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 FORESTRY
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 THE DEPARTMENT OF FORESTRY

**DECREE OF THE MINISTER OF FORESTRY
 NO: 31-/Kpts-II/2001 ; DATED : FEBRUARY 12, 2001**

R E

THE MANAGEMENT OF SOCIAL FORESTS

THE MINISTER OF FORESTRY,

- Considering :**
- a. that Decree of the Minister of Forestry No. 677/Kpts-II/1998 jo. Decree of the Minister of Forestry and Plantations No. 865/Kpts-II/1999 has stipulated social forests;
 - b. that practices of forest management must always be oriented to all potentials of forest resources and be based on the empowerment of communities through the provision of business opportunities for *local communities*;
 - c. that since the decree of the Minister of Forestry and Plantations in letter a is considered unsuitable to Act No. 41 of 1999 anymore, the said decree needs improvements;
 - d. that in connection with the above mentioned matters, it is deemed necessary to stipulate a decree of the Minister of Forestry on the management of social forests;

- Bearing in mind :**
1. Act No. 5 of 1990 on the Conservation of Biological Resources and their Ecosystems;
 2. Act No. 22 of 1999 on the Regional Administration;
 3. Act No. 41 of 1999 on Forestry Affairs;
 4. Government Regulation No. 13 of 1994 on the Hunting of Wild Animals;
 5. Government Regulation No/ 25 of 2000 on the Authority of the Central Government and the Authority of Provinces as Autonomous Regions;
 6. Presidential Decree No. 165 of 2000 on the Status, Tasks, Functions, Authority, Organizational Structures and Working Arrangement of Ministries;
 7. Presidential Decree No. 234/M/2000 on the Establishment of the Cabinet for the 1999 - 2000 period jo. Presidential Decree No.

289/M/2000;

H A S D E C I D E D :

To stipulate : THE DECREE OF THE MINISTER OF FORESTRY ON THE MANAGEMENT OF SOCIAL FORESTS.

**CHAPTER I
GENERAL PROVISION
Part One
DEFINITION
Article 1**

What is meant by this decree as :

1. Social forests are state forests with the management of forests aiming at empowering local *communities without disturbing their principal functions.*
2. The utilization of forests is a kind of activity to obtain a optimal benefit from forests for improving welfare of the whole society in the utilization of areas, environmental services, results of timber forests, non-timber forests, collection, of results of timber forests and results of non-timber forests.
3. Management area of social forests is a forest area stipulated by the Minister of Forestry for activities of social forests.
4. Location of social forests is part of the concession area of social forests managed by local communities as a social forest on the basis of a license by a regent/mayor.
5. Social forest activity license is a license issued by a regent/mayor to local communities to manage social forests.
6. Facilitation is the empowerment of local communities in the management of social forests *by means of guiding, training, counseling, technical assistance, capital assistance and/or information assistance* so that the communities can undertake activities independently in developing institutions, human resources, network of working partners, capital and/or marketing of output.
7. Local community is social unity consisting of citizens of the Republic of Indonesia that are domiciled in and/or around forests, which form a community on the basis of the same source of earning connected with forest, historical affairs, binding of domiciles as well as *the regulation of collective living order.*
8. Forestry Observer Forum is a partner of the central government and regional governments to encourage the public participation in the management of forests and functioning to formulate and manage perceptions, aspirations and innovations of communities as input for the central government and regional governments in the framework of formulation of policies, consisting of forestry professional organizations, community leaders, forestry observers as well as social forest forums.

**Part Two
Principle, objective and scope**

Article 2

Social forests are managed on the basis of the principle of preservation of functions of forests in accordance with the aspects of ecosystem, sustainable people's welfare, democratic management of natural resources, social justice, public accountability as well as legal certainty.

Article 3

The management of social forests aims at empowering local communities in the management of forests by continuing preserve functions of forests and the environment in the framework of improving the welfare.

Article 4

- (1) The scope of management of social forests covers the regulation of tasks and functions as well as responsibility of the central government, regional government and communities in the aspects of stipulation of management areas, preparation of communities, licensing management and controlling.
- (2) The aspects of the management as meant in Sub-section (1) are executed as a unit, starting from the stipulation of management areas, preparation of communities, licensing, management and controlling.

CHAPTER II STIPULATION OF CONSESSION AREAS

Article 5

- (1) The stipulation of the management areas as meant in Article 4 constitutes efforts to stipulate management areas of social forests which are suitable according to considerations of dependence of local communities on forest areas in surroundings.
- (2) Forest areas which can be stipulated as management areas of social forest are areas of protected forests and/or areas of production forests not charged by other licenses in the forestry sector.

Article 6

The management areas of social forests as meant in Article 5 are forest areas that :

- a. become sources of income of local communities; and
- b. have potential to be managed by local communities.

Article 7

- (1) Management areas of social forests are stipulated through activities of inventory and identification by the reGENCY/city government.
- (2) The activities of inventory and identification as meant in Sub-section (1) cover the following aspects :
 - a. forest resources, especially potential of timber, nontimber forestry, products, tourism, environmental services, conditions of land use and potentials of land;

- b. social economic conditions of local communities, especially main jobs, source of income, history of communities, welfare and land ownership.
- (3) Further provisions on the inventory and identification of management areas of social forests are stipulated separately by a ministerial decree.

Article 8

- (1) Based on results of the inventory and identification as meant in Article 7, regents/mayors, propose the stipulation of management areas of social forests to the minister through their respective governors by accompanying maps of management areas, data on local communities and potentials of forest areas.
- (2) Governors convey considerations on the proposal for stipulation of management areas of social forests as meant in Sub-section (1) to the minister.

Article 9

The minister can accept or reject the proposals of regents/mayors after receiving considerations from governors.

Article 10

- (1) In the case of proposals of regents/mayors being acceptable, the minister stipulates management areas of social forests by a decree.
- (2) After the management areas as meant in Sub-section (1) is stipulated, the authorized institution arranges their borders.

CHAPTER III PREPARATION OF COMMUNITIES

Article 11

The preparation of communications as meant in Article 4 constitutions effort to increase the institutional readiness of local communities in the management of social forests.

Article 12

- (1) The increase in the institutional readiness of local communities as meant in Article 11 is marked by the establishment of a group having :
 - a. internal regulations of group which are binding in the decision making, settlement of conflicts and other regulations on the organizational arrangement;
 - b. rules on the management of social forests in accordance with laws in force;
 - c. recognition from communities through heads of villages/sub-district;
 - d. plans for locations and sizes of working areas as well as the concession period.
- (2) The rules on the management of social forests as meant in Sub-section (1) letter 1 include provisions on the arrangement of working areas, formulation of managerial plans,

utilization, rehabilitation, protection as well as rights and obligations.

- (3) The plans for locations and sizes of working areas as well as the concession period as meant in Sub-section (1) letter d are stipulated participatorily by the regent/city administration and local communities by observing capabilities of groups, potentials of land and forests and technical considerations from the forestry institution in the region.
- (4) Results of the stipulation of the plans as meant in Sub-section (3) are made out in writing as an agreement between the regency/city government and groups of local communities.

Article 13

Activities of preparation of communities are done by the regency/city government through facilitation.

Article 14

- (1) The regency/city government carries out the preparation of communities.
- (2) The preparation of communities as meant in Sub-section (1) can be assisted by social forest forums.
- (3) Technical directives for preparation of local communities are regulated by the regency/city government.

Article 15

- (1) The regency/city government stipulates criteria for local communities that need to be prepared as would-be managers of social forests.
- (2) The criteria for local communities as meant in Sub-section (1) must consider aspects of dependence on forest areas in surroundings and other specific aspects.

Article 16

In the case of inter-regency/city matters being found in the stipulation of communities that will become targets of the preparation, coordination between regency/city governments must be done.

CHAPTER IV LICENSING Article 17

- (1) Groups of communities resulting from the preparation as meant in Article 11 can submit applications for social forest activity licenses to the regent/mayor through leaders of the respective groups.
- (2) The applications for the licenses as meant in Sub-section (1) contain :
 - a. statements from heads of villages/sub-districts on internal regulations of groups and rules on the management of forests as meant in Article 12 Sub-section (1) letters a and b;

- b. recognition from communities through heads of villages/sub-districts as meant in Article 12 Sub-section (1) letter c;
- c. plans for locations and sizes of working areas as well as plan for the concession period already agreed as meant in Article 12 Sub-section (4).

Article 18

- (1) The social forest activity licenses are meant as a right granted to undertake the management of social forests.
- (2) The social forest activity licenses are not an ownership right to forest areas and cannot be used as collateral or cannot be transferred.

Article 19

- (1) The social forest activity licenses are granted by the regent/mayor after the issuance of stipulation of management areas of social forests by the minister and the process of preparation of communities.
- (2) The social forest activity licenses contain locations and sizes of working areas, concession period as well as rights and obligations of licenses.

Article 20

The social forest activity licenses are granted for the concession period of 25 years at the maximum and the period is extendible.

Article 21

- (1) The social forest activity licenses as meant in Article 20 are granted in 2 (two) phases, namely :
 - a. provisional licenses; and
 - b. definitive licenses.
- (2) The provisional licenses are given to chairpersons of groups as individuals to represent groups of their communities.
- (3) The provisional licenses are meant as licenses granted for the first 3 - 5 (three up to five) years of the management period.
- (4) Holders of the collective provisional licenses of groups of their communities must have been in the form of cooperatives in the period of the provisional licenses as meant in Sub-section (3).
- (5) The regency/city government is obliged to provide facilitation for holders of provisional licenses and groups of their communities to establish cooperatives in accordance with the principle of equitable distribution and justice.
- (6) Definitive licenses are granted to the cooperatives as meant in Sub-section (4).

Article 22

General provisions on mechanisms and procedures for applying for licenses are regulated separately by a ministerial decree.

**CHAPTER V
MANAGEMENT
Part One
General
Article 23**

The management as meant in Article 4 is the management of social forests by holders of licenses, which cover the following activities :

- a. arrangement of working areas;
- b. formulation of management plans;
- c. utilization;
- d. rehabilitation; and
- e. protection.

Article 24

- (1) In executing the management as meant in Article 23, holders of licenses can ask facilitation from the regency/city government.
- (2) The facilitation by the regency/city government as meant in Sub-section (1) can be assisted by social forest Forums.

Article 25

- (1) The regional government can provide funding assistance for holders of licenses.
- (2) Holders of licenses can obtain funding assistance from other parties without reducing the role of license holders as the main actors of social forest management.

**Part Two
The arrangement of working areas
Article 26**

- (1) The arrangement of working areas is intended to regulate to allocation of utilization of working areas according to considerations of protection and production.
- (2) The arrangement of working areas covers activities of division of areas into management blocks on the basis of plans for the utilization according to functions of the forests.
- (3) The management blocks as meant in Sub-section (2) include :
 - a. protection blocks;
 - b. cultivation blocks.

Article 27

- (1) The protection blocks as meant in Article 26 Sub-section (3) letter a are part of the working areas which must be protected on the basis of considerations of hydrological preservation, such as areas located as far as 500 (five hundred) meters from the side of reservoirs or lake, 200 (two hundred) meters from the side of springs and right/left side of rivers, 50 (fifty) meters from left/right side of river branches, two times the depth of ravine from the side of the ravine, 130 (one hundred thirty) times the difference between the highest tide and lowest tide from the side of beach or slope area more than 40%, well as *considerations of conservation of microorganisms.*
- (2) The cultivation blocks as meant in Article 26 Sub-section (3) letter b are working areas which can be utilized intensively in accordance with functions of the forests.

Article 28

The protection and cultivation blocks can be shared into working clusters on the basis of the number of group members and consideration of efficient management.

Article 29

The working areas are arranged participatorily by involving the whole members of groups of communities holding licenses and facilitated by the regency/city government.

Part Three Formulation of Management Plans Article 30

Management plans are meant as a reference to the implementation of social forest management.

Article 31

- (1) The formulation of management plans must consider interests of the public and environment.
- (2) Management plants are prepared by holders of licenses participatorily by involving the whole members of groups and facilitated by the regency/city government.

Article 32

The management plans as meant in Article 30 consist of :

- a. *general plans;*
- b. *operational plans.*

Article 33

- (1) *General plans contain functional arrangement of land, kind of utilization, institutions of communities, protection and controlling system prepared for the management period.*
- (2) General plans are formulated on the basis of functions of forests and results of arrangement of working areas.

Article 34

- (1) General plans are approved by the regency/city government.
- (2) General plans are evaluated by holders of licenses participatorily every 5 (five) years at the minimum, by involving the whole members of groups and facilitated by the regency/city government.
- (3) Results of the evaluation as meant in Sub-section (2) are used for adjusting the planning to technological, social, economic and cultural developments.

Article 35

Operational plans constitute annual plans as the elaboration of general plans.

Article 36

- (1) Operational plans are reported to heads of villages/subdistricts and the regency/city government.
- (2) The village/sub-district government and the regency/city government use the operational plans as meant in Sub-section (1) as a monitoring instrument in the framework of facilitation.

Article 37

General provisions on the formulation of management plans are regulated separately by a ministerial decree.

**Part Four
The Utilization
Article 38**

- (1) Activities of the utilization in protected forests can be done in protection and cultivation blocks.
- (2) In the activities of the utilization as meant in Sub-section (1), the felling of trees and other activities causing the opening of covers of forest crown cannot be done.
- (3) In addition to the provision as meant in Sub-section (2), the activities of utilization in protection blocks :
 - a. must maintain and make out the closure of forest bed by beneath plants;
 - b. must carry out the planting and enrichment of plans being trees which produce non-timber forest products in locations that need rehabilitation;
 - c. are prohibited from building road infrastructures of vehicles and physical buildings.
- (4) In addition to the provision as meant in Sub-section (2), the activities of utilization in cultivation blocks must :

- a. avoid activities capable of causing soil erosion, change in land structure and activities changing the landscape and/or effecting protective functions :
- b. carry out the planting and enrichment of plants being trees which produce non-timber forest products in locations that need rehabilitation.

Article 39

- (1) Activities of the utilization in production forests can be done in protection and cultivation blocks.
- (2) In the activities of the utilization as meant in Sub-section (1), the felling of trees and other activities causing the opening of covers of forest crown cannot be done.
- (3) In addition to the provision as meant in Sub-section (2), the activities of utilization in protection blocks :
 - a. must maintain and make out the closure of forest bed by beneath plants;
 - b. must carry out the planting and enrichment of plants being trees which produce non-timber forest products in locations that need rehabilitation;
 - c. are prohibited from building road infrastructures of vehicles and physical buildings.
- (4) Activities of utilization in cultivation blocks must :
 - a. maintain potentials of production of timber forest products and non-timber forest products;
 - b. maintain protective functions of forest areas.

Article 40

- (1) In utilizing forests, holders of licenses can cooperative with other parties.
- (2) The cooperation as meant in Sub-section (1) is not allowed to reduce the role of license holders as the main actor of management and must be in accordance with the management plans.

Article 41

- (1) Forest products traded, which result from the management of social forests are subjected to forest royalty in accordance with laws in force.
- (2) The amount of forest royalty of forest products being not forestry commodities is stipulated in accordance with laws in force.
- (3) The forest royalty of forest products being not forestry commodities constitutes state income.

Part Five Rehabilitation Article 42

- (1) The rehabilitation of forest is meant as efforts to restore, maintain and increase functions of forest and land so that their capacity, productivity and role in supporting the supporting system of the life continue to be maintained.
- (2) The rehabilitation of forests as meant in Sub-section (1) is done through activities of planting, enrichment of plants, maintenance and application of land conservation techniques.

Article 43

Holders of licenses are obliged to rehabilitate forests in their working areas, in accordance with laws in force.

**Part Six
Protection
Article 44**

The protection of forests aims at maintaining and preserving forests, forest areas and their environment so that the function optimally and preservatively.

Article 45

Forests are protected through efforts to prevent and overcome damages of forests, forest areas and forest products caused by human actions, animals, fires, natural power as well as pests and diseases.

Article 46

Holders of license are obliged :

- a. to maintain forests and forest areas being their working areas so that functions of forest can be optimal and preserved;
- b. to take part in maintaining and preserving forest areas around their working areas from disturbances and damages;
- c. to coordinate with forestry institutions in protecting forests.

Article 47

Holders of licenses are responsible to the occurrence of forest fires in their working areas.

**CHAPTER VI
CONTROLLING**

Part One

Controlling by the Central Government and Regional Government

Article 48

- (1) The control over social forests aims at ensuring the suitability of the management of social forests to the objectives.
- (2) The control social forests as meant in Sub-section (1) is executed as follows :

- a. the minister controls the management of social forests executed by regional governments;
- b. the provincial government controls the management of forests executed by regency/city governments;
- c. the regency/city government controls the management of social forests.

Article 49

- (1) The control by the regency/city government as meant in Article 48 Sub-section (2) letter c is executed by referring to the provisions in social forest activity licenses and management plans.
- (2) Results of the control as meant in Sub-section (1) are used as materials to monitor the conformance of management, management plans to the provisions in the activity licenses.

Article 50

- (1) In the framework of controlling social forests, reports on social forests need to be conveyed periodically.
- (2) Holders of licences formulate and convey reports on the management of social forests to the regency/city government.
- (3) The regency/city government formulates and conveys reports on the management of social forests to the provincial government.
- (4) The provincial government formulates and conveys reports on the management of social forests to the minister.

Article 51

Further provisions on the control over social forests by the central government and regional governments are regulated separately by a ministerial decree.

Part Two

Internal control by license holders

Article 52

- (1) The internal control is intended to ensure the suitability of the management of social forests to the plans.
- (2) The internal control is executed by means of participative evaluation by involving members of local communities holding licenses to implement management plans.
- (3) The activity of the participative evaluation as meant in Sub-section (2) can be facilitated by the regency/city government.

Article 53

The internal control is executed every year at the minimum.

Part Two
Supervision by Public at Large
Article 54

- (1) In the case of the management of social forests inflicting losses on public interests from the environmental perspective, the public at large can file a representative lawsuit against the regency/city government.
- (2) In the case of the representative lawsuit as meant in Sub-section (1) being accepted, social forest activity licenses can be reviewed or management plans can be changed.

CHAPTER VII
RIGHTS AND OBLIGATIONS OF LICENSE HOLDERS
Article 55

License holders have the following rights :

1. To manage social forests during the period of activity licenses.
2. To utilize forests and land in accordance with social forest activity licenses.
3. To submit applications for the extension of the management period.
4. to submit applications to the central government and/or the regency/city government for obtaining facilitation and/or funding assistance.
5. To submit applications for obtaining funds from other parties without reducing the role of license holders as the main actor of the management.
6. To participate in activities of evaluation executed by the regency/city government.

Article 56

License holders have the following obligations :

1. To maintain the preservation of functions of forests and the environment as well as to observe public interests through :
 - a. arrangement of working areas and formulation of management plans;
 - b. rehabilitation and protection of forests;
 - c. internal control;
 - d. involvement of all members of groups/cooperatives in the management of forests and internal control.
2. To pay forest royalty.

CHAPTER VIII
REVOCATION OF LICENSES
Article 57

- (1) Social forest activity licenses are subject to revocation any time, in the case of license holders failing to fulfill the provisions in activity licenses and laws in force or not undertaking the management in accordance with the plans already stipulated.
- (2) The revocation of the licenses as meant in Sub-section (1) is done through the following processes :
 - a. the regency/city government issues a written warning;
 - b. in the case of license holders failing to obey the warning in the stipulated period, the regency/city government and license holders hold deliberation through transparent dialogue;
 - c. in the case of the deliberation failing to reach an agreement, regent/mayor can establish a team to investigate and give input in making any decision;
 - d. the decision of the regent/mayor is final and binding all parties.

**CHAPTER IX
CONCLUSION
Article 58**

- (1) As a result of the stipulation of this decree, the Decree of the Minister of Forestry No. 677/Kpts-II/1998 jo. No. 865/Kpts-II/1999 is declared null and void.
- (2) Social forest activities already executed before the stipulation of this decree are adjusted to this decree.
- (3) Matters not yet regulated in this decree are to be stipulated by a ministerial decree.

Article 59

This decree comes into force as from the date of stipulation.

Stipulated at J a k a r t a
On February 12, 2001
THE MINISTER OF FORESTRY

signed
Dr. Ir. NUR MAHMUDI ISMAIL'IL, MSc.

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