

## Can the jungle law save orangutans?

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There have probably been at least 2,800 confiscations of illegally kept orangutans in Borneo and Sumatra since the early 1970s. In the same period, millions of hectares of orangutan forest have also been destroyed for plantations and other uses, and thousands of orangutans killed, starved and burned to death in the process.

This species cleansing has occurred despite the fact that the orangutan has been legally protected in Indonesia since 1924. Quite simply, in the last 40 years the number of legal cases brought against pet keepers, traders and orangutan killers can be counted on the fingers of one hand.

There was a case in November 2006 of people shooting a Sumatran orangutan (62 times with an air rifle) that had been released at the edge of Bukit Tigapuluh National Park in Jambi in October 2004. Six villagers received six-month jail sentences, but later the prison term was extended to eight months. Leuser, the orangutan in question, is now residing at a quarantine center run by the Sumatran Orangutan Conservation Program (SOCP) near Medan, in North Sumatra. He still has 48 air rifle pellets in his body and is blind in both eyes due to pellets lodged there.

There were also two prosecutions in June 2010 of people trading orangutans illegally in West Kalimantan. The seller was sentenced to eight months in prison and fined Rp 1 million (US\$110). The buyer received a meager one month and 15 days in prison. A third person involved managed to evade prosecution altogether.

Yet, seemingly all of a sudden, a number of legal actions in support of orangutan conservation are finally hitting the headlines.

Many people will have seen recent articles in the media concerning the brutal killing of orangutans on an oil palm plantation in East Kalimantan, where they were slaughtered en masse for a bounty paid by the Malaysian company PT Khaleda Agroprima Malindo (PT KAM). For each orangutan killed, workers were allegedly paid Rp 1 million. This is an extremely shocking and disturbing case, but it is also an open secret that such practices are commonplace on new plantations.

An article on Dec. 9, 2011 in The Jakarta Post showed how the remains of more slaughtered orangutans were found in a concession belonging to PT Sarana Titian Permata II, part of the Wilmar International group, in Central Kalimantan. But no one there has yet been arrested or charged.

While the PT KAM case has attracted media attention, very few people are aware of an ongoing trial related to orangutans in Kabanjahe, North Sumatra. It concerns Julius, a 4-year-old male Sumatran orangutan confiscated in Mardinding, Karo regency, in July 2011. Forestry police arrested a man, identified by his initial as S, who was transporting Julius and offering him for sale. Unfortunately, however, the alleged "owner" of the orangutan, identified as R, has not yet been arrested or charged.

The law relating to protected species is actually simple. Law No. 5/1990 on the Conservation of Biodiversity and Ecosystems states clearly that keeping, injuring, capturing, trading and transporting protected species are criminal offenses, carrying sentences up to five years in jail and a Rp 100 million fine.

Nevertheless, it remains to be seen if Julius' case in North Sumatra will be taken seriously by the three judges and the prosecutors. If not, and the defendant is acquitted, e.g. on some minor technicality, it really will reinforce the prevailing impression among conservationists that the Indonesian authorities, and society in general, really aren't interested in protecting their country's unique and exceptionally rich biodiversity.

Besides Law No. 5/1990, there are several other regulations that support orangutan conservation, which also seem to be routinely flouted and ignored. The Spatial Planning Law No. 26/2007, and its subsequent Government Regulation No. 26/2008, established the Leuser Ecosystem in northern Sumatra as a National Strategic Area for Environmental Protection. Presidential Instruction No. 11/2011 prevents the issuance of any new plantation and concession permits in primary forests and peat lands.

As the Leuser Ecosystem is home to around 80 percent of all the remaining Sumatran orangutans in the world, and as the peat swamps of Aceh province have the highest density of orangutans anywhere in the world, effective enforcement of these two laws alone would be an important step for orangutan conservation.

And so to another case currently making the news, in which it is claimed that a new permit issued for an oil palm plantation in the Tripa peat swamp forests on the west coast of Aceh, within the Leuser Ecosystem, is illegal, and that its issuance constitutes a criminal act or felony on the part of Aceh governor and a number of other key individuals involved in the process.

The Tripa peat swamp case actually consists of several different legal initiatives. A consortium of concerned NGOs has challenged the legality of the new permit in the Court of Civil Administration in Banda Aceh. Meanwhile, representatives of the communities living directly in Tripa, already fed up with losing their livelihoods, lands and lifestyles due to the destruction wreaked so far, have reported the governor of Aceh, who issued the permit, the company that received it, PT Kallista Alam, and a number of others at the National Police headquarters in Jakarta. They claim the issuance of the permit is a clear contravention of the National Spatial Planning law.

If these Aceh cases were to fail, the orangutan population in Tripa, recognized by the United Nations-backed Great Ape Survival Partnership (GRASP) as critical for the survival of the species, will continue to be devastated and ultimately be destroyed completely.

Perhaps for the first time, and long overdue, we finally seem to be seeing some clear sustained developments in law enforcement pertaining to conservation in Indonesia. But, it is probably too early to draw any solid conclusions.

Furthermore, even if convicted, the deterrent effect of these cases still depends on appropriate punishments being meted out. If sentences are too short or fines too little, it will once again bring into question the seriousness of those involved in enforcing the law in environmental and conservation cases.

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