Statement by

Member of The Parliament of The Republic of Indonesia

Hon. Mr. Muhammad Najib
Delegate of Indonesia

at the Final United Nations Conference on Arms Trade Treaty

New York, 18 March 2013
Mr. President,

Indonesian delegation would like to first congratulate you on your election as the President of this Conference. We believe that under your leadership, there will be frank, transparent, and direct negotiations among countries, and that those will be reflected clearly in the text of this Final ATT Conference.

While we have a number of suggestions to present, allow me, Mr. President, to highlight some salient points now that in our opinion are vital to be reflected in the final text of the ATT.

First, in the Principles section, the text should clearly spell out the “the right of States to territorial integrity”. The text, as it stands presently, is not balanced, and does not reflect the reality that in the case of intra-state conflict, the states have rights and obligations to protect civilians as well as maintain their territorial integrity.

Second, the section of Principles should become Article 1. Otherwise it might be perceived that the significance of Principles is being diluted, and that Principles are perhaps not at par with Goals and Objectives. In this context, we believe that the old Article 5 (general implementation), Article 19 (reservations), and Article 24 (relationship with other instruments), should all also include wording of “the principles”.

Third, we note that the scope of the ATT is not only covered in old Article 2 (Scope) but in old Article 6 (Export) paragraphs 4 and 5, which include ammunitions and components. We need to avoid any confusion on categories.

For the sake of clarity and to garner widest possible support from countries, we suggest that the scope of ATT be “7+1”, as reflected in Article 2. We, therefore, propose to delete paragraphs 4 and 5 of Article 6.

Fourth, the language in old Article 3 paragraph 1 (prohibited transfers) with regard to the Security Council measures should be crafted carefully so that the ATT will not create new interpretations or additional obligations beyond Article 25 of the UN Charter.

We suggest amending this paragraph by, either using the language from Article 25 of the UN Charter in its entirety or inserting wording, which reflects that the implementation of this paragraph should be in accordance with domestic legislation of the State Party.
**Fifth**, in relation to the old Article 4 on national assessment, the July 2012 text in paragraph 2 is leaving too much in the court of exporting states in their unilaterally defining the meaning of serious violations of international humanitarian law and international human rights law.

The Treaty will enjoy wide support and credibility when its standards will be clearly and uniformly understood without subjective national assessments guided by pre-determined political aims. There must be a consistent and non discriminatory application of human rights protection.

The national assessment should be based on clearly defined terminologies. The terminology of serious violations of international human rights law and international humanitarian law, as stated in paragraphs 2 of Article 4 should be replaced by terminology of genocide, war crimes, crimes against humanity or crime of aggression, as clearly defined in applicable international legal instruments.

Furthermore, Indonesia would like to refer to its previous proposal whereby the ATT should establish an independent panel or independent advisory group, to observe and scrutinize the application of this article by any exporting State Party of the ATT. The independent panel should consist of eminent persons of high moral international standing who have expertise in human rights and international law.

It would be difficult for the Government and the Parliament of Indonesia to ratify the future ATT, if the Treaty would regulate on leaving the determination of imposing an arms embargo, especially on the basis of serious violations of human rights, exclusively in the hands of exporting states.

Finally, **Mr. President**, we would reiterate that the ATT will be potent when it will depict the interests and concerns of both exporting and importing countries in a fair manner, and lead to concrete mitigation of unregulated trade in conventional weapons.

This entails that there will also be adequate international cooperation and assistance, particularly for those developing countries that suffer from capacity and financial constraints in strengthening their national controls.

Let us listen to each other carefully and openly, and work together on the basis of consensus, to achieve a balanced and effective ATT.

I thank you.