The Issue of Small Arms and Light Weapons (SALW) in the context of trans-national organized crime: Its implications for ASEAN Security*

1. The Issue of SALW

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.

Therefore, Southeast Asian countries tend to view the issues of SALW in the context of transnational crime. Under this context, the issue of SALW falls under the regime of the UN Convention against Transnational Organized Crime. This regime 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 which are involved in people smuggling, illicit drug trafficking, document fraud, money laundering, and other related transnational

---

*A paper presented by Indonesian Participant, Iwa Mulyana, to the UN Workshop on SALW, Beijing, 19-21 April 2005.
crimes. ASEAN Member Countries are concerned of the connection between terrorism, and 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 the two previous regional mechanism. Under these mechanisms, ASEAN adopted a Work Program to Combat Transnational Crime, which among others, includes activities such as information exchange, legislation, law enforcement and institutional building and training.

2. Implications of Illicit Trafficking in Arms/Arms Smuggling for ASEAN Security

In the Asia Pacific region there are 19 countries producing small arms and light weapons, including some ASEAN countries like Indonesia, Malaysia, Myanmar, Philippines, Singapore and Thailand. In this region, numerous armed conflict and insurgency occurred, resulting the increase of illicit trafficking and wide spread misuse of small arms, which subsequently it became uncontrollable.

The continuous increase of transnational crime including illicit trafficking in firearms or arms smuggling in Southeast Asia seriously threaten political, economic and social well-being as well as moral fabric of ASEAN member countries. The fact that these crimes have become more organized, diversified and pervasive as a result of globalization, technological advancement as well as greater mobility of people and resources across national borders, have increasingly concerned ASEAN Countries.
Considering the potentially serious impact of illicit trafficking in firearms/arms smuggling, ASEAN views that this crime poses new challenge to the security, peace and stability of the region.

The implications of illicit trafficking in firearms/arms smuggling for ASEAN security were recognized in several ASEAN meetings among its member countries or its dialogue partners. These meetings are as follows:

1. ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in Yangon, 23 June 1999. The Meeting recognized that the region had to dealt with many forms of transnational crime, including terrorism, drug trafficking, arms smuggling, money laundering, trafficking in persons and piracy. The AMMTC noted with particular concern the increase of trafficking in women and children, drug trafficking, trafficking in firearms and in stolen flora and fauna, money laundering and other forms of financial crimes.

2. Meeting between ASEAN and the People’s Republic of China during the 6th ASEAN-China Summit in Phnom Penh, 4 November 2002. The Meeting expressed deep concern over the increasingly serious nature of non-traditional security issues such as trafficking in illegal drugs, people-smuggling, sea piracy, terrorism, arms smuggling, money laundering, international economic crime and cyber crime, which have become important factors of uncertainty affecting regional and international security and are posing new challenges to regional and international peace and security.

3. The 4th ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in Bangkok, 8 January 2004. The AMMTC recognized the increasing trend of acts
of terrorism and other forms of transnational crime, including illicit drug trafficking, arms smuggling, money laundering, sea piracy, international economic crime, cyber crime and trafficking in persons in the region. The AMMTC viewed with concern the proliferation of transnational crime, including act of terrorism, threaten the security, peace and stability the region and therefore reaffirmed its commitment to enhance cooperation in combating transnational crime.

**Indonesian Case**

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 numbers 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 arms smuggling.

Arms smuggling was also committed by some terrorism offenders. They smuggled 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 the criminal used the route from Johor, Tanjung Pinang and Batam.

Some other groups are involved in arms smuggling with the intent of using these weapons in conflict areas. This was revealed from the result of conducting investigation and interrogation in cooperation with authorities from several neighboring countries such as Malaysia, Philippines and Thailand.

In Indonesia, therefore, the unlawful smuggling of SALW has posed grave threats to our territorial integrity by fostering separatist movements and promoting criminal
activities. Hence, their unregulated circulation is no longer tenable, and in fact, would be detrimental to the national interests, in particular, the internal stability.

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

3. Efforts by ASEAN to Prevent, Combat and Eradicate Arms Smuggling

ASEAN Policy on Combating Transnational Crime

One of the fundamental principles of ASEAN as enshrined in the Bangkok Declaration of 8 August 1967 is “strengthening the foundation for a prosperous and peaceful community of Southeast Asian Nations.” ASEAN policies, plans, strategies and activities revolve around this principle. Transnational crime has the potential of eroding this central belief thereby affecting the political, economic and social well being of ASEAN. Transnational crime, such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy have the pernicious effects on regional stability and development, the maintenance of the rule of law and the welfare of the region’s peoples. In recognizing the detrimental effects of transnational crime, ASEAN countries have taken concerted efforts to combat such crime since early 1970s.

ASEAN’s initial efforts in combating transnational crime were focused on drug abuse and drug trafficking, the prevalent crime then, which affected the growth and vitality of ASEAN. With globalization, technological advancement and greater mobility
of people and resources across national borders, transnational crime has become increasingly pervasive, diversified and organized. The region must now deal with many new forms of organized crimes that transcend national borders and political sovereignty such as terrorism, new types of drug abuse and trafficking, innovative forms of money laundering activities, arms smuggling, trafficking in women and children as well as piracy.

At the AMM in Subang Jaya in July 1997, the Foreign Ministers “stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking of people, illicit drugs and arms, piracy and communicable diseases.

The ASEAN Declaration on Transnational Crime was signed by the ASEAN Ministers of Interior/Home Affairs on 20 December 1997 in Manila, the Philippines. The Document reflected ASEAN’s resolve in dealing with transnational crime and its intention to work together with the international community in combating transnational crime. The Declaration also established the basic framework for regional cooperation on fighting transnational crime and outlined the initiatives for regional cooperation on tackling transnational crime, one of them is to expand the scope of member countries’ efforts against transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in person and piracy, and to request the ASEAN Secretary General to include these areas in the work program of the ASEAN Secretariat.

A year later, the AMMTC adopted an ASEAN Plan of Action on Transnational Crime adopted in 1998. It is aimed at expanding efforts in combating transnational crimes including terrorism, drug trafficking, arms smuggling, money laundering, trafficking in
persons and piracy at the national and bilateral levels to the regional level. This Plan of
Action urges ASEAN member countries to develop a more cohesive regional strategy to
prevent, control and neutralize transnational crime; to foster regional cooperation at the
investigative, prosecutorial, and judicial level as well as the rehabilitation of perpetrators;
to enhance coordination among ASEAN bodies dealing with transnational crime; to
strengthen regional capacities and capabilities to deal with sophisticated nature of
transnational crime; and to develop sub-regional and regional treaties on cooperation in
criminal justice, including mutual legal assistance and extradition.

The ASEAN member countries also participated in the first Asian Regional
Ministerial Meeting on Transnational Crime held on 23-25 March 1998 in Manila. The
Meeting was a follow-up to the Naples Political Declaration and Global Plan of Action
Against Transnational Crime adopted at the World Ministerial Conference on Organized
Crime held in Italy in November 1994. The Meeting adopted the Manila Declaration on
the Prevention and Control of Transnational Crime. The Declaration reflects the concerns
of the participating countries, including ASEAN, on the increase and expansion of
organized criminal activities, such as trafficking in human beings, transnational
exploitation of women and children, drug trafficking, trafficking in firearms and motor
vehicle, illegal trade in cultural objects and natural resources including flora and fauna,
money laundering and other forms of financial crimes and corruption.

As an institutional framework for ASEAN cooperation in combating transnational
crime, member countries established the ASEAN Ministerial Meeting on Transnational
Crime (AMMTC), Senior Officials Meeting on Transnational Crime (SOMTC), with the
ASEAN Secretariat providing support for both frameworks. The AMMTC, the highest
policy making body on the cooperation in combating transnational crime, coordinates activities of ASEAN Senior Official on Drug matters (ASOD), ASEAN Chief of National Police (ASEANAPOL), ASEAN Directorate-General of Customs, ASEAN Directorate-General of Immigration, and the Heads of Consular Affairs of the Ministries of Foreign Affairs. While, the SOMTC with assistance of ASEAN Secretariat implements policies and plans adopted by the AMMTC such as initiating, planning and coordinating activities, strategies, programs and projects to facilitate regional cooperation in combating transnational crime.

In order to support the effective combat against transnational organized crime including illicit firearms trafficking/arms smuggling, ASEAN member countries among themselves or with another interested country concluded some relevant legal instruments such as Agreement on Information Exchange and Establishment of Communication Procedures in 2002 and Memorandum of Understanding between ASEAN and China on Cooperation in the Field of Non-traditional Security Issues in 2004. Principally, ASEAN agreed to establish the ASEAN Center for Combating Transnational Crime (ACTC).

**Work Program of ASEAN Plan of Action on Combating Arms Smuggling**

The Work Program adopted by the AMMTC aims at implementing the ASEAN Plan of Action to combat arms smuggling. The Plan of Action includes the following work programs:

1. **The Program of Information Exchange** is to establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to arms smuggling leading toward establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB, to conduct typology studies to
determine trends and modus operandi of arms smuggling in the ASEAN Region, to enhance the exchange of information and cooperation among the ASEAN officials e.g. ASEANAPOL, customs, immigration, and legislators on international and regional arms smuggling activities, to coordinate with ASEANAPOL on information on regional arms smuggling activities, and to establish a comprehensive database of international treaties and agreements pertaining to arms smuggling/transnational crime.

2. **The Program of Legal Matters** assigns ASEAN to work toward the harmonization of marking systems for ammunition, arms, their parts and their components in line with the international system developed by Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

3. **The Program of Law Enforcement Matters** covers intelligence exchange and cooperation not only in border and customs control between countries in ASEAN but also with Europol, Interpol and any other organisations. The Program is designed to strengthen law enforcement capabilities, especially the need for comprehensive domestic legislation against illicit arms trafficking is also included in the Program.

4. **The Training Program** is to develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence surveillance, detection, monitoring and reporting. The Program serves also sharing of experience on best practices in investigation, monitoring and reporting
of smuggling of arms and explosives materials to contain and suppress such activities in our effort to fight arms smuggling.

5. The Institutional Capacity Building Program is to establish a database on illicit trafficking of arms and explosives with a view to address the current lack of information/database and research indicating the volume of trade, types of cases pursued, the trends, routes and manner of smuggling. The Program is also to establish procedures for countries to declare surplus arms destroyed, missing and lost from government stockpiles to be reported and compiled to facilitate tracking measures in line with the development of international procedures and the exchange of information.

6. The Extra-Regional Cooperation Program includes enhancing information exchange with ASEAN Dialogue Partners, regional organisations, relevant specialised agencies of the United Nations and other international organisations, particularly towards the sharing of critical information on the identities, movements and activities of known transnational criminal organisations involved in arms smuggling. The Program is also to seek technical assistance and funding considerations for weapons collection and destruction, the strengthening of law enforcement and institutional capacity building. The Program implements the programme of action, where practicable, in accordance with the outcome of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001.

The 24th Annual Conference of ASEANAPOL held in Thailand, 16-20 August 2004 discussed the topics of transnational crime including arms smuggling. The
Conference adopted the resolution on this crime encouraging member countries to adopt effective arms control laws, to exchange intelligence/information among member countries and to encourage member countries to conduct coordinated operation to apprehend illegal arms suppliers/traffickers.

-end-