Statement by
H.E. Ambassador Desra Percaya
Permanent Representative of the Republic of Indonesia to the
United Nations

at the United Nations Conference on Arms Trade Treaty

New York, 6 July 2012
Mr. President,

At the outset, let me express my warmest congratulations on your assumption as President to preside on this very important conference. Our congratulations also to the other members of the Bureau on their election. The Indonesian delegation assures you of its determination to engage constructively during the deliberations to help ensure a successful Arms Trade Treaty Conference.

Before continuing, Indonesia would like to associate itself with the statement by Myanmar on behalf of ASEAN.

Following your suggestion, I will deliver the short version of my statement. The full version will be circulated in the meeting room, and will be available on the website.

Mr. President,

We welcome the adoption of the Rules of Procedure in the opening of this Conference, as it displays our collective commitment to ensure that the conduct of the Conference will be in an open and transparent manner, and that decisions will be formed on the basis of consensus and in line with operative paragraph 5 of UNGA Resolution 64/48. We believe that to an extent, the Conference’s Rules of Procedure could be geared to facilitate a frank yet respectful debate between all Member States leading to a successful deliberation in the Conference.

Mr. President,

Considering on-going developments, Indonesia recognizes the need to address the problems relating to unregulated trade in conventional weapons. Unregulated trade in conventional weapons and the diversion of those weapons
towards illicit markets or illegitimate purposes often become the fuel for instability, violence, terrorism, separatism, and transnational organized crime.

In 2011, in cooperation with UNIDIR and European Union, Indonesia co-hosted a Regional Seminar on “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing” in Bali, which was attended by key countries from the Asia-Pacific region. One of the main issues that we were able to extract from the Seminar was the aspiration of the Southeast Asian nations to have their concerns and views reflected appropriately in the text of the ATT along with the concerns and views from other regions. Thus, it is essential that no presupposition be made on any nation’s behalf and that no region be left out from the current ATT negotiations.

My delegation is of the view that all issues discussed in the previous Preparatory Committee meetings should be open for consideration to be inserted in the body of the ATT. Direct consultations among States are needed in the Conference to ensure a strong sense of ownership by all of them.

There is much in those elements on which there are differences in opinion. And on each issue, we see different perspectives from Member States. Our important task, therefore, is to now try to find a balanced text in which the differences of opinions and positions among Member States can be narrowed down.

**Mr. President,**

Allow me to highlight some salient points that in our opinion are important to be reflected in the ATT.

**First,** the Treaty, in its principles and implementation section, should unambiguously state the complete and undiluted observance of the inherent rights of all States -on an equal footing- not only to self-defence, but also to their right to territorial integrity.
In the past, discussions and practice among states on the affirmation of the right to self-defence have often times been interpreted as a right that does not cover the right of states to maintain their territorial integrity. Notwithstanding the arguments that espouse this notion, Indonesia would like to ensure that the future ATT covers and clearly spells out the legitimate right of all sovereign states to territorial integrity in the case of intra-state conflict. For Indonesia, ambiguity on this matter is not an option.

Second, the Treaty should strike a fair balance between the interests of exporting states and importing states.

For example, it would be difficult for the Government and the Parliament of Indonesia to ratify the future ATT, if the Treaty would only regulate and leave the determination of imposing an arms embargo, especially on the basis of serious violations of human rights, in the hands of exporting states, while disregarding the views of arms importing states.

In our view, it would not be realistic for net-importing States to ratify a Treaty that in its core is imbalanced and prejudices the rights of an importing State.

On that note, the meaning of “serious and systematic violations of human rights” that may be be stated in the future ATT should not only be defined by the standards of exporting States. Rather, they should be drafted in concord with the views of importing States. We also believe that the proposed references to “internal instability”, as one of the indicators for legitimizing embargo, should not be made in the Treaty, as the nature of this terminology is overly subjective and can be easily politicized not in good faith.

Should the Treaty incorporate elements of human rights protection, the elements should be implementated consistently and equally to all States Parties of the ATT. To ensure consistent and non-discriminatory implementation, and to
avoid political abuses of the Treaty, we believe that it is imperative that an independent advisory group endorsed by the States Parties to the future ATT be established.

Third, the ATT should be a confidence-building mechanism and not a sanction mechanism.

Provisions on consultation and information-sharing are key elements in assuring the effective implementation of the future Treaty. We envision a consultation mechanism that would be able to settle disputes between States that stem from dissenting interpretations on certain provisions relating to criteria. Such mechanism, we believe, will help preserve the credibility and consistency of the Treaty’s implementation.

When considering a potential embargo or transfer denial, the parties involved in the potential transaction should be given the forum to consult with each other in order to ensure a credible implementation of the Treaty and to afford the importing State the opportunity to take any necessary measures to avoid a denial of transfer.

My Final point, Mr. President: The Treaty should not generate political conditionalities on countries in the development of their own legitimate capabilities in conventional weapons and in the transfer of technology of conventional weapons. It should not also undermine the primary responsibility of States in controlling their transfers of conventional arms.

The future ATT may become a paramount legal basis, if it enjoys the widest possible support and common understanding from all countries and all regions.

Before concluding, I would like to reiterate that Indonesia understands the complexity related to conventional arms transfers. We believe that a balanced ATT text that takes into account proper consideration of the efforts to address the
international trade in conventional arms in an open and transparent manner, and on the basis of consensus will benefit us all.

I thank you.