

# CHAPTER 1

## INTRODUCTION

### 1.1 Background of the Problem

Each year, hundreds of millions of animals and plants are taken from the wild to be traded as, among other things: food, pets, medicine, and leather.<sup>1</sup> In some Southeast Asian countries, products taken from animals (such as Rhinoceros horns) are perceived to have medicinal value.<sup>2</sup> The demand for wild animals as exotic “pets” is also a major driver for the illegal trade of wildlife.<sup>3</sup> Poverty is also argued to be a key factor driving impoverished people to see wildlife as something valuable for trade.<sup>4</sup> However, IWT operations are not merely run by individuals or small groups, but also by highly organized and sophisticated criminal syndicates.<sup>5</sup> This is not surprising as IWT is one of the most lucrative international crimes after drug trafficking, human trafficking, and weapons trafficking.<sup>6</sup> Accurate figures of the value of this crime is difficult to obtain due to its nature,<sup>7</sup> but the World Wildlife

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<sup>1</sup> Mohammed Nasseem, Saman Nasseem. *International Environmental Law* (Kluwer Law International B.V. 2018).

<sup>2</sup> Nigel South, Avi Brisman, *Routledge International Handbook of Green Criminology* (illustrated, Routledge 2013).

<sup>3</sup> Philip Hirsch, *Routledge Handbook of the Environment in Southeast Asia* (illustrated, Routledge 2013).

<sup>4</sup> Food and Agriculture Organization of the United Nations, *Better Forestry, Less Poverty: A Practitioner's Guide* (Issue 149 of FAO forestry paper, Food & Agriculture Org. 2006).

<sup>5</sup> Toine Spapens and others, *Green Crimes and Dirty Money* (illustrated, Routledge 2018).

<sup>6</sup> Kim W. Stallwood, *A Primer on Animal Rights: Leading Experts Write about Animal Cruelty and Exploitation* (Lantern Books 2002).

<sup>7</sup> Great Britain: Parliament: House of Commons: Environmental Audit Committee, *Wildlife Crime: Third Report of Session 2012-13, Vol:1 Report, Together with Formal Minutes, Oral and Written Evidence, Volume 1* (The Stationary Office 2012).

Fund (WWF) estimates it to be worth around 19 billion US dollars annually.<sup>8</sup> While some of this trade does not harm wild populations of a species, a worryingly large portion of it is unsustainable and threatens both populations and biodiversity.<sup>9</sup>

The negative impacts of IWT may not be visible right away, but the poaching of wildlife for illegal trade contributes to the endangerment or even extinction of some species which in turn leads to loss of biodiversity.<sup>10</sup> Biodiversity (short for “biological diversity”) is the “variety of life on Earth at all its levels, from genes to ecosystems.”<sup>11</sup> It includes not only rare or endangered species, but also every living thing from micro-organisms to humans.<sup>12</sup> Biodiversity is important because animal, plant, and marine biodiversity keeps ecosystems healthy, which allows humans to survive by getting enough food to eat and water to drink.<sup>13</sup> Human population cannot exist without a healthy global environment that is capable of supporting a diversity of living beings.<sup>14</sup> In its Preamble, CITES acknowledges the need for protecting the ecosystem and the living creatures that live in it by protecting species through regulations. After all, wildlife conservation

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<sup>8</sup> WWF / Dalberg. 2012. Fighting illicit wildlife trafficking: A consultation with governments. WWF International, Gland, Switzerland.

<sup>9</sup> Ibid.

<sup>10</sup> Vanda Felbab-Brown, *The Extinction Market: Wildlife Trafficking and how to Counter it* (Oxford University Press, 2017).

<sup>11</sup> Niles Eldredge, *Life on Earth: A-G* (ABC-CLIO 2002).

<sup>12</sup> Cleber J. R. Alho, *The importance of biodiversity to human health: An ecological Perspective* (Estudos Avançados 2013).

<sup>13</sup> John F. Mongillo, Linda Zierdt-Warshaw, *Encyclopedia of Environmental Science* (illustrated, University Rochester Press 2000).

<sup>14</sup> Dr. Sunil Kumar Verma, *Environmental Crisis and Conservation* (First Edition, Laxmi Book Publication 2015).

is important for the preservation of biodiversity, which is important for human survival.<sup>15</sup>

This is where the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) comes in: it is a multilateral convention whose primary function is to regulate the international trade in specimens of wild animals and plants to ensure that their survival is not threatened. Illegal wildlife trade (IWT) or wildlife trafficking refers to the sale or exchange of wild animal and plant resources that are protected under this Convention, while legal wildlife trade involves unprotected ones.

When it comes to IWT, Southeast Asia is one of the world's "hotspots".<sup>16</sup> Many of the wildlife illegally traded throughout the world comes from Southeast Asia.<sup>17</sup> Indonesia itself has a wide variety of species that are endemic to the country, and this makes poaching rife in the nation.<sup>18</sup> The value of IWT in the country alone is estimated to be 1 billion US dollars per year.<sup>19</sup> ASM recognise the seriousness of IWT which is depleting the region of its unique flora and fauna and have affirmed their commitment to this issue in various Official Statements and Plan of Actions.<sup>20</sup> IWT was first endorsed as a priority transnational crime under Senior Officials

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<sup>15</sup> Alfonso Alonso, *Biodiversity: Connecting with the Tapestry of Life* (DIANE Publishing 2008).

<sup>16</sup> OECD, *Illicit Trade The Illegal Wildlife Trade in Southeast Asia Institutional Capacities in Indonesia, Singapore, Thailand and Viet Nam* (OECD Publishing 2019).

<sup>17</sup> Ibid.

<sup>18</sup> Holly S. Smith, *Adventuring in Indonesia: Exploring the Natural Areas of the Pacific's Ring of Fire* (illustrated, Sierra Club Books 1997).

<sup>19</sup> Harkristuti Harkrisnowo and others, *Law and Justice in a Globalized World: Proceedings of the Asia-Pacific Research in Social Sciences and Humanities* (CRC Press 2017).

<sup>20</sup> EAS Declaration on Combating Wildlife Trafficking. Retrieved from: <https://asean.org/wp-content/uploads/2012/05/25th-EAS-declaration-on-combating-wldlife-trafficking.pdf>. Accessed 30 December 2019.

Meeting on Transnational Crime (SOMTC)'s purview in 2015.<sup>21</sup> Besides various Meetings which discuss cooperation on IWT, ASEAN has a body called the ASEAN Working Group on CITES and Wildlife Enforcement (AWG CITES & WE), which was formed in 2016. It serves as cooperation to improve the implementation of CITES and wildlife law enforcement among Asean Member States (AMS).

CITES is an integral part of the fight against IWT. All AMS are Parties to CITES and they have affirmed their commitment to the successful implementation of CITES.<sup>22</sup> In Indonesia, the Directorate of ASEAN Political-Security is mandated to “formulate and implement policies in the field of organizing foreign relations and foreign policy within the framework of cooperation within the ASEAN Political Security Pillar”.<sup>23</sup> IWT, being an issue under the ASEAN Political-Security Community (APSC),<sup>24</sup> is therefore the responsibility of the Directorate of ASEAN Political Security. Remembering that IWT is a transboundary crime, regional cooperation is emphasized under one of the Pillars of ASEAN, namely APSC.<sup>25</sup> The Secretary-General of CITES, during a Meeting with ASEAN, has also stated that strong regional cooperation and sound national strategies are needed.<sup>26</sup>

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<sup>21</sup> Ed Couzens and others, *Protecting Forest and Marine Biodiversity: The Role of Law* (Edward Elgar Publishing 2017).

<sup>22</sup> TRAFFIC, *ASEAN commits to strengthening efforts to curb illegal wildlife trade*. Retrieved from: <https://www.traffic.org/news/asean-commits-to-curbing-illegal-wildlife-trade/> accessed 30 December 2019.

<sup>23</sup> Regulation of the Minister of Foreign Affairs of the Republic of Indonesia No. 2 of 2016 concerning the Organization and Work Procedure of the Ministry of Foreign Affairs.

<sup>24</sup> ASEAN Political-Security Community Blueprint 2025.

<sup>25</sup> Ibid.

<sup>26</sup> Royal Thai Embassy, *ASEAN agrees on roadmap to fight wildlife trafficking*. Retrieved from <https://thaiembdc.org/2019/04/01/asean-agrees-on-roadmap-to-fight-wildlife-trafficking/> accessed 30 December 2019.

Before regional cooperation can be fully realized however, adequate national legislation regarding wildlife protection must be present in each AMS. This is because although CITES is legally binding, it is not self-executing, meaning Parties are required to have national legislation that enable CITES' provisions to be implemented. While Indonesia does have national laws that deal with the protection of endangered species, whether or not these laws truly enable the full implementation of CITES is still a matter of debate as Indonesia's wildlife protection laws have been subject to a lot of criticism.

In order to analyse the level of compliance of Indonesia's national legislation regarding wildlife protection and trade with CITES, the Author presents this Report titled **“INTERNSHIP REPORT AT THE MINISTRY OF FOREIGN AFFAIRS REGARDING THE CONSISTENCY BETWEEN INDONESIAN NATIONAL LAWS ON WILDLIFE TRADE AND THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)”**.

It should be noted that for the purposes of keeping this Report brief, the scope will be on the “fauna” aspect of wildlife trade instead of the “flora” aspect of the Convention.

## **1.2 Formulation of Issues**

Remembering that compliance with CITES depends on a State Party's national laws as well as national measures, two main issues/questions come to mind when it comes to Indonesia and its compliance and consistency with CITES:

1. Does the list of protected species under Indonesian law contained in Regulation of the Minister of Environment and Forestry No. P.106/MENLHK/SETJEN/KUM.1/12/2018 comply with the list of protected species under the CITES Appendix?
2. What measures has the Indonesian government taken, and are they adequate to combat IWT in the region?

## **1.3 Purpose of the Internship**

The Author conducted the internship in order to:

- a. Experience firsthand the work of a diplomat.
- b. Improve soft skills that are needed and frequently used in a workplace, such as communication, punctuality, and completing tasks in a timely manner.
- c. Gain work experience that will be useful in the future when entering a real job.
- d. Learn more about how Indonesia carries out cooperation and discussions with other AMS, and how Indonesia tries to fulfill their national interest.

- e. Learn more about Indonesia's position on certain issues, specifically ones related to political-security cooperation among ASEAN countries.

In this case the Author paid special attention to IWT.

#### **1.4 Scope and Limitation of the Internship**

The Scope of the author's internship during her time at the Directorate of ASEAN Political-Security Cooperation covers the following:

- a. Carrying out administrative tasks such as organising documents or booking hotels as well as picking up phone calls directed to the Security Sub-directorate;
- b. Preparing documents needed for meetings and conferences e.g. attendance sheets, *surat tugas* (assignment letter), flight schedules, and other miscellaneous documents;
- c. Being a Master of Ceremony (MC) for the ASEAN-China Workshop on the Safety of Navigation and Communication in the South China Sea, held 29 to 30 November 2018, in Manado;
- d. General research for topics related to transnational issues in the ASEAN region such as cybersecurity, maritime security, marine pollution, wildlife and timber trafficking, and other topics that the Security Sub-directorate handles;
- e. Miscellaneous tasks as assigned by the Directorate of ASEAN Political Security.

### **1.5 Date and Place of Internship**

The author conducted the internship for four months, from 24<sup>th</sup> September 2018 to 31<sup>st</sup> January 2019. The working hours were from 8 am to 4.30 pm from Mondays to Friday.

The internship was conducted at the Directorate of ASEAN Political-Security Cooperation, located on the 9<sup>th</sup> floor of the Main Building of the Ministry of Foreign Affairs of the Republic of Indonesia at Jl. Taman Pejambon No. 6, Jakarta Pusat, DKI Jakarta. The author was assigned to the Security Sub-directorate (*Subdit Keamanan*), although she also performed tasks for the other Sub-directorates.

### **1.6 Systematic of the Writing**

This internship report is written in a systematic way and comprises of 5 chapters:

#### **CHAPTER 1: INTRODUCTION**

This Chapter explains the background of the issue that will be discussed in this Report, as well as how the author's internship relates to the topic of this Report.

#### **CHAPTER 2: LITERATURE REVIEW**

This Chapter explains the concepts and terminologies that are used in this internship report. It explains the basics of CITES and its relation to ASEAN and Indonesia's commitment to combat IWT.

### CHAPTER 3: OVERVIEW OF THE AUTHOR'S INTERNSHIP OFFICE

This Chapter gives an overview of the Ministry of Foreign Affairs and its duties and responsibilities, specifically the Directorate of ASEAN Political-Security Cooperation. Chapter 3 also lays out the author's duties and activities at the Directorate of ASEAN Political-Security Cooperation during the duration of the internship.

### CHAPTER 4: ANALYSIS

This Chapter analyses and explores the main discussion of this Report, which is the consistency between Indonesian national laws with CITES, and whether or not Indonesia can be said to have implemented CITES mandates effectively.

### CHAPTER 5: CLOSING

This Chapter concludes the report and contains suggestions that may contribute in improving the consistency between Indonesian laws and ASEAN's cooperation regarding wildlife protection towards the implementation of CITES, considering cooperation is important in the realization of an international convention.