
In this regard, it would be highly appreciated if the aforementioned Report be issued as an official document of the forthcoming First Biennial Meeting of the States on the Implementation of the Programme of Action of the 2001 UN Conference on the I illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be convened in New York on 7-11 July 2003.

The Permanent Mission of the Republic of Indonesia to the United Nations avails itself of this opportunity to renew to the United Nations Department for Disarmament Affairs the assurances of its highest consideration.

New York, 29 April 2003

The United Nations Department for Disarmament Affairs New York
NATIONAL REPORT OF THE GOVERNMENT OF INDONESIA
ON THE IMPLEMENTATION OF THE UNITED NATIONS PROGRAMME OF ACTION
TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE
IN SMALL ARMS AND LIGHT WEAPONS

1. **Introduction**

Like other Southeast Asian countries, Indonesia tends to view the problem of small arms and light weapons (SALW) in the context of transnational crime. In this region, it is generally recognized that small arms smuggling are interlinked with other cross-border crimes, such as terrorism, money laundering and drug trafficking.

For Indonesia, the fight against individuals and organizations that trade in illicit SALW is a national priority, taking into account its implications for our territorial integrity and commitment to maintain unity in diversity. It also fosters separatist tendencies and promotes criminal activities that would be detrimental to our national interests, in particular, to internal stability.

2. **National coordination agency/national point of contact**

The Government of Indonesia has established an interdepartmental working group on small arms and light weapons that comprises national institutions which have responsibility in regulating and controlling the import, export and production of small arms and light weapons. The main task of the interdepartmental working group (IWG) is to coordinate among the various national institutions on matters relating to the implementation of the United Nations Programme of Action on Small Arms and Light Weapons. At present, the interdepartmental working group consists of representatives from the Indonesian Police, Customs and Immigration, the Department of Foreign Affairs, the Indonesian Army, the Indonesian Navy, the Indonesian Air Force, the Department of Defense, P.T. PINDAD (Armed Forces Industry/Perindustrian Angkatan Darat), and the Department of Justice and Human Rights. In the future, it is planned to include also non-governmental organisations as a member of this IWG.

Before the establishment of the IWG, each of the national institutions dealt with this issue according to their respective jurisdictions. However, due to the complexity and transnational nature of the illicit trade in small arms and light weapons, the establishment of an interdepartmental working group became imperative as a modality to comprehensively deal with this issue.

The main task of the interdepartmental working group as described above, inherently, include the mandate to act as liaison or contact point with other states on matters relating to the implementation of the United Nations Programme of Action. Pending the setting up of a permanent national coordination agency/national point of contact, the said interdepartmental working group acts in that capacity. In this regard, the Department of Foreign Affairs (Directorate for International Security and Disarmament) is tasked to coordinate the activities of the IWG.
3. Legislation and regulations

Based on the Small Arms Regulation 1936 (Vuurwapen Regelingen), Ordonantie 11 March 1937 (as contained in State Gazette 1937 No. 170) and State Gazette 1939 No. 278 on 10 May 1939, the Indonesian Government after its independence promulgated Law No. 8 of 1948. This Law has given the authority to the Head of the Provincial Police (Kepala Kepolisian Daerah) in licensing small arms and light weapons.

In the case of unauthorized possession of these weapons, the punishment by law is regulated in Emergency Law No. 12 of 1951. According to the said Law, the maximum penalty for misuse of these arms would be death or life sentence.

Law No. 20 of 1960 has granted the Head of Indonesian National Police (Kepala Kepolisian Republik Indonesia) the authority to monitor and control the ownership of small arms and light weapons by civilians. The Implementation Guidance of the Head of the Indonesian National Police (Juklak Kapolri) No. 10/III/1991 of 26 March 1991 which has been revised by Skpep/1198/I/2000 on 18 September 2000 (Surat Keputusan Kapolri) explains the Law concerning its enforcement.

In accordance with this Law, the Indonesian National Police, in coordination with the National Intelligence Unit of the Indonesian Armed Forces (BAIS TNI) and the Department of Treasury, particularly, the Directorate General of Customs, performs the mandated duties of monitoring and controlling small arms and light weapons in Indonesia so as to prevent the misuse and illicit trafficking of such weapons.

Civilian use of small arms and light weapons, therefore, can only be authorized by the Head of the Indonesian National Police. Civilians can be categorized for individual use, security personnel (Satuan Pengaman), and sporting activities. As such, all purchases of these arms from other countries or foreign sources, including the domestic purchase from P.T. PINDAD, must acquire "Import Licensing" from the Head of the Indonesian National Police. Prior to their sale, all purchases will have to be stored in the Police storage facilities for proper controlling and safety precaution.

In addition, the user of small arms and light weapons has to submit proper identification, including the type, mark, caliber, amount and past data of such weapons and munitions, location of distribution, bio-data, name of the country or last port that exported such weapons. The Head of National Police will decide to issue a license or permit if the user fulfills all these requirements.

While the aforementioned Laws authorize the Head of the Indonesia National Police to monitor and control civilian use of small arms and light weapons, internal inspectorate division in the Indonesian National Army (Tentara Nasional Indonesia) has the responsibility to monitor and verify the use, storage, distribution, and destruction of such weapons. In the case of acquiring these weapons for use by the Indonesian National Army, either through foreign or domestic sources, the Department of Defence is authorized to perform such tasks and not the Indonesian National Army.
P.T. PINADAD as the manufactures of small arms and light weapons in Indonesia and one of the domestic sources for such weapons for the Indonesian National Army must also meet international standards in manufacturing these arms. In these endeavours, P.T. PINADAD applies proper marking and identification, storage and documentation.

4. **Ratifying or Accessing to International Legal Instruments**

On 24 September 2001, Indonesia has signed the “International Convention for the Suppression of Financing Terrorism (1999)” and currently is in the process of ratifying the aforementioned Convention. Indonesia is also in the process of accessing to the “International Convention for the Suppression of Terrorist Bombings (1997)”. In addition, on 12 December 2000, Indonesia signed the “Convention Against Transnational Crime (2000)” and is now considering the possibility of ratifying this Convention, along with its Protocols.


5. **Cooperation and Assistance**

To implement the United Nations Programme of Action, Indonesia had organized a National Seminar in November 2001 in Bogor. The seminar had an extensive overview and formulated recommendations on relevant issues to implement the Programme of Action. The establishment of the interdepartmental working group on small arms and light weapons was among the recommendations of the Seminar.

Indonesia jointly with United Nations and Government of Japan also held the Asia Pacific Regional Seminar on Small Arms and Light Weapons in Bali in 10-11 February 2003. It considered the implementation and consolidation of the Programme of Action as seen from the Asia-Pacific perspectives.

6. **Implementation at Regional Level**

In the context of ASEAN, the consideration of the issue of SALW has been greatly enriched by the need for coordinated efforts among various government agencies dealing with this menace. Thus, its members have to address, among others, the root causes of conflicts, state control over its security, arms supplies and illicit activities, de-linking with drug trafficking and terrorism.

Countries in Southeast Asia have given the issue of SALW a high priority due to the gravity of the problem. However, recognizing the nature of each nation’s problem and its approach, the issue of preventing illicit trade of SALW is placed in a broader context under the issue of transnational crimes.
In this regard, ASEAN has established the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) as a regional mechanism to deal with, and to combat, transnational crimes, including small arms smuggling. Under this mechanism, ASEAN adopted a Work Programme to Combat Transnational Crime, which among others, includes activities such as information exchange, legislation, law enforcement, institutional building and training.

7. Challenges related to the implementation of the Programme of Action

As is well known, Indonesia has extensive sea borders and located at the juncture of Pacific and Indian Oceans. This has rendered the task of patrolling and monitoring illicit trafficking in small arms and light weapons infinitely more difficult. Further compounding the situation has been the lack of adequate financial resources in stemming this menace to national security.

For these overwhelming reasons, The Government of Indonesia has to increase the technical and financial capabilities of the Indonesian National Police and the Indonesian National Army through cooperation with other countries. The experience in tackling the issue of transnational crime by ASEAN and other countries provide good basis for further international collaboration and cooperation.

Jakarta, April 2003