NATIONAL REPORT BY 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

Indonesia is an archipelago comprised of 17,506 islands, with a very long coastline (81,000 km) and 8,000,000 km square of territorial waters, has a vast number of remote and difficult to control areas that can be easily used as entry points for smuggling. With this geographical condition, Indonesia is vulnerable to the smuggling of small arms and light weapons (SALW).

Arms smuggling has been committed by terrorists. They smuggle weapons and other explosives in large number from Southern Philippines and Malaysia through General Santos, Tawi-tawi, Sandakan, Tawau, Nunukan and Palu. The investigation on the Christmas bombing case in 2000 revealed that criminals used the route from Johor, Tanjung Pinang and Batam.

Some other groups are also involved in arms smuggling with the intent of using these weapons in conflict areas such as Aceh and at the border between Indonesia and Papua New Guinea. This was the result of conducting investigation and interrogation in cooperation with authorities from neighboring countries such as Malaysia, the Phillpines and Thailand.

In Indonesia, therefore, the smuggling of SALW has posed grave threats to our territorial integrity by fostering separatist movements and promoting criminal activities. Hence, their illicit circulation is no longer tenable, and in fact, would be detrimental to the national interests, in particular, the internal stability. The Indonesia National Police is the institution which is responsible to fight these crimes and may call upon the assistance of the Indonesian Armed Forces when deemed necessary.

In this regard, Indonesia supports the recommendation by the UN Secretary-General for an international instrument to address the issue of the illicit trade of SALW to be multilaterally negotiated. Indonesia believes such an instrument must not hamper the transfer of SALW from Government to Government. In the absence of such an instrument, states should implement the UN Program of Action to prevent, combat and eradicate the illicit trade of SALW.

2. National coordination agency/national point of contact
The Government of Indonesia established an interdepartmental working group on SALW to coordinate among the various national institutions on matters relating to the implementation of the Program of Action on SALW. The working group acts as national liaison or contact point. In this regard, the Directorate for International Security and Disarmament of the Department of Foreign Affairs is tasked to coordinate the activities of this working group.

At present, the working group consists of representatives from the Indonesian Police, Customs and Immigration, the Department of Foreign Affairs, the Army, the Navy, the Air Force, the Department of Defense. PT PINDAD (Armed Forces Industry/Perindustrian Angkatan Darat), as well as the Department of Justice and Human Rights. In the future, it is planned to include non-governmental organizations as members of this working group.

Due to administrative and financial considerations, the Government has not yet set up a permanent national coordination agency/national point of contact, but plans to establish such an agency in the future.

The temporary national point of contact can be reached at:

Director of International Security and Disarmament, Department of Foreign Affairs, Republic of Indonesia, 7th Floor, BP 7 Building, Jl. Taman Pejambon No. 6, Jakarta 10110, Indonesia.

Phone: +62-21-3812646, 3441508 Ext. 4069,
Fax: +62-21-3858024,
E-mail: hkleib@deplu.go.id

3. Legislation and regulations

Upon Indonesia’s independence, colonial regulations such as Small Arms Regulation 1936 (Vuurwapen Regellingen), Ordonantie 11 March 1937 (as contained in State Gazette 1937 No. 170) and as amended by Ordonantie 10 May 1939 (State Gazette 1939 No. 278) was transformed into National Law No. 8 of 1948. This Law provides the Head of the Provincial Police the authority to license small arms. Currently, Law No. 8 of 1948 is in the process of amendment. This amendment will include provisions relating to the definition of SALW and sanctions for the offender. As such, a comprehensive and integrated law of Firearms which governs its procurement, use and other aspects including its ammunition will come into force.

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.

By Law No. 20 of 1960 on Power of License regarding Firearms as strengthened by Law No. 2 of 2002, the Head of Indonesian National Police has been granted the authority to monitor and control the ownership of SALW

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 SALW in Indonesia so as to prevent the misuse and illicit trafficking of such weapons.

Civilians use of SALW, therefore, can only be authorized by the Head of the Indonesian National Police. Such use can be categorized into individual or personal use, use by private security personnel (Satuan Pengaman) or special police, and use for sporting activities. As such, all purchases of these arms from other countries/foreign sources, must acquire “Import Licensing” from the Head of the Indonesian National Police. Prior to their sale, these purchases will have to be stored in the police storage facilities for proper controlling and safety precaution.

In addition, the user of SALW has to submit proper identification, including the type, mark, caliber, amount and past data of weapons and ammunitions, 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 Indonesian National Police to monitor and control civilian use of small arms and light weapons, internal inspectorate division in the Indonesian Armed Forces (TNI) 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 Armed Forces; either through foreign or domestic sources, the Department of Defense is authorized to perform such tasks and not the Indonesian Armed Forces.

The Minister of Defense/the Commander of Armed Forces and the Head of Indonesian National Police issue license to produce SALW by PT PINDAD. This state-owned company as the manufactures of SALW in Indonesia and one of the domestic sources for such weapons for the Indonesian Armed Forces must also meet international standards in manufacturing these arms. In these endeavors, PT PINDAD applies proper marking and identification, storage and documentation. In this connection, the Government has comprehensive information on the legal production of SALW and a system for marking, tracing and record-keeping and tracing of nationally produced SALW.

Under the Decree of the Head of the Indonesian National Police No. Pol.: Skep/82/II/2004 dated 16 February 2004, an effective national system of
export and import licensing or authorization of SALW has been established. This Decree also stipulates effective control over the export and transit of SALW including the use of end-user certificates. This Decree together with the Law No. 3 of 2002 on Indonesian National Defense regulate brokering activities.

4. Stockpile Management

There are existing laws governing the security and storage of SALW which are promulgated by each department/institution e.g. Department of Defense, Armed Forces, National Police, Customs, Immigration, etc. These laws require among others:

- Off-duty agents are not allowed to keep their government-issued small arms.
- Sanctions imposed against state agents for violation of laws on safe storage of small arms.
- Training of forces in securing and safely storing small arms.
- Private storage facilities are being inspected with a view to control and monitor the use of firearms to prevent misuse.

The Indonesian National Police keeps the data on the inventories and use of small arms both for its members and for civilians, while the data on the inventories and use of SALW for military purposes is kept by the Armed Forces. All these data are periodically updated.

The Government allocates funding in the national budget for facilities and resources to safely and securely store small arms.

5. Collection and Disposal

The Government has established procedures and safety standards to undertake weapons collection and disposal activities such as destruction of all confiscated, seized or collected illicit SALW. These procedures and standards which involve the seizure and confiscation of SALW arising from criminal activities are ordered by the court through the issuance of warrants for their collection and destruction.

6. Implementation at regional level

Countries in Southeast Asia have given the issue of illicit 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 rubric of transnational crimes.

Therefore, Southeast Asian countries tend to view the issue of SALW in the context of transnational organized crime. In this context, the issue of SALW falls under the framework of the UN Convention against Transnational Organized Crime. This Convention identifies the issue as the illicit
Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition.

In the context of ASEAN, the consideration of the issue of SALW has been further influenced by the need for coordinated efforts among various government agencies dealing with this menace. Thus, its member 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, terrorism and piracy.

ASEAN member countries took note that illicit trafficking of firearms or arms smuggling are committed by criminal networks and non-state actors which are involved in people smuggling, illicit drug trafficking, document fraud, money laundering, and other related transnational crimes. ASEAN is concerned at the connection between terrorism, piracy/robbery at sea and illicit trafficking in firearms.

In this regard, to comprehensively address the issue, ASEAN has established the ASEAN Ministerial Meeting on Transnational Crime, Senior Official Meeting on Transnational Crime (SOMTC) and ASEAN Secretariat which supports the work of these regional mechanisms. Under their auspices, ASEAN has adopted a Work Program to Combat Transnational Crime, which among others, include 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 its National Police and the Armed Forces through cooperation with other countries. The experience in tackling the issue of transnational crime by ASEAN and other countries provide a good basis for further international collaboration and cooperation.

Furthermore, there are several appropriate steps that can be taken to combat the illicit trade in SALW, namely:

- To develop a system of tracing of illicit SALW through marking of SALW and their ammunition.

- To fully implement the Program of Action which requires the destruction of surplus SALW.
• To strengthen regional customs, law enforcement and intelligence cooperation through regional forums such as ASEANAPOL, and other relevant regional organizations.

• To create a system of record-keeping of SALW in the Southeast Asian region.

• To initiate an ASEAN version of the Organization of American States (OAS) Convention against the Illicit Manufacturing of and Trafficking in Firearms, Explosives and Other related Materials.

8. Training and Education

a. Capacity building

The Government has identified training needs aimed especially to enhancing the capacity of relevant Government institutions such as legislature, policy makers, law-enforcement officials, and security forces.

b. Public Awareness and Civil Society

The Government undertook education and public awareness programs on the problems and consequences associated with the illicit trade of SALW. But, the Government has not yet been engaged in any small arms-related activities in cooperation with civil society including non-governmental organizations.

c. Role of the United Nations

The Government welcomes UN assistance:

• To develop training programs to enhance existing capabilities in investigation, intelligence surveillance, detection, monitoring and reporting.

• To provide technical assistance for the strengthening of law enforcement and institutional capacity building in stockpile management.

Jakarta, July 2005