

EXPORT CONTROL SYSTEM OF THE REPUBLIC OF INDONESIA

Indonesia is committed to the international efforts in addressing the proliferation threats of weapon of mass destruction (WMD). This commitment is showed by Indonesian active involvement in various international forums addressing the international concern on the proliferation threat of WMD; actively cooperate with international community to combat the mis-use of dual-use goods through information exchanges, joint-operation, trans-boundary movement control; and being the State Party of and actively support the NPT, Convention on Chemical Weapons (Indonesia has ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Uses of Chemical Weapons through Law No. 6/1998), Convention on Biological Weapons and the UN Programme of Action to Prevent, Combat and Erradicate the Illicit Trafficking of SALW.

Related to the trade control, Indonesia has challenges considering its physical condition with so many islands as “*exit doors*” that caused widely-spread monitoring activities and needs of using better technology to support these monitoring activities, also other challenge such as the budget constrain which made some priority actions to be postponed. However, Indonesia has developed its export and import control system and considering to have more comprehensive regulation on tightening the transit and transshipment of goods, especially those which are subject to dual-use goods.

Hence, Indonesian regulations related to trade control are as follows:

1. Law No. 10/1995 and updated through Law No. 17/2006 regarding the Customs affairs;
2. Law No. 6/1998 regarding the Ratification of The Convention on The Prohibition of The Development, Production, Stockpiling and Use of Chemical Weapons; and Law No. 9/2008 regarding the Use of Chemical Materials and Prohibition on the Use of Chemical Materials as Chemical Weapons;
3. Presidential Decree No. 125/1999 regarding Explosives Materials;
4. Government Regulation No. 29/2008 regarding License of the Use of *Pengion* Radiation and Nuclear Material Resources;
5. Decree of Minister of Trade No. 01/2007 regarding General Provisions on Export; aldo describing the categories of goods which differentiated as regulated goods, controlled goods and prohibited goods;
6. Decree of Minister of Finance No.145/PMK.04/2007 regarding Customs Provisions on Export;
7. Law No. 15/2003 regarding terrorism;
8. Related to Small Arms and Light Weapons, some of the regulations are: Emergency Law No. 12/1951 on Fire Arms and Explosives and Decree of the Head of Indonesian National Police No. Skep/82/II/2004 which contains an established national system of export and import licensing and authorization of SALW.

In managing the trade control, related government institutions play important role. They are: Ministry of Trade (as the License issuer), and other institutions which issue the recommendation letter in accordance with its competency, such as Ministry of Finance (also as the Customs Office), Ministry of Defense, Ministry of Industry, Ministry of Health, Ministry of Environment, National Police Headquarter, the Food and Drug Control Agency, etc.

License and recommendation for export and import activities over goods and raw materials related to weapons of mass destruction is being controlled through the regulations which issued by some government institutions: Ministry of Industry, Ministry of Trade, Department of Defence and Indonesian National Police. Those regulations are as part of the additional guidelines of Directorate General of Customs and Excise. The implementation of the regulations by the Directorate General of Customs and Excise is stipulated in Law No. 7/2006. Regarding to the control of terrorism activity, there is a related specific article in this Law, which is article 64A on the taking measures against goods related to terrorism and/or trans-border crime, it elucidates that goods which based on the initial evidence are suspected to be related to any terrorism action and/or trans-border crimes can be placed under the measures/enforcement of customs and excise official.

Directorate General of Customs and Excise has the duty to perform supervisions over the traffic of goods entering into and leaving Indonesian customs area, not only related to the supervision over goods related to the weapons of mass destruction, but also over all goods subject to the rules of prohibition and restriction in the case of import and export of other government institutions which implementation is entrusted to. In general, the notification of import and export of goods in the major service offices have used Electronic Data Interchange (EDI) system, which certainly improves the efficiency of service and the effectiveness of supervisions. This system consists of EDI-Import and EDI-Export.

In supporting the supervision of prohibited and restricted goods, Customs office conduct some procedures which covers:

1. Administrative Supervision, related to the completeness of required documents and the verification of correctness of the Import/Export Declaration of Goods;
2. Physical Supervision, conducted through direct examination over the physical form of the goods and compare it with the Declaration of Goods, also through examination supported by X-Ray Equipment;
3. Risk Management which is conducted by using intelligence analysis to collect information over import/export activities which are strongly suspected of violating the Prohibition and Restriction by using profiling and targeting method against the importer, exporter, commodity and supplier, the address of the recipient set out in the Intelligence Result Note; and
4. Sea Patrol, to secure the entering and leaving of prohibited/restricted goods smuggled through Indonesian waters territory.
5. Border-control, to secure and control all point of entries next to other countries.

As part of the effort to have efficient control system and to support all procedures, also as part of national preparation to Asean Single Window (ASW), Indonesia has just launched a National Single Window (NSW). It works as the system integrating informations which related to customs document handling and goods clearance, which ensures the data safety and combines information flow and process in the internal system automatically, involving system of customs, authorization/approval, airport/port, and others. NSW is a system which enables a single submission of data and information; a single and synchronous processing of data and information; and a single decision-making for customs release and clearance.

Another progress in Indonesian trade/export control can be seen from the new regulations as follows:

1. Government Regulation No. 29/2008 regarding License of the use of *pengion* radiation resources and nuclear material, which has been endorsed on 11 April 2008. This Law stipulates that the import and export of *pengion* radiation resources or nuclear material shall only be authorized by License holder, and the License Holder should obtain approval of Head of BAPETEN before radiation resources or nuclear material leave the customs area.
2. Law No. 9/2008 regarding the Use of Chemical Materials and the Prohibition on the Use of Chemical Materials as Chemical Weapons, which has been endorsed on 10 March 2008. The annex attached in the Law, stipulates the list of dangerous chemical materials (schedule 1, 2, 3) and precursor.
3. At this time, Ministry of Trade is in the process of drafting a new regulation related to import and export of goods and equipments in Annex II Additional Protocol in the Indonesian Safeguards Agreement with the IAEA.