

GOVERNOR OF NANGGROE ACEH DARUSSALAM

INSTRUCTION OF GOVERNOR OF NANGGROE ACEH DARUSSALAM

NUMBER: 05/INSTR/2007

REGARDING

MORATORIUM LOGGING

IN NANGGROE ACEH DARUSSALAM

GOVERNOR OF NANGGROE ACEH DARUSSALAM

(unofficial translation by Eye on Aceh)

Considering:

- a. that various disasters such as flood, landslide, and disturbance of wild animals are caused by the uncontrolled forest damage;
- b. that in order to re-function of forest and to re-arrange the strategy of forest development in Aceh, there is a need to make a policy of moratorium logging in the forest in the whole area of Nanggroe Aceh Darussalam;
- c. that based on the consideration as referred to alphabet a and b, needs to stipulate an instruction;

In view of:

1. The Law Number 24 Year 1956 regarding the formation of Regional Autonomy of Aceh Province and Alteration of Regulation of North Sumatera Province Formation;
2. The Law Number 5 Year 1990 regarding Conservation of Natural Resource and its Ecosystem;
3. The Law Number 24 Year 1992 regarding Zoning/Lay Out Structuring;
4. The Law Number 23 Year 1997 regarding Management of Environment;
5. The Law Number 41 Year 1999 regarding Forestry as it has been replaced by The Law Number 19 Year 2004 regarding The Provision of Government Regulation as replacement of the Law Number 1 Year 2004 regarding the Revision of the Law Number 41 Year 1999 regarding Forestry become the Law;
6. The Law Number 11 Year 2006 regarding Aceh Governance;
7. The Law Number 32 Year 2004 regarding Aceh Governance as it has been replaced with the Law Number 8 Year 2005 regarding the Provision of Government Regulation, to replace the Law Number 3 Year 2005 regarding the Revision of the Law Number 32 Year 2004 regarding District Governance become the Law;
8. The Regulation of Government Number 68 Year 1998 regarding Nature Reserve Area and Conservation of Nature Area;
9. Regulation of Government Number 44 Year 2004 regarding Planning of Forestry;
10. Regulation of Government Number 45 Year 2004 regarding Protection of Forest;
11. Regulation of Government Number 6 Year 2007 regarding Forest management and Compiling of the Planning of Forest Management and Forest Utilization;
12. Presidential Decree Number 32 Year 1990 regarding Management of Conservation Area;

13. Instruction of President Number 4 Year 2005 regarding the Combatant of Illegal Logging in Forest Area and its distribution in the whole Indonesia Region;

GIVES INSTRUCTION:

To:

1. Bupati (Head of District)/Major in NAD Province;
2. Head of Regional Development Planning Agency of NAD Province;
3. Head of Department of Forestry of NAD Province;
4. Head of Department of Plantation of NAD Province;
5. Regional office head of BPN of NAD Province;
6. Head of BAPEDALDA of NAD Province;
7. Head of Department of City and Settlement of NAD Province;
8. Head of Department of Residential Mobility of NAD Province;
9. Head of Management Board of *Kawasan Ekosistem Leuser* of NAD Province;

Concerning:

FIRST: Imposes a “Moratorium on Logging” from natural forest and especially in forest area, effective from Wednesday, June 6, 2007 in the whole region of Nanggroe Aceh Darussalam Province;

SECOND: License of logging only permitted on the trees come from community plantation/privately owned land which classified as types of communal timber that will be determined and then followed up through license mechanism of utilization of timber of privately owned land;

THIRD: Regarding logging activity from concession of the Right of Industrial Crop Forest Exploitation (*Hak Pengusahaan Hutan Tanaman Industri*, that is aim at land clearing for plantation and transmigration program which the land status is outside forest area, will be arranged only after a comprehensive study and evaluation has been conducted;

FOURTH: Regarding the timber produced before the validation of moratorium, which has legal license, can be utilized and managed and marketed in the area of NAD Province with the deadline 6 (six) months effective from June 5, 2007;

FIFTH: Bupati/Major in NAD Province shall take measures as follows:

- a. Coordinates all related institutions/authorities in their working area regarding moratorium logging;
- b. Compiles the planning of timber need annually in their working area;
- c. Compiles and submit the final revision of Kabupaten/City Lay Out planning to the team of province in accordance with balance principle of economic, ecology and social development;

- d. Gives feedback/contribution to the team established by Department of Forestry regarding the policy of forestry so that sustainable and fair forest management can be carried out;
- e. Allocates the proper budget for the implementation of development in forestry sector through Regional Budget in each area;
- f. Brings under control the distribution/ownership and usage of chainsaw and other similar kind of tools by the community as the follow - up of Instruction of President Number 4 Year 2004;
- g. Brings into control and supervise the operational of brick industry and other similar ones in order not to use the timber come from the forest area without permission;

SIXTH: Head of Bappeda of Nanggroe Aceh Darussalam Province shall take measures as follows:

- a. Conducts coordination to foster the revision of Spatial Province Planning;
- b. Accommodates in compiling the Planning of Regional Revenue Estimates (*Anggaran Pendapatan daerah*) for the activity supporting the follow- up of “Moratorium Logging.”
- c. Evaluates the Planning of *Kabupaten* Lay Out in accordance with the Planning of Province Lay Out;

SEVENTH: Head of Department of Forestry of NAD Province:

- a. Conducts Evaluation on the status and the width of concession of the Right of Forest Exploitation (*Hak Pengusahaan Hutan*) that doesn't perform or violate their duty;
- b. Reorganizes the function of forest according to the need of balance development among the interest of ecology, economic and social;
- c. Rationalizes the number of timber industry in accordance with the raw material supply;
- d. Promotes the efforts to develop Non Timber Forest Production;
- e. Restructures the agency and work system of forest management;
- f. Increases the control/security of the forest and imposes sanctions on the actors who breach the rule of forest, collaborates with police department and district attorney's office and related apparatus through preventive action, repressive and justice operational activity;
- g. Creates a team and coordinates the compiling of Strategic Planning Document of Aceh Forest Management;
- h. Finds alternative of fulfilling the need of domestic timber, especially for the necessity of Aceh rehabilitation and reconstruction from other province and or from found timber in auction or plunder;

EIGHTH; Head of Department of Plantation of NAD Province shall take measures as follows:

- a. conducts evaluation on plantation business/enterprise which has license (HGU) and not;
- b. Evaluates work performance of plantation business which not done the planting activity yet as it should be;
- c. Directs the land clearing program for plantation business on the non forest area;

NINTH: Regional office head of National Land Board (*Kakanwil Badan Pertanahan Nasional*) of NAD Province shall take measures as follows:

- a. Reviews the right of long lease (*Hak Guna Usaha* (HGU)) that not fulfil its duty in accordance with the applicable provision;
- b. Not publishes the right on land (*hak atas tanah*) in the area still included as forest area before the mechanism of forest area in line with the applicable provision is proceeded;

TENTH: Head of *Bapedalda* of NAD Province shall take measures as follows:

- a. Analyzes strategic activities which bring good impact toward the environment as source of revision of lay out;
- b. Evaluates activities that bring good impact toward the environment whether it has been equipped with AMDAL document or not.

ELEVENTH: Head of Department of Residential Mobility of Nanggroe Aceh Darussalam Province shall take measures as follows:

- a. Re-evaluates the planning of land clearing and the need of land for transmigration;
- b. Stops the land clearing for transmigration which located in forest area;
- c. Prioritizes land clearing on the non forest area and control the construction of house for transmigration program in order not to use illegal logging;

TWELVETH: Head of Department of City and Settlement of Nanggroe Aceh Darussalam Province shall take measures as follows:

- a. Analyzes the need of timber for any activity of development whether in Province or in *Kabupaten/City*;
- b. Controls the timber usage for any activity funded by the government in order not to accommodate illegal timber;
- c. Supports the process of revision of lay out with consideration of balance land allocation according to ecology, economic and social;

THIRTEENTH: Head of Management Board of *Kawasan Ekosistem Leuser* of NAD Province; shall takes measures as follows:

- a. Controls, supervises and secures the forest in *Kawasan Ekosistem Leuser* against illegal logging, occupation of forest area and forest clearing;
- b. Conducts coordination with law enforcement officials (*aparatur keamanan*) for the solution of the breaching of forest area border and Conservation area in its working area;
- c. Conducts research on the width and the benefit of various of conservation area;
- d. Solves the problem of conflict of interests, animal/people conflict in conservation area in *Kawasan Ekosistem Leuser*;

FOURTEENTH: Shall this Instruction be carried out with full responsibility

FIFTEENTH: The Instruction shall take effect from the date it is enacted with the provision that shall in the future an error occurred in this Instruction therefore it will be revised as it supposed to be;

Enacted in Banda Aceh
On June 6, 2007

Governor of Nanggroe Aceh Darussalam
Irwandi Yusuf

The Copy – of the Instruction is submitted to:

1. Pangdam Iskandar Muda
2. Kapolda of Nanggroe Aceh Darussalam
3. Head of provincial attorney general's office of Nanggroe Aceh Darussalam
4. Head of appellate court of Nanggroe Aceh Draussalam
5. DAN LANAL Sabang
6. DAN LANUD Sultan Iskandar Muda
7. Dean of State and Private Universities
8. Head of BRR NAD-Nias
9. Head of *Kadin* of Nanggroe Aceh Darussalam