



Illegal Wildlife Trade (IWT) Challenge Fund Annual Report

To be completed with reference to the “Writing a Darwin Report” guidance: (<http://www.darwininitiative.org.uk/resources-for-projects/reporting-forms>). It is expected that this report will be a **maximum** of 20 pages in length, excluding annexes)

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IWT Challenge Fund Project Information

Project reference	IWT061
Project title	Wildlife in Indonesia, Loss, Damage, & Sanctions (WILDS)
Country/ies	Indonesia
Lead organisation	Lancaster University
Partner institutions	Auriga, Environmental Law Institute, Legal Atlas
IWT grant value	£ 297,237
Start/end dates of project	01/10/2018 - 30/09/2020
Reporting period	April 2019-March 2020, Annual Report 2
Project Leader name	Jacob Phelps
Project website/blog/social media	https://jacobphelps.wixsite.com/wilds
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IMPORTANT: Please note that many of the details contained in this report - notably related to the test case in North Sumatra and our sub-national partners - should be treated as confidential information within LTS and Defra for the time being. This is because the test case has not yet been publicly announced, because its links to Defra must be carefully managed, and for the safety of participants.

NOTE: Please also kindly note that, as soon as this report is submitted, we have plans to submit a request for a no-cost extension until March 2012. We have a plan in place to complete as many activities as possible by September 2020, as originally planned, but recognise that there will be some key activities that are likely to suffer delays, notably associated with collecting data in West Kalimantan and North Sumatra (Annex D), providing face-to-face workshops in Year 3, and possibly with the final step of lodging the test case in court (Annex B).

1. Project summary

The WILDS project involves lawyers, conservationists, economists and ecologists, and is focused on the criminal and civil sanctions applied to Illegal Wildlife Trade (IWT). It focuses on Indonesia, a priority IWT source and consumer country, where trade threatens a growing range of species--notably Borneo Orangutan. Indonesia has taken an increasingly active role in conservation enforcement and the prosecution of IWT perpetrators.

Yet, IWT yields profound impacts on the environment and society. For example, IWT impacts livelihoods, where it affects local harvests (e.g., reduced fish stocks) and harms tourism (e.g., degraded reefs, loss of charismatic species); restricts local access (e.g., tightened forest regulations), or presents physical risks to local residents. It causes a range of non-financial impacts (e.g., cultural, scientific or historical impacts of species loss), and introduces new costs of increased public investment into additional conservation measures (e.g., reintroductions, restoration, monitoring). It also yields lost tax revenues (e.g., from legal timber and fisheries trade); cascading ecological impacts (e.g., removing keystone species).

The magnitude of these impacts—on the public and on private citizens—is rarely reflected in the sanctions that perpetrators receive. This fails to send clear deterrence signals to perpetrators or to communicate the scale of IWT harm to the public. Moreover, it does not recover money or remedies for conservation or the victims of IWT. This project challenges the impunity of IWT perpetrators globally through innovations to increase criminal and civil law responses, notably sanctions so that they are evidence-based and better reflect IWT injuries to society. It does this by through work to:

- Developing an approach for structured, consistent legal review of IWT laws across countries, with a focus on evaluating sanctions. This provides an approach for understanding the diversity of legal responses to IWT, and strengthening future legal frameworks responding to IWT.
- Specifically explores sanctions associated with the environmental lawsuits / suits for liability for environmental harm. Based on the “polluter pays principle”, this approach targets high-level perpetrators of commercial IWT and seeks to hold them legally and financially responsible for remedying the harm they caused through IWT.
- The project then seeks to test this novel concept through an actual “test case” in the Indonesian courts. This case study serves as both a learning opportunity, as well as an opportunity for strategic litigation of domestic and international significance.
- The project further engages the influential stakeholders who have control over these types of lawsuits. In particular, it evaluates the needs and perceptions of Indonesian judges, as the key adjudicators of these legal actions, and develops resources to help them operationalise these complex legal concepts. It further engages NGOs in Indonesia, the global environmental law community and the public about the costs of IWT and the potential for legal action to seek remedies.

Importantly, this project is unlike many others focused on implementing “traditional” conservation actions (e.g., surveys, investigations, monitoring). This project is primarily exploring new, interdisciplinary questions about how we might address IWT in the future via the legal system. By evaluating existing sanctions regimes and pioneering new approaches--notably liability for environmental harm--the project seeks to ensure that the legal responses to IWT better deter future harm, fairly reflect large-scale IWT harms, *and* help to remedy existing harm. This will have impacts for the specific species targeted by this proposal, as well as for other species globally that might benefit from both strengthened sanctions regimes and protection via environmental lawsuits.

2. Project partnerships

Key relationships in Year 2

- **Lancaster-Auriga:** This is the key relationship of the project, and it has strengthened considerably as the partners have spent more time together, understood the institutional landscapes and individual work styles. JP intended to spend a considerable amount of time in Indonesia in mid-2019 as a part of building this relationship, but this was heavily limited by visa delays. Nevertheless, we have maintained in very close touch--via almost daily WhatsApp messages (now our preferred platform), and almost weekly team calls.
- **WILDS-BKSDA:** At the end of Y1, the Government required us to partner with BKSDA in North Sumatra and West Kalimantan Provinces (Conservation Agency, part of the Ministry of Environment and Forests). This has required significant time to navigate a bureaucracy of permissions that have limited practical value for the project. This has also faced delays, due to administrative delays in the national office and to new (Jan. 2020) regulations limiting activity by foreign researchers that have made the BKSDA collaborators nervous. Nevertheless, we have presented to them in Year 2 and they have agreed to co-develop illustrative cases for our guidelines; have established contacts in those offices, and have plans for engaging them in Y3.
- **WILDS-Indonesian Institute of Life Sciences (LIPI):** At the end of Y1, the Government required us to collaborate with LIPI. We have been very lucky with our collaborator there who is supportive with the research, networking and bureaucracy. He is an orangutan specialist, which is relevant to our study, and we are in regular touch via WhatsApp and Skype calls.
- **Lancaster-ELI:** ELI serves as a regular technical expert, particularly on issues related to the economics aspects of creating damage claims for legal suits. This has included preparation of background materials, numerous calls for technical advice, and commenting on documents.
- **WILDS-External specialists:** We are successfully drawing on a broader range of international technical experts who are enthused by the project and volunteering their time to strengthen the concept. These include Dr. Rebecca Nichols (legal psychologist, Nanyang Technological University); Amir Sokolowski (private legal and policy expert), Dr. Susan Cheyne (IUCN), Prof. Michael Faure (environmental law, Maastricht University).
- **Lancaster-Media:** We are encouraged to have received a number of media enquiries about this project (e.g., BBC, documentarists, animators, journalists who write National Geographic, NY Times), which we have had to pursue slowly because the case has not yet been announced and due to political sensitivities.

Key lessons

- Finance at both Lancaster and Auriga have sometimes struggled to keep up with the project because it is complex and the templates and multiple systems are time-consuming to keep track of. As such, ensure there is adequate support from the start and try to avoid finance staff changing over during the project.
- It is hard to get partners and individual team members to keep track of their outputs and progress. This requires regular reminders.
- Plan for longer than expected delays during Ramadan and Christmas/New Year season, especially in rural areas.
- Make log frame simpler to make tracking and reporting more manageable.

3. Project progress

3.1 Progress in carrying out project Activities

- **Activities for Output 1. There is a “best practice” standard available for IWT sanctions**

In Year 1, we completed the related data collection of laws across 8 countries) and made these available for comparative analysis via the Legal Atlas website (Activity 1.1). In Year 2, we cross-checked and amended this dataset for accuracy. We then invested our efforts in creating the “legal taxonomy” framework that allows researchers and practitioners to systematically and meaningfully compare IWT offenses across countries (Activity 1.2). This is now a 4-level taxonomy comprised of 511 illegal acts related to wildlife-and specifically illegal wildlife trade. These are organized into 16 broad categories (Level 1) that represent the diversity of illegal acts affecting wildlife globally. We apply this to illegal hunting across 6 countries as an example for how to use the framework to develop standards (see Annex L). It’s publication has been delayed due to the larger-than-expected scale of the task of developing the tool, but it is currently an advanced draft. We will make it available online open-access in the next month for public comment, prior to submitting it for journal review.

- **Activities for Output 2. The legal and technical clarity and resources are available to facilitate development of IWT civil liability damage claims.**

We convened a 2nd workshop in the UK with our Indonesian collaborators (Activity 2.1, Annex F), and have engaged widely with Indonesian civil society, government and legal experts, including in Jakarta, north Sumatra and West Kalimantan (Activity 2.2) via individual meetings (Annex E), workshops (Annex F) and expert critical reviews of our guideline document (Annex A). These engagement activities are on-track, and have served to answer key legal and technical questions about how these types of novel legal suits can be operationalised.

Alongside these expert consultations, we have also considered a number of specific wildlife trade case studies to think about how a civil lawsuit might apply in these cases (Activity 2.3). We used these to develop the core framework for calculating lawsuit remedies, which now form part of our draft guideline (Annex A). Beyond the original proposal, we have also added a structured follow-up analysis that leverages data collected by WILDS to build a more meaningful analysis as part of Maribel Rodriguez’s PhD dissertation (Annex K).

We then integrated findings to develop a draft guideline document, that elaborate how these types of cases can be formed (Activity 2.4). This has taken more time than expected, especially because we have sought to make it a document that is not only legally accurate for Indonesia, but also understandable for practitioners working in other jurisdictions, and is useful to both legal experts and uninitiated readers. We had planned to have this completed by now, but have a realistic revised timeline and are currently integrating final reviewer comments (Annex A).

In Year 3, we will now draw on the guideline to develop a range of technical resources for use in training (Activity 2.5). These are somewhat delayed because they have been contingent on first finalising the guideline.

In addition, we have selected illustrated cases that we will further elaborate with our government partners in Year 3, which will involve collecting local, secondary data in West Kalimantan and North Sumatra (Activity 2.6, Annex D)--these are Year 2 activities that have been moved to Year 3 (budget change request approved). They will form supplementary, more detailed case study resources to inform the guideline and also training efforts.

- **Activities for Output 3. There is a body of Indonesian prosecutors, experts and judges able to operationalise civil liability cases for IWT.**

As mentioned above, we now plan to develop training resources in Year 3 based on our draft guideline (Activity 2.5/Indicator 3.1). Despite this delay, we have already identified a number of exciting opportunities for introducing WILDS resources into existing training initiatives, including via the Supreme Court, NGO training of environmental investigators and prosecutors, and university law programmes (Activity 3.1, Annex J).

We have also engaged researchers from 3 government agencies (Activity 3.2). This includes the very active participation from a colleague at the Indonesian Institute of Life Sciences (LIPI)

(Annex A, E, F). We also have an agreement with BKSDA offices in West Kalimantan and Medan, who are our official collaborators, and have specific plans for collaboration in Year 3 (Annex D).

In Year 3, we further plan to draw on various WILDS resources to engage with media (Activity 3.3.), and we have already identified a number of viable media leads in Indonesia and internationally (Annex H). At the end of the project, we will also use the guideline (Annex A) and resulting resources to organise stakeholder engagement workshops in Jakarta, Medan and Pontianak (Activity 3.4).

In Year 2, we designed a set of unique interview instruments to understand their views about these types of novel lawsuits (Annex C). These have been used to deeply engage 16 judges (out of our target of 30, Indicator 3.3, which should have an associated activity in the log frame).

- **Activities for Output 4. Indonesian and international legal and environmental communities are aware of emerging standards for IWT sanctions and the potential to quantify environmental harm from IWT, including for use in civil liability suits.**

As described in Activity 3.3, we are engaging with targeted media contacts in Indonesia and internationally that we plan to lever in Year 3 to highlight WILDS outputs (Activity 4.2, Annex H). However, our activity to inform government agency newsletters (Activity 4.1) may need removing, as these newsletters seem much less active than anticipated.

We have engaged 4 Indonesian NGOs with WILDS concepts, with the aim to facilitating future litigation (Activity 4.3, Annex E), including recruiting one as the plaintiff in our test case (Annex B)

We have two draft manuscripts prepared (Activity 4.4, 4.5) that are delayed, but in advanced drafts for publication in Year 3 (Annex L, Annex M).

We have also been engaging international networks to share these ideas (Activity 4.6, 4.7). This includes applying WILDS resources to a project involving 4 countries the Horn of Africa (Annex N), and presenting WILDS resources at 4 international events and into an online university course (Annex I).

- **Activities for Output 5. A pioneering civil liability for IWT harm “test case” is developed using the project resources.**

We did not receive funding from the Law Centre (Activity 5.1), but have managed a suitable financial arrangement, including through an budget change request. In year 1, we conducted scoping of West Kalimantan and North Sumatra (Activity 5.3) and extensive consultations and reviews of court records--and ultimately identified a viable test case (Activity 5.2, Annex B). We collected the necessary data, much of which has been secondary and conceptual work rather than field-based data collection (Activity 5.4, 5.5), although there is still data collection to be done from government and civil society records. This is behind schedule, but we have a clear plan with our government counterparts to complete this work (Annex D). Aurigaare currently drawing upon the guidelines and damage claim draft to prepare the lawsuit documents (Activity 5.6, Annex B), in order to formally submit in case in Year 3 (Activity 5.7).

3.2 Progress towards project Outputs

- **Output 1. There is a “best practice” standard available for IWT sanctions (civil, administrative and criminal)**

Our aim was to use work from Year 1 to next develop a “best practise” standard for IWT sanctions. There is no such resources available, including virtually no published, structured comparison of how wildlife crimes are sanctioned across different countries.

However, producing an explicit standard proved far less straight-forward than expected, and our original formulation of this was too linear. In order to establish a legal standard, which is

exceedingly uncommon in the conservation sector, one first needs to make systematic, like-for-like comparisons of how different countries identify, define, qualify and sanction each specific illegal act. This proved a huge enterprise, given that IWT involves hundreds of illegal acts, each shaped by qualifiers (e.g., whether illegal hunting takes place inside or outside of a protected area; whether illegal hunting involved a native or introduced species; which type of technology was used to conduct the illegal hunting, etc.). For these reasons, we have decided against setting specific standards. Moreover, although international comparison is valuable, we now also question whether it is possible or appropriate to have harmonized legal standards across countries with very different contexts. As such, we spent our time developing the taxonomy and framework required to undertake this type of analysis. This tool is now an advanced draft that explains the framework, how it can be used to enable legal comparisons, and to how it can inform legal enforcement and strengthening of IWT laws (Annex L). The framework is currently being applied in 4 African countries (Annex N). This resources will soon be available online and, we believe, is a one-of-a-kind tool that will enable comparative analysis in conservation laws in a way and scale that has never before been attempted. We plan to then highlight it at conferences (Annex I) and via media engagement (Annex H).

- **Output 2. The legal and technical clarity and resources are available to facilitate development of IWT civil liability damage claims.**

As the project has developed, we have not only managed to clarify many key legal and technical questions about how to operationalise these types of civil lawsuits for IWT, but have also come up against a number of additional challenges and questions. We have worked our way through these via our extensive stakeholder engagement (Annex E, F), to answer key questions (e.g., Annex O). That progress is most clearly reflected in our draft guideline (Annex A). Although simplified document that reflects a tremendous amount of debate among lawyers and scientists from multiple countries (Annex E). And, unlike the existing resource on this (i.e. an Indonesian government regulation mentioned in our baseline statement), we are designing our resource to be readily understood and used by practitioners.

We are near to finalising the guideline, which will then serve as the key technical reference, and which we will use to develop further resources (e.g., policy brief, slides for training judges and prosecutors, Annex J).

- **Output 3. There is a body of Indonesian prosecutors, experts and judges able to operationalise civil liability cases for IWT**

This is a challenging output on which to deliver, as few government stakeholders have engaged with these types of lawsuits, and there are huge competing demands on their time. However, we have made progress within LIPI and BKSDA (Indicator 3.3). In particularly, our colleague at LIPI has become deeply involved in the project (see above). We have had comparatively less deep engagement and co-production with BKSDA, due primarily to the challenges and assumptions discussed in Section 3.4 and Section 11. Nevertheless, researchers at both offices are commenting on our draft guidelines (Annex A), and we have specific collaboration plans for Year 3 (Annex D).

We are exceeding our own expectations in terms of identifying new opportunities to share our resources. WILDS topics are not currently covered in any existing training, and have now identified a number of novel opportunities for judges, prosecutors, investigators and law students (Indicator 3.4, Annex J). We have also made progress in developing plants to disseminate the WILDS approach via targeted engagement with media outlets (Annex H).

Finally, we identified judges as the key government stakeholder group for these types of legal suits (Indicator 3.2 explained in Annex C), and have made solid progress towards engaging them. We have used this engagement both to collect data for the guideline, as well as to sensitive individual judges about these types of cases. We have not, however, prioritised prosecutors for engagement, as we learned that they have a small role in pursuing this type of litigation in Indonesia.

- **Output 4. Indonesian and international legal and environmental communities are aware of emerging standards for IWT sanctions and the potential to quantify environmental harm from IWT, including for use in civil liability suits.**

We are making steady progress with our Indonesian and international engagement, to disseminate WILDS concepts. We have involved civil society groups in informing the project and guidelines, most of whom have not previously engaged with these topics (Indicator 4.2, Annex E). We have further directly engaged with 4 civil society groups to explore their interest in litigation, which was a novel concept for all of them (Indicator 4.3) and we further recruited 1 plaintiff to take legal action, which is ahead of what we originally expected (Annex B).

We are on track to deliver three journal publications in Year 3 (Indicator 4.5, target was 2), two of which are already in advanced drafts (Annex M, L) and one in advanced outline (Annex O). We have also made progress with presenting our work internationally (Indicator 4.4), including to 4 international groups in Year 2, with opportunities identified for Year 3 that exceed our original aims (Annex I).

We are not sure, however, to what degree we will be able to ensure these are under active, meaningful discussion within international platforms by the project end (Indicator 4.6), or that another group is inspired to litigate a WILDS-type case (Indicator 4.6). This is because such progress largely relies on timing and policy “windows”, but it remains our ambition. We can best achieve this by ensuring the guideline and test case are robust, and get picked up by international media (Annex H).

We are behind on our international engagement in the 7 target countries (beyond Indonesia) that were used to inform the legal taxonomy (Output 1). We need to revise this indicator, as international engagement need not be focused on these specific countries (i.e. the resource is equally relevant to any country with IWT challenges) and should instead focus on networks where we have strongest relationships and opportunities. To this end, the resources have been shared via FFI Cambodia (Annex I) and are being applied as part of the LICIT project in the Horn of Africa (Annex L). Once the outputs are formally published (e.g., Annex A, Annex M) we will be able to do more active international engagement (e.g., Annex I).

- **Output 5. A pioneering civil liability for IWT harm “test case” is developed using the project resources.**

The project is on-track to deliver this test case, the first of its kind globally (Annex B). We have already established the legal grounding needed for the case (Indicator 5.2, 5.3, Annex A, O), which is now informing our practise. That work is going according to plan, although we do anticipate further delays associated with the complexities of the case and local politics, as well as with the need for capacity-building for the plaintiff and local litigating lawyers, for whom these are new concepts. Yet, we expect this will be achievable within Year 3, particularly as we plan to request a no-cost extension until March 2021.

The lawsuit includes a specific damage claims that details the remedies we are seeking from the defendant (Activity 5.4). We have this under development, though it is delayed (Annex D). We have a revised plan for finalising this in Year 3 with our BKSDA government counterparts in North Sumatra; much of this is moved to virtual engagement and, public health allowing, some will still be conducted in person (Annex D).

3.3 Progress towards the project Outcome

Outcome: Indonesian legal system demonstrates ability to better account for the harm that IWT causes society, pioneering approaches that will improve the global community’s understanding of IWT harm and ways to strengthen sanctions to deter future IWT and compensate for IWT harm.

The project is on-track to make significant contributions towards this outcome. The guideline is now in an advanced draft (Indicator O.1.2, Annex A), and is the first of its kind globally. While some related resources exist in an Indonesian guideline, these are not detailed, particularly

useable, or focused on wildlife. In contrast, our guideline is focused on making these types of lawsuits viable parts of the legal response to IWT. That said, the extent to which we are able to encourage government to formally adopt these resources, is uncertain, particularly considering issues raised in Sections 3.4 and 11).

We have also identified a viable test case, which is the first lawsuit of its kind globally. We are now collectively preparing the test case documentation, with the case on-track to submission within Year 3 (Indicator 0.1.1, Annex B).

The indicators selected are probably too modest relative to the ambition of the outcome statement. As reflected in the last evaluation, there is probably a benefit to disambiguating Indonesia-level from international outcomes (although we believe we are limited to 1 outcome statement). We believe that media attention for WILDS resources and test case will also prove an important indicator of our contributions to this outcome at the Indonesia and global level (Annex H).

3.4 Monitoring of assumptions

Assumption 2: Indonesian legal and political context are often unpredictable.

Comments: We identified this risk in our Year 1 report, and it has proved important. In particular, the new Indonesian government is pursuing an ‘Omnibus’ legislation to dramatically rewrite much of the country’s legislation, including environmental. This has meant increased uncertainty and that many partners have been urgently responding to these critical changes (rather than working proactively). Also, Indonesia recently introduced additional regulations on international collaborations and researchers that has added bureaucracy and uncertainty, including among sub-national agencies (i.e. BKSDA) about formally collaborating with international researchers and NGOs.

Assumption: Project buy-in from specific government agencies

Comments: We have struggled with buy-in this year for several reasons, including focus on peatland fires that have dominated everyone’s attention, and due to the new restrictions on international collaborations, described above.

Mitigation: We are focusing on the government relationships that are most receptive and functional (LIPI) and keeping in regular communication with others (BKSDA, Gakkum). We are also pushing ahead with collaboration with BKSDA in Year 3.

3.5 Impact: achievement of positive impact on illegal wildlife trade and poverty alleviation

Impact: *Reduction in the commercial illegal wildlife trade in Indonesia, to improve judicial accountability and protect natural capital stocks that support biodiversity, rural livelihoods and wellbeing.*

Our contributions towards reducing IWT focus on judicial processes – including contributions to improving criminal, and predominantly civil law, responses to IWT. Notably, we are providing the “thought-leadership” and baseline tools needed to help strengthen legal responses to IWT. Below we highlight several key contributions towards this target impact. We should also note that, as the project develops, these pathways are becoming clearer.

Demand for improved legal frameworks and tightened sanctions. A key proposed pathway for improving responses to IWT involves strengthening legal framework increasing sanctions. On paper, this sounds simple enough. However, beyond any political hurdles, it also presents an under-estimated technical challenge. In fact, we aimed to establish “best practices” guidelines for IWT sanctions through legal review of 8 different countries (Indicator 1.1). After we had collected this data in Year 1, we recognised that comparing sanctions across countries to do meaningful analysis of sanctions requires a framework to ensure we are comparing like-for-like. We have now developed this framework, “A global typology of wildlife crimes” that is

nearly ready for submission, and which we believe is globally unique (Indicator 1.2, Annex K). It allows people to break-up wildlife legislation into specific “pieces” so that these can be used to determine how very specific criminal acts are defined and sanctioned in each country. We specifically highlight the example of how it can be used to compare IWT sanctions for illegally harvesting wildlife—not just the number of years of imprisonment or size of fine, but also different approaches to setting sanctions. This can help inform future reform to strengthen legal frameworks and sanctions. It can also promote debate across jurisdictions, and also to cause people to interrogate what types of penalties are fair, proportionate and deterrent, to help ensure future conservation (Indicator 1.3).

New opportunities to sue for remedies. Most of the project is premised on the idea that perpetrators of IWT can potentially be held legally and financially responsible for the harm that they cause, via environmental lawsuits. While that principle is easy enough to understand, we are focused on how it might be operationalised—in Indonesia, but with implications for legal processes globally. We have made significant headway towards this, notably related to the development of our draft guidelines (Indicator 2.2, 5.2), which in turn builds on much of the legal and conceptual clarity we built during Year 1. We have also continued to clarify a number of key legal and technical issues through expert discussions (Indicator 2.1, e.g., Annex E) and reviews (Annex A). Moreover, we have identified a tangible lawsuit to serve as a test case for litigation in Year 3 (Indicator 5.5), including preparing associated documentation (Indicator 5.4 Annex B). This will have direct implications for the species and human victims associated with this individual case. Importantly, these resources and the test case consider not only financial, but also other dimension of wellbeing (e.g., culture) that are affected by IWT. Moreover, it has potential to set domestic and international precedent for how civil lawsuits can be used to address IWT—contributing a novel pathway towards the target impact.

Engagement with people who can operationalise the concepts. We are also engaging with key stakeholders who have potential to shape these legal actions beyond the project completion. Notably, this includes direct engagement with judges (Indicator 3.2, Annex C) and government offices involved in enforcement (Annex C), and identification of pathways for feeding our project outputs into training for judges, public prosecutors and into university law curricula (Indicator 3.4, Annex J). In addition, we are engaging with civil society groups who have the potential to launch lawsuits (Indicator 4.2, 4.3, Annex E). This includes identifying a local NGO as the lead plaintiff in our test case (Annex B). This provides a public, precedent-setting example that could motivate other groups to pursue unique legal avenues in response to IWT.

4. Project support to the IWT Challenge Fund Objectives and commitments under the London Declarations and Kasane Statement

The project is contributing to two key objectives of the IWT Challenge Fund of 1) strengthening law enforcement, and 2) ensuring effective legal frameworks—points that were echoed by the UK Government’s commitment at the London Conference to “strengthen enforcement, ensure effective legal frameworks”, as well reflected in the the Kasane statements strong focus on “ensuring effective legal frameworks and deterrents”. These contributions are specifically evidenced by:

- The draft “Global typology of wildlife crimes” provides a unique tool for analysing, interpreting and comparing criminal law and sanctions on IWT across countries. This provides a baseline for future legal analyses of IWT legislation, and for discussing “best practices” in IWT legislation and sanctions (Annex L). This contribution provides tools to help with processes to “review and amend national legislation as necessary” (Kasane statement).
- The additional, structured review of recent IWT legal suits (Annex K) is providing deeper insight into how criminal law in Indonesia is actually dealing with IWT. This is important in the face of increased enforcement, but little public analysis of what cases are being prosecuted. As such, it provides a basis for arguing that existing legal approaches for IWT (in Indonesia and globally) are insufficient for dealing with large-scale IWT, and that liability suits are an important additional resource to explore. It also supports

opportunities to review Indonesia’s commitment made at the London Conference, where it stakes that it “takes enforcement of IWT seriously along with other forms of environment and forest crimes”.

- The framework for evaluating IWT damage claims, integrated into our draft guideline, is a key part of operationalise new forms of environmental lawsuits for IWT cases (Annex A). This not only support new pathways of enforcement, but also responds to Indonesia’s statement at the London Conference that it is receptive to looking at “innovative ways of combatting IWT”.
- Engagement with, and creating resources for practitioner, including judges (Annex C) is important to ensuring the public bodies are able to operationalise their responsibilities. This support enforcement efforts, specifically the Kasane statement aim to “ensure that relevant prosecutors, judges, Financial Intelligence Units, and authorities engaged in law enforcement, have the... knowledge to investigate and prosecute financial crimes associated with wildlife crime”.

5. Impact on species in focus

The project does not have species-level impacts to report on, nor do we have indicators at this scale, as the project is focused on much broader systemic reforms. This includes changes to the way in which legal frameworks and legal practitioners use the law in response to IWT.

However, our guideline (Indicator 2.2) highlights the case study of the Bornean Orangutan (*Pongo pygmaeus*, IUCN ‘Endangered’) and the costs that IWT of this species inflicts on the environment, economy and society. If the test case is successful, it would provide direct benefits to the specific species, although the legal case outcomes (and ensuing species impacts) will likely be beyond the project timeframe. Independent of the courtroom success fo the case, this type of precedent-setting case serves a function to create public awareness about the costs of IWT.

6. Project support to poverty alleviation

In terms of poverty alleviation, the primary intended beneficiaries are forest-dependent communities in Indonesia who are affected by IWT in a number of ways—including because IWT may disrupt ecosystems on which they rely; limit the wildlife they harvest (an estimated 4 million people in Indonesia), or other aspect of their their livelihoods (e.g., tourism); impinge on specific cultural and religious ties to affected wildlife; or because they are affected by poaching in their communities (e.g., security) and/or restrictions placed on them because of concerns over IWT. The project also benefits the civil society, local and national government agencies often representing the interests of these communities in formal institutions. The project has long-term and indirect impacts for poverty-reduction and wellbeing within these communities, and there were 3 key types of impacts identified in the application.

Evidence of contributions towards the 3 key types of poverty-reduction impacts

Impacts listed in proposal	Evidence of contributions towards those impacts
Better quantify the scale of IWT harm on society, including on the poorest communities who often suffer the burdens of IWT	<ul style="list-style-type: none"> • Draft guideline (Annex A) includes a framework for classifying types of legally-recognised harm and matching these to remedies that can be pursued via lawsuits. • Framework applied to the species cases in the test case, and in the draft of the illustrative case involving Borneo Orangutan prepared for the guideline, with plans in place for further illustrative examples in Year 3 (Annex D).
Pioneer legal mechanisms that help compensate victims of IWT, whether through direct payments or actions that remedy	<ul style="list-style-type: none"> • Draft guidelines, based on extensive expert consultations (e.g., Annex E), that addresses key legal questions determining whether/how these types of claims can be made in Indonesia and globally (Annex)

harm (e.g., reintroduction, apologies)	<ul style="list-style-type: none"> • Test case in North Sumatra under development that includes specific claims for remedies (Annex B)
Improve judicial responses to IWT to ensure legal responses fairly assess the costs of IWT.	<ul style="list-style-type: none"> • Interviews with Indonesian judges that include specific evaluations of whether they are willing to accept lawsuits that make claims for remedies associated with poverty and wellbeing (Annex C)

In addition, the project is making contributions to stakeholders within:

- Indonesian society at large. Many of the types of harm that we recognise in the guideline and test case are experienced by the public at large (e.g., reduction in species survival, decrease in tax revenue, reputational harm, decrease in scientific value). As such, associated remedies have broad collective benefits.
- Indonesian NGOs. The guideline highlights the important role of civil society groups as prospective plaintiffs, and provides guidance on how to operationalise claims.
- Broader global environmental law and conservation communities. The resources we are developing for civil liability lawsuits, in combination with the test case, have the potential to serve as a global example for action. In parallel, the new resource on comparative criminal law responses to IWT is a resource that can be used across contexts (Annex L).

7. Consideration of gender equality issues

The project is seeking not only gender balance in terms of portion (equality), but also in decision-making and opportunity (equity). The project team itself remains well gender balanced and includes some opportunities for career development of junior female colleagues (see Year 1 report).

Gender equality remains difficult to achieve with working with Indonesian partners outside of our home institutions (Indicator 2.1). For example, our civil society and government engagement; judge engagement, and the composition of our plaintiff and legal team are heavily male-dominated (22% engagement were women, Annex E;). We cannot significantly control within the project as these reflect existing patterns in Indonesian society. However, we do have several women playing prominent roles in informing our damage claim for the test case, Also, with our judge engagement (Annex C), we are purposively targeting women respondents in proportions greater than they are represented in that population.

8. Monitoring and evaluation

This has not changed significantly from last year (see Year 1 report) and is primarily the responsibility of U.Latifah and J.Phelps. We continue to use a shared virtual document to facilitate our indicator tracking that lists all of the indicators and their relationships to the related activities, outputs and timelines. We also continue to use an impact log to track engagement with stakeholders. We also have a shared folder for filing evidence. The primary area for improvement involves more frequent updating of the databases, and the greater organisation of evidence documents in the shared file.

We are now employing WhatsApp for day-to-day discussions about activities and outputs (primarily LEC-Auriga), as this is the preferred platform in Indonesia. We also have regular meetings between J.Phelps and U.Latifah, in addition to weekly/twice weekly calls of the core team, and weekly calls with the test-case lawyers and plaintiff. Notes from meetings get shared via WhatsApp and then saved in a shared folder.

9. Lessons

- Ensure strong financial management support. We have had challenges with finance department at both Lancaster and Auriga, both of which are over-stretched and have also struggled with the complexity of the project. This has been made harder by 1) Lancaster using different internal budget headlines than Defra, and 2) by what we perceive as a challenging Defra budget template. In particular, because all project partners are grouped together on the Defra form, it can be hard to align across groups. We plan to have more regular meetings with our finance teams, and have also fed back to management at both institutions that greater financial support needs to be provided.
- Identify fewer indicators and simplify the log-frame. We made our log frame and indicators too complex and numerous, which makes these reports more burdensome than they probably need to be.

10. Actions taken in response to previous reviews (if applicable)

We were surprised, but appreciative at how thorough the Year 1 review was. In particular, it was helpful to understand which aspects of the project and report were not clearly understood by an outside reader. In response to the review, we have edited how we present our stakeholder engagement, which we believe is now easier to evaluate against the logframe (Annex E). In consultation with LTS, we also added a number of new qualitative baselines throughout the logframe. As almost all of these were that “no similar resource/action/engagement has been undertaken”, we did not find this particularly significant in terms of shaping how we implement the project or are likely to evaluate it. We also provided more details in the log frame about the types of stakeholders we are engaging in Outputs 2.1 and 4.2 and the purpose for engaging them. This has not shaped our implementation but we can see that it will make it easier to evaluate the project.

11. Other comments on progress not covered elsewhere

Jacob Phelps nominated Prof. Bambang Hero Saharjo, an Indonesian professor who often serves as a state witness in environmental civil law cases, for the John Maddox Prize 2019. Prof. Hero came to the UK to be awarded the prestigious prize, which recognises the work of individuals who promote science and evidence, advancing the public discussion around difficult topics despite challenges or hostility. Although not a planned part of the WILDS Project, it has direct implications, as it deals with how we present environmental evidence in civil lawsuits. It build a strong relationship with Prof. Hero, who has now also provided input into the project and will be a valuable advocate for our outputs in Year 3.

12. Sustainability and legacy

Our existing plan for post-project legacy remains largely in place. Key priorities have included:

- We continue to identify more opportunities to feed our outputs into existing trainings (e.g. via the Supreme Court), and have further identified university environmental law modules at 3 Indonesian universities as an further opportunity to mainstream our findings (Annex J).
- We have invested significant effort into building a relationship with the Ministry of Environment and Forests Directorate General of Law Enforcement (Gakkum), which is the national agency that has authority to lead this type of lawsuit on behalf of the government. *To this end*, we presented to and provided 2 legal analyses at the request of the Gakkum Director, which answer question about the type of litigation we plan to pursue, and which have since fed into our guidelines. We are also inviting Gakkum to comment on our guidelines, and are keeping them posted on our progress. However, given the significant political uncertainty in Indonesia (see assumptions), we cannot over-rely on the government as our key pathway to long-term impact.

- Civil society provides an important way to ensure legacy, as they can launch these type of lawsuits on behalf of the government, as reflected in our test-case. As such, we have highlighted this role in the guidelines, and have plans to meaningfully publicise the test case in Year 3 to inspire similar action. We also have plans to disseminate our resources, including via courtesy calls to NGOs, to inspire them to take similar action.
- At the international scale, we are working to identify a wide range of creative opportunities to share our resources, leveraging existing networks and opportunities, as well as possible online communications during th pandemic period, to share our outputs (Annex I)

13. IWT Challenge Fund identity

Because the public-facing guideline has not yet been published and legal “test” case has not yet been launched, we have had little public-facing engagement. Moreover, due to concerns about safety (see Assumption 1), we have taken a conservative approach in announcing our links to litigation.

This is likely to change in Year 3, when we will have clear public-facing resources.

14. Safeguarding

Lancaster University has procedures regarding Research Integrity, Ethics and Governance. <https://www.lancaster.ac.uk/research/research-services/research-integrity-ethics--governance/> The most relevant of these to the project are the resarch ethics protocols, which we are following throughout the project. Where appropriate, parts of the project are also going through formal university reviews, as well as reviewed by the Indonesian government as part of the Foreign Research Permit for J.Phelps. These have been shared with Auriga and consultants involved. The process includes providing respondents to interviews (e.g., judges, Annex C) with details for how they can get more information or file complaints. Beyond this, however, we have not made it a standard practise to share Lancaster University’s broader governance documents and policies with downstream partners, who are not formally bound by our policies or jurisdiction--nor is this currently common across the University Sector. However, this is a topic of interest and growing importance to the sector, where we would welcome further feedback, particularly any practical insight on how universities might be handling this (i.e. beyond sharing paperwork that is unlikely to be read with local partners).

Auriga has a Code of Conduct as part of standard operating procedures, which covers issues of staff security and operational work. This protocol also provides a complaint handling mechanism for any issues related to interpersonal issues between staff, and is managed under its human resource department.

We have not had any particular safeguarding concerns or incidents during Year 2, and the project is not engaging any particularly vulnerable groups or local communities.

15. Project expenditure

We have asked for an extension on completing this part fo the report until the end of May 2020, due to the furloughing of Lancaster University staff.

Please note that the Project Lead, Jacob Phelps, was on strike for 22 working days during Year 2 of the project, for which he was not paid. Rather than reflect this in reduced project expenditure, Lancaster University has kept these funds. The Lancaster Branch of University & College Union (UCU) recently filed a Freedom of Information request about this issue, in which the University confirmed that no external funding was returned to the funders as a result of the industrial action.

- 16. OPTIONAL: Outstanding achievements of your project during the reporting period (300-400 words maximum). This section may be used for publicity purposes**

NA

● **Annex 1: Report of progress and achievements against Logical Framework for Financial Year 2019-2020**

Project summary	Measurable Indicators	Progress and Achievements April 2019 - March 2020	Actions required/planned for next period
<p>Impact: Reduction in the commercial illegal wildlife trade in Indonesia, to improve judicial accountability and protect natural capital stocks that support biodiversity, rural livelihoods and wellbeing.</p>		<ul style="list-style-type: none"> • Developed draft guideline (Annex A) and article (Annex M) about how to operationalise legal suits to secure remedies for the harm caused by IWT, including social and economic impacts. • Developed a novel resource of analysing laws related to wildlife governance that can help with legal reform and analysis globally (Annex K). • Plans and teams are in place to undertake precedent-setting legal “test” case that could inform IWT litigation globally (Annex B). 	
<p>Outcome Indonesian legal system demonstrates ability to better account for the harm that IWT causes society, pioneering approaches that will improve the global community’s understanding of IWT harm and ways to strengthen sanctions to deter future IWT and compensate for IWT harm.</p>	<p>0.1.1 First IWT civil liability case prepared by project completion (Y3, baseline=zero)</p> <p>0.1.2 Guidelines on establishing legal IWT damage claims are adopted by Indonesian government by the project completion (Y3)</p>	<p>0.1.1 One “test” case was selected in North Sumatra (Annex B).</p> <p>01.1. Plaintiff identified and legal team established to bring forward lawsuit (Annex B)</p> <p>0.1.2 One workshop held in Lancaster with Indonesian experts held Feb. 2020 (Annex F)</p> <p>0.1.2 Draft guideline developed, translated and reviewed by experts (Annex A)</p>	<p>The key activities for Year 3 fall into 5 categories:</p> <ul style="list-style-type: none"> • Finalise and disseminate the guideline on making civil liability claims for IWT cases • Collect further data to finalise the damage claim for the test case and for the illustrative cases that support the guideline • Finalise investigation and legal documentation of the test case, so that it can be presented to court • Develop and disseminate communications products (e.g., media articles, editorials, training materials) that highlight the guideline and test case

	0.1.3 Three civil society groups apply new approaches to communicating IWT damages in their public communication strategies by project completion (Y2, Y3)	0.1.3 Engaged three other civil society groups engaged with WILDS concept to consider filing similar suits (Annex E).	<ul style="list-style-type: none"> • Face-to-face (post-virus) socialisation of the guideline and test case to key government and civil society groups
Output 1. There is a “best practice” standard available for IWT sanctions (civil, administrative and criminal)	<p>1.1 New resource with the country comparison and “best practice” standard recommendations (Y1, baseline = there is no existing published resource)</p> <p>1.2 Journal publication on IWT sanctions across jurisdictions (Y2, baseline = there is no similar published article)</p> <p>1.3 Presentation at >3 international conferences (Y2, Y3)</p> <p>1.4 Dissemination in >3 non-academic publications (e.g., newsletters, popular articles) (Y3)</p>	<p>1.1 Data collection and publication completed in Y1.</p> <p>1.2 Draft journal publication (Annex L) that provides the comparative legal framework needed, including demonstration of how to meaningfully compare sanctions across countries.</p> <p>1.3 Two additional international conference presentations given in 2020, with the 3rd presentation postponed due to the pandemic (Annex I).</p> <p>1.4 Y3 output.</p>	
Activity 1.1 Extract civil, criminal and administrative IWT legislation for the 8 countries		Y1 output that we cross-checked and reviewed	NA
Activity 1.2 Establish the “best practices” standard for IWT sanctions		1 draft journal publication (see 1.2, above)	<ul style="list-style-type: none"> • Finalise manuscript to post on open-access SciArxiv • Submit to journal for review
Output 2. The legal and technical clarity and resources are available to facilitate development of IWT civil liability damage claims.	2.1 >50 Indonesian participants engaged in the expert workshops, focus groups and interviews from across sectors, in order to collect input on the design of the proposed approach to forming damage claims and legal suits, and to disseminate the project idea. These will prioritise gender equity, and focus on key stakeholder groups: Indonesian legal community, officials involved in environmental enforcement, conservation NGOs focused on IWT (Y1/Y2,	2.1. Engaged 45 additional people across conservation NGOs (10), the Indonesian legal community (15) and international legal community (2), Indonesian government agencies (18) and Indonesian judges (16) and judges (Annex E, F). 22% of these were women. (Using a feedback from as a means of verification has not proved practical because it is an excessive demand on participants who are already volunteering significant time.)	

	<p>baseline = WILDS legal approach is novel to most target stakeholders)</p> <p>2.2 Guidelines for quantification IWT damage claims developed (end Y2, baseline = 1 government regulation articulates possible methods)</p> <p>2.3 Training resource on IWT sanctions, summarising application of the civil liability guidelines and sanctions standards, in English and Indonesian (Y3, baseline = 0)</p>	<p>2.2 Prepared draft guideline that is undergoing expert reviews and revisions (Annex A)</p> <p>2.3 Y3 output</p>	
<p>Activity 2.1 Convene workshop in Lancaster with partners and key informants to conceptualise overall approach for calculating IWT damage claims and applying them in civil liability suits.</p>	<p>Hosted in Y1. One additional, follow-up meeting was hosted in Lancaster in Feb. 2020 (Annex F)</p>	<p>NA</p>	
<p>Activity 2.2 Convene series of stakeholder and expert workshops and interviews with economists, legal experts and civil society in Indonesia to establish consensus on existing IWT sanctions, and on the key technical and legal challenges to operationalising civil liability suits for IWT.</p>	<p>Engaged 45 new experts (22% women, Annex E)</p> <p>Hosted 5 workshops / focus group discussions (Annex F)</p>	<ul style="list-style-type: none"> • This is mostly completed, but we may still engage some experts for further feedback as questions emerge 	
<p>Activity 2.3 Analyse existing IWT cases in Indonesia to evaluate how damage (economic and non-economic impacts) can be conceptualized and how these compare to existing sanction regimes.</p>	<ul style="list-style-type: none"> • Compilation of >300 IWT cases completed in Year 1 • Developed framework for evaluating harm in IWT cases, now in the guidelines (Annex A) • Selected three target species to use as illustrative cases to help illustrate use of the guidelines • Collected additional data from existing IWT court records for an additional, structured follow-up analysis (Annex K). 	<ul style="list-style-type: none"> • Finalise questions • Collect secondary data from government and civil society groups in West Kalimantan and North Sumatra, in cooperation with BKSDA (further described in Annex D) • Finalise analysis of criminal cases • Complete analysis of criminal court cases, and submit for publication 	
<p>Activity 2.4 Develop guidelines for quantification of IWT harm for civil liability cases, cases to help guide legal practitioners.</p>	<ul style="list-style-type: none"> • Prepared draft guideline that is undergoing final review by scholars and practitioners (Annex A) 	<ul style="list-style-type: none"> • Integrate expert feedback to finalise the text • Design and publish the guideline 	

<p>Activity 2.5 Develop technical resources, i.e. slides for training material in English and Indonesian and <i>opini juris</i> (form of academic guidance to legal practitioners) that help to communicate the guidelines to practitioners</p>	<ul style="list-style-type: none"> • Year 3 output, that build primarily on the guideline (Annex A). • <i>Opini juris</i> is likely to draw on existing work (Annex O) 	<ul style="list-style-type: none"> • Develop 3+ sets of PowerPoint slides for use in training, with particular focus on judges, public prosecutors and university students • Produce short policy brief summarising the guideline to make it more accessible • Publish an <i>opini juris/amicus</i> linked to the test case
<p>Activity 2.6 Data collected at case study field site, identifying different types of harm experienced at the local level that need to included within an IWT damage claim.</p>	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Finalise the test case damage claim, filling in remaining data gaps • Collect data with government counterparts on supplementary illustrative cases (Annex D).
<p>Output 3. There is a body of Indonesian prosecutors, experts and judges able to operationalise civil liability cases for IWT.</p>	<p>3.1 Training materials developed (Y2)</p> <p>3.2 >30 Indonesian prosecutors and judges engaged via expert workshops and interviews (Y1, Y2, baseline = there has only been 1 previous training on civil liability suits for approx. 34 judges on related topics conducted in 2017, which did not address IWT)</p> <p>3.3 Two research collaborators from Indonesian Institute of Life Sciences and BKSDA of the Ministry of Environment and Forests are actively involved throughout project design and implementation (Y1, Y2, Y3)</p> <p>3.4 Project resources integrated into 3 existing environmental training programmes for government officials (e.g., Supreme Court Environmental Certification Programme, WCS, IUU Task Force, UNDP SUSTAIN initiative, UNODC, Corruption Eradication Commission) (Y3, baseline = this is not a</p>	<p>3.1 Y3 output</p> <p>3.2 Developed unique set of instruments for interviewing</p> <p>3.2 Engaged 16 judges, 2 of which are women (Annex C). ((Using feedback forms as a means of verification has not proved practical because it is an excessive demand on participants who are already volunteering significant time.)</p> <p>3.3 LIPI scientist, Tuafiq Purna Nugraha, is now a core part of the team, involved with the guideline, networking and research (Annex E, F)</p> <p>3.3. BKSDA West Kalimantan and BKSDA Medan have agreed to second staff to collaborate on data collection in Year 3 (Annex D)</p> <p>3.4 Confirmed engagement with 2 groups involved in training, with 2 additional leads (Annex J). 3.4 Identified opportunities for potentially integrating resources into the undergraduate law training at 3 universities (Annex J).</p>

	<p>topic covered in any exiting training materials/courses)</p> <p>3.5 Reports from individual judges, experts and prosecutors themselves (Y3)</p> <p>3.6 Stakeholder engagement workshops in Jakarta, Medan and Pontianak (Y3, baseline = no previous sub-national training has been offered for practitioners on this topic)</p>	<p>3.5 Y3 output. (This should probably be moved to become an indicator rather than an output.)</p> <p>3.6 Y3 output.</p>	
<p>Activity 3.1 Engage partner and boundary organisations in Indonesia to integrate guidelines into existing training schemes</p>	<ul style="list-style-type: none"> Confirmed engagement with 2 training opportunities, with 2 additional leads (Annex J). Identified opportunities for potentially integrating resources into the undergraduate law training at 3 universities (Annex J). 	<ul style="list-style-type: none"> Formalise integration plans the opportunities we have identified Deliver seminar (online or in-person) to Andalas University law students Continue to identify other prospective opportunities 	
<p>Activity 3.2 Collaborate with researchers from Ministry of Environment and Forests, ensuring they are meaningfully engaged in project design and implementation.</p>	<ul style="list-style-type: none"> Regular engagement with LIPI (Annex E, F) Agreement with BKSDA West Kalimantan and BKSDA Medan to collaborate on data collection in Year 3 (Annex D) BKSDA West Kalimantan and BKSDA Medan currently offering feedback on draft guidelines 	<ul style="list-style-type: none"> Confirm joint research plan, with virus contingency planning Collect data Publish joint report with illustrative cases that will serve as support to the guideline 	
<p>Activity 3.3 Distribute findings and "proof-of-concept" via short articles in Indonesian government agency newsletters, editorials</p>	<ul style="list-style-type: none"> Identified media leads (Annex H) Y3 output (This activity may needs reviewing, as government newsletters are not particularly active) 	<ul style="list-style-type: none"> Encourage BKSDA collaborators to contribute Engage media outlets to facilitate stories (Annex H) Write editorials by our team 	

<p>Activity 3.4 Hold project-end stakeholder engagement workshops in Jakarta, Medan and Pontianak</p>	<ul style="list-style-type: none"> • Y3 output, drawing on resources that are under development (notably Annex A) 	
<p>Output 4. Indonesian and international legal and environmental communities are aware of emerging standards for IWT sanctions and the potential to quantify environmental harm from IWT, including for use in civil liability suits.</p>	<p>4.1 >6 international newspaper reports/editorials that discuss environmental and socio-economic costs of IWT and related liabilities, and mention, relate and/or link to this project (Y2, Y3)</p> <p>4.2 >20 Indonesian non-government participants involved in the expert workshops, targeting Indonesian conservation NGOs and legal experts in order to disseminate the WILDS approach to damage claims and legal suits (Y2, Y3 baseline = the WILDS legal approach is novel to most stakeholders)</p> <p>4.3 >10 Indonesian civil society groups engaged via courtesy calls to present result and encourage uptake (Y3)</p> <p>4.4 Results presented at >3 international conferences (Y2, Y3)</p> <p>4.5 Two journal publications on project findings (Y3, baseline = no such publications in the context of biodiversity of IWT)</p> <p>4.6 Civil liability for IWT “under discussion” within >2 independent platforms that demonstrate outside uptake (Y3, baseline = these types of issues are not currently under discussion in international fora)</p> <p>4.7 >14 Legal and environmental groups in 7 target countries (beyond Indonesia) are actively engaged</p>	<p>4.1 This is delayed because we have not yet made resources or the test case public, so these will be Y3 outputs. We have identified a number of viable Indonesian and international media opportunities (Annex H).</p> <p>4.2 26 new engagements with Indonesian civil society groups (Annex E)</p> <p>4.3 Engagement with 2 groups, with greater plans for Year 3 (Annex E)</p> <p>4.4 Four additional presentations at an international conference given in 2020, with the 5rd presentation postponed due to the pandemic (Annex I). 4.4 Introduction of WILDS resources into an online university course (Annex I)</p> <p>4.5 Y3 output</p> <p>4.6 Y3 output.</p>

	<p>with project outputs (Y3, baseline = this is not currently a topic of discussion in these fora).</p> <p>4.8 >1 body (civil society, government) interested in pursuing a similar suit, inspired by this project (Y3, baseline = no other organisations are currently working on this type of legal case).</p>	<p>4.7 Application of WILDS resources within LICIT Project in 4 countries of the Horn of Africa (Annex N).</p> <p>4.8 Y3 output (Annex E)</p>	
Activity 4.1 Distribute findings and "proof-of-concept" via short articles in Indonesian government agency newsletters.		<ul style="list-style-type: none"> • Y3 output (See Activity 3.3) 	
Activity 4.2 Engage Indonesian public via contribution of editorials and newspaper articles.		<ul style="list-style-type: none"> • Y3 output (See Activity 3.3) 	<ul style="list-style-type: none"> • Encourage BKSDA collaborators to contribute • Engage media outlets to facilitate stories (Annex H) • Write editorials by our team
Activity 4.3 Engage targeted Indonesian civil society groups via courtesy calls.		<ul style="list-style-type: none"> • Four NGOs actively engaged in 2 provinces (Annex E) 	
Activity 4.4 Prepare journal publication on international sanctions regimes for IWT and proposing a "best practices standard"		<ul style="list-style-type: none"> • 1 draft article (see Activity 1.2, Annex L) 	See Activity 1.2
Activity 4.5 Prepare journal article on economic valuation of IWT harm and its use in civil liability suits for IWT cases.		<ul style="list-style-type: none"> • 1 draft article (Annex M) 	<ul style="list-style-type: none"> • Finalise and submit publication, drawing on the guideline (Annex A)
Activity 4.6 Engage environmental law community in remaining 7 countries in the comparative study, via direct engagement via ELI, Auriga and LA professional networks.		<ul style="list-style-type: none"> • Application of WILDS resources within LICIT Project in 4 countries of the Horn of Africa (Annex N). • New opportunities identified (Annex I) 	<ul style="list-style-type: none"> • Disseminate outputs • Explore additional, targeted opportunities

<p>Activity 4.7 Engage international environmental law community via environmental law and conservation conferences</p>	<ul style="list-style-type: none"> • Four presentations given in Year 2 (including 2 international conferences), with the 5th presentation postponed due to the pandemic (Annex I). • Integration of WILDS content into University of Michigan Masters online masters course (Annex I). 	<ul style="list-style-type: none"> • Pursue identified opportunities (Annex I)
<p>Output 5. A pioneering civil liability for IWT harm “test case” is developed using the project resources.</p>	<p>5.1 Agreement for additional funding for Auriga from the Environmental Defender Law Centre (Y1)</p> <p>5.2 ‘Step-by-step’ timeline of how environmental civil suits should be filed in Indonesia (Y3, baseline = there are no resources available that article how to develop these types of suits)</p> <p>5.3 Established grounds for legal standing (i.e. right of Auriga to be the body to bring this specific claim to court) (Y2, baseline = there is a lack of legal uncertainty and not related publications)</p> <p>5.4 Damage claim (part of petition to the court that quantifies the harm and the associated financial/non-financial claims made of the plaintiff) for “test case” that seeks to redress environmental and socio-economic impacts of IWT, including qualitative and/or quantitative measures and appropriate compensation (end Y2, baseline = no damage claim has ever been created for IWT case)</p> <p>5.5 Case submitted to the court (Y3, baseline = no similar case has ever been litigated)</p>	<p>5.1 Funding was not secured, but this is not impacting the project.</p> <p>5.2 Prepared 1 draft guideline (Annex A)</p> <p>5.3 Completed in Y1 and that content is now integrated into the guidelines 5.3 Draft legal article based on this work (Annex O)</p> <p>5.4 Draft damage claim for the test case.</p> <p>5.5 Y3 output, but a draft for the case file is prepared and in discussion between the plaintiff, Auriga and LBH (Annex B)</p>
<p>Activity 5.1 Formalise agreement with the Environmental Defender Law Centre</p>	<ul style="list-style-type: none"> • Funding was not secured, but this is not impacting the project. 	<p>NA</p>

Activity 5.2 In collaboration with Wildlife Conservation Society, confirm an appropriate site for the test.	<ul style="list-style-type: none"> Case selected (Annex B) 	NA
Activity 5.3 Conduct scoping of field site and establish permissions and contacts to pursue data collection	<ul style="list-style-type: none"> Completed, and we have collaboration established with BKSDA Medan and West Kalimantan 	NA
Activity 5.4 Data collected at case study field site, identifying different types of harm experienced at the local level that need to be included within an IWT damage claim (See activity 2.6)	<ul style="list-style-type: none"> Much of this work has proved conceptual and based on secondary data (Annex D) 	<ul style="list-style-type: none"> See Activity 2.6, Annex D
Activity 5.5 Conduct socio-economic and environmental assessments of IWT damages at field site	<ul style="list-style-type: none"> Drafts completed for the test case and initiated for the illustrative cases (Annex D) 	<ul style="list-style-type: none"> Much of this is moving online and using secondary data, and we have specific plan for doing this with BKSDA collaborators in 2 provinces (Annex D)
Activity 5.6 Prepare summary of standing and damage claim, including socio-economic and environmental dimensions, for the case	<ul style="list-style-type: none"> Draft prepared (Annex B) 	<ul style="list-style-type: none">
Activity 5.7 Lodge court case	<ul style="list-style-type: none"> Background in progress (Annex B) 	<ul style="list-style-type: none"> Finalise documentation Formally submit to court

- Annex 2: Project's full current logframe as presented in the application form (unless changes have been agreed)**

Project summary	Measurable Indicators	Means of Verification	Important assumptions
Impact: Reduction in the commercial illegal wildlife trade in Indonesia, to improve judicial accountability and protect natural capital stocks that support biodiversity, rural livelihoods and wellbeing.			

<p>Outcome 0.1. Indonesian legal system demonstrates ability to better account for the harm that IWT causes society, pioneering approaches that will improve the global community's understanding of IWT harm and ways to strengthen sanctions to deter future IWT and compensate for IWT harm.</p>	<p>0.1.1 First IWT civil liability case prepared by project completion (Y3, baseline=zero)</p> <p>0.1.2 Guidelines on establishing legal IWT damage claims are adopted by Indonesian government by the project completion (Y3)</p> <p>0.1.3 Three civil society groups apply new approaches to communicating IWT damages in their public communication strategies by project completion (Y2, Y3)</p>	<p>0.1.1 WCS Wildlife Crimes Unit monitoring of IWT cases</p> <p>0.1.1 Reports from the key government agencies (Task Force on IUU Fishing, Ministry of Environment and Forests).</p> <p>0.1.1 Auriga internal documentation preparing the case.</p> <p>0.1.2 Copies of subsidiary legislation (e.g., related to Law #5, Treasury Dept. guidelines) make reference to quantification.</p> <p>0.1.2 Reports from the key government agencies that guidelines are being discussed and used (e.g., Task Force on IUU Fishing, Ministry of Environment and Forests).</p> <p>0.1.3 Copies of online communication products from civil society groups in Indonesia and internationally (e.g., WCS, Friends of the Earth).</p> <p>0.1.3 Meetings with and reports from civil society groups</p>	<ul style="list-style-type: none"> · Financial resources limit government agencies' ability to prepare environmental prosecution. ○ Mitigation: Project highlights the potential for civil society to prepare cases, and matches the project with Auriga, which already has funding to pursue such a case. · Cases are often slow to move through the judicial system. ○ Mitigation: Monitoring should be long term, beyond project duration, led by WCS, which has long-term (since 2003) engagement and monitoring of IWT cases in Indonesia. · Gaps within existing Indonesian regulations may limit civil liability (e.g., restrict the application of some types of liability, failure to collect awarded monies, failure to allocate money to conservation reinvestment). ○ Mitigation: Project specifically works to identify these types of barriers and makes them the focus of expert workshops, guidelines and training. · The Indonesian judicial system is limited by many factors (e.g., corruption). ○ Mitigation: Even a small number of civil liability cases can make important impacts for governance and social signalling.
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			<ul style="list-style-type: none"> · Indonesian legal reform is often slow and unpredictable ○ Mitigation: WCS and Auriga have long-term (beyond project duration) engagement in monitoring and informing environmental legislation, including Law #5. · Agencies have the capacity and resources to conduct this additional work ○ Mitigation: Training and guideline resources seek to make this as accessible as possible. Currently, valuation and quantification are mentioned in several pieces of legislation, but without adequate support or guidance. · Groups have the capacity and resources to conduct this additional work ○ Mitigation: We have existing expressions of interest from several civil society groups. We know that WCS Indonesia is prepared to engage this type of work. · Stakeholder participate actively in related workshops and interviews ○ Mitigation: Auriga has extensive experience engaging government agents and civil society groups in workshops. Our team includes dynamic individuals with the ability and experience to actively engage participants.
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<p>Output 1. There is a “best practice” standard available for IWT sanctions (civil, administrative and criminal)</p>	<p>1.1 New resource with the country comparison and “best practice” standard recommendations (Y1, baseline = there is no existing published guideline)</p> <p>1.2 Journal publication on IWT sanctions across jurisdictions (Y2, baseline = there is no similar published article)</p> <p>1.3 Presentation at >3 international conferences (Y2, Y3)</p> <p>1.4 Dissemination in >3 non-academic publications (e.g., newsletters, popular articles) (Y3)</p>	<p>1.1 Resource openly available on Legal Atlas website</p> <p>1.2 Publication copy</p> <p>1.3 Registration 1.3 Copy of presentation</p> <p>1.4 Publication copies</p>	<ul style="list-style-type: none"> · Legislation needed to conduct the review is available ○ Mitigation: Legal Atlas has established networks and experience needed to collect this type of data. Local expertise in legal systems will be provided.
<p>Output 2. The legal and technical clarity and resources are available to facilitate development of IWT civil liability damage claims.</p>	<p>2.1 >50 Indonesian participants engaged in the expert workshops, focus groups and interviews from across sectors, in order to collect input on the design of the proposed approach to forming damage claims and legal suits, and to disseminate the project idea. These will prioritise gender equity, and focus on key stakeholder groups: Indonesian legal community, officials involved in environmental enforcement, conservation NGOs focused on IWT (Y1/Y2, baseline = WILDS legal approach is novel to most target stakeholders)</p> <p>2.2 Guidelines for quantification IWT damage claims developed (end Y2,</p>	<p>2.1 Participant lists 2.1 Gender disaggregated data on participation 2.1 Photographs from events 2.1 Internal documentation on successful engagements and challenges, focused on gender equity 2.1 Feedback form from key workshops</p> <p>2.2 Guidelines published</p>	<ul style="list-style-type: none"> · There is scope and receptiveness to innovations in the ways people think about and deal with IWT cases ○ Mitigation: Current developments suggest a receptive audience within government, notably related to the current revision of Law #5 on Biodiversity, which includes reference to quantification of environmental harm. ○ Mitigation: Project also engages with existing administrative and criminal sanctions, so that focus is not exclusively on novel pathways linked to civil liability. ○ Mitigation: Workshop organisers are dynamic and able to elicit meaningful participation.

	<p>baseline = 1 government regulation articulates possible methods)</p> <p>2.3 Training resource on IWT sanctions, summarising application of the civil liability guidelines and sanctions standards, in English and Indonesian (Y3, baseline = 0)</p>	<p>2.3 Resources published in English and Indonesian</p>	<ul style="list-style-type: none"> · There may be resistance to the valuation of some types of ecosystem goods and services, which can be complex and can be contested (e.g., contingent valuation), particularly in the context of courtroom application ○ Mitigation: Specific barriers will be evaluated via the interviews with judges, and is why training and broad engagement with relevant bodies and the public is needed. ○ Mitigation: Project also looks at the value of quantifying harm from IWT <i>beyond</i> its courtroom applications, so it will yield benefits in terms of communication to the public and government agencies even outside the courtroom.
<p>Output 3. There is a body of Indonesian prosecutors, experts and judges able to operationalise civil liability cases for IWT, with the guidance to allow them to account for environmental and socio-economic dimensions.</p>	<p>3.1 Training materials developed (Y2)</p> <p>3.2 >30 Indonesian prosecutors and judges engaged via expert workshops and interviews (Y1, Y2, baseline = there has only been 1 previous training on civil liability suits for approx. 34 judges on related topics conducted in 2017, which did not address IWT)</p>	<p>3.1 Project outputs</p> <p>3.2 Participant lists</p> <p>3.2 Gender disaggregated data</p> <p>3.2 'Impact log' with documentation on successful engagements and challenges, focused on gender equity</p> <p>3.2 Constructive feedback on the project approach from >8 active judges, via interviews and/or emails/calls</p> <p>3.3. Hours logged participating in the project</p>	<ul style="list-style-type: none"> · Relies on the continued buy-in from the legal community and specific government agencies and successful engagement with partners. ○ Mitigation: Partners have existing, long-term relationships with key agencies. ○ Mitigation: We have existing communication with several government agencies and have received confirmation of their interest in these new resources. · Relies on individuals to take-up these new resources and ideas

	<p>3.3 2 research collaborators from Indonesian Institute of Life Sciences and BKSDA of the Ministry of Environment and Forests are actively involved throughout project design and implementation (Y1, Y2, Y3)</p> <p>3.4 Project resources integrated into 3 existing environmental training programmes for government officials (e.g., Supreme Court Environmental Certification Programme, WCS, IUU Task Force, UNDP SUSTAIN initiative, UNODC, Corruption Eradication Commission) (Y3, baseline = this is not a topic covered in any exiting training materials/courses)</p> <p>3.5 Reports from individual judges, experts and prosecutors themselves (Y3)</p> <p>3.6 Stakeholder engagement workshops in Jakarta, Medan and Pontianak (Y3, baseline = no previous sub-national training has been offered for practitioners on this topic)</p>	<p>3.3 Key informant interviews post-engagement</p> <p>3.3 Exit interview</p> <p>3.3 Exit report from the researchers demonstrating deep understanding of approaches to preparing damage claims for IWT cases.</p> <p>3.3 Photographs of join fieldwork</p> <p>3.4 Input from boundary partners on their training materials</p> <p>3.5 Key informant interviews post-engagement</p> <p>3.6 Participant lists, gender disaggregated</p> <p>3.6 Photographs of workshops</p>	<ul style="list-style-type: none"> ○ Mitigation: Project focuses not only on institutional mandates but on individuals' specific understanding and engagement with these concepts. This deeper and longer-term engagement is important to recruiting buy-in. ○ Mitigation: Project includes participation of researchers from Ministry of Environment and Forests ○ Mitigation: Project works with existing partnerships with government agents
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<p>Output 4. Indonesian and international legal and environmental communities demonstrate awareness of emerging standards for IWT sanctions and the potential to use civil liability suits to account for environmental harm from IWT, including environmental and socio-economic impacts.</p>	<p>4.1 >6 international newspaper reports/editorials that discuss environmental and socio-economic costs of IWT and related liabilities, and mention, relate and/or link to this project (Y2, Y3)</p> <p>4.2 >20 Indonesian non-government participants involved in the expert workshops, targeting Indonesian conservation NGOs and legal experts in order to disseminate the WILDS approach to damage claims and legal suits (Y2, Y3 baseline = the WILDS legal approach is novel to most stakeholders)</p> <p>4.3 >10 Indonesian civil society groups engaged via courtesy calls to present result and encourage uptake (Y3)</p> <p>4.4 Results presented at >3 international conferences (Y2, Y3)</p> <p>4.5 Two journal publications on project findings (Y3, baseline = no such publications in the context of biodiversity of IWT)</p> <p>4.6 Civil liability for IWT “under discussion” within >2 independent platforms that demonstrate outside uptake (Y3, baseline = these types of issues are not currently under discussion in international fora)</p>	<p>4.1 Media searches and article copies</p> <p>4.2 Participant lists 4.2 Feedback form from workshop participants focused on quality of engagement and value of the project 4.2 Workshop photographs</p> <p>4.3 Meeting reports</p> <p>4.4 Conference documentation</p> <p>4.5 Copies of publications freely available online</p> <p>4.6 Online search results 4.6 Reports from international colleagues of external engagement</p>	<p>The broader community continues to recognize the importance of IWT and related prosecutions.</p>
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	<p>4.7 >14 Legal and environmental groups in 7 target countries (beyond Indonesia) are actively engaged with project outputs (Y3, baseline = this is not currently a topic of discussion in these fora).</p> <p>4.8 >1 body (civil society, government) interested in pursuing a similar suit, inspired by this project (Y3, baseline = no other organisations are currently working on this type of legal case).</p>	<p>4.7 Email documentation 4.7 Impact log documenting “relationship status”</p> <p>4.8 Email documentation 4.8 Actual case or case plan</p>	
<p>Output 5. Pioneering civil liability for IWT harm “test case” is developed in a way that captures environmental and socio-economic harm.</p>	<p>5.1 Agreement for additional funding for Auriga from the Environmental Defender Law Centre (Y1)</p> <p>5.2 ‘Step-by-step’ timeline of how environmental civil suits should be filed in Indonesia (Y3, baseline = there are no resources available that article how to develop these types of suits)</p> <p>5.3 Established grounds for legal standing (i.e. right of Auriga to be the body to bring this specific claim to court) (Y2, baseline = there is a lack of legal uncertainty and not related publications)</p> <p>5.4 Damage claim (part of petition to the court that quantifies the harm and the associated financial/non-financial claims made of the plaintiff) for “test case” that</p>	<p>5.1 MOU between Auriga and the Centre</p> <p>5.2 Internal report</p> <p>5.3 Legal brief articulating context and claim, nature of harm, and relevant regulations</p> <p>5.4 Formal dossier of legal evidence informing what will be asked of the plaintiff, based on field-site research, prepared.</p>	<ul style="list-style-type: none"> · There is a viable legal case and plaintiff that can be identified ○ Mitigation: WCS works on IWT across Indonesia, often in cooperation with affected communities and agencies, and is positioned to help identify potential cases. ○ Mitigation: Auriga has considerable experience with investigative research and the legal expertise to pioneer this type of case. ○ Mitigation: · There are appropriate qualitative and quantitative measures for establishing a damage claim that are scientifically sound and legally acceptable.

	<p>seeks to redress environmental and socio-economic impacts of IWT, including qualitative and/or quantitative measures and appropriate compensation (end Y2, baseline = no damage claim has ever been created for IWT case)</p> <p>5.5 Case submitted to the court (Y3, baseline = no similar case has ever been litigated)</p>	<p>5.5 Case registration number</p>	
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Checklist for submission

	Check
Is the report less than 10MB? If so, please email to IWT-Fund@itsi.co.uk putting the project number in the subject line.	Y
Is your report more than 10MB? If so, please discuss with IWT-Fund@itsi.co.uk about the best way to deliver the report, putting the project number in the subject line.	NA
Have you included means of verification? You need not submit every project document, but the main outputs and a selection of the others would strengthen the report.	Y
Do you have hard copies of material you want to submit with the report? If so, please make this clear in the covering email and ensure all material is marked with the project number. However, we would expect that most material will now be electronic.	N
Have you involved your partners in preparation of the report and named the main contributors	Y
Have you completed the Project Expenditure table fully?	N
Do not include claim forms or other communications with this report.	