

**ARF CBMs SEMINAR
ON CONVENTIONAL WEAPONS TRANSFER
Phnom Penh, 21-22 February 2001**

COMBATING ILLICIT TRANSFERS OF CONVENTIONAL WEAPONS
Contribution by Mr. A.M.Fachir of Indonesia

(Introduction)

It is a distinct honour and privilege for me to be invited along with other distinguished experts and participants to this important ARF CBMs Seminar on Conventional Weapons Transfer, I would like to join previous speakers in congratulating the Governments of Cambodia, Canada and Japan for organizing such an event. We are all aware of their active participation in addressing the issue, especially in the light of preparatory work for the forthcoming UN Conference on the Illicit Trade in Small Arms and Light Weapons in 2001 as well as their contribution to the promotion of ARF CBM's initiatives and activities.

(Scope and Approach)

For the purpose of our discussion, I feel the need to clarify my understanding regarding the topic entrusted to me to present. In this regard, I would like to define the scope of the issue in the context of regional perspective. The issue of conventional arms has been discussed since the Second ARF Ministerial Meeting in 1995. Among the basic idea is how to adopt relevant internationally recognized norms, principles and practices into practice with the objective of promoting CBMs and enhancing security among ARF members. They agreed to include "participation in UN Register of Conventional Arms" (UNRCA) as one of the confidence-building measures which can be explored and implemented by ARF participants in the immediate future. To that end, they entrusted Intersessional Support Group on CBM (ISG) to conduct discussion on the issue. The ISG reviewed the current UN framework from a regional perspective and encouraged those participants that had

not yet joined the Register to do so. All ARF members were also encouraged to circulate their annual submission to the other members.

In the meantime, the problem of illicit transfers has been dealt with in the context of small arms within the framework of the ARF Expert Group Meeting (EGM) on Transnational Crime together with the issues of piracy and illegal migration. The last meeting in Seoul took account of both global and regional initiatives developed to combat excessive and destabilizing accumulation of and trafficking in small arms. The 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was viewed as the main forum for international action to deal with this problem. It was agreed that any initiative must take into account the specific regional characteristics of the problem.

Against this background, it is my understanding that we have to address each issue within its respective context. This is to say that consideration on conventional arms should be taken up in the context of "Participation in UN Register of Conventional Arms" in which the problem of illicit transfer has never been raised. Meanwhile, this particular problem of illicit transfer is very much related to the issue of small arms and light weapons. In this regard, I would confine my presentation on preventing and combating illicit trafficking of conventional small arms (Fifth ARF Co-Chairs' Consolidated List of Possible New ARF CBMs, 2nd Basket).

(Jakarta Seminar on Small Arms)

As to the problem of illicit transfers of small arms in the region, it is only relevant for me to share with you the outcome of the Jakarta Regional Seminar last year, co-hosted by Indonesia and UNRCPD, in cooperation with Japan. The Jakarta Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons was convened in the framework of the UN Secretary-General's broad-based consultation in the light of preparatory process of the UN Conference in 2001. Nevertheless, it represented a seminal event, the first meeting of ASEAN representatives and regional observers to exchange and discuss on a matter of common concern, namely

the persistent of illicit trafficking of small arms in the region, and to explore ways and means of addressing the problem and contributing to worldwide endeavours at combating this threat to peace.

There was important message the Seminar wanted to convey if international norms are to be set. The principles of sovereign right of States to legitimate self defence (Article 51 of the UN Charter) shall be fully respected and due consideration on special regional characteristics and needs should be taken into account. Basically, this is in line with the Co-Chairmen's Summary Report of the last EGM in Seoul.

It was strongly felt that while Southeast Asia is less affected by illicit small arms flows than other regions, there are some challenges still encountering, in different ways, individual ASEAN states. In this context, the participants were of the view that illicit trafficking is largely an issue of transnational crime. Again, this view coincides with the fact that ARF places the issue of small arms in the context of transnational crime.

Many participants regarded the problem of illicit small arms transfer constitutes a combination of three broad threats. First, it presents challenges to socio-economic development; second, it constitutes a real threat to the authority of States to govern effectively as the possibility of ethnic or political conflict from non-state actors or foreign interference still persist in a number of States; and third, the threat to civil society - namely the security of civilian, particularly vulnerable groups. Furthermore, it is not only a threat to national security but also becomes destabilising factor to other countries. In the words of EGM, "the illicit trafficking in small arms poses a danger to the well-being of citizens, economic and social development and regional security." This underlines that regional problem of illicit transfer is more transnational proportion which requires a collective approach.

The Seminar offered some specific suggestions as to how to address the problem. It was stressed that intra and perhaps inter-regional cooperation, information sharing and coordination continue to be fundamental. A number of participants suggested to build upon existing regional and subregional mechanism

such as ASEAN Ministerial Forum on Transnational Crime which adopted Plan of Action and agreed to establish ASEAN Center to Combat Transnational Crime. They also referred to ARF which has managed to discuss transnational issues and recalled that ASEANAPOL has provided a forum for communication and information exchange among law enforcers. Meanwhile, some participants considered it useful to establish an interlocking web of security cooperation inter-alia through an ASEAN regional database monitoring criminal activities. At the national level, a number of participants underlined the importance of legal control and regulatory structures on small arms proliferation.

(Indonesia's Perspective)

As far as Indonesia is concerned, small arms and light weapons (SALW) constitute dangerous weapons which have caused considerable humanitarian plight. It is, however, not the only side effect arises from the phenomena of such weapons. They should be put in a comprehensive perspective covering aspects such as the capacity of State to defend its national integrity and sovereignty, disarmament and arms control, international security, post-conflict-peace-building, and socio-development dimension.

Based on their definition, currently considered in the preparatory process of the 2001 UN Conference, SALW encompass all categories of weapons needed for national defence in most countries, particularly developing ones. In this connection, most of their types are manufactured and produced by advanced countries. Consequently, developing countries are vulnerable to any possible external arms embargo. Indonesia has been experiencing bitter embargo on military equipments imposed by some external powers. Indonesia is therefore sensitive to any possible international norms setting on SALW, if it has implication that might justify measures of military embargo on the basis of parameters beyond the window of disarmament.

Indonesia has been very active in the consideration of any endeavour to develop any norms on SALW. To Indonesia, it's main objective should aim at

combating terrorism and international organized crimes, drug trafficking, and encouraging post-conflict-peace-building, as well as promoting disarmament and preventing military supply to any group that disturbs public order or endangers national security of a sovereign State.

(Some Points for Discussion on Possible Regional Cooperation)

If we are to explore ways and means in addressing the regional problem of illicit small arms transfer, it is my view that we need to look at of all relevant consideration that have been conducted at global as well as regional levels. In so doing, we are able to scrutinize the best cooperative measures pertinent to all countries in the region and at the same to complement international endeavours.

I observe that common points emerged from substantive discussion in Jakarta Seminar are basically similar to those of EGM in Seoul both in terms of scope of the problem and ways of addressing it. In the meantime, during the last preparatory process of the 2001 UN Conference, I note that important proposals are made on regional cooperation under the topic of "International Cooperation and Assistance" which also deserve our consideration.

Against such an observation, I would like to offer some following points for discussion on how best we approach regional cooperation in combating the threat of illicit transfer of small arms:

1. Any kind of cooperation must be guided by the method and approach adopted by ARF, bearing in mind its unique character as a forum for dialogue on political and security matters;
2. There is a need to establish a set of guidelines elaborated from principles of ASEAN's Treaty of Amity and Cooperation which has been endorsed as a code of conduct governing relations between States and a unique diplomatic instrument for regional confidence-building, preventive diplomacy and political and security cooperation;
3. There should be a common understanding about the scope and magnitude of

the problem of illicit small arms transfer in the region;

4. It is advisable to empower the existing relevant regional mechanisms and consolidate their activities;
 5. Regular contacts must be conducted between officials of law enforcement and custom agencies for information sharing and practical cooperation;
 6. Technical assistance and cooperation must be encouraged for the development of national legislation and regulation as well as for the training programs for related authorities.
-