

NATIONAL MOVEMENT FOR THE REHABILITATION OF FOREST AND LAND
(Presidential Regulation Number 89 Year 2007 dated September 3, 2007)

BY THE GRACE OF GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that the continuous forest and land damage causing the absorbing capacity of water to decrease and surface water to increase causes flood, landslide particularly in River Stream Area (DAS);
- b. that since forest and land damage is attributable to activities, restoration and enhancement of forest functions and critical land becomes national responsibility;
- c. that restoration and enhancement of forest function and critical land is promptly executed through forest and land rehabilitation by exploiting all potentials and capabilities of the government, regional governments and communities in a coordinated manner;
- d. that based on the considerations as referred to in letters a, b, and c, it is necessary to stipulate a presidential regulation regarding national movement for the rehabilitation of forest and land;

In view of:

1. Article 4 paragraph (1) of the Constitution of 1945 (**BN Number 7152 pages 14A-23A**);
2. Law Number 23 Year 1997 (**BN Number 6092 pages 19A-21A and so on**) regarding the Environmental Management (Statute Book of Republic of Indonesia Year 1997 Number 68, Supplement to Statute Book Number 3699);
3. Law Number 41 Year 1999 (**BN Number 6412 pages 1A-6A and so on**) regarding Forestry (Statute Book of Republic of Indonesia Year 1999 Number 167, Supplement to Statute Book Number 3388) as already amended by Law Number 19 Year 2004 (**BN Number 7143 pages 20A-29A**) (Statute Book of Republic of Indonesia Year 2004 Number 86, Supplement to Statute Book Number 4412);
4. Law Number 17 Year 2003 (**BN Number 6915 pages 26A-28A and so on**) regarding State Finance (Statute Book of Republic of Indonesia Year 2003 Number 47, Supplement to Statute Book Number 4286);
5. Law Number 32 Year 2004 (**BN Number 7185 pages 1A-11A and so on**) regarding Regional Administration (Statute Book of Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book Number 4437) as already amended by Law Number 8 Year 2005 (Statute Book of Republic of Indonesia Year 2005 Number 108, Supplement to Statute Book Number 4548);
6. Law Number 33 Year 2004 (**BN Number 7206 pages 1A-16A and so on**) regarding Financial Sharing between the Central Government and Regional Governments (Statute Book of Republic of Indonesia Year 2004 Number 126, Supplement to Statute Book Number 4438);
7. Law Number 26 Year 2007 regarding the Layout (Statute Book of Republic of Indonesia Year 2007 Number 68, Supplement to Statute Book Number 4725);
8. Government Regulation Number 55 Year 2005 (**BN Number 7336 pages 22A-30A**) regarding Equilibrium Fund (Statute Book of Republic of Indonesia Year 2005 Number 137, Supplement to Statute Book Number 4575);

9. Presidential Decree Number 80 Year 2003 (*BN Number 6986 pages 7A-13A and so on*) regarding Technical Guidelines on Procurement of Government Goods and/or Services as already amended several times and the latest by the Presidential Regulation Number 85 Year 2006;

DECIDES:

To stipulate:

THE PRESIDENTIAL REGULATION REGARDING NATIONAL MOVEMENT FOR THE REHABILITATION OF FOREST AND LAND

CHAPTER I GENERAL PROVISION

Article 1

In this Presidential Regulation, the definition of:

1. Forest and land rehabilitation is efforts to restore, preserve and enhance forest and land function to support productivity and preserve its role as supporting pillar of life.
2. River Stream Area, hereinafter abbreviated to DAS is mainland which as unity of river and river branches, which functions to receive, keep and flow water coming from the rain to the lake or the sea as naturally having border as a topography separator and the sea border until the water region is still interfered with the land activity.
3. National Movement for the Rehabilitation of Forest and Land, hereinafter abbreviated to Gerhan is a coordinated activity by using the entire potentials and capabilities of the government, provincial governments, regental/municipal governments, cooperatives and communities in order to rehabilitate forest and land in Priority DAS.

CHAPTER II GOAL, OBJECTIVE AND TARGET

Article 2

- (1) The implementation of Gerhan aims at enhancing

national spirits in executing forest and land rehabilitation.

- (2) The objective of Gerhan is to expedite efforts to restore, preserve and enhance forest and land rehabilitation through restoration of forests and land in priority DAS.

- (3) The target of Gerhan is critical land in priority DAS in forest areas, particularly in:

- a. Upstream DAS affected disturbed flood, drainage, and landslide;
- b. catchment area from the rumen, dam, and lake;
- c. recharge area in upstream DAS;
- d. river border, spring, lake, rumen; and
- e. at downstream DAS affected by tsunami, sea water intrusion, and the beach abrasion.

CHAPTER III ORGANIZATION

Article 3

In order to support the successful implementation of Gerhan, a coordinating team of national movement for forest and land rehabilitation, hereinafter called Gerhan Coordination Team shall be established.

Article 4

The Gerhan Coordination Team is subordinate and responsible directly to the President.

Article 5

The Gerhan Coordination Team is assigned to:

- a. coordinate the formulation of the planning policy, execution, counseling, controlling and monitoring, reporting, and socialization in the framework of implementing Gerhan;
- b. prepare working plan of the Gerhan Coordination Team;
- c. coordinate the preparing of the funding support/budget either for the activity of the environment destructive prevention or e forest and land rehabilitation.

Article 6

The membership composition of Gerhan Coordination Team is as follow:

Chairman concurrently : The Coordinating Minister
member for the People's Welfare;

Day to Day Chairman

concurrently member : The Minister of Forestry;

- Members :
1. The Minister of Home Affairs;
 2. The Minister of Foreign Affairs;
 3. The Minister of Finance;
 4. The Minister of Public Works;
 5. The Minister of Marine and Fishery;
 6. The Minister of Agriculture;
 7. The Minister of National Education;
 8. The Minister of Law and Human Rights;
 9. Minister The of Communication and Information;
 10. The State Minister of National Planning Board/Head of BAPPENAS;
 11. The State Minister of Environmental Affairs;
 12. The State Minister of Research and Technology;
 13. The Indonesian Military Commander;
 14. The Indonesian Police Chief;
 15. The Attorney General of the Republic of Indonesia;
 16. The Head of the Meteorology and Geophysics;

Secretary concurrently : The Director General of Land
member Rehabilitation and Social Forestry, Department of Forestry;

Vice Secretary : Deputy for the Coordinating
concurrently member Minister for the People's Welfare in charge of Demographic, Health and Environmental Affairs.

Article 7

- (1) To facilitate the implementation of tasks of the Gerhan Coordination Team, the Day to Day Chairman can

establish working groups according to the need.

- (2) The execution of daily tasks of the working groups as referred to in paragraph (1) is coordinated by the Secretary of the Gerhan Coordination Team.

- (3) The members of the working groups as referred to in paragraph 1 consists of representatives of ministries and/or institutions of members of the Gerhan Coordination Team.

Article 8

In executing the duty, the Gerhan Coordination Team is assisted by the secretariat with the organizational structure and working procedures stipulated by the Chairman the Gerhan Coordination Team.

Article 9

- (1) The Gerhan Coordination Team organizes coordinating meeting every six months at the minimum.

- (2) In executing the tasks, the Gerhan Coordination Team shall invite and/or obtain opinion from government institutions and other parties which are needed.

- (3) The Gerhan Coordination Team delivers report to the President every 6 (six) months or anytime if necessary.

Article 10

To support the successful implementation of Gerhan, the ministries/institutions becoming members of the Gerhan Coordination Team shall program activities according to their respective tasks and functions.

Article 11

- (1) To ensure the optimal implementation of Gerhan in provinces, Governors establish Provincial Gerhan Fostering Team.

- (2) To ensure the optimal implementation of Gerhan in regencies/cities, regents/mayors establish Regental/ Municipal Gerhan Fostering Team.

- (3) Regental

(3) Regental/Municipal Gerhan Fostering Team submit report on the implementation of Gerhan to the Gerhan Coordination Team every 3 (three) months with a copy made available to Heads of Provincial Gerhan Fostering Teams.

(4) Provincial Gerhan Fostering Teams submit report on the implementation of Gerhan to the Gerhan Coordination Team every 3 (three) months.

CHAPTER IV THE GERHAN EXECUTION

Article 12

(1) The implementation of Gerhan is based on principles of silviculture system and multi years.

(2) The implementation of Gerhan in the form of plantations built in forestry areas, which is funded by State Budget or Regional Budgets is based on multi-year contract by mobilizing potentials of national and regional cooperatives, including communities, in accordance with legislation.

(3) The implementation of Gerhan in the form of plantation built in certain areas in forestry areas by considering certain condition of security aspect, which is funded by state or regional budget is self-managed on multi-year basis through dedication operation of the Indonesia National Army (TNI).

(4) The implementation of Gerhan in the form of plantation built outside forestry area which is funded by state or regional budget is self-managed through cooperation agreement (SPKS) with farmer groups by mobilizing potential of communities according to legislation.

Article 13

(1) The building of the plantation as referred to in Article 12 paragraphs (2), (3) and (4) is evaluated gradually.

(2) Further provisions regarding the evaluation as referred to in paragraph (1) is regulated by a regulation of the Minister of Forestry.

CHAPTER V COST

Article 14

(1) Every cost needed for implementing the tasks of the Gerhan Coordination Team is borne by state budget of the Ministry of Forestry.

(2) The cost needed for supporting action programs in each ministry/institution as referred to in Article 10 is borne by state budget of the related ministry/institution.

(3) Every cost needed for implementing tasks of the Provincial and Regental/Municipal Gerhan Counseling Team as referred to in Article 11 paragraphs (1) and (2) is borne by the respective budgets of the regions.

Article 15

The cost needed for implementing Gerhan comes from:

- a. State and regional budgets;
 - b. Reforestation Funds; and/or
 - c. Other non-binding sources;
- according to legislation.

Article 16

(1) In the case of the operational cost of Gerhan coming from state and regional budgets as referred to in Article 15 letter a, the provincial, regental/municipal governments shall allocate counterpart funds.

(2) The amount of the counterpart funds as referred to in paragraph (1) shall be minimally 10% (ten percent) of the budget ceiling of the implementation of Gerhan in every province, regency/city.

Article 17

(1) The implementation of Gerhan in production and protected forests having their management delegated

to state-owned enterprise in charge of forestry affairs and forest stakeholder units for special purpose is funded by the state company or forest stakeholder unit.

(2) The government shall give special duty to the state-owned company in charge of forestry affairs to execute Gerhan in protected forests within the working scope of the company, with the funds coming from state budget.

(3) In the case of Gerhan being executed in production and protected forests already charged with license to exploit forest, the usage of the forest areas is funded by the licensee.

CHAPTER VI
TRANSITIONAL PROVISION

Article 18

Every Gerhan activity already executed previously shall be continued by the Gerhan Coordination Team.

CHAPTER VII
CONCLUSION

Article 19

This Presidential Regulation shall come into force as of the stipulated date.

Ratified in Jakarta

On September 3, 2007

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

sgr.

DR. H. SUSILO BAMBANG YUDHOYONO

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