ECOSYSTEM RESTORATION IN PRODUCTION FOREST AREAS

(Regulation of the Minister of Forestry No. Sk.159/Menhut-II/2004 dated June 4,2004)

THE MINISTER OF FORESTRY,

Considering:

a. that forest resource degradation tends to increase and inflict extremely broad negative impacts environmentally/ecologically, economically, institutionally, socially and culturally with restoration carried out through rehabilitation and conservation as well as utilization of forest reasources subsequently need to implemented carefully;

b. that the restoration through the rehabilitation and conservation as meant in letter a, is implemented in a form of ecosystem restoration in production forest areas by opening opportunities to the interesting parties;

c. that the existing legislation has not regulated ecosystem restoration in production forest areas and has not opened opportunities for the interesting parties;

d. that .....

d. that based on the above mentioned matters, it is deemed necessary to stipulate a regulation of the Minister of Forestry on ecosystem restoration in production forest areas;

In view of:

1. Law No. 6/1982 jo. Law No. 12/1970 on domestic investments;
2. Law No. 5/1990 on conservation of biological resources and their ecosystems;
3. Law No. 24/1992 (BN No. 5331 pages 2A - 8A and so on) on lay out;
4. Law No. 23/1997 (BN No. 6092 pages 19A - 21A and so on) on environmnetal management;
5. Law No. 22/1999 (BN No. 6361 pages 1A - 5A and so on) on regional administration;
6. Law No. 41/1999 (BN No. 6412 pages 1A - 6A and so on) on forestry;
7. Government Regulation No. 33/1970 on forest planning;
8. Government Regulation No. 28/1985 on forest protection;
9. Government Regulation No. 27/1999 (BN No. 6442 pages 10A - 12A and so on) on environmental impact analysis;
10. Government Regulation No. 25/2000 (BN No. 6471 pages 19A - 20A and so on) on the authority of the government and the authority of provinces as autonomous regions;
11. Government Regulation No. 34/2002 (BN No. 6828 pages 5A - 15A and so on) on forest arrangement and formulation of plans for forest management, exploitation and use of forest areas;
12. Presidential Decree No. 102/2001 on the status, tasks, organizational structures and working arrangements of ministries;
13. Presidential Decree No. 228/M/2001 (BN No. 6650 pages 29A - 30A) on the establishment of the Mutual Cooperation Cabinet;
14. Decree of the Minister of Forestry and Plantations No. 602/Kpts-II/1998 jo Decree of the Minister of Forestry and Plantations No. 622/Kpts-II/1999 on forestry development environment, environmental management efforts and monitoring of forestry development environment;
15. Decree of the Minister of Forestry No. 123/Kpts-II/2001 on the organization and working arrangement of the Ministry of Forestry;
16. Decree of the Minister of Forestry No. 8171/Kpts-II/2002 (BN No. 6854 pages 17A - 18A) on criteria for potentials of natural forests in production forests eligible to obtain business license to exploit timber forest products in natural forests;

D E C I D E S :

To stipulate :

THE DECREE OF THE MINISTER OF FORESTRY ON ECOSYSTEM RESTORATION IN PRODUCTION FOREST AREAS.

Article 1

Referred to in this regulation as:

1. Ecosystem restoration shall be efforts to return biotic elements (flora and fauna) as well as abiotic elements (land, climate and topography) in production forest areas so as to result in biological equilibrium.

2. Biological equilibrium shall be interaction between biotic and abiotic elements resulting in optimal biotic productivity as well as activating functions of abiotic elements to support the life.

3. Production forest area shall be a certain area appointed and/or stipulated by the government to be maintained as permanent forest which has the basic function of producing forest products.

4. Unproductive production-forest-area shall be certain region/forest area having vegetative cover extremely rare/ empty, in the form of bushes, farmland, grasses and vacant land.

5. Less productive production-forest-area shall be certain forest area having vegetative cover/forest potential and number of trees of the commercial kind every hectare according to the diameter class in a certain forest location, compared to the average number of trees in a natural forest cluster, declared less.

6. Productive production-forest-area shall be certain area/ forest area having vegetative cover in the form of secondary or primary natural forest.

7. Ecosystem of biological resources, hereinafter called

ecosystem . . . . .

ecosystem, shall be a reciprocal relation system between elements in the nature, biological or non-biological, mutually dependent and influencing.

8. Forest protection shall be a business to prevent and restrict damage of forest, forest area and forest product arising from actions of people, animals, fire, natural power, pest and disease.

Article 2

Ecosystem restoration in production forest areas shall aim at returning biotic elements (flora and fauna) as well as abiotic elements (land, climate and topography) in a region so as to achieve biological equilibrium through planting, nourishment, natural rejuvenation and/or ecosystem security.

Article 3

In the framework of the ecosystem restoration as meant in Article 2, the government shall open opportunities for Indonesian statutory bodies operating in the conservation of biological resources.

Article 4

The activities of ecosystem restoration shall be executed in production forest areas in a forest area unit, including:

a. unproductive production-forest-area;
b. less productive production-forest-area;
c. productive production-forest-area.

Article 5

(1) The ecosystem restoration in the unproductive production-forest-area as meant in Article 4 letter a shall be done through activities of forest protection and planting by local superior forest plants and/or natural rejuvenation.

(2) The ecosystem restoration in the less productive production-forest-area as meant in Article 4 letter b shall be done through activities of forest protection and nourishment of forest plants and/or natural rejuvenation.

(3) The ecosystem restoration in the productive production-forest-area as meant in Article 4 letter c shall be done through activities of forest protection and/or natural rejuvenation.

(4) Further provisions on the planting of local superior forest plants, nourishment of forest plants and forest protection shall be regulated by the Director General in charge of forestry production development.

Article 6

(1) The ecosystem restoration activities as meant in Article 5 shall be done through mechanism and procedures for issuing business license to utilize timber forest products (IUPHHK) in natural forests.

(2) The business license to utilize forest products (IUPHHK) in natural forest as meant in paragraph (1) shall be stipulated on the basis of results of auctions, in accordance with the law in force.

Article 7

Holders of license to restore ecosystem in production forest areas, in executing their activities, shall be prohibited from utilizing trees and/or part of trees in the restored area.

Article 8

Holders of license to restore ecosystem shall meet financial obligations in the forestry and non-forestry sectors in accordance with the law in force.

Article 9

IUPHHK in natural forests in the framework of the ecosystem restoration cannot be transferred to other parties without approval of the Minister of Forestry.

Article 10

The regulation shall come into force as from the date of stipulation.

Stipulated in Jakarta
On June 4,2004
THE MINISTER OF FORESTRY
sgd
MUHAMMAD PRAKOSA

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