THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS

DECREE OF THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS
NUMBER : KEP-35/MENLH/7/1995
DATED : JULY 25, 1995

R E

THE CLEAN-RIVER PROGRAMME

THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS

Considering :

a. that a river constitutes a water resource which is important to meet the necessity of man's life and the lives of other living creatures;

b. that the quality of river water tends to decline as a result of an increasing load of contamination originating in activities along river basins;

c. that to improve the quality of river water so that it shall continue to function in accordance with its designation, the government has announced a Clean-River Programme;

d. that the said Clean-River Programme has been implemented by the regional administrations in a number of provinces in a number of rivers with the participation of variour relevant government agencies in the regions;

e. that to consolidate the establishment of the Clean-River Programmee as a national programme, it is deemed necessary to stipulate a Decree of the State Minister of Environmental Affairs on the Clean-River Programme.

Bearing in mind :

1. Act No. 5 of 1974 on the Principles of Administration in the Region (State Gazette No. 38 of 1974, Supplement to State Gazette No. 3037);

2. Act No. 4 of 1982 on Basic Stipulations on Environmental Management (State Gazette No. 12 of 1982, Supplement to State Gazette No. 3215);

3. Government Regulation No. 20 of 1990 on Water Contamination Control (State Gazette No. 24 of 1990, Supplement to State Gazette No. 3409);

4. Government Regulation No. 35 of 1991 on Rivers (State Gazette No. 44 of 1991, Supplement to State Gazette No. 3445);

5. Presidential Decree No. 96/M/1993 on the Establishment of Development Cabinet VI;

6. Presidential Decree No. 103/M/1993 on the Appointment of the Head of the Agency for the Control of Environmental Impacts;

7. Presidential Decree No. 44 of 1993 on the Position, Main Tasks, Functions, Organizational Structure and Working System of a State Minister;

8. Presidential Decree No. 77 of 1994 on the Agency for the Control of Environmental Impacts.

With due Observing of :

1. The Working Meeting on Water Contamination Control on June 14 - 15, 1989 in Surabaya, resulting in a joint agreement between the Office of the State Minister of Population and Environmental Affairs and Provincial/First-Level Region Administrations of 8 (eight) provinces and relevant government agencies with regard to the implementation of a working programme on the control of river water contamination called a Clean-River Programme, which is nationally coordinated.

2. The National Working Meeting of PROKASIH (Clean-River Programmee) on June 8 - 12, 1995 in Jakarta.

HAS DECIDED :

To stipulate : **THE DECREE OF THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS ON THE CLEAN-RIVER PROGRAMME.**

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Decree as :

1. A Clean-River Programme, abbreviated as PROKASIH, shall be a working programme on the control of river water contamination with a view to improving the quality fo river water so that it shall continue to function in accordance with its designation.

2. Prokasih River shall be an Area where River Flows (DPS) stipulated as an area where the contamination of its water shall be controlled through Prokasih activities.

3. A Prokasih River Segment shall be part of a Prokasih River stipulated as the boundary for the scope of activities of Prokasih activities.

4. The Minister shall be the Minister assigned to manage the environment.

5. Bapedal shall be the Agency for the Control of Environmental Impacts.

6. The Governor shall be the Governor/Head of a First-Level Region, the Governor/Head of the Special Region of Capital City of Jakarta and the Governor/Head of an Extraordinary Region.

7. A Regent/Municipality Head shall be a Regent/Municipality Head/Head of a Second-Level Region.

8. The Central Prokasih Team shall a Prokasih executive working unit at the central level stipulated in a Decision of the Head of Bapedal.

9. A Regional Prokasih Team shall be a First-Level Prokasih Team and/or a Second-Level Prokasih Team.

CHAPTER II

THE PRINCIPLE, AIMS AND OBJECTIVES OF PROKASIH

Article 2

The implementation of Prokasih shall be based on the principle of the conservation of the function of a river flow environment to support sustainable development intended for the improvement of man's welfare.

Article 3

(1) The implementation of Prokasih shall be aimed at :

a. the achievement of a good river water quality so that the function of a river may be enhanced in supporting sustainable development;

b. the creation of an institutional system capable of implementation the control of water contamination effectively and efficiently.

c. the transaction into reality of the community's awareness and responsibility in the control of water contamination.

(2) In the framework of achieving the aims of Prokasih as referred to in paragraph (1) of this article, the implementation of Prokasih shall resort to the following approaches :

a. the control of a strategic contamination source in stages in aworking programme;

b. the implementation of a working programme in accordance with the existing level of institutional capability;

c. the implementation of the working programme and its results must be measurable and accountable to the community;

d. the application of act adherence and enforcement in the control of water contamination.

Article 4

In the framework of achieving the aims of Prokasih as referred to in Article 3 paragraph (1) the implementation of Prokasih shall have the following objectives;

1. Improved river water quality in each Prokasih river segment so that it shall at least meet the water quality standard in accordance with its designation.

2. Lowered waste load from each contamination source so that it shall at least meet the liquid waste quality standard.

3. Strengthened institutionalized system in the implementation of Prokasih.

CHAPTER III

THE IMPLEMENTATION OF PROKASIH

Article 5

(1) On the basis of the results of monitoring and the analysis of the problem of water contamination in the region, the Head of Bapedal shall propose to the Minister a province where Prokasih shall be implemented.

(2) After consulting the Minister of Home Affairs the Minister shall stipulate a province as a place where Prokasih shall be implemented.

Article 6

The Governor shall stipulate Prokasih rivers and river segments on the basis of a guideline on the selection of prokasih rivers and river segmenet stipulated by Bapedal with account taken of the function of a river to the community and development and with consideration being taken of the capability level of the executive institute in the region concerned.

Article 7

The Head of Bapedal shall stipulate a guideline for the implementation of Prokasih Master Plan nationally.

Article 8

The Governor shall stipulate a Prokasih Working Plan at the regional level on the basis of the Prokasih Master Plan as referred to in Article 7.

Article 9

Bapedal shall conduct monitoring and evaluation of and reporting on the implementation of Prokasih nationally.

Article 10

The Governor shall conduct monitoring and evaluation of and reporting on the implementation of Prokasih in the region.

CHAPTER IV

PROKASIH IMPLEMENTATION ORGANIZATION

Article 11

(1) The Minister shall be responsible for the coordination of Prokasih policies nationally.

(2) The Head of Bapedal shall be responsible for the coordination of the implementation of the control of Prokasih activities nationally.

Article 12

In the framework of implementing the task as referred to in article 11 paragraph (2) the Head of Bapedal shall set up a Prokasih Team at the central level.

Article 13

The Governor shall assume responsibility for the implementation of Prokasih at the regional level.

Article 14

In the framework of implementing Prokasih in the region as referred to in Article 13 :

(1) The Governor shall appoint the Deputy Governor to aasume the daily responsibility of Prokasih in the Provinces/First-Level Region concerned.

(2) The Governor may appoint a Regent/Municipality Head to assume the daily responsibility of Prokasih in a Second-Level region within the territory of the Province/First-Level Region concerned.

(3) The Governor shall stipulate a Regional Prokasih Team on the basis of the directive or briefing from the Minister of Home Affairs and the Head of bapedal.

CHAPTER V

REPORTING

Article 15

(1) The Governor shall convey a Prokasih report periodically to the Minister, the Minister of Home Affairs and the Head of bapedal.

(2) The Regent/Municipality shall convey a Prokasih report periodically to the Governor, the Minister, the Minister of Home Affairs and the Head of Bapedal.

CHAPTER VI

CITATION AWARDING

Article 16

(1) The Minister shall award a citation to a Regional Administration implementing Prokasih and a company/business undertaking implementing the control of water contamination with the best performance.

(2) The citation as referred to in paragraph (1) of this article shall be awarded on the basis of the result of an evaluation as referred to in Article 9 and Article 15.

(3) In the framework of the awarding of a citation as referred to in paragraph (1) of this article :

a. the Head of Bapedal shall stipulate the evaluation criteria and management;

b. the Head of Bapedal shall set up a Technical Team and an Evaluation Team.

(4) The evaluation of the performance of a company/business undertaking as referred to in paragraph (1) of this article shall be implemented through a Programme of the Evaluation of the Performance of a Company/Business Undertaking (Proper Prokasih);

(5) Proper Prokasih as referred to in paragraph (4) of this article shall be stipulated in a Ministerial decree.

CHAPTER VII

FINANCING

Article 18

All costs arising from the implementation of Prokasih :

a. At the Central Level shall be borne the State's Budget of Revenue and Expenditure and/or other financial sources;

b. At the Regional Level shall be borne by the Regional Budget of Revenue and Expenditure and/or other financial sources.

CHAPTER VIII

CLOSING

Article 19

(1) This Decree shall take effect as from the date of stipulation.

(2) If in the future an error should be found in this Decree it shall be properly rectified.

Stipulated at : JAKARTA
On : JULY 25, 1995

THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS

signed
SARWONO KUSUMAATMADJA