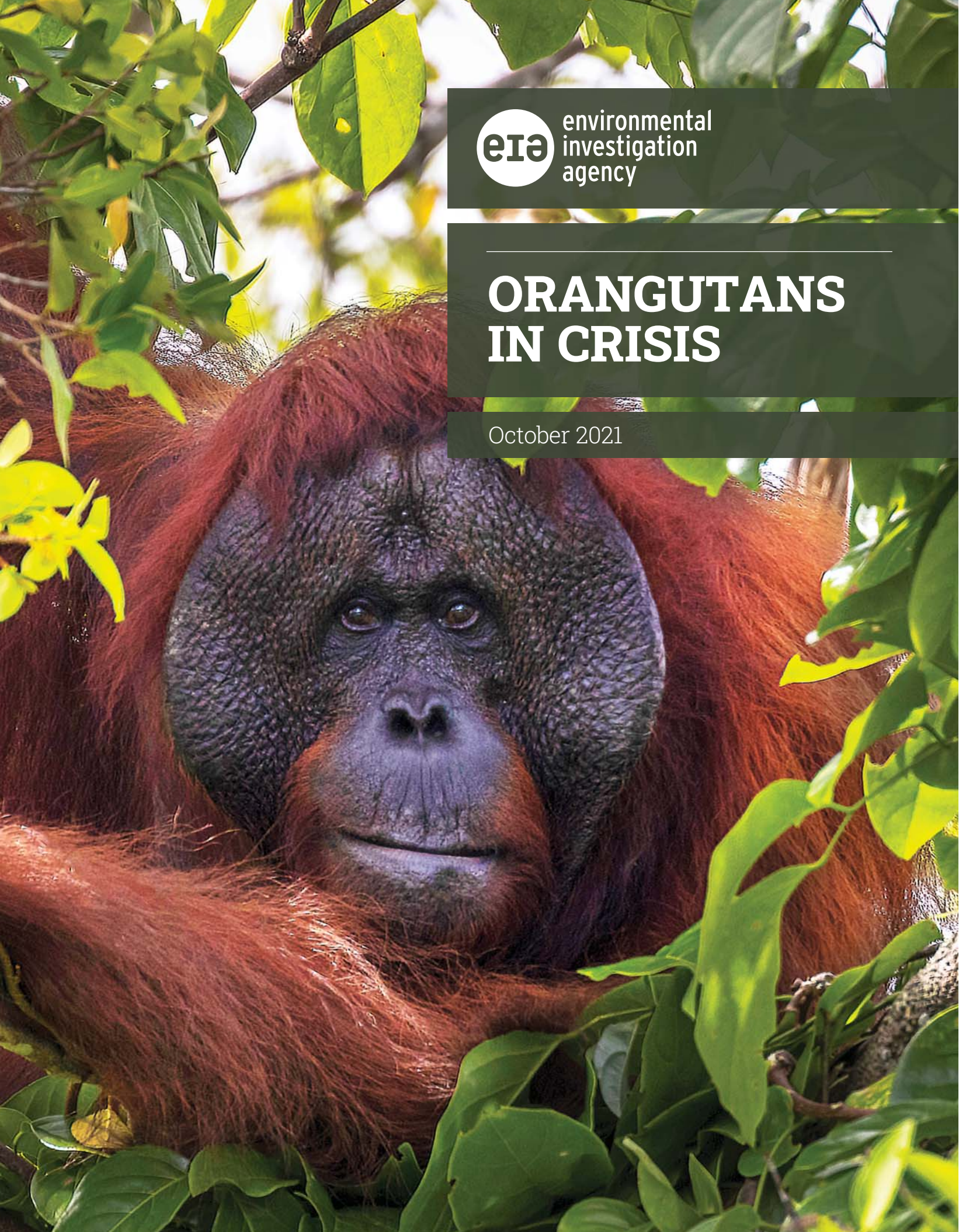




environmental
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ORANGUTANS IN CRISIS

October 2021





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Fire near Kelekat Village, East Kalimantan, Indonesia.

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EXECUTIVE SUMMARY

Orangutans are in crisis. Asia's only species of great ape are declining rapidly due to habitat loss, illegal killing, and wildfires.

Found on the islands of Borneo and Sumatra, all three species of orangutans (Bornean, Sumatran and Tapanuli) are classified as Critically Endangered by the International Union for Conservation of Nature (IUCN). An estimated 148,500 orangutans vanished from Borneo's forests between 1999 and 2015. By 2050, an additional 45,300 will be lost based on current rates of habitat destruction.¹ Sumatran orangutans face similarly bleak prospects. Scientists predict that the total Sumatran orangutan population may decline by nearly one-third by 2030.² The Tapanuli orangutan, only identified as a separate species in 2017, consists of less than 800 individuals and faces the most immediate risk of extinction of the three species.³

Destruction of Borneo and Sumatra's rainforests is the biggest threat driving orangutans toward extinction. From 2016 through 2019, 797,054 ha of orangutan habitat was deforested in Indonesia and Malaysia according to an analysis of Indonesian Government forest loss data by EIA and MapHubs. The vast majority (739,249 ha) occurred in Indonesia, accounting for a fifth of all deforestation across the country during this time period. If this rate of loss continues, orangutan forests could largely disappear, and with them three of the Earth's most iconic species.

Often closely linked to habitat destruction, the illegal killing of orangutans is a key driver of orangutan population decline. Human-orangutan conflict, poaching for meat, and fear of wild orangutans are among the core motivations for orangutan killing, which on average claims the lives of an estimated 2,200 Bornean orangutans each year.

This illegal killing in turn fuels the illegal capture and trade of live orangutans. Infant orangutans are sometimes kept as pets in Indonesia and are also trafficked internationally to buyers in Asia, the Middle East, and Europe for the pet trade or to supply zoos and similar wildlife exhibition facilities. Orangutans stay with their mothers for the first eight years of their lives, so it can be assumed that at least one adult female orangutan was killed for every baby orangutan that enters into trade. Killing, capture, possession, and trade in orangutans is prohibited under Indonesian law, yet enforcement by the Government of Indonesia has been woefully inadequate to present a meaningful deterrent to orangutan-related crimes.

Fire-setting to clear land for agricultural production often results in out-of-control wildfires that burn in and around orangutan habitat. These wildfires directly cause orangutan deaths and drive orangutans out of the forest where they are likely to come into conflict with humans

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ABOUT EIA

The Environmental Investigation Agency US (EIA) is an international non-government organization committed to combating environmental crime. For over 30 years as a nonprofit organization, EIA has pioneered the use of undercover investigations to expose environmental crime around the world. Intelligence reports, documentary evidence, campaigning expertise and an international advocacy network enable EIA to achieve far-reaching environmental protection by spurring changes in market demand, government policy, and enforcement related to global trade in wildlife and environmental products.

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Cover: Male Bornean orangutan in Central Kalimantan, Indonesia.
Nanang Sujana/EIA/Kaoem Telapak.

Inside Cover: Bornean orangutan in Sebangau National Park, Central Kalimantan, Indonesia.

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Palm oil plantation in Central Kalimantan, Indonesia.

as they seek refuge in agricultural lands, or risk starvation if their access to food resources are cut off. The Indonesian Government has prosecuted a handful of companies for their role in the spread wildfires linked to their concessions but has struggled to enforce court-ordered penalties and appears to be reluctant to revoke the licenses that allow companies to continue operating their concessions.

The government's solution to dealing with displaced wild orangutans that find themselves in close proximity to human settlements as a result of habitat destruction is often to translocate them to a new area with intact forest. While necessary in legitimate emergency situations, this practice can be abused to preemptively move orangutans out of their forests to facilitate land use change and can have negative impacts on resident orangutan populations that may already reside in the translocated orangutan's destination forest.

Despite the grave threats facing these critically endangered species, the Government of Indonesia has signaled a willingness to accept further orangutan population declines. The Government currently does not have a national orangutan conservation strategy and action plan in place to guide national, provincial, and local actions to protect orangutans. A 10-year plan published in 2019 was shelved only five months after it was released, purportedly to incorporate new

information on forest protection policies, however no revised plan has since been approved by the government. That now-defunct 2019 plan set a specific numerical target for orangutans to be protected, which was significantly lower than any contemporary population estimates including population estimates conducted with and endorsed by the Ministry of Environment and Forestry. In other words, the most recent articulation of Indonesian government policy on orangutans apparently determined that further population decline was not only anticipated but acceptable.

This is no time for apathy; the current outlook for orangutans is dire. Indonesia has the expertise and capacity to protect critically endangered orangutans and reverse their population declines if it desires. Achieving this will require political will at the highest levels and ambitious goal-setting in order to leverage the Indonesian government's considerable resources to take the steps necessary to save these irreplaceable species. EIA is calling on Indonesian President Joko Widodo to commit to protecting all remaining orangutans in Indonesia, including those outside protected areas, and to mobilize all relevant Indonesian government agencies and the parliament to protect all remaining orangutan forests and to bring fire-setting under control.

ORANGUTANS: ASIA'S ONLY GREAT APES

Bornean Orangutans

The cumulative impacts of habitat loss, illegal killing, and wildfires have greatly reduced Bornean orangutan numbers and left them scattered among forest fragments and split into dozens of populations with varying degrees of connectivity.

In 2016, the Indonesian government conducted the first comprehensive review of the status of orangutan populations and their habitat since 2004. The Orangutan Population Habitat and Viability Assessment (PHVA) concluded that an estimated 52,470 to 62,230 Bornean orangutans are spread throughout East, Central, and West Kalimantan (Indonesian Borneo) and in Sabah and Sarawak (Malaysian Borneo).⁴ Other studies that relied on different statistical modeling methodologies have suggested that Bornean orangutan numbers may have been greater than 100,000 around the time the PHVA was conducted. These studies also predicted Bornean orangutan populations would continue to experience drastic declines. For instance, the 2016 IUCN Red List assessment for the Bornean orangutan predicted the population would plummet from an estimated 104,700 individuals to no more than 47,000 by 2025,⁵ and Voigt et al. (2018) predict that Borneo will lose 45,300 orangutans between 2020 and 2050.⁶

There are several main threats contributing to the current and predicted decline in Borneo's orangutan population. Deforestation is responsible for the highest rates of orangutan loss over the past two decades, though most overall losses were found to have occurred in primary and selectively logged forest, which indicates that other factors such as illegal killing are also major drivers of orangutan extinction.⁷ Eighty percent of Bornean orangutans in Indonesia are found outside conservation areas, while in Malaysia the opposite is the case with 70 percent of orangutan populations found within protected areas.⁸ But even in national parks and other nominally protected areas in Indonesia, orangutan numbers are expected to fall due to human encroachment and poaching.⁹

Illegal killings are widely recognized as a major driver of Bornean orangutan loss. Researchers estimate that some 630 and 3,882 orangutans are killed illegally every year—0.86 to 8.1 percent of the total population.¹⁰ Even a kill rate at the lower end of this range is devastating for orangutan populations given the species' slow reproduction and development cycles. Males typically breed for the first time between the ages of 10 and 12. Females typically do not breed until 10 to 15 years of age and give birth once around every eight years.¹¹ Infant orangutans will stay close to their mother for those first

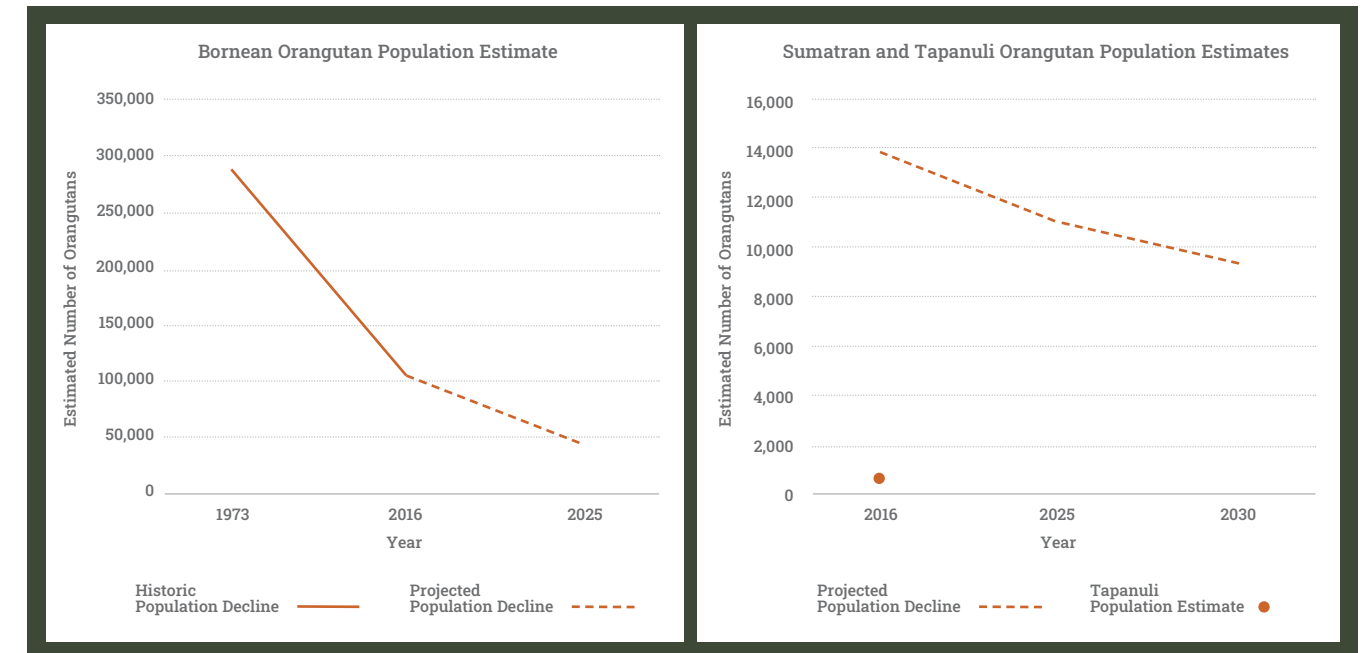


Figure 1
Orangutan Population Decline

Data source: IUCN Red List Assessments



Bornean orangutan in Sebangau National Park, Central Kalimantan, Indonesia.

eight years, developing survival skills such as learning which fruits to eat in the forests where they live and how to build a nest and avoid potential predators like tigers, leopards, and people. As a result, the loss of even one percent of female orangutans from a given population can trigger decline.¹²

Central Kalimantan boasts the most Bornean orangutans of any province as well as the highest rates of forest conversion for agriculture and the highest rates of

“The loss of even one percent of female orangutans from a given population can trigger decline.”

orangutan killing.¹³ A 2011 study found that the most common reasons why poachers kill orangutans are for meat, or out of humans’ fear of the orangutans when encountered in the forest, and in retaliation for orangutans foraging in crops.¹⁴ Air rifles are typically the weapon of choice for hunters or farmers trying to scare orangutans away from their crops. Some orangutans have arrived at rescue centers with more than 100 metal air rifle pellets lodged in their bodies.¹⁵ It is illegal to harm or kill a protected species in Indonesia and illegal to use an air rifle for hunting outside designated hunting areas, yet both practices remain widespread.¹⁶

Local communities, often aided by scientists or NGOs, have tried using human-orangutan conflict mitigation techniques like covering fruit trees with nets or using handheld firecracker cannons to scare away orangutans from farmers’ crops.¹⁷ None have been fully effective, either failing to deter orangutans or proving too expensive and labor intensive to implement on a regular basis.

Sumatran and Tapanuli Orangutans

The Sumatran orangutan (*Pongo abelii*) was once found throughout the island’s lowland forests. Decades of habitat loss, poaching and conflict killings have left the 14,290 Sumatran orangutans surviving today restricted to around 1.8 million hectares of forest located almost exclusively in the Leuser ecosystem at the northern end of the island.¹⁸ The Sumatran Orangutan Conservation Partnership (SOCP) has also reintroduced two small populations of about 180 individuals into the Jantho Pine Forest Nature Reserve in Aceh and Bukit Tigapuluh National Park in Jambi.

In 2017, scientists announced the discovery of a new species, the Tapanuli orangutan (*Pongo tapanuliensis*),¹⁹ genetically distinct from its Sumatran and Bornean cousins. Listed among the 25 most endangered primates on Earth, the Tapanuli orangutan is found only within 1,000 square kilometers of the Batang Toru Forest ecosystem, which comprises just 2.5 percent of its historic range,²⁰ and numbers less than 800 individuals.²¹

None of Sumatra’s wild orangutan populations are expected to survive in the long term (>500 years) according to the 2016 PHVA unless projected rates of habitat destruction and loss of orangutans to other threats like poaching are urgently addressed. The two introduced populations are considered viable if current release rates hold steady for the next decade and habitat loss does not increase.

Like Bornean orangutans, Sumatran and Tapanuli orangutans are threatened by habitat loss, fires, poaching, and conflict killings. Of these, habitat destruction is the primary threat to their continued survival. Scientists predict that up to 4,500 Sumatran orangutans will be lost by 2030 due to the conversion of lowland forest habitat for agriculture, plantations, infrastructure development, and other uses.²² Even these high numbers are likely underestimates since the models used omit some activities that trigger deforestation such as road building.

The highly endangered Tapanuli orangutan faces an additional existential threat: a hydroelectric dam slated for construction on the Batang Toru river. This project has come under heavy criticism from conservationists and scientists, including the IUCN Species Survival Commission Primate Specialist Group Section on Great Apes (IUCN PSG SGA).²³ If constructed, the dam would eliminate a critical forest corridor, severing the natural connectivity between Tapanuli orangutan subpopulations and limiting opportunities to connect the East Block’s 162 orangutans with the rest of the population. Scientists project that over time this would cause population decline at a rate three times higher than the rate of loss necessary for extinction.²⁴ Despite fierce domestic and international opposition, the Government of Indonesia remains unflinching in its support for the dam, dismissing criticisms as politically motivated, overblown, or false.²⁵ Forest has already been clear cut to make way for the project’s staging area.²⁶



Deforestation in the Batang Toru Forest.

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ORANGUTANS IN MALAYSIAN BORNEO

Malaysia is the only country other than Indonesia where orangutans can be found. The two Malaysian states of Sabah and Sarawak stretch across northern Borneo and comprise about 26 percent of the island's landmass

Habitat loss has historically been the main driver of orangutan decline in Malaysian Borneo. Much of Malaysian Borneo's lowland forests, critical habitat for the Bornean orangutan, were ravaged by industrial logging and conversion to tree and agricultural plantations for crops like oil palm and cacao in the 1970s and 1980s.²⁷ By 2009, only 22 percent of the land area (22 million ha) in Sabah and Sarawak remained as intact, unlogged forest.²⁸ In Sabah alone, an estimated 10,000 orangutans were lost as a result of deforestation driven by agricultural development between 1980 and 2000.²⁹

Today, Sabah and Sarawak's remaining forests support an estimated 13,570 Bornean orangutans.³⁰ Forest loss has slowed considerably since the turn of the century

in Sabah with most of the land area now depleted of the most valuable timber and/or converted to palm oil.³¹ The Sabah government has since instituted a policy to maintain forests throughout 50 percent of its land area with at least 30 percent classified as Totally Protected Areas (TPAs).³² Most TPAs consist of previously logged forest and some allow reduced impact logging (RIL), and past research suggests that orangutan populations can survive in sustainably logged forests where RIL practices are implemented if other key conditions are met.³³

Sabah is home to the vast majority of Malaysia's orangutans with an estimated 11,730 spread among 11 landscapes.³⁴ More than 70 percent are located within the state's 1.9 million-hectare TPA network.³⁵

Sabah's interior upland forests, in particular the Deramakot, Segama, and Imbak-Kalabakan landscapes, provide habitat for about 7,500 of Sabah's orangutans and these populations are expected to remain stable provided that RIL practices are maintained and illegal killing incidents remain uncommon.³⁶ In Eastern Sabah, orangutan populations have declined over the past 15 years due to habitat loss and other impacts related to palm oil production.³⁷ Orangutan populations in the Lower Kinabatangan, Tabin, Kulmaba and other lowland areas are expected to continue to decline under a business-as-usual scenario.³⁸

Sarawak contains a very small and considerably more at-risk orangutan population compared to Sabah with approximately 1,840 individuals living primarily in the Batang Ai National Park/Lanjak Entimau Wildlife Sanctuary (BALE Landscape).³⁹ The BALE Landscape is situated along the border with Indonesia adjacent to Betung Kerihun National Park in West Kalimantan,

and together these protected areas form one of the last strongholds for the Northwest subspecies of the Bornean orangutan (*Pongo pygmaeus pygmaeus*).⁴⁰ The only known orangutan population outside of the BALE Landscape in Sarawak persists in the fragmented but protected Sedilu-Sebuyau-Lesong Landscape,⁴¹ though two other small orangutan populations are suspected to exist in Sarawak's Klingkang Range and Bungoh National Park.⁴²

Habitat destruction, degradation and fragmentation, and illegal killing are the main threats to Sarawak's Bornean orangutans.⁴³ In 2015 the Sarawak Government announced its intention to move toward a zero-loss policy for orangutans and orangutan habitat, create additional national parks, and put a stop to illegal logging.⁴⁴ However, inadequate law enforcement has been a chronic problem in Sarawak that has long hampered orangutan conservation efforts.⁴⁵



Bornean orangutan in Sabah, Malaysian Borneo.



Deforestation of orangutan habitat in East Kalimantan, Indonesia.

DISAPPEARING ORANGUTAN FORESTS

There are an estimated 15.3 million hectares of orangutan habitat in Indonesia, with nearly 86 percent located in Kalimantan. Orangutans depend on intact forests for their survival and the loss of vast swaths of these forests is the single most important driver of orangutan population decline. Despite widespread recognition of this simple fact, the pace of forest loss in orangutan habitat continues at alarming and unsustainable rates.

Intensive logging and rapid development of lowland and peat swamp forests for oil palm and pulpwood have severely destroyed, degraded and fragmented orangutan habitat on Borneo and Sumatra. International demand for tropical timber and pulpwood, particularly from Japan, fueled a logging boom in Indonesia in the 1970s that gave rise to the country's first industrial-scale logging concessions.⁴⁶ By 1985, Indonesia had lost 39.3 million hectares of forest cover, nearly a quarter of the government's pre-logging estimate of 159 million hectares of forest cover in 1950.⁴⁷ Conversion of forest for oil palm plantations began in the mid-1980s and by the 1990s became a major contributor to Indonesia's soaring annual forest loss, which was between 1.0 and 1.6 million

hectares per year from 1985 to 1997.⁴⁸ The breakneck pace of Indonesia's forest loss has continued well into the 21st century. According to Global Forest Watch, Indonesia lost almost ten percent of its primary forest (>30 percent tree canopy cover) from 2002 through 2019.⁴⁹ The vast majority (80.8%) occurred in Sumatra and Kalimantan. However, there are signs that such high rates of Indonesian forest loss may be starting to decline. In 2020, despite laying claim to the world's third-highest rate of deforestation, Indonesia encouragingly reduced its primary forest loss to the lowest levels achieved by the country since 1990.⁵⁰

Like Kalimantan to its south, Malaysian Borneo's forests have been ravaged by logging and conversion to monoculture plantations. Between 1990 and 2009, logging and deforestation to make way for oil palm and timber plantations left just 22 percent of Sabah and Sarawak with unlogged forests.⁵¹ Persistent logging has degraded the majority of this remaining forest area.⁵² From 2000-2017, 3.06 million hectares of forest – and area roughly the size of Belgium – were converted to oil palm and pulpwood plantations across Borneo.⁵³



Primary forest coverage in Sumatra and Kalimantan in 1990.

Data source: Indonesia Ministry of Environment and Forestry; Basemap - OpenStreetMap contributors



Primary forest coverage in Sumatra and Kalimantan in 2019.

Data source: Indonesia Ministry of Environment and Forestry; Basemap - OpenStreetMap contributors



Intact orangutan forest habitat in Central Kalimantan, Indonesia.

RETAINING ORANGUTAN HABITAT CRITICAL FOR INDONESIA TO MEET ITS PARIS CLIMATE COMMITMENTS

In August 2021, a new report from the United Nations Intergovernmental Panel on Climate Change reached a sobering conclusion concerning the world's collective effort to halt anthropogenic climate change: "Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO₂) and other greenhouse gas emissions occur in the coming decades."⁵⁴

Indonesia is the fifth largest emitter of greenhouse gasses (GHG) globally, with the land use and energy sectors responsible for the vast majority of the carbon dioxide the country releases into the atmosphere every year.⁵⁵ In fact, the conversion of its forests and associated peatland wildfires have earned Indonesia the unenviable title of world's single largest emitter of forest-based GHG emissions.⁵⁶

Under the Paris Agreement, Indonesia pledged to reduce its GHG emissions by 29 percent by 2030 compared with a business-as-usual scenario, and up to a 41 percent reduction if provided financial and other assistance by the international community. Disappointingly, Indonesia is nowhere close to meeting its 2030 GHG reduction target and is actually projected to increase its emissions by up to 68 percent by the end of the decade.⁵⁷ Even if Indonesia does manage to achieve its target, it will be insufficient to prevent global warming of 2°C. Based on current global commitment levels, the Earth's average surface temperature is expected to increase by

between 3 and 4 degrees Celsius by 2050.⁵⁸ Indonesia must set a more ambitious target for a reduction in its GHG emissions if it truly wishes to contribute toward preventing global warming of 2°C, and the protection of the country's remaining forests will be vital for meeting its climate goals. Retaining intact forests is one of the best methods to fight against climate change, especially for a country like Indonesia where forest conversion is a leading driver of GHG emissions.⁵⁹ A 2017 analysis by the World Resources Institute found that if Indonesia expands the scope of the permanent moratorium on clearance of primary forest and peatlands to include secondary forests and remove the exemption for existing licenses, it would cut 427 million metric tons of CO₂ emissions by 2030.⁶⁰

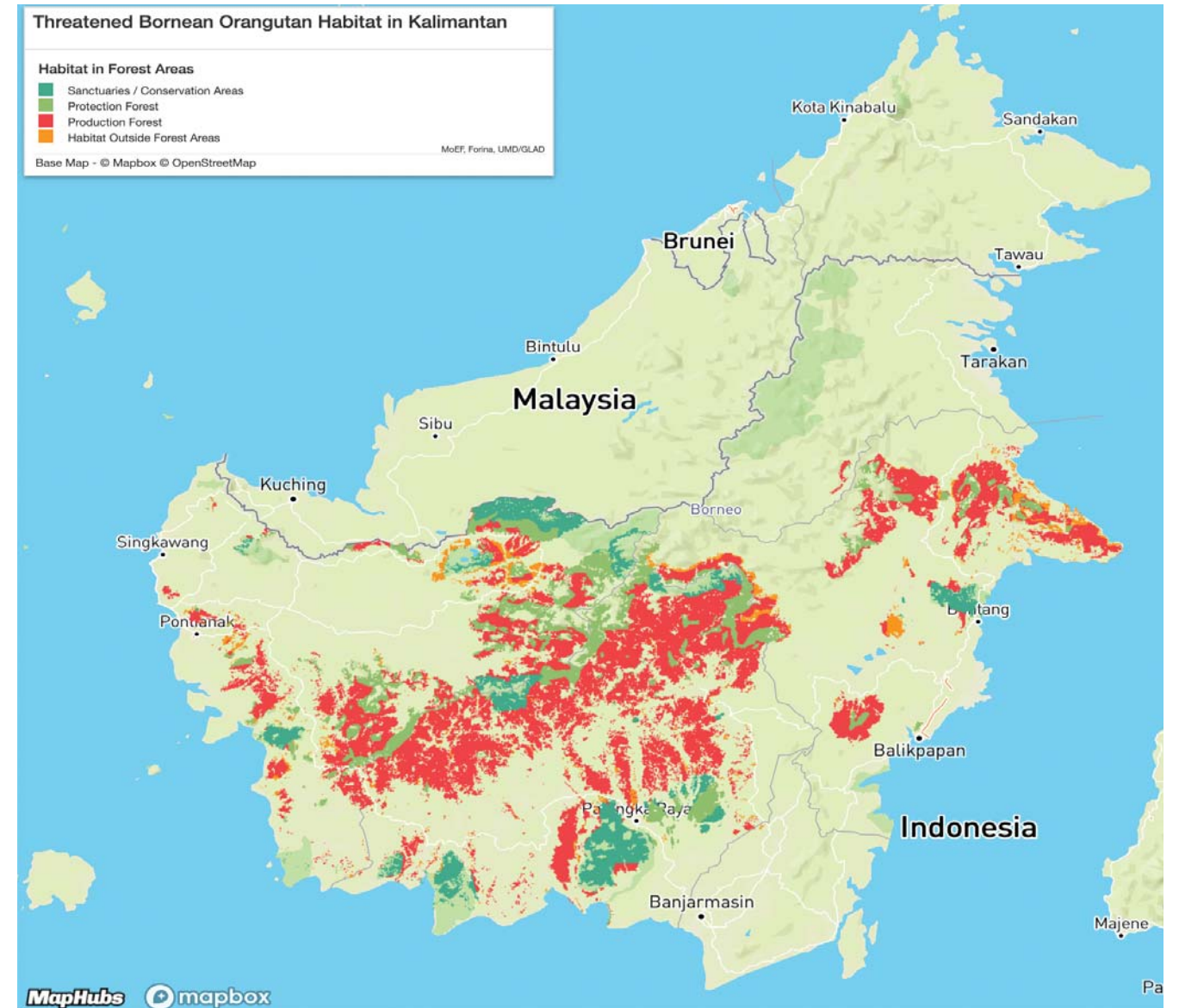
By protecting all remaining orangutan habitat, Indonesia will ensure the continued survival of Asia's only great ape as well as take a major step toward reaching its climate goals under the Paris Agreement.

Orangutan Forest Loss

Between 2016 and 2019, at least 739,249 hectares of orangutan habitat was deforested in Indonesia, including through the conversion of primary forest to secondary forest, accounting for a fifth of all deforestation across the country. An additional 57,805 hectares of orangutan habitat was deforested in Malaysian Borneo.

Around four in five Bornean orangutans in Kalimantan live in unprotected forests. On Sumatra, an estimated 35 percent of orangutans live outside designated

Conservation Forest while about 85 percent of the Tapanuli orangutan's range is protected.⁶¹ An EIA analysis of Indonesian concession data revealed the extent of the threat still facing these populations. An estimated 1.1 million ha of palm oil concessions, 1.2 million ha of pulpwood concessions, and 5.1 million ha of selective logging concessions all currently overlap with orangutan habitat in Kalimantan and Sumatra.¹ This means that at least 48 percent of Indonesia's orangutan habitat is at risk of destruction, degradation, and fragmentation from logging and conversion to monoculture plantations and associated infrastructure development.



This map depicts the extent of Bornean orangutan habitat in Kalimantan as reported in the 2016 Population Habitat and Viability Assessment. The dark green areas represent orangutan habitat located in Conservation Forest, which are protected areas set aside to conserve wildlife and ecosystems. The light green areas represent orangutan habitat located in Protection Forest, which are protected areas set aside for watershed management. The red areas represent orangutan habitat located in Production Forest, which are unprotected areas identified to produce forest products through activities like logging and timber plantations.

Data source: Orangutan habitat layer – PHVA 2016; Conservation, Protection, and Production Forest layers – Indonesian Ministry of Environment and Forestry; Basemap – OpenStreetMap contributors



“Around four in five Bornean orangutans in Kalimantan live in unprotected forests.”

NGOs documented palm oil cultivation in blatant violation of the moratorium with no response from the government.⁷⁰ On September 19 of this year, the palm oil moratorium was allowed to expire and at time of writing has not been reinstated.

The government has also used the COVID-19 pandemic as an excuse to gut bedrock environmental laws as a way to jumpstart Indonesia's economy. Dozens of environmental protections have been weakened or eliminated outright with the adoption of a massive deregulatory omnibus package by Indonesia's parliament in late 2020.⁷¹

Among the most concerning changes:

- Providing concession permit holders illegally operating within Forest Areas a three-year amnesty period in order to obtain all required permits, including re-designation of the illegally-occupied Forest Area;
- Requiring an Environmental Impact Assessment (Amdal) only if projects are deemed "high risk;"
- Allowing companies to obtain their business permit for a project before conducting the Amdal;
- Restricting public participation in the permit application process to projects deemed "high risk;"
- Eliminating the Ministry of Environment and Forestry's "second-line enforcement power" to prosecute environmental violations if local authorities refuse to do so themselves;
- Eliminating the requirement for all regions to maintain 30 percent forest coverage;
- Cutting out consultations with indigenous communities when designating Forest Areas; and
- Extending the applicability of agricultural permits from 35 to 90 years.

This legislative backsliding runs counter to the government's efforts to ban clearance of primary, peat and other forests. The adoption of the omnibus bill has heightened the pervasive threats already facing Indonesia's dwindling orangutan population.

While some evidence suggests orangutans can survive in lightly logged secondary forests under specific conditions, including when other threats to orangutan survival such as illegal killings are absent, orangutans will not survive when that habitat is intensively logged or subject to more conventional timber extraction methods.⁶²

Indonesia's Flawed Forest Protection Policies

Indonesia's government has instituted some important, proactive policies to reduce rampant deforestation throughout the country. These include enacting a three-year moratorium on all new licenses for palm oil plantations in 2018 and making the existing ban on primary and peat forest clearance permanent in 2019. However, the moratorium recently expired and the Indonesian government has not indicated whether it will be re-enacted. Regardless, effective implementation of these policies has been lacking in many instances.

The ban on clearing primary and peat forests applies to more than 66 million ha of Indonesia's forests. All Conservation and Protection Forests (roughly 51 million ha) are covered by the ban as well as 5.4 million ha of peat forests and 9.5 million ha of primary forest located

in Production Forest (the vast majority of which does not overlap with orangutan habitat located in Production Forest) and areas outside the officially designated Forest Area. First implemented in 2011, the moratorium was not enforced until 2016, a year after Indonesia suffered devastating peat fires. In 2017, President Jokowi extended the moratorium for another three years before announcing it would be permanent in 2019.⁶³

While the permanent ban is a welcome step, it is far from comprehensive or airtight. At least eight million ha of primary forest and 10 million ha of peatlands are not covered. Since 2011, the land area under its jurisdiction has been adjusted at least 15 times, including to exclude orangutan habitat in Sebangau National Park.⁶⁴ There are also exemptions for geothermal concessions, oil concessions, and agricultural activity deemed to be of "strategic national importance".⁶⁵ Enforcement is inadequate, in part because the ban was implemented through a Presidential decree and was not enshrined in law.⁶⁶

Unsurprisingly, the ban on primary forest clearance does not cover secondary forest, though at more than 43 million ha,⁶⁷ secondary forests account for a significant swath of Indonesia's tree cover and can provide important habitat for orangutans. More than half the country's secondary forests are designated as

Oil palm plantation in East Kalimantan, Indonesia.

Production Forest and can be logged or cleared for wood or pulp production. Nearly 10 percent more is designated for "non-forestry conversion" including for use as palm oil concessions.⁶⁸

In September 2018, President Joko Widodo signed a three-year moratorium on all new licenses for palm oil plantations, which was allowed to expire in September 2021. The order applied to projects that obtained some, but not all, permits, and also included a directive for relevant central and regional governments to review their palm oil licensing data. Companies that obtained all necessary permits prior to the moratorium announcement were allowed to proceed with forest clearance, and the recent adoption of the Omnibus Jobs bill now provides an avenue to legalize palm oil concessions that have been operating illegally in designated Forest Area. The moratorium on issuing new palm oil licenses was also only for permits sought in the state Forest Area, and did not apply to orangutan habitat and primary forest located outside government's officially recognized forest estate.⁶⁹ The Indonesian government failed to meet its reporting requirement to provide biannual updates on implementation of the moratorium, and Indonesian



Bornean orangutan in Sebangau National Park, Central Kalimantan, Indonesia.

ILLEGAL CAPTURE, POSSESSION, AND TRADE OF ORANGUTANS

The orangutan pet tradeⁱⁱ is a byproduct of illegal orangutan killing. The full extent of the domestic and international illegal orangutan trade remains understudied and current levels of trade are unclear. Infant orangutans are sometimes taken from female orangutans that have been killed, and the infants brought back to the local village where they are kept as pets or sold further along the trade chain. Because baby orangutans are dependent on their mothers for the first six to eight years of their lives, for every infant orangutan that ends up traded, typically at least one adult female orangutan was killed.⁷²

Most pet orangutans live out their lives caged in their owner's backyard until the animal dies or is confiscated by authorities. Often when a captive orangutan's care becomes too burdensome owners will try to give their captives away, release them back into the forest (where the odds of survival are next to zero), turn them over to an orangutan rescue center, or sell them further along the trade chain.

Orangutan killing, capture, and trade are crimes in Indonesia and Malaysia. While most Indonesians, even in remote villages, understand that orangutan possession and trade are illegal,⁷³ they are also keenly aware that infant orangutans have significant monetary value.⁷⁴ Though the act of "saving" an infant orangutan is often the original impetus for keeping the animal in captivity,⁷⁵ the potential for turning a profit can provide a strong incentive to keep and/or sell them to traffickers who trade them elsewhere within Indonesia or abroad.

Orangutan Trafficking

In addition to confiscating pet orangutans, Indonesian authorities seize live orangutans smuggled into domestic and international trade. Until recently, orangutans were found openly for sale in Indonesia's wildlife markets, but such brazen illegal activity appears to have ceased by the mid-2000s.⁷⁶ EU and Asian countries like the Netherlands, Germany, Thailand, Japan, Singapore and Taiwan have been identified as important destinations in the past,⁷⁷ and recently Russia and the countries in the



Infant Sumatran orangutan seized by the authorities at Ngurah Rai International Airport in Bali before it could be smuggled to Russia for the pet trade. The infant orangutan was drugged and hidden in a rattan basket inside the luggage of a Russian national. Denpasar Quarantine Agency.

Middle East have been implicated in the illegal infant orangutan trade.⁷⁸ Most orangutans in international trade today become pets, though wild orangutans have also been illegally sourced by zoos and entertainment facilities in countries like Thailand and Cambodia. In one major case in 2004, 115 orangutans sourced from the wild were discovered at a Bangkok amusement park.⁷⁹

The live trade in orangutans is not well studied. In 2005, TRAFFIC concluded that at least 200–500 Bornean orangutans were being traded annually in Indonesia.⁸⁰ Because mothers are killed to obtain infants, these findings mean that at least 400–1000 orangutans were removed from the wild to supply the trade. More recent studies suggest that Bornean orangutan trade levels have remained high. For example, researchers determined that between 2007 and 2017 rescue centers in Kalimantan took in around 994 individuals.⁸¹ Of those, 632 (64 percent) had been confiscated or surrendered from illegal private ownership.

Much less data has been published on possession and trade for Sumatran orangutans. Nevertheless, it is clear that Sumatran orangutans are regularly removed from forests. The SOCP, which manages the island's main orangutan rescue center near Medan, accepted more than 400 orangutans from 2002 to January 2020.⁸²

Systemic Law Enforcement Failures

Orangutans are listed as protected species in Indonesia under Law No. 5/1990 Concerning the Conservation of Natural Resources and their Ecosystems (Law No. 5). Article 21(2) prohibits the catching, injuring, caring for, transporting, and trading of any protected animals. Violations are punishable by a maximum prison sentence of five years and a fine of IDR 100 million (\$6,750). Similar protections exist for orangutans in Malaysia.ⁱⁱⁱ

Law No. 5 provides Indonesian law enforcement with a powerful tool to address orangutan-related crimes and should present a strong deterrent for illegal capture, killing, and trade. In practice, the government is abdicating its responsibility to enforce the laws designed to protect orangutans, rendering them effectively meaningless. Most orangutan poaching and conflict killing likely goes unreported. When such crimes are brought to the attention of law enforcement officials, perpetrators are rarely prosecuted. Generally only particularly violent instances of orangutan killings or international trafficking cases that garner national and international media attention prompt the authorities to act.



Infant Sumatran orangutans seized en route to Medan from South Aceh in July 2016. The seizure of the orangutans and the arrest of the trade were the result of collaboration between the Centre for Orangutan Protection, Jakarta Animal Aid Network, and the BKSDA.

“In the 30 years that Indonesia’s Conservation Law No. 5 has been in force, no one found guilty of orangutan possession, killing, or trade has ever received the maximum allowable sentence of five years imprisonment.”

Orangutan possession cases are usually brought to the attention of the authorities by local NGOs or concerned community members. The Ministry of Environment and Forestry’s (KLHK) Natural Resources Conservation Agency (BKSDA) and Indonesian Police are typically responsible for responding to reports of orangutan killing, capture, and trade. In cases involving international trade or especially gruesome killings, the KLHK’s Directorate General on Law Enforcement (GAKKUM) may also be brought in to investigate.

Orangutan pet owners are given the choice between voluntarily surrendering the animal to the BKSDA or having it forcibly confiscated. Owners are almost never prosecuted regardless of whether the orangutan is handed over willingly or unwillingly.⁸³ Of 440 orangutan confiscations made by authorities between 1993 and 2016, only seven cases were prosecuted – a miniscule prosecution rate of 1.6 percent.⁸⁴ No sentence exceeded 2.5 years, half the maximum allowed under the law, and the majority of perpetrators were imprisoned for eight months or less. A similar analysis of 719 Bornean orangutan-related crimes committed between 2007 and 2017 found that only four resulted in convictions, a rate of less than one percent.⁸⁵ In the 30 years that Indonesia’s Conservation Law No. 5 has been in force, no one found guilty of orangutan possession, killing, or trade has ever received the maximum allowable sentence of five years imprisonment.

The limited instances (eight cases identified between 2000 and 2020) when prosecutions have been successfully pursued almost always involved either domestic or international trade. The weak sentencing for committing orangutan crimes is exemplified by a case from March 2019 when a Russian national was arrested at Ngurah Rai International Airport in Bali for attempting to smuggle a baby Sumatran orangutan on his flight home. The prosecutor working the case only sought a six-month prison sentence for the accused.

The Denpasar District Court ultimately fined the man IDR 10 million (\$710) and sentenced him to one year in prison.⁸⁶

Enforcement is further complicated by the fact that some individuals who own orangutans are well-connected politicians, police officers, or members of the military accustomed to being treated as above the law.⁸⁷ They apparently face no risk of prosecution under the existing law enforcement attitude toward orangutan possession, and even confiscation often proves difficult. In one recent case, the North Tapanuli district chief came under fire from local environmental organizations for keeping an infant Tapanuli orangutan as a pet.⁸⁸ After promising to turn the infant over to the BKSDA, he instead released it into the forest where chances of survival without its mother are effectively zero.

The dismal conviction rates for orangutan-related crimes clearly indicate that the government does not consider orangutan possession to be a serious crime, unlike international trade. Instead, the authorities are content with the status quo, whereby orangutans are surrendered and dropped off at rescue centers without any prosecutorial follow-up. This laissez faire approach makes it impossible for the Indonesian authorities, or conservationists, to determine the extent of the illegal orangutan trade both domestically and internationally and provides a signal to the public that such crimes will continue to be tolerated by the government.

The Role of Rescue Centers

Orangutan rescue centers play a central role in Indonesia’s approach to addressing orangutan crime. Generally speaking, their missions are to take in confiscated, injured, and/or imperiled orangutans, rehabilitate them and, if possible, release them into the wild. Some also undertake projects to conserve orangutan habitat and support local communities. Whenever an orangutan is confiscated by or surrendered to the BKSDA, it is brought to a rescue center. In December 2017, there were an estimated 1,112 Bornean orangutans and an estimated 50 Sumatran orangutans housed in rescue facilities throughout Indonesia.⁸⁹

Rescue centers have undoubtedly improved the lives of many orangutans previously kept in squalid, and often deadly, living conditions. They provide critical veterinary care to orangutans suffering from injury or disease. However, the current “confiscate-dump-move-along” approach to illegal orangutan possession employed by law enforcement exploits rescue centers. It allows the government not only to avoid prosecuting orangutan crime but also to evade any responsibility for the care, rehabilitation, release, post-release monitoring, and all financial costs associated with these activities for this critically endangered species. Unless rescue centers accept orangutans only on the basis of law enforcement action by the BKSDA or police, the vicious cycle of killing, capture, and trade will continue unabated.



Infant Bornean orangutan at the Orangutan Care Center and Quarantine Center located near Tanjung Puting National Park, Central Kalimantan, Indonesia.

Translocations

The BKSDA and rescue centers also often collaborate to translocate wild orangutans between areas of forest. The ongoing destruction, degradation, and fragmentation of orangutan habitat has inevitably brought orangutans and humans into closer contact. Orangutans whose forest habitat has been destroyed may venture into village gardens and agricultural plots to seek food or to move across the landscape. Farmers who discover orangutans foraging for food among their crops typically call the BKSDA, which then works with a local rescue organization to remove the orangutan and, after checking for injuries or malnourishment, release it into a new forest habitat.

This practice, while usually well-intentioned, is controversial and may not always be in the best interest of the ‘problematic’ animal or the wild population forced to accept a new member. There are undoubtedly circumstances that require translocations, such as when an orangutan’s forest habitat has been completely cleared or it is trapped by an advancing wildfire. However, analysis of more than 500 Bornean orangutan translocations between 2007 and 2017 revealed that the majority were removed from forest preemptively to avoid potential interaction with humans.⁹⁰

Orangutan translocations can involve a single animal or remove all orangutans from forest habitat within a concession prior to its development. At least three orangutan rescue organizations have signed contracts with agriculture, forestry, and mining concession holders to locate and remove “problem” or “at risk” orangutans.⁹¹ For instance, the Wilmar Group and Makin Group have reportedly removed 75 and 166 orangutans, respectively, from concessions.⁹² Other rescue centers have agreements with concession holders to help ensure that High Conservation Value (HCV) forests where orangutans live remain intact and to release orangutans into these forests.

Little data exists on the survival rates of translocated orangutans or the effects of translocation on existing orangutan populations. Concerns about the suitability of translocation and of introduction sites selected by the BKSDA include:⁹³

- The release of orangutans in protected areas with existing viable populations, which contradicts IUCN guidelines on the reintroduction of great apes.
- The relocation of orangutans in forests near villages or agricultural areas, which can be problematic if effective orangutan management plans are not in place.



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A female Sumatran orangutan undergoes a health check by members of the Orangutan Information Center's Human Orangutan Conflict Response Unit after being rescued in Sumatra.

- The risk to adult orangutans, especially females, of being attacked or even killed for infringing upon the territory of resident orangutans.
- Unknown survival rates of translocated orangutans, especially females.
- The removal of individual orangutans who move throughout the metapopulation, leading to its further fragmentation.
- Clearance of natural or degraded forests that serve as orangutan habitat once the orangutans have been removed.

There is also a risk of orangutans being translocated preemptively by concessions holders to pave the way for forest destruction. Orangutans are protected under Conservation Law No. 5 and therefore moving or harming orangutans to facilitate forest conversion for agriculture or timber plantations is illegal.⁹⁴ Moreover, preliminary research has shown that small forest fragments preserved within monoculture plantations can provide critical connectivity links between larger forest landscapes for orangutan metapopulations.⁹⁵ In some cases, fragments can even support adult

females with infants. Many key factors affect the ability of small forest patches to support orangutans, including food availability, proximity to larger intact forests, and the prevention of illegal killings. With at least 10,000 orangutans living in multiple-use landscapes,⁹⁶ concession holders and local communities should, with government support, protect and manage forest fragments to ensure the successful conservation of orangutan metapopulations.

Failed Orangutan Conservation Efforts

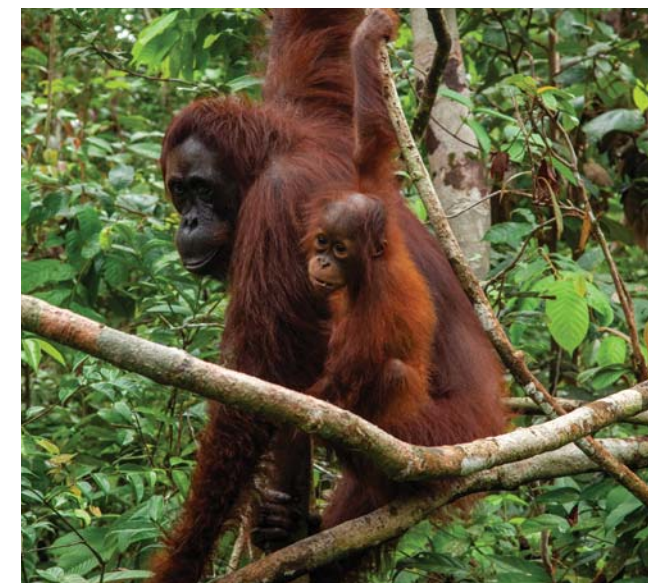
In theory, Indonesia has attempted to reconcile its forest exploitation policies with its responsibility to conserve orangutans as protected, endangered species. In 2007, the government released an Orangutan Conservation Strategy and Action Plan (SRAK), presenting a blueprint for stabilizing its wild orangutan population and setting the quixotic goal of releasing all rescued orangutans back into the wild by 2017.⁹⁷ This national plan was intended to inform the development of provincial and local strategies to protect orangutans and to receive the financial and institutional support required for effective implementation. However, the SRAK suffered from a lack

of political will necessary to achieve its ambitious goals. Instead, from 2007 to 2017 tens of thousands orangutans died as a result of forest conversion, illegal killing, and wildfires, and the number of orangutans housed in rescue facilities remained essentially unchanged.⁹⁸

In 2019, the government published a revised SRAK for 2019-2029 that was purportedly informed by a review of 2007 SRAK performance indicators and the orangutan population findings of the 2016 PHVA.⁹⁹ The updated plan established specific targets for the number of orangutans to be conserved: 45,590 Bornean orangutans, 13,710 Sumatran orangutans, and 577-760 Tapanuli orangutans.

The 2019 SRAK's goal of 45,590 Bornean orangutans to be conserved is far lower than the upper estimated population for Bornean orangutans of 62,230 identified in the 2016 PHVA analysis, and significantly lower than other, peer-reviewed Bornean orangutan population estimates (see Voigt et al. 2018;¹⁰⁰ IUCN Red List Assessment 2016¹⁰¹). By setting specific target numbers rather than committing to protect all remaining orangutans, the Government of Indonesian signals a willingness to accept further orangutan population declines.

In September 2019, the Minister of Environment and Forestry rescinded the 2019 SRAK, ostensibly to incorporate new information relevant to orangutan protection such as the permanent moratorium on



Mother and infant Bornean orangutan in Sebangau National Park, Central Kalimantan, Indonesia.

primary and peat forest clearance.¹⁰² However, at time of writing no new SRAK has been issued. The government should issue a new 10-year orangutan SRAK as a matter of urgency that commits to protecting all remaining orangutans and all habitat required for their continued survival rather than setting specific, and in some instances seemingly arbitrary, targets.



Oil palm plantation and road cutting through orangutan forest habitat in East Kalimantan, Indonesia.

WILDFIRES

Fire has been used by indigenous communities for generations to clear land for agriculture in Indonesia. Fire is cheap, requires little physical manpower, and the resultant ash serves as fertilizer for subsequent planting. Until fairly recently, small-scale fire setting for subsistence agriculture rarely resulted in the massive wildfires Indonesia experiences today. Only after industrial forest clearance and drainage of peat swamp forests began in earnest in the late 20th century were the conditions created to ignite blazes affecting millions of hectares of land.¹⁰³ Today, both non indigenous small-holder farmers and industrial pulpwood and palm oil companies set fires for land clearance.¹⁰⁴

“In 2019, at least 25,168 hectares of orangutan habitat burned, primarily on Borneo (84%).”

Indonesia’s annual fire season stretches from August through October with extreme burning usually occurring once or twice a decade, typically coinciding with an El Niño Southern Oscillation event. The drought conditions triggered during an El Niño year, combined with the degraded state of Indonesia’s peatlands, allow fires to burn longer, hotter, and spread rapidly.¹⁰⁵ At the same time, reduced water availability makes it harder to extinguish the fires,¹⁰⁶ forcing firefighters to dig deeper wells to supply their pumps and hoses. As anthropogenic climate change worsens, intensified El Niño events are expected to bring more severe droughts to the region.¹⁰⁷

Wildfires in Indonesia are most prevalent in Kalimantan, the three Sumatran provinces of Riau, Jambi, and South Sumatra, and Papua province. These areas boast most of the country’s 15 million hectares of peatlands,¹⁰⁸ which have been drained to establish pulpwood and oil palm plantations as well as for other agricultural purposes.¹⁰⁹ The exposed peat is extremely combustible, fueling the rapid spread of fires and accompanying release of millions of tonnes of carbon.¹¹⁰ In 2019, widespread burning affected an estimated 1.65 million hectares,¹¹¹ of which 44 percent was peatlands,¹¹² and released at least 720 megatonnes of carbon dioxide emissions.¹¹³



Aftermath of a wildfire in East Kalimantan, Indonesia.



Firefighter attempting to put out a wildfire burning in East Kalimantan, Indonesia.

Orangutan Habitat Lost to Fire

Indonesia’s wildfires pose a direct threat to the Bornean orangutan.¹¹⁴ In 2019, at least 25,168 ha of orangutan habitat burned, primarily on Borneo (84%). Sumatran and Tapanuli orangutans are less threatened by fires than their Bornean cousins since the worst fires in Sumatra do not typically occur near the Leuser Ecosystem or the Batang Toru forest.¹¹⁵ However, fires reached orangutan in the Bukit Tigapuluh National Park¹¹⁶ in 2019, with the most affected areas located in or next to areas of recent forest loss.

Wildfires kill orangutans through burning, suffocation, dehydration, and starvation. Anecdotal reports from government officials and NGO staff who have recovered charred bodies or rescued lactating females without their infants paint a grim picture of this toll.^{117,118} Orangutans that do manage to flee can wind up stranded in small forest fragments or foraging for food in farmland or plantations which can lead to retaliatory killing, injury, or translocation. For instance, an orangutan rescue center in West Kalimantan reported increased incidents of human-orangutan conflict and related injuries during the 2019 fire season as well as upticks in rescued orangutans suffering from dehydration and smoke inhalation.¹¹⁹

Fire Prevention and Firefighting in Indonesia

Although Indonesia has long had strict restrictions against burning in place, the government only recently began to address intentionally set forest fires. The 2015 fire season was a turning point, resulting in regulatory reforms, legal action against individuals and companies responsible for fire-setting, and new and improved programs for fire prevention, monitoring, mitigation, firefighting, and recovery. However, serious enforcement, resource, and implementation challenges remain, and the disastrous 2019 fire season highlighted the work still needed to prevent future large-scale outbreaks.

Peatland rehabilitation is at the heart of the government’s new strategy. In 2016, President Widodo established the Peatland Restoration Agency (BRG) with a remit to rehabilitate two million hectares of degraded land by 2020. With a focus on seven provinces in Sumatra, Kalimantan, and Papua,¹²⁰ the BRG rewetted more than 665,000 hectares in 2017 and 2018. However, a coalition of Indonesian NGOs (Pantau Gambut) challenged peat restoration effectiveness after detecting fire hotspots on supposedly restored peatlands. This triggered onsite inspections which uncovered faulty and inadequate equipment, which the BRG reported are due to lack of dedicated maintenance funds.¹²¹

The government has also instituted a national fire danger rating system, public awareness initiatives to educate communities on the importance and legal obligation of fire prevention and programs to encourage communities to adopt alternatives to fire-setting for agriculture.¹²² However, stark economic realities can cause villagers to abandon more expensive land clearing alternatives for traditional, cheaper fire setting.^{123,124}

Fire and Law Enforcement

Indonesia has strong deterrent penalties in place to punish those who illegally set fires and/or fail to extinguish fires on their property. However, piecemeal enforcement has long failed to match the scale of the problem, and convoluted internal government processes and weaknesses in the Indonesian legal system have allowed plantation owners that set fires to avoid compliance with court-ordered penalties.

Using fire to clear land is prohibited by Environment Law No. 32/2009 and punishable by up to 10 years imprisonment and a fine of IDR 10 billion (\$647,000). Forestry Law No. 41/1999 extends this prohibition to any burning within Indonesia's Forest Area with transgressors facing penalties of up to 10 years imprisonment and a IDR 5 billion (\$97,000) fine. Some regional governments have threatened prison sentences up to 12 years for violations of fire-related provisions in Indonesia's Criminal Code, which apply to arson more generally.¹²⁵

In recent years the Indonesian authorities have stepped up enforcement of these laws, arresting at least 454 suspects after the 2015 fires¹²⁶ and at least 249 suspects in connection with the 2019 outbreaks.¹²⁷ The government also recently ramped up actions against oil palm and pulpwood plantation companies responsible for forest and land fires. In the 2019 fire season alone, nearly 20 percent of the more than 145,000 fire hotspots occurred in palm oil concessions.¹²⁸ As of February 2020, the KLHK "sealed off" (temporarily closed pending enforcement action) 90 concessions and brought civil and criminal lawsuits against 17 companies for fires that burned in their concessions.¹²⁹ According to the Director General of Gakkum, Rasio Ridho Sani, the KLHK planned to sue five more companies linked to the 2019 fires.¹³⁰ In addition, the KLHK's director of civil litigation signaled a desire to sue the 16 companies whose concessions supported the worst fires in 2019.¹³¹ Of the 17 criminal and civil lawsuits the KLHK filed against companies for fires on concession lands, the agency has won at least nine to date, resulting in fines totaling IDR 3.15 trillion (\$231 million).¹³² However, only one company has paid the fines ordered: pulpwood company PT Bumi Mekar Hijau paid an IDR 78 billion penalty for fires that burned on its Sumatra plantation in 2014.¹³³ The remaining 3.072 trillion rupiah owed to the government had not been paid at time of writing.

A combination of bureaucratic red tape and corporate legal maneuvering is to blame for the lack of fines collected. Indonesian law mandates that the KLHK

cannot collect a penalty until a verdict's official record becomes available, which can take more than a year.¹³⁴ As recently as February 2017, the agency had no standard operating procedures in place for enforcing court rulings.¹³⁵ The agency has also had trouble tracking cases in remote courts far from its main office in Jakarta. In some instances, KLHK personnel have had to physically travel to courtrooms on neighboring islands to locate documents.¹³⁶

For their part, companies commonly employ delay tactics to avoid paying penalties and some have threatened to countersue the government. These tactics include: filing case reviews after claiming to have acquired new evidence, reporting claims of unfair treatment by the KLHK to other government departments, and filing official complaints in the courts.¹³⁷ In addition, though concessions can be sealed while the KLHK obtains evidence to issue administrative sanctions such as warning letters and compliance orders, once companies are deemed to have met the ministry's recommendations for improving concession management operations can resume. The entire process is shrouded in secrecy. Details on the infractions that triggered the sanctions, the KLHK's recommendations to concession holders, and whether companies comply are rarely released to the public. Moreover, weak administrative sanctions seem to be KLHK's preferred enforcement tactics — whether a company is a first-time or repeat offender.¹³⁸ According to a 2019 Greenpeace investigation, the KLHK issued 115 warning letters, 41 compliance letters, and temporarily froze 16 licenses between 2015 and 2018.¹³⁹

The government also appears reluctant to use one of its most powerful enforcement tools: revoking licenses to operate on a concession. The revocation of a license is an administrative sanction that does not require action by the courts. Yet, the same Greenpeace investigation revealed that not a single palm oil company, and only three pulpwood companies, had their licenses revoked for forest fires on their concessions between 2015 and 2018.



Wildfire raging near Kelekat Village, East Kalimantan, Indonesia.

CONCLUSION AND RECOMMENDATIONS

Rampant habitat loss and illegal killing along with severe wildfires are pushing orangutans closer towards risk of extinction. Recent population estimates suggest as few as 67,000 of these Critically Endangered primates remain on Earth.¹⁴⁰ Orangutans face extinction risk because of government policies that encourage the excessive consumption of natural resources and prioritize economic gain at the expense of biodiversity and environmental health. Flawed approaches to orangutan conservation and a failure to adequately enforce the laws protecting orangutans have exacerbated alarming losses not only of orangutans but also much of Indonesia's other incredible and unique biodiversity.

Deforestation for monoculture plantations, infrastructure development, and timber production are the greatest threats facing orangutans. From 2002 through 2019, Indonesia lost 9.48 million ha of primary forest, mostly in Sumatra and Kalimantan. Encouragingly, Indonesia has reduced its annual rate of forest loss in recent years, and in 2020 reached its lowest level (115,459 ha) since 1990 according to the government.¹⁴¹ This is a welcome development and hopefully this trend will continue. Nevertheless, an estimated 739,249 ha of orangutan habitat was deforested in Indonesia from 2016 through 2019, and there are concerns that deforestation rates

will increase once again after the COVID-19 pandemic is brought under control in Indonesia.¹⁴²

To save these irreplaceable species, EIA urges Indonesian President Joko Widodo to commit to protecting all remaining orangutans and their natural forest habitats in Indonesia. A multifaceted approach, including formal protection for intact orangutan forest habitat, expediting recognition of customary forests that comprise orangutan habitat, and bringing fire-setting under control will be required to achieve this commitment.

Protecting orangutans and their forest habitat will do more than ensure the survival of Asia's only great ape. Implementing these protections will provide a critical bulwark against the twin crises of climate change and biodiversity loss, and should serve as a powerful catalyst for legally empowering Indonesia's indigenous peoples to sustainably manage and protect their forest lands.

The Government of Indonesia under President Widodo has made some progress on the drivers of orangutan decline in recent years. However, the multitude of threats still facing orangutans daily outlined in this report, and their toll on orangutan populations, demonstrate how much further there is to go.



Bornean orangutan in Sebangau National Park, Central Kalimantan, Indonesia.

EIA Recommendations to President Joko Widodo and his Administration

1. Commit to Protecting All Remaining Orangutans in Indonesia

- Finalize and approve a revised Orangutan Conservation Strategy and Action Plan that includes among its objectives full protection for all remaining orangutans in situ in Indonesia and achieving the recovery of all three orangutan species.
- Actively prosecute cases of orangutan killing, capture, possession, and trade by implementing Law No. 5/1990 Concerning the Conservation of Natural Resources and their Ecosystems and ensure penalties are proportional to the crime committed.
- Conduct intelligence-led investigations into the domestic and international trade in infant orangutans to disrupt and prosecute criminal networks involved.
- Conduct orangutan translocations only as a last resort in legitimate emergency situations.
- Provide financial and technical support to communities, NGOs, and companies who live and operate in or near orangutan habitat to reduce incidents of human-orangutan conflict.
- Immediately halt construction of the Batang Toru dam and launch a study of the Batang Toru ecosystem and Tapanuli orangutans in line with the IUCN PSG SGA

2. Protect All Remaining Natural Forests and Forest Fragments in Orangutan Range

- Place orangutan habitat (primary forests, secondary forests, and forest fragments) under formal protection by including them within the permanent forest moratorium area (PIPIB), designating them Conservation Forest (*Hutan Konservasi*), or otherwise ensuring their protection, especially habitat that provides metapopulation connectivity.
- Expedite recognition of customary (*adat*) forest claims for indigenous peoples and local communities living in and adjacent to orangutan forest habitat.
- Permanently reinstate the moratorium on new palm oil leases by issuing a Presidential Regulation to allow time for the evaluation of existing permits and to halt all natural forest conversion. *See EIA/Kaoem Telapak report Deforestation and Deregulation for EIA's complete recommendations to Indonesia regarding its palm oil sector.*
- Require the protection of all remaining orangutan habitat on existing palm oil concessions, especially habitat that provides metapopulation connectivity.
- Include all of Indonesia's remaining primary forest and peatlands under the permanent forest moratorium on the clearance of primary forest and peatlands, and upgrade the permanent moratorium from a Presidential Instruction to a Presidential Regulation.
- Reverse the rollbacks of environmental protections resulting from the adoption of the Omnibus Bill on Job Creation

3. Bring Fire-setting Under Control by Improving the Implementation of Fire Prevention Programs and the Prosecution of Those Who Set and/or Allow Fires to Burn on their Lands

- Extend the BRG's mandate indefinitely, expand its remit to Indonesia's entire 24.1 million-hectare Peat Hydrological Unit, and provide sufficient dedicated funding to the BRG so that it may successfully achieve its peatland restoration mandate.
- Increase KLHK fire brigade personnel, patrols, posts and monitoring, prioritizing vulnerable peatlands and orangutan habitat.
- Expand programs on non-indigenous community fire awareness and land preparation without burning to all villages in fire-prone provinces and provide residents with transition training, financial assistance and equipment.
- Step up efforts to prosecute companies and individuals responsible for fires that destroy orangutan habitat and/or injure or kill orangutans, and revoke licenses for concession holders that are the worst offenders in fire-related activity.
- Enact legal reforms to require and speed the payment of fines resulting from administrative violations or court sentences related to wildfires, including making court verdicts public immediately after issuance. Companies that miss fine payment deadlines face severe penalties including revocation of licenses.

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FOOTNOTES

- i. Concession data sources: Oil Palm - Greenpeace 2017; Timber and Fiber - Indonesian Ministry of Environment and Forestry 2018
- ii. For the purposes of this report, an orangutan in "trade" refers to any live orangutan removed from the wild, including orangutans in personal private ownership.
- iii. Orangutans are listed as Totally Protected Species in Malaysian Borneo. In Sabah, hunting or possessing an orangutan is punishable by imprisonment for no less than six months and up to five years under the Sabah Wildlife Conservation Enactment of 1997. In Sarawak, penalties for capturing, killing, possessing, or trading an orangutan are up to two years in prison and a fine of 30,000 ringgit (\$6,920) under the Sarawak Wildlife Protection Ordinance 1998. In 2008, Malaysia passed the International Trade in Endangered Species Act, applicable to all of Malaysia, which set a maximum prison sentence of seven years and/or a fine up to 1 million ringgit (\$230,700) for the illegal import or export of listed species including orangutans.



Juvenile orangutan in Sebangau National Park, Central Kalimantan, Indonesia.



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