

# **GOVERNMENT REGULATIONS**

## ERADICATION OF ILLEGAL LOGGING IN FOREST AREAS AND DISTRIBUTION THROUGHOUT THE TERRITORY OF THE REPUBLIC OF INDONESIA (Presidential Instruction No. 4/2005 dated March 18, 2005)

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

In the framework of eradicating illegal logging in forest areas and distribution throughout the territory of the Republic of Indonesia, it is herewith instructed to:

1. The Coordinating Minister for Politics, Law and Security;
2. The Minister of Forestry;
3. The Minister of Finance;
4. The Minister of Home Affairs;
5. The Minister of Communications;
6. The Minister of Law and Human Rights;
7. The Minister of Foreign Affairs;
8. The Minister of Defense;
9. The Minister of Industry;
10. The Minister of Trade;
11. The Minister of Manpower and Transmigration;
12. The State Minister for Environment;
13. The Attorney General;
14. The Chief of the Indonesian Police;
15. The Indonesian Military Commander;
16. The Head of the State Intelligence Board;
17. Governors;
18. Regents/Mayors

To observe the following provisions:

FIRST:

1. To undertake the eradication of illegal logging in forest areas and distribution throughout the territory of the Republic of Indonesia by means of taking action against everybody or body executing the following activities:
  - a. felling trees or harvesting or collecting timber-forest results coming from forest areas without having right or license from the authorized institution;
  - b. receiving, buying or selling, receiving as exchange, receiving as consignment, saving or having or us-

*ing timber-forest results ascertained or allegedly coming from forest areas, which are taken or collected illegally;*

- c. carrying, controlling or having timber-forest results not accompanied together with certificate of legitimacy of timber-forest results;
  - d. carrying heavy equipment and/or other equipment commonly allegedly to be used for carrying forest results in forest areas without license from the authorized official;
  - e. carrying equipment commonly used for felling, cutting or breaking trees in forest areas without license from the authorized official.
2. Taking firm action and imposing sanction on officers of their respective institutions involved in illegal logging in forest areas and distribution.
  3. Promoting cooperation and mutually coordinating to implement the eradication of illegal logging in forest areas and distribution throughout the territory of the Republic of Indonesia.
  4. Utilizing information from communities related to illegal logging and distribution.
  5. Handling immediately evidence of results of operation of eradication of illegal logging in forest areas and distribution throughout the territory of the Republic of Indonesia and/or other evidences used in the crime and/or transport facilities for safeguarding the economic value.

SECOND:

Especially for:

1. The Coordinating Minister for Politics, Law and Security:

- a. Coordinating all institutions concerned as meant in this presidential instruction in the framework of eradicating illegal logging in forest areas and distribution throughout the territory of the Republic of Indonesia.
  - b. Taking necessary measures for speeding up the eradication of illegal logging in forest areas and distribution throughout the territory of the Republic of Indonesia.
  - c. Reporting to the President of the Republic of Indonesia the implementation of eradication of illegal logging and distribution periodically, every three months, except in urgent cases.
2. The Minister of Forestry:
- a. Enhancing the enforcement of law in cooperation with the Police and Prosecutor Office as well as apparatuses concerned against actors on the basis of the legislation in force, through activities of intelligence, preventive, repressive and judicial operation.
  - b. Stipulating and giving incentives to parties rendering service in the eradication of illegal logging in forest areas and distribution.
  - c. Recommending the Attorney General Office to prevent and block persons allegedly involved in illegal logging in forest areas and distribution.
3. The Indonesian Police Chief:
- a. Taking a firm action and investigating actors of illegal logging in forest areas and distribution.
  - b. Protecting and accompanying forestry apparatuses executing activities of eradication of illegal logging in forest areas and distribution throughout the territory of the Republic of Indonesia.
  - c. Placing Indonesian police personnel in locations vulnerable to illegal logging and distribution in accordance with the need.
4. The Attorney General:
- a. Making firm and heavy charge against actors of crimes in the forestry sector on the basis of all laws in force and related to crimes in the forestry sector;
  - b. Speeding the settlement of criminal cases related to illegal logging and distribution in every phase of the settlement in both investigation, litigation and execution.
5. The Indonesian Military Commander:
- a. catching every actor caught in red handed to commit illegal logging and distribution as well as smuggling of wood coming from or coming into the territory of the Republic of Indonesia through mainland or waters on the basis of sufficient initial evidence and processed in accordance with the provisions of the legislation in force.
  - b. Enhancing security for borders of the state territory vulnerable to activities of illegal logging in forest areas and distribution.
6. The Minister of Finance:
- a. Allocating costs used for the implementation of this presidential instruction through the State Budget of Revenue and Expenditure in the respective institutions for operational activities and incentives for parties rendering service.
  - b. Instructing customs and excise apparatuses to enhance supervision and taking action against the traffic of log in customs areas.
7. The Minister of Home Affairs: evaluating regional regulations related to forestry affairs and speeding the conveyance of recommendation about the revocation of regional regulations contravening the legislation in the forestry sector.
8. The Minister of Communications:
- a. Enhancing supervision over the licensing of transport facilities carrying log.
  - b. Instructing all seaport administrators and heads of seaport offices to deny the issuance of navigation license to ships carrying illegal log.
  - c. Taking firm action against transport and shipping companies carrying illegal log by revoking navigation business license in accordance with the provisions in force.
  - d. Fostering transport organizations in the framework of supporting the eradication of illegal logging in forest areas and distribution.

## 9. Governors:

- a. Revoking and revising regional regulations/governor decisions contravening the legislation in the forestry sector.
- b. Establishing and ordering provincial task forces in the framework of eradication of illegal logging in forest areas and distribution through preventive and repressive operation.
- c. Revoking business licenses related to exploitation of timber-forest products already issued and contravening the legislation in force.
- d. Revoking business licenses of timber processing industries utilizing illegal wood and processing them in accordance with their authority.
- e. Enhancing control and supervision over the implementation of eradication of illegal logging in forest areas and distribution in their respective regions.
- f. Allocating costs to the implementation of operation through the respective regional budgets of revenues and expenditures.
- g. Reporting the implementation of activities of eradication of illegal logging in forest areas and distribution in their respective regions to the Coordinating Minister for Politics, Law and Security.

## 10. Regents/Mayors:

- a. Revoking and revising regional regulations/decisions of regents/mayors contravening the legislation in the forestry sector.
- b. Establishing and ordering regental/municipal task forces in the framework of eradication of illegal logging in forest areas and distribution through preventive and repressive operation.
- c. Revoking business licenses related to exploitation of timber-forest products already issued and contravening the legislation in force.
- d. Revoking business licenses of timber processing industries utilizing illegal wood and processing them in accordance with their authority.
- e. Supervising more intensively performance of officials issuing document of Certificate of Legitimacy of Forest Products (SKSHH) in their respective regions.

- f. Allocating costs to the implementation of operation through the respective regional budgets of revenues and expenditures.
- g. Issuing regional regulation regulating the distribution of ownership and operation of chainsaw and the like.
- h. Reporting the implementation of activities of eradication of illegal logging in forest areas and distribution in their respective regions to the Coordinating Minister for Politics, Law and Security through governors.

## THIRD:

The Minister of Law and Human Rights, Minister of Foreign Affairs, Minister of Defense, Minister of Industry, Minister of Trade, Minister of Manpower and Transmigration, State Minister for Environment and the Head of the State Intelligence Board shall give support in the framework of the eradication of illegal logging in forest areas and distributions to the institutions as meant in Dictum SECOND.

## FOURTH:

With the enforcement of this presidential instruction, Presidential Instruction No. 5/2000 on eradication of illegal logging in forest areas and distribution of illegal forest products in the Leuser Ecosystem Area and National Park Tanjung Putting shall be declared null and void.

## FIFTH:

To implement this presidential instruction in a full sense of responsibility,

The presidential instruction shall come into force as from the date of issuance.

Issued in Jakarta

On March 18, 2005

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Sgd

Dr. Ir. H. SUSILO BAMBANG YUDHOYONO

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