



## **CITES/GRASP orang-utan technical missions**

### **Malaysia**



**5-8 November 2007**



## **Background**

At its 13th meeting (Bangkok, 2004), the Conference of the Parties to CITES adopted Resolution Conf. 13.4 on Conservation of and trade in great apes. As part of the means identified in the Resolution to improve the conservation of great apes, the CITES Standing Committee was directed to “consider other measures such as technical missions, organized in cooperation with GRASP (Great Ape Survival Project) and other appropriate partnerships, followed by political missions if necessary”. At its 53rd meeting (Geneva, June-July 2005), the Standing Committee instructed the Secretariat to liaise with the GRASP Secretariat with a view to conducting technical missions to Southeast Asia regarding illicit trade in orang-utans.

The CITES Secretariat subsequently contacted the CITES Management Authorities of Indonesia and Malaysia, as these countries are the orang-utan range States, and requested an invitation to conduct technical missions to both countries. Similar requests were made to Cambodia and Thailand, as these countries have been destinations for significant illegal trade in orang-utans.

A mission to Indonesia was conducted from 8 to 15 May 2006. The report of the mission is available on the CITES (English only) website at:

[http://www.cites.org/common/prog/ape/ID\\_mission06.pdf](http://www.cites.org/common/prog/ape/ID_mission06.pdf).

Missions were conducted to Cambodia and Thailand from 23 to 28 April 2007 and a report of this work is available on the CITES website (English only) at:

<http://www.cites.org/common/cop/14/doc/E14-50A01.pdf>

This subject was discussed at the 14th meeting of the Conference of the Parties (The Hague, 2007) and it was noted that a mission to Malaysia had still to be conducted. This document is the report of the mission.

## **Conduct of the mission**

A mission to Malaysia was conducted from 5 to 8 November 2007 by John M. Sellar, Senior Officer, Anti-smuggling, Fraud and Organized Crime, CITES Secretariat. Owing to unforeseen circumstances, the GRASP Secretariat was unable to participate. The GRASP Secretariat has, however, reviewed the mission report prepared by the CITES Secretariat.

The CITES Secretariat is very grateful for the assistance it received from the authorities in Malaysia, especially the CITES Management Authorities in Peninsular Malaysia, Sabah and Sarawak, which handled the logistical arrangements. It also wishes to record its sincere appreciation for the support received from the Government of the United Kingdom of Great Britain and Northern Ireland, which provided funding for work on great ape issues.

It is important to note, as referred to above, that Malaysia has a number of CITES Management Authorities. Some of these deal with species-specific permitting matters, such as fisheries, flora and timber. Others, however, have a geographical focus. For example, the principle CITES Management Authority of Malaysia is situated in Peninsular Malaysia within the Ministry of Natural Resources and Environment (NRE) and it represents Malaysia at the

international level. The Department of Wildlife and National Parks (known locally as Perhilitan) deals with operational matters, particularly enforcement, in Peninsular Malaysia. Meanwhile, Sabah and Sarawak each has its own CITES Management Authorities and, for day-to-day matters, they operate in an essentially autonomous manner with regard to implementation of CITES and general conservation and species management issues.

Whilst the mission focused on Sabah and Sarawak, and did not visit Peninsular Malaysia, representatives of NRE and Perhilitan participated in most of the activities.

The first morning of the mission was devoted to an orang-utan seminar, conducted in Sandakan, Sabah. This was attended by almost 40 people representing a range of agencies and non-governmental organizations, including law enforcement officials, from Peninsular Malaysia, Sabah and Sarawak. Presentations were made by the CITES Secretariat, Sabah Wildlife Department and Sarawak Forestry Corporation. Aside from formal-question-and-answer sessions in the seminar, two informal events later that day also provided an opportunity for participants to exchange views.

The rest of the mission was spent in visits to orang-utan rehabilitation centres, forest and jungle habitats and in discussions with CITES officials.

### **Legislation**

At present, Peninsular Malaysia, Sabah and Sarawak each has separate legislation for implementation of the Convention. Malaysia has been assessed under the National Legislation Project as having legislation that is in Category 2. The Secretariat is aware that new legislation has been drafted that will be federal law, which will implement the Convention in all three areas of Malaysia. It is expected that this will be enacted in the not too distant future.

Peninsular Malaysia's legal authority to respond to illicit trade in orang-utans is currently limited. For example, in recent years the authorities have seized a number of orang-utans that had been illegally imported and were in zoos or being used in places of public performance. These animals have been repatriated to their country of origin (Indonesia) but it has not been possible to prosecute those involved. This situation is expected to be rectified when the new federal CITES-implementing law is enacted, although it will not have any retrospective effect.

By comparison, in Sabah and Sarawak the orang-utan is regarded in law as a specially or totally protected species. In Sabah, the killing or illegal capture of an orang-utan attracts a mandatory minimum penalty of six-months' imprisonment (and a maximum of five-years' imprisonment), whilst illicit trade would attract a possible fine of MYR 50,000 and up to five years in jail or both. In Sarawak, the maximum fine is MYR 30,000 and the maximum prison sentence is two years.

### **Orang-utan conservation issues**

#### **Habitat**

Within Malaysia, orang-utans are found only in Sabah and Sarawak. Although both States appear to have viable populations of orang-utans, habitat has undoubtedly decreased dramatically in some areas particularly as a result of commercial forestry operations and conversion of land to oil palm plantations. However, both States believe that conversion of

land to oil palm plantation has been reduced and is likely to halt and both States are committed to engaging in regeneration of forest lands.

In Sabah, suitable (and occupied by orang-utan) habitat is spread fairly widely throughout the State. However, there has been considerable fragmentation and most populations are not connected. The majority of orang-utans also occupy habitat that is found outside protected areas, i.e. gazetted land such as national parks or reserves. By comparison, in Sarawak the species has historically tended to be confined to three specific areas close to each other and bordering Kalimantan, Indonesia.

#### Population studies

The most recent census in Sabah, conducted in 2002 and 2003, estimated that there were 11,000 orang-utans in the State and noted that this reflected a decline in the population of 35 % over 20 years. In Sarawak, estimates vary between 1,100 and 2,100. Here too, numbers have declined – one area was estimated to contain 360 individuals in 1993, whilst another estimate in 2002 placed the number at 166. The viability of such low population numbers seems questionable and the CITES Secretariat suggests that Sarawak liaise with the GRASP Secretariat on this issue.

#### Conservation and species management

Both Sabah and Sarawak appear to recognize the importance of ensuring habitat for orang-utans and Sabah has adopted an orang-utan action plan. Sabah has also put in place a model for sustainable forest management in Dermakot Forest Reserve. This includes features such as a reduced-impact logging system, silvicultural treatments and rehabilitation of degraded areas. Whilst successful, and complying with Forestry Stewardship Council Standards, it is noted that this approach is considerably more expensive than traditional forestry practices.

In Sarawak, the habitats historically occupied by the species have been designated as totally protected areas, either as a wildlife sanctuary or as a national park. It is intended that one area in Sarawak should be designated, in cooperation with Indonesia, as a Trans-border Rainforest Heritage of Borneo and it is hoped by both Governments that this will achieve World Heritage Site status.

Both States engage in a variety of awareness-raising projects and have schemes to involve local communities in protecting the environment and to assist them in benefiting from eco-friendly projects.

#### Conflict

Whilst seldom posing a threat to humans in the way that elephants or tigers might, orang-utans can certainly come into conflict with them. In the case of people living in or nearby orang-utan habitat, the most common conflict occurs when orang-utans raid gardens or orchards in search of fruit to eat. Orang-utans can also cause damage when they enter oil palm plantations in search of food.

In Sarawak, conflict cases seem to be relatively rare, as can be judged by the low number of animals that the authorities have to take into care or 'rescue'. In Sabah, conflict cases occur more regularly. However, the Sabah Wildlife Department has adopted a very determined translocation policy, which appears to be highly effective, and makes every effort to remove 'problem' animals to suitable alternative habitat. The Department has placed many animals

in one particular wildlife reserve but has also identified alternative sites that have low densities of orang-utan and which would benefit from the introduction of 'fresh blood'.

The Sabah Wildlife Department is actively seeking to train more of its staff in the skills needed to accomplish capture and translocation safely. Between 1997 and 2007, 332 orang-utans were translocated. Not only is translocation a good solution for individual animals and the species as a whole, it also avoids the requirement to place animals in rescue or rehabilitation centres. Indeed, the Wildlife Department clearly deliberately avoids, whenever possible, taking orang-utans to such centres. This approach was in marked contrast to what the CITES/GRASP technical team had encountered in previous missions.

### **Orang-utan poaching and illegal trade issues**

#### **Poaching**

Officials in both Sabah and Sarawak reported no recent cases where orang-utans appeared to have been deliberately hunted or killed. Non-governmental representatives also told the Secretariat that it seems such activities do not occur.

Corroboration of the absence of illegal hunting or capture, at least for commercial trade purposes, can also apparently be found elsewhere. It is interesting, and presumably very pertinent, to note that none of the illegal-origin orang-utans detected in Peninsular Malaysia has been shown to originate in either Sabah or Sarawak. DNA profiling indicated that they all came from Indonesian populations of the species.

It seems probable that some killing of orang-utans does take place from time to time, for example through conflict incidents but, if so, it would seem the perpetrators must be keeping this very quiet, it seems no carcasses are found and so there is no obvious evidence of this.

#### **Illegal domestic trade in live orang-utans**

It appears, from time to time, that persons such as oil palm plantation workers or residents in or nearby orang-utan habitat may take possession of a juvenile animal as a pet. This would involve an animal found displaced or abandoned. This seems, however, to be very rare and there appears to be no deliberate activities to take possession of orang-utans for the pet trade and there seems to be little, if any, demand for the species.

The possession of orang-utans as pets or as status symbols, not uncommon in other range State areas or other countries (especially in Asia), or their trade for commercial purposes (such as to be trained for public performances), seems to be more or less absent in Sabah and Sarawak.

#### **Illegal international trade in live orang-utans**

As referred to above, the CITES Secretariat has noted that none of the animals seized in Peninsular Malaysia apparently had their origin in either Sabah or Sarawak. Significant destinations for illicit trade in orang-utans have been Cambodia and Thailand. The illegally-acquired orang-utans confiscated by the authorities in Thailand were shown by DNA profiling to be from Indonesia. The orang-utans detected in Cambodia have not been subjected to DNA profiling and, consequently, their country of origin is unknown. However, persons connected to their illegal import told the CITES/GRASP technical mission team that

they were smuggled from Thailand. This may suggest that they too were originally from Indonesia.

It seems that there is no evidence at present to indicate that orang-utans from Sabah or Sarawak are entering into illegal international trade. This is extremely encouraging and possible explanations for this will be discussed later in the report. Without wishing to seem negative, however, the Secretariat believes it is important that the authorities in both States must maintain their efforts. It is very clear that, in recent years, there has been a significant illicit trade in orang-utans. Sabah has significant orang-utan populations, many located outside protected areas, which are at risk from criminals. In Sarawak, because of the geographical location of the animals, it may be more difficult to capture animals but, nonetheless, determined poachers could undoubtedly find ways of doing so.

Importantly, the coastal areas and seas around both States, and indeed around the whole of the island of Borneo, are widely regarded as major smuggling routes and are the scene of activity by pirates. The same types of fishing and cargo vessels that are believed to smuggle orang-utans from Indonesia are also calling at the ports of Sabah and Sarawak. It is vital, therefore, that the authorities remain vigilant. The Secretariat saw little reason to think that they will do otherwise but believes that the potential threat deserves to be highlighted.

### **Enforcement issues**

#### **Enforcement resources**

Both the Sabah Wildlife Department and the Sarawak Forestry Corporation have staff that are employed to enforce wildlife and forestry legislation. These officers also enforce the laws and regulations that are used to implement the Convention.

Although both States experience poaching of wildlife, most of this appears to be of a subsistence nature, for human consumption, and it seems that relatively few CITES-listed species are targeted for commercial trade purposes. As might be expected, however, there is some illegal trade in snakeskins and pangolins but illicit trade in Appendix-I species seems rare.

Both States use honorary wildlife wardens but the Sabah Wildlife Department has placed greater emphasis on this in recent years and has increased their professionalism, equipment and the authority of such persons to help local communities to feel part of conservation efforts.

The Sarawak Forestry Corporation reported enjoying a close relationship with the police, to the point that the police will, on occasions, provide air support during investigations or when responding to incidents.

The Wildlife Department of Sabah and the Forestry Corporation of Sarawak both liaise with Customs with regard to export controls of specimens of CITES-listed species and, in particular, with the Malaysian Timber Industry Board in relation to timber exports. Timber exploitation continues to be a major industry in Sarawak, accounting for some 30% of its gross domestic produce. Illegal logging is the primary concern of the enforcement officers of both departments, rather than wildlife crime.

Both States indicated being satisfied with their ability to respond to violations of the Convention. Sabah has recently imposed administrative penalties upon persons who attempted to engage in illicit trade in Appendix-II specimens and Sarawak is currently, with

the assistance of the police, investigating the fraudulent use of export permits to trade in reptile specimens.

### **Orang-utans in 'captivity'**

#### **Rescue and rehabilitation centres - Sabah**

As noted above, Sabah's general policy is, where possible and appropriate, to relocate orang-utans and avoid placing them in captivity. However, both States do have rehabilitation centres and the Secretariat visited all of them during the mission.

Sepilok Orang-Utan Rehabilitation Centre is situated about 40-minutes-drive from the port of Sandakan on Sabah's north-east coast. Established in 1963 to rehabilitate and care for orang-utans confiscated at that time from timber camps, it has, since then, cared for 701 animals in total, with 226 being released into the wild (either in the grounds of the sanctuary or translocated to other protected areas).

The sanctuary extends to more than 4,500 hectares and it is estimated that some 60-80 orang-utans live within its boundaries. Fewer than 30 animals (primarily juveniles) are housed in buildings at the sanctuary headquarters. Those that are housed each night are kept in this manner because of quarantine, illness or because they are in the early stages of rehabilitation. Otherwise, all animals are loose in the forest. Some return to feeding stations twice each day, some return irregularly, and some are completely self-sufficient and are never seen.

Several animals have bred whilst in the sanctuary and this tends to be the most common reason for the growth in population size, as opposed to new arrivals due to rescues or confiscations. In the last year, only two animals arrived as a result of 'rescues'. This is one reason why animals are being translocated to other reserves, so that the density of orang-utans in the sanctuary does not become too high.

The sanctuary is open to visitors, most of whom arrive at times to coincide with the twice-daily feedings. The sanctuary has a shop, cafeteria and interpretive centre. Visitors are also able to walk along designated trails and boardwalks, providing them with the opportunity to enter a tropical rainforest (jungle). There is accommodation nearby for tourists. At feeding times, visitors can stand on viewing platforms that enable them to get near orang-utans, but never into direct contact with them. They therefore experience sightings of an Appendix-I species in semi-wild conditions and definitely different from seeing such an animal in a zoo.

Sepilok attracts over 80,000 visitors each year and is obviously a major tourist attraction. The sanctuary and its facilities are very carefully designed and so one certainly feels that one is in a natural setting (as one is to a significant extent). The operating costs of the sanctuary are MYR 300,000 each year. At the time of the mission, this was equivalent to USD 88,790. In 2006, the sanctuary had an income from visitors of MYR 2.5 million and it expects this to exceed MYR 3 million in 2007.

The Secretariat saw no sign, however, of any 'hard sell' in relation to attracting visitors. It witnessed a feeding time and although many visitors were present, they were all orderly, there was no crushing and the emphasis throughout is very much on the needs of the orang-utans. It is worth noting, however, that visitors to Sepilok are almost guaranteed a sighting of an orang-utan, such is the number of animals in the sanctuary. The same is not true in Sarawak.

### Rescue and rehabilitation centres – Sarawak

Whilst having, overall, fewer orang-utans in the wild and in captivity, Sarawak has two rehabilitation centres.

Semenggoh Wildlife Centre, about 24 km from the major city and port of Kuching (also the State capital), is the older, having been opened in 1962. Its grounds house 23 orang-utans, 12 of which were born in the centre. Although on a much smaller scale, its facilities and operating policies are very similar to those of Sepilok. However, probably fewer of its animals visit the feeding stations each day and, in the seasons when forest fruits are in abundance, visitors may not see a single orang-utan.

Matang Wildlife Centre has fewer orang-utans, only six are semi-wild in the forest, and the Centre now acts as Sarawak's repository for any new animals that need to be 'rescued'. Five orang-utans were housed at the time of the Secretariat's visit. Interestingly, one of these, a large male called Aman, was until recently almost blind but was the subject of the only known, to date, cataract operation on an orang-utan, which appears to have been a complete success. It is hoped that, in due course, rehabilitation work may enable this animal to be released into the surrounding forest.

Both Semenggoh and Matang provide the 'jungle' experience for visitors. Matang, bordering Kubah National Park, has extensive facilities, trails and accommodation for visitors. Although both charge visitors entrance fees, numbers are such that neither centre makes a profit at present.

### Rehabilitation centres – general comments

Whether in Sabah or Sarawak, it feels that one is visiting a park and not a zoo or wildlife facility. All three centres benefit from the support (financial, human and technical) of non-governmental organizations but it is very much the government officials who are in control. The Secretariat did not observe any seriously ill, injured or maimed animals in any of the centres.

Both in Sabah and Sarawak, the numbers of orang-utans in captivity are increasing because of natural births, either in the centres or among the semi-wild populations. Rehabilitation truly means this to the staff and management of the centres and there is a clear determination that animals should lead their lives in the wild and reach a stage where no human intervention is necessary. Fortunately, Sabah and Sarawak have suitable habitat into which such orang-utans can move of their own accord or into which they can be translocated. The centres obviously have considerable potential for contributing to long-term conservation of this species. The Secretariat was very favourably impressed by what it saw in each of the centres.

Further, the Secretariat believes that the manner in which the Governments of Sabah and Sarawak have handled rehabilitation, and the centres at which this is conducted, offers an excellent example to other countries. The manner in which visitor attendance is managed also seems to offer an excellent example of eco-tourism. Such examples could presumably readily be applied to a range of species and not only to orang-utans.



## General observations and conclusions

### Illicit trade in orang-utans – Peninsular Malaysia

Peninsular Malaysia has certainly been affected by illicit trade in orang-utans. Its authorities have been criticized by a number of non-governmental organizations for an allegedly slow and inadequate response to such trade. The Secretariat notes that enforcement officers in Malaysia, as with other destinations such as Cambodia and Thailand, have had to deal with cases in a situation where their capacity has been inhibited by inadequate legislation. 'Malaysia' is an orang-utan range State. Sabah and Sarawak have apparently, in the past, authorized movements of orang-utans to Peninsular Malaysia. There was probably, therefore, less reason for officials in Peninsular Malaysia to question the presence of orang-utans than there would have been if such animals had been observed in a non-range State.

The Secretariat believes that lessons have been learned and trusts that, once enacted, the new legislation will both deter any further illicit activities and better enable the authorities to respond should any occur. It was not, however, an intention of the mission to study this aspect in detail and, therefore, Peninsular Malaysia was not visited at all.

### General remarks regarding Sabah and Sarawak

The representative of the CITES Secretariat arrived in Malaysia by way of the international airport of Kota Kinabalu, Sabah. Kota Kinabalu describes itself as a gateway to Borneo. Upon disembarking and entering the terminal building, one is confronted by the image of orang-utans almost everywhere. It is on posters, postcards, cartons of local products, there are soft toy figures of orang-utans for sale, etc. An orang-utan features prominently in the logo of the Sabah Tourist Board.

Wherever one goes in Sabah, one sees literature and other material that emphasize the importance and beauty of the State's wildlife, nature and habitats. These are clearly things that draw tourists from around the world. Eco-tourism is promoted vigorously. It was the Secretariat's experience that the people of Sabah and Sarawak prize their wildlife and take considerable pride and pleasure in helping visitors to experience it.

In Sarawak, the image of the proboscis monkey (*Nasalis larvatus*) is probably more common than that of the orang-utan. However, the orang-utan is very important culturally in some parts of Sarawak, where local tribes believe that senior members of the tribe are reincarnated as orang-utans. Consequently, it is taboo to kill, capture or in any way harm an orang-utan.

It seemed clear, therefore, that for Sabah and Sarawak, the orang-utan is an animal that holds a particularly treasured status and a visitor cannot help to be aware of this. It seems inevitable that this status must also be appreciated by local persons (whether they care about cultural taboos or eco-tourism or not) and that this must be a very significant deterrent against criminal activities. If the same level of appreciation and respect for other CITES-listed species could be achieved, wildlife crime levels might be considerably reduced across the world.

## Conclusion

It would be irresponsible of the CITES Secretariat to suggest that Sabah and Sarawak are free of illicit trade in wildlife. As indicated above, it believes that some persecution of orang-utans (including illegal killing) is likely to be taking place and that there is potential for illicit trade in the species. Likewise, it would be wrong to suggest that there are areas in which the work of the authorities could not be improved. However, the Secretariat believes that it would be bordering upon the churlish to focus on such matters in the face of the excellent work that is being done, particularly with regard to rehabilitation, and the example that Sabah and Sarawak potentially offer with regard to eco-tourism.

It is unfortunate that the GRASP Secretariat was unable to participate in the mission, as its staff might have been able to identify more conservation and habitat-related issues. Sabah and Sarawak have both lost considerable areas of orang-utan habitat. However, officials of the States recognize this, openly acknowledge a significant reduction in orang-utan numbers and seem committed to reversing this trend.

Overall, however, the CITES Secretariat believes it is appropriate that the principle outcome of this mission should be to commend what is taking place in Sabah and Sarawak. It also notes that this is the first enforcement-related technical mission conducted by the CITES Secretariat that has not resulted in any recommendations to the Party in question.