Indonesia

National Report
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On Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
Report

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Executive Summary

For Indonesia, as an archipelagic state, which is comprised of more than 17,000 islands, with a very long coastline (81,000 km) and 8,000,000 square kilo metre of territorial waters, the smuggling and illicit trafficking of SALW have posed threats to its territorial integrity and sovereignty. In the last few years, there are some cases in which non-state actors took the advantage of those illegal activities to serve their political purposes by fostering separatist movements and promoting criminal activities. Hence, the illicit circulation of SALW is no longer tenable, and in fact, would be detrimental to its national security and stability.

Indonesia has taken actions to tackling the threats and challenges posed by illicit trade and smuggling of SALW by strengthening bilateral coordination, including sea patrol and border control, with neighboring countries, such as the Philippines, Malaysia and Singapore.

By conducting joint investigation and interrogation in cooperation with authorities from the aforementioned neighboring countries, Indonesia has gathered information that some groups smuggled various type of arms, both factory-made and man-made, to be used in conflict areas such as Aceh and at the border between Indonesia and Papua New Guinea.

In implementing the 2001 United Nations Program of Action to prevent, combat, and eradicate illicit trade of SALW and its all aspects, the Government of Indonesia has designated point of contact and national coordinating mechanisms. Regarding its national legislations, there are two categories of regulations, namely regulation on the use and possession of SALW by the military/police and regulation that cover the possession and use of fire arms by civilians. In order to combat the illicit trade and trafficking of SALW, the Government of Indonesia acknowledges that a comprehensive legislation is required. There is also a need to promote and to strengthen cooperation among bordering countries, taking into account that one individual country can not combat the illicit trade of SALW.

In order to fully implement its commitment to the UN Programme of Action, international cooperation and assistance with other countries, the UN, the International Criminal Police Organization (ICPO) and International organizations become its priority. Potential areas of cooperation that can be pursued, among others, are (i) training for law enforcement officers and security forces in border security; (ii) record-keeping and stockpile management; (iii) capacity-building in marking and tracing; (iv) raising the public awareness through workshops/seminars (v) disseminating information related to aspects of illicit trade of SALW in the media, (vi) joint-operation with neighboring countries, (vii) disposal of confiscated weapons and (viii) information sharing in the Interpol system.
In view of the above, Indonesia supports the recommendations made by the UN Secretary-General that an international instrument to address the issue of the illicit trade of SALW is 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 fully implement the UN Program of Action to prevent, combat and eradicate the illicit trade of SALW.

A) NATIONAL LEVEL

1. National coordination agency

The Government of Indonesia has established an Interdepartmental Working Group (IWG) on SALW to coordinate various relevant national agencies on matters relating to the implementation of the Program of Action on SALW. In this regard, the Directorate of International Security and Disarmament of the Department of Foreign Affairs acts as national contact point and is tasked to coordinate the activities of this IWG.

At present, the IWG consists of representatives from the Indonesian National Police, the Department of Defence, the Department of Foreign Affairs, Department of Finance (Customs), the Army, the Navy, the Air Force, PT. PINDAD (Armed Forces Industry), the Department of Justice and Human Rights, National Intelligence Unit of the Indonesian Armed Forces (BAIS TNI), Ministry of Research and Technology, Department of Home Affairs, as well as the Department of Trade.

2. National point of contact

The temporary national point of contact is as follow:

Director of International Security and Disarmament,
Department of Foreign Affairs, Republic of Indonesia, 7th Floor, ex. BP7 Building,
Jl. Taman Pejambon No. 6, Jakarta 10110, Indonesia.
Phone: +62-21-3812646, 3441508 Ext. 4069,
Fax: +62-21-3858024,
E-mail: desra.percaya@deplu.go.id; andyrahamanto@deplu.go.id

3. Legislation, regulations, administrative procedures

Production

The production of SALW in Indonesia, for military/police logistical purposes, was carried out by PT. Pindad. Through the enactment of the Presidential Decree No. 59/1983, which was subsequently updated through the Presidential Decree No. 6/1984, PT. Pindad was designated as a state-owned company, under the supervision of the Department of Defence.
PT. Pindad as the sole manufacturer of SALW in Indonesia applies international standards for proper marking and identification, storage and record keeping. In this regard, the Government has comprehensive informations on the legal production of SALW and a system for marking, record-keeping and trading of nationally-produced SALW.

In order to facilitate the procurement of weaponry of the domestic production, the Department of Defence, the Ministry of Industry and State Ministry of State-Owned Enterprise have a Memorandum of Understanding No. NK-02/I/M/2006, No. 11/M-IND/01/2006, No. MOU-01/MBU/2006, which mentions that there is a need to develop national industry in order to provide weaponry manufacturer in strengthening national defence system.

- Export

Indonesia does not have any specific and comprehensive export control law for SALW. However, Indonesian Customs applies Law No. 10/1995 that has been renewed through Law no. 17/2006, which stipulates that any export and import goods should have permission and approval from the government.

According to the administrative procedures, every small arms produced by PT. Pindad which will be exported to other countries, should have an original End User Certificate as one of the attachment of the Purchase Order, and to apply an export permit from the Department of Defence. This export of small arms is only valid if, prior to the export, it has been equipped with a bilateral arrangement between the Government of Indonesia and the purchasing government.

- Import

Import activities of SALW should get license from the Police Administration, according to the Law No. 20/1960 "the Authorization of licensing in accordance with the Law on fire arms" that the authorization of license for import of SALW will be issued by the authorized Minister or Head of National Police, except for the military purposes, which will be issued by Indonesian Armed Forces (TNI) with the permission from the Department of Defence. Administrative procedure regulated in the Minister for Defence Regulation No. PER/6/M/VII/2006 and Decree of Minister for Defence No. Kep/15/M/II/2005. Those regulations contain the procedure and guidance in purchasing military equipments in the Ministry of Defence and Indonesian Armed Forces.

Administrative Procedure for licensing by the Head of Indonesian National Police has been regulated by Decree of the Head of Indonesian National Police no. 82/II/2004 "Guidelines on the Monitoring and Controlling of Fire Arms". This Guideline contains the administrative procedure of monitoring, surveillance, controlling and licensing of the possession and the use of fire arms by civilian and national police.
All purchases of arms for personal use from other countries/foreign sources, must acquire “Import Licensing” from the Head of 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/owner of SALW has to submit proper identification, including the type, mark, caliber, amount and former 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.

At this moment, there is an administrative procedure issued by Head of Indonesian National Police that individual possessors are not allowed to keep their own weapons and should be stored at the Police storage.

- **Transit and Retransfer**

In order to prevent the misuse and illicit trafficking of SALW, the Decree of the Head of Indonesian National Police no. Skep/82/II/2004, stipulates that the Indonesian National Police, in coordination with the National Intelligence Unit of the Indonesian Armed Forces (BAIS TNI) and the Department of Finance, particularly, the Directorate General of Customs, performs the mandated duties of monitoring and controlling SALW in Indonesia. It should be noted that the process of transit and transfer should have legitimate document with country destination and end user certificate and to mention the specific reasons for transit and retransfer in/within Indonesia.

National laws, regulations and procedures related to SALW are disseminated through mass media, so that the public will know if there is any improvement or amendment to such laws, regulations and procedures.

4. **Law Enforcement/Criminalization**

Any actions of misuse of firearms, based on law No. 8 of 1948 article 13, shall lead to license revocation and weapon withdrawal to be put in the storage of Local Police, meanwhile the perpetrator is to be processed according to regulations.

This provision, updated by the Law No. 12/1951 article 1(1) that emphasizes on penal punishment, life imprisonment, or a maximum 20 years imprisonment for any person that illegally produce, acquire, or try to acquire, transfer, possess, stockpile, hide, use or export any kind of firearms, munitions, or explosive materials.

There were some cases of illegal transfer or trade of SALW in Indonesia that have been identified. Some cases were found in the conflict areas, such as Aceh, Maluku and Poso. The illegal weapons came from proximity of the conflict areas or through informal routes from neighboring countries. To handle this matter, Indonesian National Police conducted some monitoring operations to prevent the illicit transfer of fire arms into Indonesia.
5. Stockpile management and security

There are existing regulations governing the security and storage of SALW which are promulgated by each department/institution e.g. Department of Defence, Armed Forces, National Police, Customs, Immigration, etc. These laws stipulate among others:
- Only authorized officers are allowed to keep their government-issued small arms.
- Sanctions are imposed against state agents for violation of laws on safe storage of small arms.
- Training of forces in securing and safely storing small arms.
- All private-owned small arms by civilians are stored in the authorized storage facilities, Inspected and controlled by the Police.

The Indonesian National Police keeps the data on the inventories and use of small arms both for its members and for civilians.

The data on the inventories and use of SALW for military purposes is kept by the Armed Forces. All these data are periodically updated. 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.

Tight registration system with several layers of security is applied in the weapons storage of Armed Forces. The SALW can only be brought out of the storage if it is required for duty; and after use, the SALW must be returned in the storage again and re-registered.

The controlling and monitoring of use, storage and distribution of Indonesian Army's weapons are conducted by the small unit (Group/Regu) to the upper one (Division/Divisi). The control function is the responsibility of Commander of each unit. Monitoring on quantity and condition of SALW is conducted by the Unit Commander on daily basis and the Upper Unit Commander is responsible for the periodic monitoring on monthly basis.

6. Collection and Disposal

The Government has established procedures and safety standards to undertake weapons collection and disposal activities such as destruction of a 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.

In the Indonesian Armed Forces, disposal of SALW must be reported first to the Headquarter of Indonesian Armed Forces, Department of Defence and Department of Finance. After obtaining the approval from all these three institutions, then the disposal can be conducted, with the inspection of Inspectorate General of Indonesian Armed Forces, Navy and Air Forces.
The procedure of disposal of SALW resulted from the military operation conducted in handling the internal conflict or separatist movement, is under the authority of local Commander of Operation with the approval from the Indonesian Armed Forces.

Indonesian National Police has the same procedure of disposal for their SALW. In 2007, Indonesian National Police has collected and disposed 4463 illegal weapons and 7922 illegal ammunitions.

7. Export Controls

The license granted to companies to trade SALW is given by the Governor of Province in a location where the companies run their businesses. (Law on Firearms of 1936, art. 12).

The domestic transfer of firearms, munitions through sea, land and air, from province to province, from island to island, is only permitted with the license of the Head of Provincial Police. (Law on Firearms of 1936, art. 23,25).

8. Brokering

The brokering of small arms and light weapons is regulated in Law on Firearms of 1936 article 7, which stipulates that it is prohibited to trade/sell any fire arms, ammunitions and explosives through auctioneer. Brokers that can be accepted are companies that have license from the Governor or Head of Special Region where the companies are located (article 12).

The Law No. 2 of 2002 on Indonesian National Police regulates the license on brokering activities for civilian purposes; supported with The Decree of the Head of the Indonesian National Police No. Pol.: Skep/82/II/2004 dated 16 February 2004.

9. Marking, Tracing and Record Keeping

In manufacturing SALW, PT PINDAD uses its own marking as identity of weapons which consists of serial number, model, year of production and country of origin. It is a unique marking to identify and trace the weapons.

In order to do tracing of SALW, for the domestic prevention, every weapon owned by the Indonesian Armed Forces and Indonesian National Police must have license and is approved through ballistic test.

To do tracing of other kinds of weapons, Indonesian National Police also applied ballistic test conducted at the Police Forensic Laboratory Center (PUSLABFOR). Information as a result of those test is recorded as part of the details/specification/characteristics of the weapons.

With regard to record keeping, as a standard practice based on the ISO 9001-9002, PT. Pindad will keep the records on its production and transfer for a 10
(ten)-year term. The records provide information on the type, quantity of production, and the recipient. The term of year is also applicable in the record keeping system in Department of Defence and National Police.

10. Disarmament, Demobilization and Reintegration (DDR)

Since the signing of the Helsinki Peace Agreement on 15 August 2005, Disarmament, Demobilization and Reintegration (DDR) programme has been implemented in Aceh in the post-conflict context between the Government of Indonesia and Aceh Free Movement (GAM). But, the programme also applied as an effort to improve the Aceh’s security and economic conditions post the tsunami disaster. Disarmament and demobilization entail the short-term processes of separating combatants from their weapons and military structures, whereas reintegration is a more complex and lengthy process by assisting ex-combatants with their socio-economic inclusion into their communities of origin or new communities. In almost 3 years of its implementation, DDR programme has been running smoothly with some objectives, including to promote decent works for ex-combatants and affected civilians.

In the United Nations system, DDR programme is implemented within the Department of Peacekeeping Operations (DPKO), which is charged with the planning, operation and management of UN peacekeeping operations in many conflict areas in the world. As one of the major contributors to the UN peacekeeping operations, Indonesia definitely supports the implementation of DDR programme in most areas of peace-keeping operations.

11. Awareness-raising

Indonesian Government organized a national seminar on the Implementation of PoA in Semarang, Central of Java, in June 2006. It was attended by government officials from relevant government agencies.

Indonesian National Police has never conducted any specific training related to SALW, but there are some campaign programs which involved public/civilians, such as “Police are friends of Children”, “Police go to Kampung (Village)”, to make the people aware of the duty of the Police or and how they work.

B) REGIONAL LEVEL

1. Legally binding instruments

Until now, there is no regional legally binding instruments concerning the regional efforts in preventing, combating and eradicating the illicit trade of small arms and light weapons in all its aspects in South East Asia.

2. Moratoria and regional action programmes
Southeast Asian countries agreed on the need to enhance cooperations to prevent and tackle the illicit trade of SALW. This was reflected in the report of some meetings/seminars on SALW in the region, including the ASEAN Regional Forum on SALW that was held in Phnom Penh, 4-5 November 2006. The meeting also recommended that SALW issue shall be added in the agenda of future ASEAN meetings.

Annual meeting of ASEANAPOL also discussed and exchanged informations on the illicit trade of SALW in the region.

3. Regional Cooperation

Indonesia recognizes that the problem of SALW is closely related to the transnational organised crimes and terrorism. In order to tackle this matter, Indonesia needs to cooperate with other countries in the region.

At regional level, 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 Trans National Organised Crime, which 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 acknowledged the fact 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 and Official Meeting on Transnational Crime (SOMTC), with the assistance from ASEAN Secretariat, to 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.

C) GLOBAL LEVEL

Indonesia realizes that international co-operation is required to prevent, combat and eradicate the illicit trade in SALW. In this regards, Indonesia has supported the efforts of international organisations and the Initiatives taken under UN auspices.

1. International Instruments against terrorism and crime
From 13 Conventions on terrorism, Government of Indonesia has ratified 6 of them, as follows:

a) Convention on Offences and Certain other Act Committed on Board Aircraft (1963), ratified through Law No.2 of 1976.


In the scope of ASEAN, Government of Indonesia has signed but not yet ratify the ASEAN Convention on Counter-Terrorism (ACCT). Through this Convention, ASEAN countries committed to cooperate in information exchange and enforcement of border-control law, immigration regimes and intelligence cooperation.

2. International cooperation and assistance

In order to combat the illicit trade and trafficking of SALW, Indonesia needs to have a comprehensive legislation and there is a need to promote and to strengthen cooperation among bordering countries, taking into account that one country alone can not combat the illicit trade of SALW. International cooperation and assistance with other countries, the UN and International organizations become our priority. Potential areas of cooperation that can be pursued, among others, are (i) training for law enforcement officers and security forces in border security; (ii) record-keeping and stockpile management; (iii) capacity-building in marking and tracing; (iv) raising the public awareness through workshops/seminars and (v) disseminating information related to aspects of illicit trade of SALW in the media, (vi) joint-operation with bordering countries and (vii) disposal of conviscated weapons.

Indonesia has bilateral cooperation with some other countries related to law cooperation through Mutual Legal Assistance (MLA).

Related to effort in combating illicit trade in SALW linked to transnational organized crime and terrorism, Indonesia in cooperation with Australia has established Jakarta Center for Law Enforcement Officer (JCLEC) in 2004, which is a training agency for the capacity improvement of law enforcement officers in
combatting the trans-national organized crimes, including terrorism. The training is intended not only for national officers, but also for officers from other countries in the region. Other programs that Indonesia is being involved in are ILEA (International Law Enforcement Agency) and Anti-Terrorism Assistance Program.

Indonesia as one of the members of ICPO-Interpol plays an active role in exchanging information, especially information related to lost or stolen weapons which has been discovered by the Police, then to be informed to the Interpol in Lyon-France and forwarded to all the member countries. NCB-Interpol Indonesia also has received many requests on assistance in checking its own database related to the lost/stolen weapons which has been discovered by Police of other countries.

NCB-Interpol Indonesia use the Interpol Global Police Communication System (I-24/7) to submit notices, share crucial police data securely and efficiently with police in other countries and to access the Interpol’s database and services 24 hours a day.

Indonesia has established and maintained cooperation not only with Interpol, but also through Asesnapol, especially in the exchange of information on lost or stolen weapons. Indonesia believes that this cooperation and networking can be used as a significant mechanism to combat illicit of SALW.

3. Cooperation with civil society and NGOs

The Government of Indonesia disseminate the information on the danger of illicit trade of SALW and the harm caused by the illicit possession of SALW through mass media.

Although there are NGOs in Indonesia concerning on conventional weapons, such as cluster munitions and anti-personel landmines, hitherto there is no Non-Governmental Organizations in Indonesia specializing on the illicit trade/trafficking of SALW.

4. Information exchange

Indonesia non-formally gives informations related to illicit trade routes and techniques of acquisitions through Police to Police cooperation and workshops on arms-smuggling in ASEAN scope.

5. Training, capacity-building, research

At the national level, for the purpose of enhancing cooperation among competent officials, Government of Indonesia organized a training workshop in 2006 to discuss and coordinate the national efforts in combatting the illicit SALW and in general, the implementation of PoA, which was attended by government officials from various agencies, such as customs, police, department of defence and national intelligence body.