

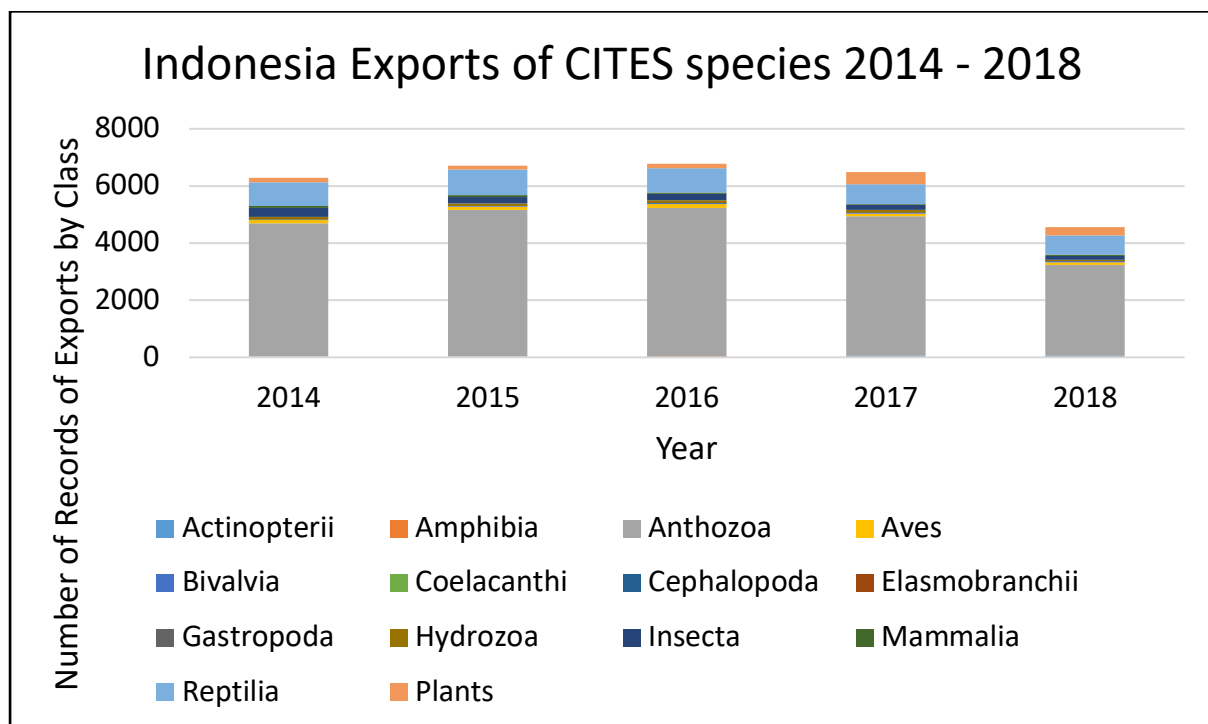
CASE STUDY 2 – INDONESIA

As part of my Arts and Humanities Research Council Leadership Fellowship investigating the implementation of and compliance with CITES, three case studies of best practice and lessons learned were identified and chosen. The second of these is Indonesia.

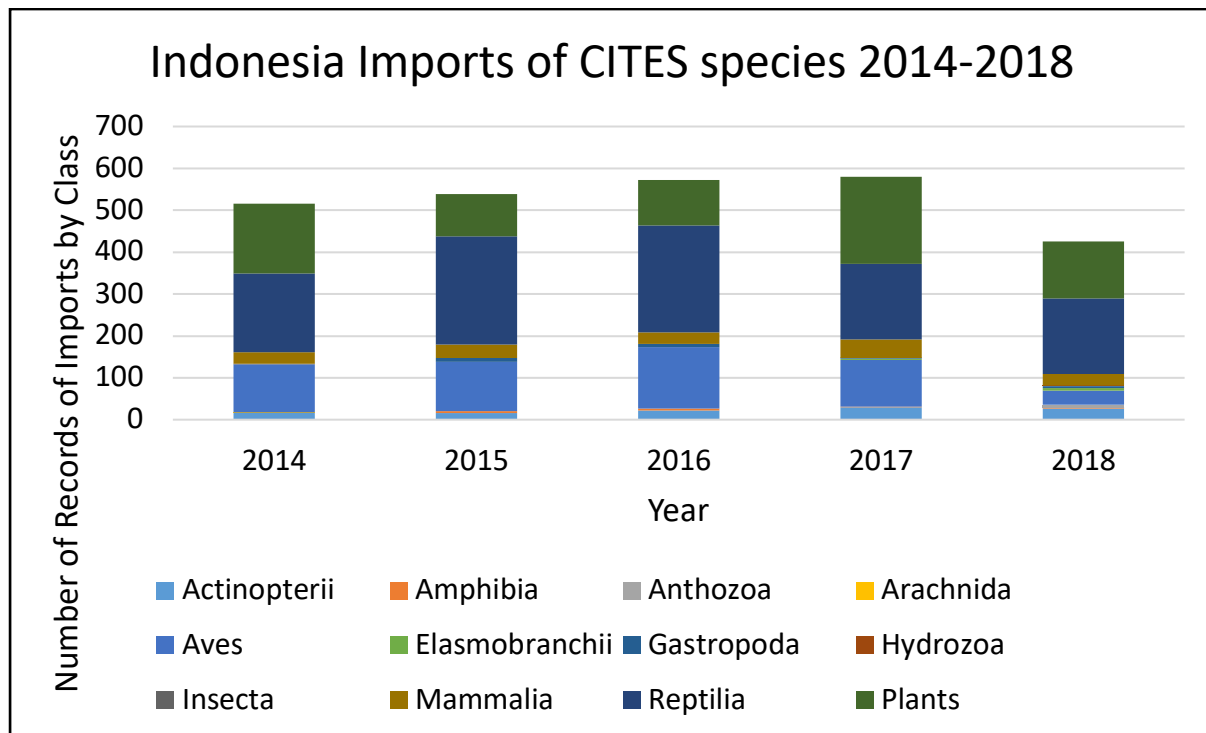
As with all the case studies, Indonesia was suggested as doing CITES well by my anonymous respondents from the first round of the Delphi Iterative survey. However, in doing the interviews with experts about Indonesia, the findings are decidedly less about best practice and much more about lessons learned for overall CITES implementation. This is supported by a significant amount of academic literature in conservation (though not in legal studies or criminology).

Indonesia is a Category 1 country in CITES’ National Legislation Project though the implementation of the convention does not protect non-native CITES listed species. CITES is implemented through a complex interplay of over ten pieces of legislation, including portions of the Constitution and Presidential Decrees. Indonesian law covers movement of nationally protected species within Indonesia as well as international trade.

Indonesia is both an exporter and importer of CITES species. Whereas the grey and academic literature are fairly robust in detailing the export of reptiles from Indonesia, which is a significant amount, a broad overview of CITES species traded reported to the Secretariat indicates a significant trade in corals as seen in the first table.



Imports to Indonesia are much less frequent and of different species than the imports. Reptiles feature prominently in imports as do plants as seen in the second table.



According to Law 5, it is not illegal to kill and capture wild animals in general, only those that are protected; other aspects of CITES legislation are that it is prohibited to:

transport or trade in any non-living protected animals

- transport a protected animal species from one part of Indonesia to another or remove them altogether from Indonesia
- trade, keep or own any skin or bodily parts of protected animals or any goods made of such parts, or move such parts or goods made thereof from one part of Indonesia to another or altogether remove them from Indonesia
- take, destroy, keep or trade in eggs and/or nests of any protected species
- Illegally fell trees (Forest Destruction Law)
- transport, unload, or possess the result of felled forest land without a permit

In regards to penalties, the maximum penalty for the illegal hunting of CITES species is a five-year imprisonment sentence and/or a fine of 100 million rupiah (USD 7,750). Corporations, particularly for forest offences, are more heavily penalised; fishing penalties are punished the least. In reality, prison sentences last a few weeks at most or offenders bribe law enforcers to not be punished (DLA Piper 2015). Wildlife and evidence can be seized and become state property.

BEST PRACTICE AND LESSONS LEARNED

From Indonesia, it can be seen that:

- Monitoring of movement and trade of protected species between provinces can help implementation.
- Annual setting of quotas is important to overall management of CITES.

In terms of lessons for the wider CITES community:

- Importing countries should push back and ask for evidence of Non-Detriment Findings
- The pitfalls and loopholes of captive breeding and artificial propagation need urgent attention as they provide a means of laundering wildlife and industrial production of protected species