional interlocutors (Li 2000, 2001). Recognition can therefore become a test in which a community must demonstrate that it meets the criteria of the category that renders it legally visible.

The problem can be framed in terms of state legibility. To govern a territory, the administration must reduce a complex relational reality to manageable units: a boundary, a name, a population, a representative body, a regulation, a plan. This process is not necessarily destructive; it may be the condition for protection that can be enforced against businesses, competing administrations or other users. But it transforms the recognised object. In Indonesia, the literature on adat shows that formalisation can strengthen land rights whilst maintaining a strong dependence on administrative procedures (Bedner & Arizona 2019). Arizona, Wicaksono and Vel (2019) highlight the role of NGOs in compiling recognition dossiers: mapping the territory, reconstructing collective history and identifying the adat authority become crucial tasks. Afiff and Rachman (2019), for their part, show that recognition can result from institutional activism carried out within the state apparatus itself.

The same line of inquiry can be applied to Benin, albeit in a different form. Sacred forests have long been analysed as spaces where sacredness fosters conservation. Juhé-Beaulaton has, however, shown that they must be situated within a history of places of memory, religious practices and social transformations (Juhé-Beaulaton 1999, 2009). Kokou and Sokpon (2006) also point out that the category of 'sacred forest' encompasses a variety of realities: forests of deities, of ancestors, of initiatory societies, cemeteries or multi-purpose reserves.

In other words, protection does not stem solely from an ecological preference; it is embedded within social orders. When the state or an international project surveys, demarcates and integrates these areas into a conservation system, it does more than simply protect a forest: it recognises certain uses, certain holders of authority and certain representations of the territory.

This is why this article uses biocultural rights as an analytical category, rather than as a prior legal classification. A relationship is described as biocultural when it sustainably links a group, a territory and the living world through a set of practices, norms, knowledge and obligations. The question then becomes empirical: which components of this relationship are recognised, by whom, and with what effects? This definition allows us to include the Indonesian hutan adat, where territorial claims are explicitly codified in law, and the sacred forests of Benin, where normative structures are more often manifested through ritual prohibitions, religious authorities and socially regulated practices.

Method: Constructing a comparison between non-equivalent cases

The Indonesia–Benin comparison is based on a strategy of comparison by functional equivalents. The aim is not to identify a Beninese institution that would be the exact equivalent of the Indonesian adat. Such symmetry would be historically misleading. Adat was incorporated into Dutch colonial legal categories and subsequently re-integrated into contemporary Indonesian politics; in Benin, sacred forests are linked to cosmologies, lineages, cults and local modes of regulation that have followed a different trajectory. The comparison therefore focuses on functions: establishing rules of access, legitimising authority, demarcating a space, transmitting knowledge and protecting certain components of the living world.

The Indonesian corpus comprises the 1945 Constitution, the 1960 Agrarian Law, the 1999 Forestry Law, Constitutional Court Decision No. 35/PUU-X/2012, the 2014 Village Law and administrative instruments relating to social and customary forests. It is supplemented by the decisions recognising Hiang and Lempur and by literature on the effects of formalisation. The Benin corpus combines the former forestry regime, the interministerial decree of 16 November 2012 setting out the conditions for the sustainable management of sacred forests, the Land and Public Property Code, the new 2026 laws on the environment and on forests and wildlife, as well as PIFSAP documents and archives relating to the management of Bassila. Academic sources are drawn upon not only to describe the regulatory frameworks, but also to reconstruct the social relationships and conflicts surrounding their implementation.

The comparison is structured around nine questions posed for each case: who constitutes the relevant

community? How is the territory defined? What norms govern access to natural resources? Who has the authority to enforce them? What forms of knowledge are drawn upon? How does the State intervene? Which intermediary actors convey local demands? Who gains or loses access? What conservation effects can be observed? These questions enable us to distinguish between three processes that are often conflated: the recognition of the community, the recognition of the territory and the recognition of the norm. They do not always occur simultaneously.

This method leads to a specific approach to Bassila. The Bassila protected forest is not a sacred forest. It was established by Decree No. 2843-SE of 5 August 1943 and historically falls within an administrative territory. The available documentation indicates an area of 2,500 hectares in a forest inventory, whilst more recent documents cite different boundaries; this variation serves as a reminder that even a state-designated protected area is not a completely stable cartographic entity. Participatory management policies and the Bassila Forest Resources Restoration Project subsequently sought to reintegrate local communities into the management of an area initially established through state classification. The sacred forest of Kikélé follows the opposite trajectory: social and ritual territoriality precedes its local formalisation. Dokunon, in Toué, documents even more clearly this pre-existence of sacredness and rituals in relation to their eventual administrative translation. Table 1 below summarises the comparative framework adopted.

Study Results

Kerinci: from local adat to state-recognised hutan adat

Indonesia provides one of the best-documented contexts for studying the tension between recognition and transformation. The 1945 Constitution recognises, subject to certain conditions, customary law communities and their traditional rights. The 1960 Basic Agrarian Law takes account of hak ulayat, but forestry legislation has long maintained strong state control over forest areas. Law No. 41/1999 on Forests classified hutan adat as state forest, even when it was situated within the territory of a customary community. This framework fuelled tenure conflicts and significant discourse on the 'political forest', that is, the way in which the state constructs the forest as an administrative category and a space of sovereignty (Peluso 1992; Peluso & Vandergeest 2011). Constitutional Court Decision No. 35/PUU-X/2012 altered this relationship by affirming that customary forests are not state forests. Its symbolic and legal significance is considerable, but the literature has quickly shown that a doctrinal victory does not automatically translate into the effective restitution of territory (Hidayat *et al.,* 2018). For a forest to become administratively recognised as a 'hutan adat', the existence of the community, its territory and its institutions must be demonstrated in accordance with procedures laid down by state law. Recognition is therefore paradoxical: it limits the state's former claim to absorb customary forests, whilst maintaining the state as the authority that certifies the community's legal existence.

Hiang and Lempur are particularly instructive because their local institutions predate the constitutional decision. In Hiang, village rules and local decrees have governed the customary forest since the 1990s. The national recognition granted in 2018 relates to the Hutan Adat Nenek Limo Hiang Tinggi-Nenek Empat Betung Kuning-Muara Air Dua. In Lempur, local protection of the Lekuk Limapuluh Tumbi forest catchment area was also recognised by the district authorities prior to the 2018 ministerial recognition of the Hutan Adat Hulu Air Lempur Lekuk Limo Puluh Tumbi. These trajectories are decisive: they show that the central government did not create the territorial order it recognises out of thin air. Rather, it has reclassified, stabilised and incorporated local institutions that were already active into a national legal hierarchy.

The work of Harada, Habib, Sakata and Maryudi (2022) provides concrete evidence of this process in Kerinci. NGOs play a mediating role in recognition procedures and in the sustainable management of customary forests. Their involvement is not limited to defending communities against the state. They help to compile the necessary documentation, to align local rules with administrative categories, and to formalise institutions capable of being recognised. This finding is consistent with that of Arizona, Wicaksono and Vel (2019): support organisations often act as legal and political interpreters. They transform narratives, lived boundaries and local authorities into administrative evidence.

This transformation does not mean that adat becomes fictitious. It means that certain aspects of it acquire new visibility and stability. Territorial boundaries, for example, can be mapped with a precision that was not necessary for the day-to-day functioning of the

community. Customary authority must be represented by identifiable individuals or bodies. Rules of access must be capable of being summarised in written documents. Juridification thus produces a stabilising effect: it renders enforceable what was previously more relational, but it can also make negotiated arrangements more rigid.

Studies on social forestry in Indonesia also suggest distinguishing between the allocation of rights and the actual capacity to exercise them. Rakatama and Pandit (2020) show that social forestry programmes open up new possibilities but continue to face challenges relating to capacity, markets, governance and support. Sahide *et al.,* (2020) propose analysing access and exclusion simultaneously: obtaining a title or authorisation does not mean that communities control all resources or all decisions.

Ragandhi *et al.,* (2021) similarly emphasise that the formal extension of tenure rights does not automatically lead to strong local ownership. The effects of such recognition therefore depend on its compatibility with existing social institutions and with the material resources available.

Kerinci thus reveals an initial trajectory of juridification: a territorially structured customary order seeks recognition within a national legal framework that had long subordinated it to the state forest. Recognition provides partial security, but simultaneously transforms the modes of proof, representation and demarcation. In this context, biocultural law takes the form of an explicitly formulated territorial right: it protects a community because that community is recognised as a collective entity with a historical relationship to a forest territory.

In Benin: sacredness, classification and the plurality of forest territorialities

The situation in Benin presents a different landscape. The issue of the forest there intersects with a history of administrative classification, land tenure diversity, religious practices and conservation projects. Juhé-Beaulaton's research has shown that the sacred trees, woods and sanctuaries of the former Slave Coast are places of memory whose political and religious meanings have evolved over time (Juhé-Beaulaton 1999, 2009). This historical depth prevents the sacred forest from being reduced to a mere conservation tool. It is a social territory in which taboos, origin myths, the presence of deities and ritual functions shape rights and obligations.

Ecological literature has, however, demonstrated that this normative framework can produce measurable conservation effects. Sokpon and his co-authors analysed the role of sacred forests in preserving biodiversity in southern Benin. Kokou and Sokpon (2006) propose a typology of the sacred forests of the Dahomey Corridor and highlight their contribution to conservation within heavily transformed landscapes. Toko Imorou *et al.,* (2018) demonstrate, based on studies in Adjahouto and Lokozoun, that these areas can harbour significant plant diversity. Djègo-Djossou *et al.,* (2012), in Kikélé, document the link between traditional beliefs and the conservation of Geoffroy's colobus. This research shifts the focus of the analysis: what provides protection is not an abstract belief, but a system of authorities, sanctions, prohibitions, permitted practices and legitimacies.

The Dokunon Forest, in Toué within the municipality of Covè, provides a particularly useful case study. A socio-anthropological study focusing on the sacred forests of Agonlin describes it as a forest of around twenty-two hectares, almost intact at the time of the survey, and links its conservation to the continuity of rituals (Houngnihin, Kpatchavi & Tingbé-Azalou 2012). The strength of this case lies less in the size of the forest than in the opportunity to observe a sense of territoriality that exists socially before being defined by public policy. Access, resource extraction and protection are not conceived in terms of a dichotomy between exploitation and absolute sanctification. They depend on the nature of the uses, the authorised individuals and the ritual requirements.

Beninese law has gradually sought to reconcile this plurality with public conservation policies. Interministerial Decree No. 0121 of 16 November 2012 sets out the conditions for the sustainable management of sacred forests. It forms part of a broader initiative, notably the Project for the Integration of Sacred Forests into Benin's Protected Areas System (PIFSAP), which has sought to catalogue, demarcate and institutionalise these areas. This is a significant shift: the State does not create sacredness, but transforms it into a category of environmental management. The sacred forest simultaneously becomes an object of cultural heritage, a community territory and a conservation unit that can be mapped and integrated into a public framework.

This process is not neutral. A sacred forest may be recognised because it corresponds to a physically identifiable area, a recognised ritual authority and rules that can be formalised. Yet certain aspects of the biocultural relationship remain difficult to articulate: the

fluid nature of certain obligations, the differentiated rights between initiates and non-initiates, generational changes, religious tensions and seasonal practices. Public policy therefore tends to prioritise those components that lend themselves to management: area, boundaries, committee, plan and rules of use. As in Indonesia, recognition provides protection whilst simultaneously selecting what can be recognised.

Kikélé illustrates a more advanced stage of local formalisation. Research on the site shows that the protection of the colobus monkey and the forest is underpinned by community beliefs and prescriptions, whilst a communal decree has helped to formalise the protection of the area. This case is significant because it lies between Dokunon and the hutan adat: the local normative order remains strongly religious, but it takes on an administrative form. Kikélé is thus a bridge case that allows us to observe the intersection between religious authority and communal authority without assuming that one absorbs the other.

The Bassila classified forest follows a reverse trajectory. Its legal origin is state-based: Decree No. 2843-SE of 5 August 1943 classified an area of 2,500 hectares in accordance with the available forest inventory. The initial rationale was that of a managed forest, established through public demarcation and subject to a forestry regime. Over time, management policies have sought to strengthen local participation. The Bassila Forest Resource Restoration Project developed mechanisms for participatory forestry, contracts and local management structures. However, the retrospective study by Gbedahi *et al.,* (2019) shows that changes in vegetation cover improved during the intervention period before deteriorating after the project ended. This dynamic serves as a reminder that an institution funded and run from outside does not automatically become a socially sustainable institution.

The contrast between Toué and Bassila is therefore crucial. In Toué (Covè), the state encounters a territory already governed by sacred norms and must decide how to interpret them. In Bassila, the state historically created the territorial category and subsequently sought to foster participation. In one case, the question is: how can one recognise without reducing? In the other: how can an administratively created space be made socially appropriable? Both trajectories enable us to move beyond a univocal vision of biocultural rights. Bioculturality does not necessarily predate the state; it can also emerge from contemporary negotiations concerning the management of a designated territory.

Three trajectories of the juridification of forest territory

The comparison reveals three distinct trajectories. The first is the recognition of a pre-existing community-based order, as illustrated by Hiang and Lempur. A community presents itself as the holder of a specific territorial relationship and seeks to have this relationship recognised in national law. The second is the recognition of sacredness and local governance, illustrated by Dokunon and, to a more formalised degree, by Kikélé. The primary issue is not the restitution of a lost land right, but the legal translation of a system of customs and authorities that maintains a distinct space within the landscape. The third is the state-led establishment of a forest territory subsequently opened up to participation, as illustrated by Bassila. Here, legalisation precedes the community-based appropriation that public policies subsequently seek to foster.

These trajectories show that the term ‘recognition’ encompasses different processes. Recognising a community means identifying a collective entity. Recognising a territory means stabilising its boundaries and the relationship of belonging. Recognising a norm means accepting that a local rule has an impact on the governance of the space. In the hutan adat of Kerinci, these three dimensions tend to be interlinked: the community, the territory and the adat norm are gradually brought together within a single recognition process. In the sacred forests of Benin, they may remain separate: the cultural value of the forest may be acknowledged without collective land rights being legally consolidated.

The comparison also sheds light on the role of intermediaries. Indonesian NGOs feature prominently in the literature because they help to map, document and translate adat claims. In Benin, international projects, forestry departments, local authorities and researchers often play a similar role. In this respect, the PIFSAP acts as a translation framework: it transforms a religious and social category into an object of public policy, complete with inventories, plans, demarcations and management mechanisms. This mediation can strengthen communities’ capacity to defend their territories; it can also shift the definition of what matters, by prioritising measurable biodiversity, map-able areas and formal management bodies.

Another point of convergence concerns the relationship between boundaries and authority. In customary systems, a boundary is not always a fixed line; it may be defined by landmarks, practices, narratives or agreements between groups. The state, by contrast, requires lines that can be plotted on a map. The transition from lived territory to mapped territory therefore alters the relationship with place. It may provide protection against encroachment, but it may also create new conflicts with those whose uses had not been formalised at the time of demarcation. The same question arises regarding authority: who is authorised to sign, represent or administer? The recognition process tends to favour authorities capable of occupying these institutional positions.

Finally, the comparison reveals a tension between conservation and use. Biocultural relationships do not necessarily correspond to the sanctification of nature. Adat forests may be used according to differentiated rules; sacred forests may permit certain ritual or medicinal harvests. Conservation stems less from the absence of use than from the normative distribution of uses. This observation is important for environmental policy: converting a biocultural territory into a no-use zone may destroy part of the social relationship that has contributed to its conservation. Conversely, recognising such territories without regulating economic transformations may allow forms of exploitation to develop that are incompatible with local norms.

Table 2 below summarises the possible effects of institutional translation.

Recognition as institutional translation

The main contribution of this comparison is to propose a process-oriented conception of biocultural rights. They are not merely a set of prerogatives attached to an already defined community. They emerge from the relationship between several normative orders which do not share the same categories or the same methods of proof. State law asks: who is the holder? What is the area? Which institution represents the group? Which rule applies? Local systems may respond with narratives, ritual obligations, kinship ties, boundaries rooted in memory, or customary practices. Juridification is the process of making these responses compatible with the language of the state.

This translation can lead to empowerment. In Kerinci, the removal of the hutan adat from the state forest and its ministerial recognition strengthen the communities' legal position vis-à-vis other actors. Formalisation can provide a basis for resisting concessions, organising management and mobilising public resources. In Benin, the recognition of sacred forests can protect areas threatened by agriculture, urbanisation or timber exploitation, whilst giving local authorities an additional argument for enforcing certain rules. Institutionalisation is therefore not intrinsically synonymous with dispossession.

However, formalisation can also lead to a more subtle form of dispossession: not the immediate loss of land, but the loss of the ability to define the relevant categories. When the state recognises a community through a standardised model, it may marginalise forms of belonging that do not fit that model. When a sacred forest becomes a conservation area, environmental authorities may prioritise biological protection at the expense of certain ritual dimensions. When oral rules become written regulations, interpretations that were previously open to negotiation may become fixed. Dispossession is then epistemic and institutional: the territory remains, but the conditions under which it is defined shift.

The concept of 'institutional fit' helps to refine the analysis here. Policies are more sustainable when they align with the institutions that already structure collective action, rather than when they replace them. Recent research on legal pluralism in Indonesia's forestry sector shows that compatibility between adat norms and state law depends on the strength of local institutions, community cohesion and the existence of intermediaries capable of translating the requirements of each normative order (Tias, McDermott & Mulyani 2026). Bassila offers a thought-provoking counterpoint: the improvement in forest cover during the project, followed by its decline after the project ended, raises questions about the depth of institutional ownership. A scheme may be effective as long as funding, monitoring and coordination continue; its sustainability requires that the rules find social agents capable of reproducing them.

This interpretation also leads us to put into perspective the idea of a linear transfer from custom to law. Recognition is a circular process. Communities reinterpret their institutions in terms of legal categories; the administration learns to incorporate certain local categories; and NGOs, researchers and projects develop intermediate vocabularies.

Table.1 Fieldwork sites and trajectories of legalization

Field	Dominant territoriality	Recognition	Key actors	Comparative question
Hiang (Kerinci)	Adat / customary forest	Local then national	Adat community, NGOs, local authorities and the state	What changes does the formalisation of a customary system bring about?
Lempur (Kerinci)	Adat / forest catchment area	Local then national	Adat communities, local authorities and the state	How does national recognition redefine a long-standing local institution?
Dokunon-Toué (Covè)	Sacredness and ritual regulation	Established social status; individualised administrative recognition to be documented	Dignitaries, community, local authority	How can a sacred territory be made administratively recognisable?
Kikélé (Bassila)	Sacredness and community conservation	Documented municipal formalisation	Community, local authorities, conservation stakeholders	Does formalisation reinforce local norms?
Bassila Protected Forest	Public designation	State classification since 1943; subsequent participatory management	Forest administration, projects, local communities	How can a territory created by the state be socialised?

Table.2 Possible effects of institutional translation

Action	Securing effect	Risk of reconfiguration	Empirical indicator
Delimitation	Protection against encroachment	Rigidification of negotiated boundaries	Maps, demarcation, boundary disputes
Identifying the community	Access to status and rights	Exclusion of peripheral groups or users	Membership criteria, lists, representativeness
Formalising authority	Recognised spokesperson	Concentration of power or selection of elites	Governing bodies, signatures, representation
Drafting the rules	Enforceability and transmission	Reducing a flexible standard to a fixed requirement	Regulations, plans, sanctions
Integrating into a conservation policy	Access to public resources and expertise	Priority of ecological indicators over social considerations	Plans, funding, ecological monitoring

Contemporary adat is therefore not the same as the adat that existed before recognition, just as the institutionalised sacred forest is not exactly the same as the social sanctuary that existed before the inventory. This observation does not mean that these institutions are inauthentic. It means that authenticity itself must not be the central criterion: institutions are alive because they are constantly changing.

The question of temporality thus becomes crucial. Hiang and Lempur illustrate a long sequence of local recognition, mobilisation, constitutional reform and

national recognition. Benin's sacred forests reveal another sequence: ritual continuity, scientific interest in biodiversity, inventory, conservation projects and administrative formalisation. Bassila illustrates yet a third sequence: colonial classification, forest administration, restoration projects, participation and questions regarding post-project sustainability. These different temporalities serve as a reminder that a comparison of biocultural rights must compare historical processes, not merely the texts currently in force.

Finally, this comparison prompts us to rethink the concept of environmental justice. It is not enough to ask whether the forest is better protected following recognition. We must also ask who bears the costs of protection, who retains access, who speaks on behalf of the territory, and who benefits from funding or political visibility.

Ecological outcomes and distributional outcomes may diverge. Biologically effective conservation may be socially unjust; recognition that is culturally valuable may remain legally weak. Biocultural rights have a particular interest in holding these dimensions together, rather than making biodiversity the sole criterion for success.

Convergences and comparative specificities

The similarities between Indonesia and Benin are strong enough to justify the comparison but insufficient to erase the differences. In both countries, forest areas are governed by a plurality of actors and norms; public policies must contend with institutions that are not mere extensions of the administration; intermediaries play an important role in shaping claims; mapping and formalisation create new opportunities for protection; finally, ecological effectiveness depends in part on the social legitimacy of the rules.

The first specific feature of the Indonesian context lies in the explicit politicisation of indigenous identity and adat. The category of masyarakat adat is embedded in national movements, NGO networks and land rights struggles where recognition is directly linked to land restitution or the securing of territorial rights. Li's (2001) work has demonstrated the politically constructed nature of the criteria of difference that grant access to this category. Bedner and Arizona (2019) emphasise the limitations of translating adat into positive land law. The hutan adat is thus a highly territorialised and explicitly legal institution.

The situation in Benin is different. Sacred forests are not organised around a general status of indigenous peoples. Their normative force is more closely linked to sacredness, deities, lineages, religious authorities, taboos and local knowledge. Public recognition therefore often focuses first on the area and its conservation value before potentially leading to the consolidation of collective rights. This difference is theoretically fruitful: it shows that biocultural rights do not necessarily require a regime of indigeneity to exist as an analytical issue. A biocultural relationship can be legally significant even when its holders are not classified as an indigenous people.

The second difference concerns the history of the public forest. Indonesia has experienced a strong state-led territorialisation of forests, but contemporary adat mobilisation is often presented as a challenge to this absorption. Bassila, by contrast, allows us to observe how a space classified by the administration can gradually be subject to forms of participation. The movement is therefore not merely from the community towards the state; it can also be from the state towards the community. This reversal enriches the theory of recognition: it compels us to distinguish between the recognition of pre-existing rights and the development of co-management capacities.

The third difference concerns the role of religion. In Dokunon and Kikélé, sacredness is not merely a cultural attribute appended to a conservation rule: it is a source of normativity. Taboos may derive their power from the relationship with deities and ancestors rather than from administrative sanctions. In Indonesia, adat institutions may also be linked to local cosmologies and religions, but the literature on forest recognition places greater emphasis on collective identity, tenure and political institutions. This comparison therefore allows us to reintroduce the religious dimension into the study of biocultural rights without reducing them to a 'right to culture'.

These differences lead to a proposal: biocultural rights should be conceived as a spectrum of legalised relationships rather than as a uniform status. At one end of the spectrum, a recognised community may hold an explicitly enshrined territorial right; at the other, a territory may be protected on account of its sacredness without the community holding an equivalent collective land title. Between the two lie forms of co-management, communal recognition, local agreements and participation. This graduated approach is more faithful to

the diversity of the configurations observed and avoids importing the Indonesian model of indigenous status into the Beninese context.

In conclusion, a comparison between the hutan adat of Kerinci and Benin's forest territories shows that biocultural rights are best studied as processes of institutional translation. Relationships between community, territory and the living world often exist prior to their public recognition, but they do not remain unchanged when they are enshrined in law. Recognition selects authorities, stabilises boundaries, formalises rules and redistributes access rights. Its effects are therefore ambivalent: it can reduce insecurity and strengthen conservation, whilst transforming the very institutions it seeks to protect.

Hiang and Lempur illustrate the gradual recognition of adat systems that predate constitutional reform and whose national formalisation enhances their legal visibility. Dokunon and Kikélé show that sacredness can produce an effective territorial order without initially taking the forms of property or state classification. Finally, Bassila reveals the reverse process: a territory created administratively must subsequently be socially governed, and the sustainability of conservation depends on the effective institutionalisation of participation. These three trajectories therefore do not describe three stages of the same evolution; they express different relationships between the state, the community and the territory.

The theoretical contribution of this comparison is twofold. Firstly, biocultural rights may be relevant beyond contexts where a legal status of indigenousness exists, provided that we do not, by analogy, transform every local community into an indigenous people. Secondly, recognition must be assessed not so much by the formal existence of a legal text as by its effects across four dimensions: authority, territory, norms and access. It is at this level that one can determine whether legalisation secures the biocultural relationship, reconfigures it or shifts its beneficiaries.

A complementary field study would enable this model to be explored in greater depth by observing the day-to-day production of norms: boundary disputes, resource extraction practices, intergenerational relationships, the role of women, relations between traditional leaders and administrative authorities, and the role of NGOs and development projects. Such research would be particularly important in the Dokounon Forest in Toué, where the forest's individualised administrative status and recent changes to ritual practices need to be documented. The proposed comparison thus opens up a research programme: to study biocultural rights not as a catalogue of rights, but as a policy for translating living organisms and communities into the categories of the state.

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