

## **CHAPTER III**

### **ARMS SMUGGLING IN SOUTHEAST ASIA**

Arms smuggling need to be solved as soon as possible by doing effective attempt done by all parties and all aspects comprehensively. In attempt to find the best solutions, it need to know what is the arms smuggling it self, how it can be done, who are the actors, etc. Many information that can be accomplished, make it better as the consideration to solve the arms smuggling in Southeast Asia.

#### **A. Arms Smuggling Literature**

##### **A.1. Definition of Arms**

The word arms in this paper have many synonyms. Many scholars called arms with small arms and light weapons or SALW, conventional weapons, firearms even weapons of warfare. Those definitions are almost similar each other. Because there is no universal definition of those weapons, there are many definitions about weapons, based on many resources.

Based on Paul George, small arm is defined as weapons designed for

weapons as weapons which easily portable but usually weight too much for one person to carry and require a team to operate them.<sup>43</sup>

The example of *small arms* such as pistols, rifles, sub-machine guns, assault rifles, self-loading rim-fire rifles; self-loading shotguns; self-loading centre-fire rifles; single shot & repeating centre-fire rifles; pump action repeating shotguns; rim-fire rifles; air rifles; muzzle-loading firearms; single- & double-barrelled shotguns; hand guns (pistols & revolvers); break action rifle/shotgun combinations; submachine guns; machine guns; repeating shotguns (bolt or lever action); and parts, accessories, magazines and replicas of the above.<sup>44</sup>

Moreover the example of *light weapons* such as heavy machine guns, rocket propelled grenade launchers, anti-aircraft guns, mortars of less than 100 mm caliber, recoilless rifles and light anti-aircraft missile systems, hand-held under-barrel, mounted grenade launchers, portable anti-tank and anti-aircraft guns, portable launchers of anti-tank and anti aircraft missile system.<sup>45</sup>

Conventional weapons is a broad category that includes small arms, light weapons, ammunition, explosives, bombs and heavy weapons and military equipment such as missiles, tanks and military vehicles, military aircraft and

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<sup>43</sup> George, Paul, *An Operational Framework for Micro-Disarmament an Peace Building*. Accessed in <http://www.acdi-cida.gc.ca>.

<sup>44</sup> Mouzos, Jenny. *International Traffic in Small Arms: An Australian Perspective*. Australian Institute of Criminology. Canberra. 1999. Page 1.

<sup>45</sup> International Convention on Certain Conventional Weapons. Article 1. 14 July 2001. Page 1.

helicopters and naval ships, as well as components for all these weapons.<sup>46</sup> This category does not include weapons of mass destruction, chemical or biological weapons which are already covered by treaties.

Firearms also the other name of guns. In accordance with Regulation 4F, firearm means a device designed or adapted to discharge shot, bullets or other projectiles by means of an explosive charge or compressed gas.<sup>47</sup> There is a difference between firearms and weapons of warfare. Firearm is small arms refer to 50 calibers or less. The example is Browning machine gun, whereas anything over 50 calibers is included in *weapons of warfare*.<sup>48</sup>

United Nations (UN) as the biggest international organization in the world once discussed the category of arms and also the examples of SALW in UN Panel of Government Experts on Small Arms. This panel divided SALW into three types that are small arms, light weapons and ammunitions & explosives.<sup>49</sup>

Ammunitions and explosives can be defined as cartridges (rounds) for small arms, shells and missile for light weapons, mobile containers with missiles

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<sup>46</sup> *Frequently Asked Questions on the Arms Trade and the Arms Trade Treaty*. Can be accessed in <http://www.controlarms.org/en/documents%20and%20files/frequently-asked-questions-on-the-arms-trade-and>

<sup>47</sup> Mouzos, Jenny. *International Traffic in Small Arms: An Australian Perspective*. Australian Institute of Criminology. Canberra. 1999. Page 1.

<sup>48</sup> *CSCAP working Group on Transnational Crime-Small Arms, Projects: An Australian Perspective*. Can be accessed in <http://www.aic.gov.au/documents/A/9/D/1%7BA9DED054-2E5C-4829-B52B-C2A70CD712CC%7Dtandi104-cscap.pdf>

<sup>49</sup> *Pengelolaan Dan Pengamanan Wilayah Perbatasan Negara*. Accessed in <http://www.google.co.id/#hl=id&biw=1280&bih=871&q=Pengelolaan+Dan+Pengamanan+Wilayah+P>

or shell for single-action anti-aircraft and anti-tank systems, anti-personnel and anti-tank hand grenades, landmines, explosive (UN, 1997, para. 26).<sup>50</sup>

Swadesh Rana is not only divided arms into small arms and light weapons, but also divided SALW into two types. They are *target points* and also *target area*. The example target point guns are revolvers, guns, machine-weapons whereas the examples of target area guns are grenades, flame throwers and mortars.

## A.2. Characteristics of SALW

The use of weapons especially small arms and light weapons nowadays is broadening than before. It is not only talks about the user of those weapons, but more than that. We can see from the time of using the weapons, how to get weapons, the price of weapons, etc.

In the past, the majority of weapons users were the soldiers, police, and army. Civilian almost did not have any weapon except traditional weapons. In term when weapon was started to be used, in the past, weapons used in war situation, but nowadays, weapons can often be seen in peace situation. The access of getting weapons is also different. In the past, civilian found it difficult to get weapons legally. Nowadays, if a person has enough money, he/she can buy weapons legally as well as illegally.

The popularity of SALW is also increase than heavy weapons or biological weapons, chemical weapon as well as nuclear weapons. In the past, SALW was not a big problem but now, SALW especially about it's spreading, becomes international problems in the world.

The increasing popularity of SALW closely related to the characteristics of SALW itself. Minimal, there are eight characteristics of SALW that will be discussed in this chapter. They are lethal, durable, portable, tradeable, easy on transferring, relatively difficult to detect, cheap and easy on operation.

Lethal is the main characteristic of SALW. SALW can not destruct a massive immense mass or a town in several seconds like nuclear weapons or chemical weapons, but the problem is that SALW has become a cause 1,300 people death everyday.<sup>51</sup> So that is why SALW can be named the *real weapons of mass destructions*. Many people chose SALW because it is portable. It can be carried out easily even by children because of weight and shape of SALW. A landmine anti-personal weapons is just around 0.5 kg or machine gun or anti-aircraft weapons just has weight around 5 kg.

The third characteristic of SALW is durable. A weapon does not have expiration date in its using. Several SALW is assembled by simple technology, so that is why it can be duplicated by other person. An assault riffle, by simple

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<sup>51</sup> *Senjata Ringan dan Kaliber Kecil dan Persebarannya di Asia Tenggara*. Accessed in <http://www.google.co.id/#hl=id&biw=1280&bih=871&q=Senjata+Ringan+dan+Kliber+Kecil+dan+Pe>

treatment, can be used for several decades.<sup>52</sup> The next characteristic is easy on operating. SALW is designed to be easy on operating and do not need special rehearsal. The proof is that in several conflict areas, there are many soldier children can operate assault rifles such as AK-47.

The fifth characteristic is easy on transferring. Of course it will be easier if the SALW is illegal and in black market. It will be different if we want to get a weapon by legal way. It is because the spreading of SALW is regulated by government. There are special requirements if civilian want to get a weapon and it is different in every state. Buying a weapon legally is of course expensive. So that is why many civilians want to buy weapon illegally or in black market. There is no special requirement to get weapon in black market; more over it will be much cheaper than buying weapon legally. Cheap is one of the next characteristics of SALW.

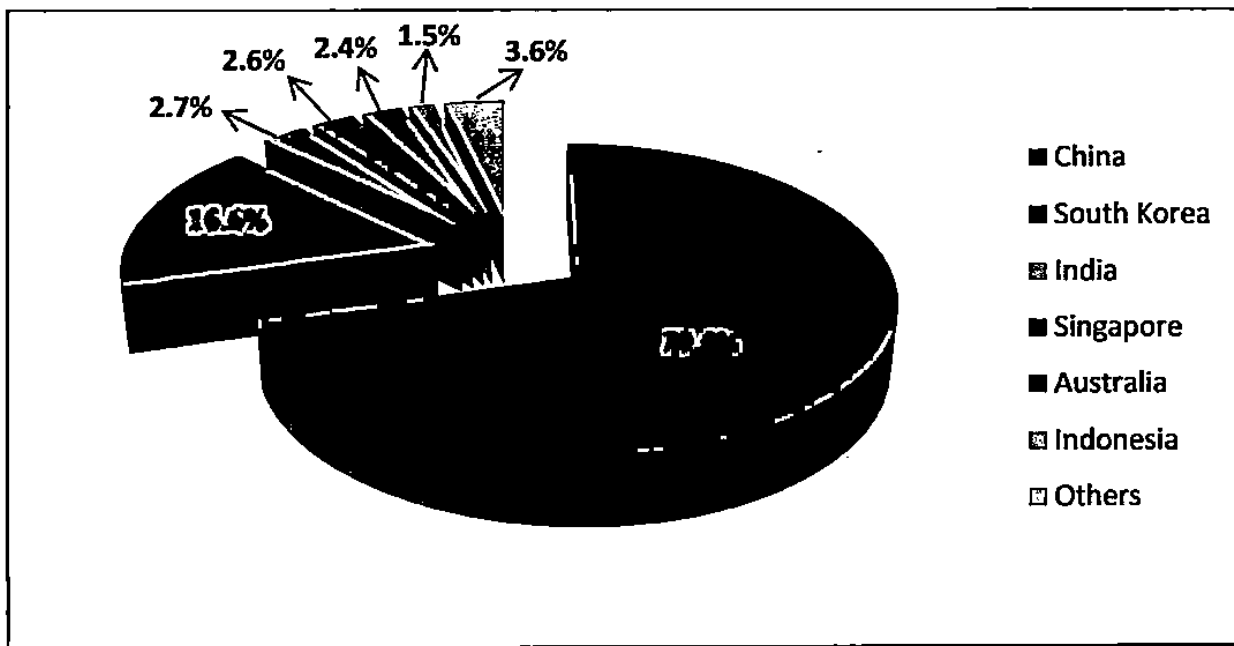
The last characteristic of SALW is difficult to be detected. It is related to the shape and size of several weapons. They are small enough to put behind coat or in a bag. People can bring it out every where as long as there is no detector. Without special detector, weapon is hard to be seen directly.

Another thing which can be included into characteristics of SALW is related to the supplier or producer of SALW. In Asia, many states become suppliers or producers of SALW. Following diagram shows which state in Asia

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<sup>52</sup> <http://www.un.org/News/Press/docs/2001/01-11/011110.htm>

and Oceania who become suppliers of SALW. The number of supplier states make the mechanism of control toward supply is more difficult. Of course the producing weapons done by those states are legally. Beside to fulfill domestic need, they also export SALW they produce to other states which need them.



Source: SIPRI Arms Transfers Database, <http://www.sipri.org/databases/amstransfer/>

**Figure 1:**

**The Suppliers of Major Conventional Weapons in Asia and Oceania, 2004-2008**

**A.3. Definition Legal Market and Illegal Market of SALW**

The owning of SALW in the world can be gotten by legal as well as illegal way. Legal way means by obeying all requirements regulated by government before getting a weapon. Whereas illegal way means by ignoring the

requirements just by having enough money and looking for it in a black market network.

In detail, there are many types of legal and illegal market. Legal market can be divided into five types which are government-to-government transfers, commercial sales, private importations, private sales and club *armoirer*.<sup>53</sup> *Government-to-government transfers* (including aid) means the sale of firearms, and/or the transfer of surplus military equipment which no longer required by the supplier's own armed forces.

*Commercial sales* mean legal sales of firearms by private firms in one state to government agencies or private dealers in another state. Usually, sales are regulated by the supplier country and the exporter is required to produce an end-user certificate testifying to the legitimacy of the transaction. *Private importations* mean individuals ordering and importing declared firearms. *Private sales* mean mostly through firearms dealers. *Club armourers* is selling or buying of firearms for or on behalf of club members.

Many terminologies used to call illegal trade in the world. The other terms of illegal trading are illicit trading and arms smuggling. Specifically, many scholars use smuggling to name them. One similarity is that those trading are



breaking national as well as international law in transferring goods (arms/weapons).

Illegal market means “[trade] which is contrary to the laws of States and/or international law”. Similar with legal market, illegal market also has several types’ namely clandestine military operations, black market sales and grey market sales.<sup>54</sup> *Clandestine military operation* is covert transfers of firearms from a government to separatist or insurgent forces operating in another country. One of example of clandestine military operation was military support was done by US for PRRI and Permesta in Indonesia in 1950s (Kahin dan George McT.Kahin, 2001).

*Black market sales* mean the criminalization of otherwise legal transactions, rather than black market. What truly differentiate a black market from a “legitimate” firearms deal are the covert methods of supply and demand—firearms moving one way and money move to an opposite side. To hide their trail, purveyors of black market firearms will use concealment, mislabeling, fake documentation and laundering of payment. Put simply, the essence of a black market transaction can be understood by thinking of black not as a color, but as the absence of light (transparency).

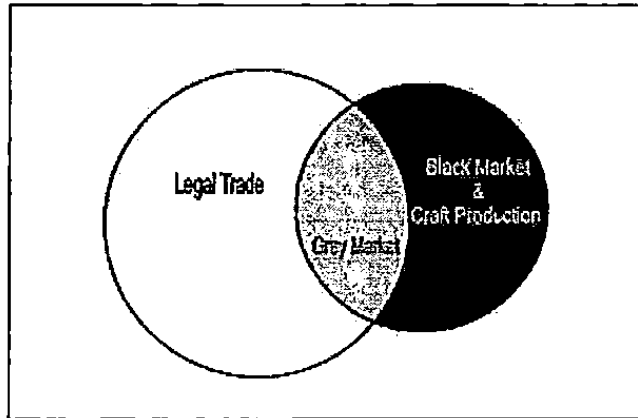
*Grey market sale* is more obscure than the black market. The grey market resembles its covert nature but in reality it is very different. Unlike those of the

black market, grey transactions usually are neither entirely legal nor entirely illegal. The grey market represents policy in flux: exporting and importing governments experiment with new diplomatic links, cloaking possible policy changes in covert transactions. It is through the use of covert channels that officials on both sides can take greater risks, cultivating new relationships while minimizing danger and potential embarrassment.

There is one more type of illegal market of weapons namely craft productions.<sup>55</sup> Craft productions here mean small scale, hand-made construction of simple weapons or copies of existing ones in private workshop or homes without legal authorization. The relation of all types in legal trade and illegal trade can be seen in this diagram. Grey market overlaps between legal trade and black market and craft productions.

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<sup>55</sup> *Globalization and the Illicit Trade*. Accessed in



Source: Globalization and Illicit Trade, 2010.

**Figure 2:**

**Relation between Legal, Grey and Black Market**

**B. The Challenges of Arms Smuggling in Southeast Asia**

**B.1. Influencing factors toward the spreading of arms smuggling/illegal trading of SALW**

The spread of SALW especially in Southeast Asia is very broad and fast. It is related to many influencing factors (support and demand) of its spread. Those factors also have close relation with the spread of SALW illegally. Several possible factors are become the challenges for states (government) or even regional organization in Southeast Asia such as ASEAN.

Those influencing factors can be divided into two types which are supporting and demanding factors. Supporting factors means that those factors have contributions to support the spread of weapon or SALW especially in Southeast Asia. Those supporting factors such as the characteristic of SALW

itself; geographical positions of Southeast Asia; lack of law and corrupt officials effect on the law enforcement; minimum facilities and training for officials; post conflict states which become supplier of weapons/SALW; difficulties to get legal weapons in which on the contrary, illegal weapons are easier to be gotten; the fight against the spread of illegal weapons (illegal trading/smuggling), the lack of coordination among states in Southeast Asia and minimum transparency of states toward their activities related to export import activities.

The demand factors in the spread of illegal weapons, such as many states conflict which need weapons; embargoed states/weak states which need weapons to fight; and states in insecure situation, the citizens' insecurity which need weapons to safe their life. The first supporting factor toward the spread of SALW is the characteristics of SAWL itself. The characteristics of SALW have been discussed in previous part/chapter II. Those characteristics such as lethal, durable, portable, tradeable, easy on transferring and relatively difficult on detection, cheap and easy on operating make SALW a convenient choice to be owned. Person will prefer to choose SALW than heavy weapons.

The second supporting factor toward the spread of SALW especially in illegal way is the geographical location of Southeast Asia. Geographically, the borders of Southeast Asian states are dominated by woods and waters. In several states, they have direct border with other states like Thailand with East Asian

spreading of SALW in Southeast Asia illegally becomes easier than other region which has land borders.

Other thing related to geographical position of Southeast Asia is that it is located in the midst of international trade route and transportation.<sup>56</sup> There are many goods and products include SALW which require fast and timely shipment to satisfy the customer's demand. If the law enforcement is loose, so illegal trading can happen easily.

The third factor is the lack of law and corrupt officials which effect on the law enforcement. Those factors are related each other. The law about SALW in Southeast Asian nations, in majority is weak. The lack of law include rule for export import activities, brokers, civilian sales, possession by civilian/end-user, and also the documents of SALW. The lack of law is also includes control on spread of SALW domestically and control in border areas.

Related to officials is talking about the inconsistency of security actors/officials who has duty to control SALW. They can be bribed easily for making counterfeit documents of SALW or allowing illegal SALW to go inside and outside of areas including changing the status of illegal SALW become legal

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<sup>56</sup> *ASEAN's Efforts against the Proliferation of Small Arms and Light Weapons*. Accessed in [http://anu.academia.edu/PBusbarat/Papers/88522/ASEANs\\_efforts\\_against\\_the\\_proliferation\\_of\\_small](http://anu.academia.edu/PBusbarat/Papers/88522/ASEANs_efforts_against_the_proliferation_of_small)

SALW. Even, the officials/high level government personnel have been implicated in black market transfers.<sup>57</sup>

The fourth factor is minimum facilities that official get and use especially in the waters.<sup>58</sup> When coast guards operate in catching smugglers and seizing weapons, they loss of the weapons sometimes. The smugglers will throw the weapons in the sea when they see coast guard watch them. It makes them can not do anything. No proofs mean no crime and no criminal. It is worsen if between the officials there is gap in training.

The fifth factor is post conflict states which become supplier of weapons/SALW. The supplier states of SALW such as Cambodia and Vietnam. The weapons they provide of course are not new weapons any more. They have surplus weapons/SALW and they sold them to get money for things they need. In the other word, their reason to sell their second-hand weapons is mostly economic demands.

Since the weapons sold are not new weapon anymore, these have used in a conflict before. For example, when United States left Cambodia and Vietnam in 1975, they got around two million weapons as well as one hundred and fifty thousand ton of ammunition. Civilians did not need those weapons any more. They prefer money/foods, so they sell their weapons to anyone who needed them.

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<sup>57</sup> Regehr, 2004.

<sup>58</sup> *Small Arms di Asia Tenggara*. Accessed in <http://tonnyeffendi.wordpress.com/2008/03/04/small-arms-di-asia-tenggara/>

The sixth factor is the difficulties to get legal weapons in which contrary on the contrary, illegal weapons are easier to be gotten. It makes the demand of illegal weapons/SALW is high. Difficulties to get legal weapons related to the requirements to get weapon legally. Southeast Asian states have different requirements to get legal weapons. Detail about the requirements can be seen in the following table. In contrast with illegal weapons, it is easy enough to get them if you have enough money and you know the illegal market area to get the weapons

**Table 4:**

**General Preconditions for License Applications**

TERM	Brunei	Cambodia	Indonesia	Laos	Malaysia	Myanmar	The Philippines	Singapore	Thailand	Vietnam
Good Reason	√		√		√			√		
Self-Defense			√		√	√		√	√	
Hunting			√		√				√	√
Sport Shooting	√		√		√			√	√	
Collection	√		√						√	
Must be a Citizen	√	√	√			√			√	
Civilians			√	√	√				√	
Civil Servants		√	√	√	√				√	
Military/Police	√	√	√	√	√				√	
Age Requirements	√		Under 65		Over 18	Over 18	Over 21		20 or over	Over 18

Source: Legal Controls on Small Arms and Light Weapons in Southeast Asia, 2001

Note: √: National Requirement



**Table 5:  
Criteria for Being Issued a License**

	<b>Brunei</b>	<b>Cambodia</b>	<b>Indonesia</b>	<b>Laos</b>	<b>Malaysia</b>	<b>Myanmar</b>	<b>Philippines</b>	<b>Singapore</b>	<b>Thailand</b>	<b>Vietnam</b>
<b>Shooting Test</b>	√	?	√	?	If over age 60	?	?	√	X	?
<b>Medical Exam</b>	?	?	√	?	If over age 60	?	?	If over age 60	X	?
<b>Medical History</b>	?	?	X	?	√	?	?	X	X	?
<b>Mental Healthy Exam</b>	√	?	√	?	√	?	√	√	√	√
<b>Good Behavior</b>	?	?	√	?	√	√	?	X	√	?
<b>Background Check</b>	√	?	√	√	√	?	√	√	X	?
<b>No Criminal Record</b>	?	?	√	?	√	?	√	√	√	√
<b>No History of Domestic Violence</b>	√	?	√	?	√	?	√	√	X	√
<b>Fee</b>	√	?	X	?	√	?	√	√	√	?
<b>Proof of Identity</b>	√	?	√	?	√	?	?	√	√	√
<b>Photograph</b>	√	?	X	?	√	?	?	√	X	?
<b>References</b>	√	?	X	?	X	?	?	√	X	?
<b>C.V</b>	√	?	√	?	√	?	?	√	X	√

<b>Waiting Period</b>	?	?	X	?	√	?	?	√	X	?
<b>Approved Storage Arrangements</b>	√	?	X	?	√	?	?	√	X	?

Source: Legal Controls on Small Arms and Light Weapons in Southeast Asia, 2001

Note:

?: Situation Unknown

√: Required

X: Not Required

The customers are not only from civilian but also international framework of criminal syndicates and their linkages.<sup>59</sup> They need SALW—of course illegally—to protect their activities like big narcotics dealers. Another example is sea pirates in the Andaman Sea and the South China Sea would arm themselves to carry out a raid on civilian vessels and safeguard their ships from authorities.

The seventh factor is lack of coordination among Southeast Asian states in combating the spread of SALW especially in illegal way.<sup>60</sup> It also includes special agencies in sharing the information on the spread of SALW illegally. Arm smuggling/the spreading SALW illegally is a common crime/transnational crime and it needs collective coordination between states and all aspects inside them.

The last factor which supports arms smuggling is the minim of transparency of state toward the export and import activity of weapons/SALW. Regional discussions on transparency have taken place in the framework of the ASEAN Regional Forum (ARF). In 1995, ARF participants agreed to publish Defense White Papers. However, few have been consistent in their publication

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<sup>59</sup> *ASEAN's Efforts against the Proliferation of Small Arms and Light Weapons*. Accessed in [http://anu.academia.edu/PBusbarat/Papers/88522/ASEANs\\_efforts\\_against\\_the\\_proliferation\\_of\\_small\\_arms\\_and\\_light\\_weapons\\_Thailands\\_perspective](http://anu.academia.edu/PBusbarat/Papers/88522/ASEANs_efforts_against_the_proliferation_of_small_arms_and_light_weapons_Thailands_perspective)

and most of the White Papers produced so far are limited to general explanations of defense policies.<sup>61</sup> The clearer data can be seen in the following table.

**Table 6:**

**Participations by States of Southeast Asian Members in UN Register of Conventional Arms, 1999-2008.**

STATES	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Indonesia</b>	√	√	0	0	√	0	0		√*	
<b>Thailand</b>	√	√	√	√	√	√				
<b>The Philippines</b>		0	0	0	√	√		√*		0*
<b>Singapore</b>	√	√	√	√	√	√	√	√	√	√
<b>Malaysia</b>	√	√	√	√	√	0	√	0		√
<b>Vietnam</b>	0	0	0	0	0	√	√	0	0	0
<b>Cambodia</b>	√	0	0		0	0				
<b>Brunei Darussalam</b>				0	0			0	0*	
<b>Laos</b>				0						

Sources: UNROCA online database. [http://disarmament.un.org/UN\\_REGISTER.nsf](http://disarmament.un.org/UN_REGISTER.nsf)

<sup>61</sup> Choi, K. and Wattanayagorn, P., 'Development of Defense White Papers in the Asia-Pacific Region', eds B. Gill and J. N. Mak, *Arms, Transparency and Security in South-East Asia*, SIPRI Research Report no. 13 (Oxford University Press: Oxford, 1997). A short (and incomplete) list of White Papers is available at ASEAN Regional Forum, 'ARF defense White Papers', <http://www.asean.org/ASEAN/ARF/defenseWhitePapers/tokid/13>

Note:

√: Import or export submitted

0: Nil report submitted

\*: Reports include the background information on export import of SALW

The demand factors related to the spread of illegal weapons is that many states in conflict which need weapons. A state which face intra state conflict such as rebellion movements, disintegration movements, civil wars or ethnic conflicts need a lot of weapons to maintain the opposite. The group, who is being the enemy of government, find difficulty to get legal weapons, so that is why, they need illegal weapons. It is cheaper and lethal like the characteristics of SALW. This is the reason why conflict states become potential market for illegal weapons.

## B.2. The Actors of Arms Smuggling

The existence of actors in arms smuggling has close relation to the demand and supply factors. As long as there demand, it will always there supply. Thus, the actors of arms smuggling can be divided into 2 types namely actors in supply and actors in demand. Actors in supply are such as government, arms

Whom as in demand actors are

separatist movements, militant, parties in PERANG SAUDARA, international crime actors, terrorist and individual.

### B.2.1. Actors in Supply

Actors in supply are not only talk about the producers but also the agent who send those illegal weapons into the users. Those are the important actors who must controlled in arms smuggling activities. By controlled them locally, nationally, regionally and internationally, hope it can reduce the smuggling activities.

#### *Government*

The involvement of government in arm transfer can be included in white market and grey market. White market is of course the role of government legally but grey market is role of government in arms transfer illegally. Government can play those roles because of the essence of government as provider, producer and authority holder in arms.

Grey market means government supply arms for separatists or any movement in another conflict states. In other word, arms come from state actors to non-state actors in other state. This role of government in grey

states who popular in grey market are United State, Libya, Portugal and Turkey<sup>62</sup>.

In play the role in grey market, government does not supply the arms directly to the users but uses private agents or arms dealers. For example, Libya was suspected the government who supply and give military training to several separatist movement such as Abbu Sayaf Group, MILF and GAM/FAM (Free Aceh Movement).

### *Arms Producers*

In Southeast Asia, almost all states have their own arms factory. These arms factory are suspected often produce arms in over target. The rest of arms are supplied in black market for profit oriented. It is done to avoid the report of productions toward the government.

Philippines is popular with “*high weaponized*” means that the ownership and spreading of SALW is high. In Southern Philippines, there are many home industries which produce “*paltik*” which is defined as assembled arms. Paltik found in Maluku conflict of Indonesia, so big suspect that paltik in Maluku is supplied from Southern Philippines remain the distance of

Maluku and Southern Philippines is close. Paltik is popular in user of arms because of the easy of creating, getting and also low price of arms. In Western Kalimantan and Western Lombok, paltik can be gotten by Rp 75,000.00 until Rp 500,000.00.<sup>63</sup>

### *Black Market*

In Southeast Asia, there are 2 big main black markets namely in Thailand and Papua New Guinea. The supplier of these black markets comes from Indochina and Pacific whereas the demand is from Southeast Asia area. Smaller scale of black market is in Cambodia especially in Thuk Thla, Southern Pnom Phen<sup>64</sup>.

### *Broker*

Black market commonly use arms broker in their transactions. So the role of broker is vital in black market transaction. Broker plays double role in arms smuggling. First, broker plays as actor who supplies arms toward

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<sup>63</sup> Vermonte, Philips Jusario. *Problematika Peredaran Small Arms di Kawasan Asia Tenggara: Thailand, Filipina dan Indonesia*. Centre for Strategic and International Studies, Jakarta. 2003. Page 61.

<sup>64</sup> Capie, David. *Small Arms Production and Transfers in Southeast Asia*. Australia National University, Canberra. 2002. Page 28-32.



demand actors. Second, broker plays as demand actor who collects arms from the civilians or parties who provide arms as well as paltik.

There are 3 types of broker that are broker in Cold War era, new comers' broker and user-seller. Broker in cold war era is broker who has role in cold war era. The example is Monzer A-Kassar in Iron Curtain Case, Sarkis Sognalia, a CIA Agent, is arms broker for France and China, Adnan Kasoggi, arms broker in Iran.

New Comer broker is broker who play role post Cold War era. Most of them come from the former of government or military agent using their experiences and authority. Their target of black market is conflict area. The third type is user-seller. This broker has double role that is as seller and also user. Commonly they are international criminals, illegal smuggler even terrorist. They use their territory to run the illegal business.

### *Post Conflict Areas*

There are 2 big post conflict states in Southeast Asia namely Cambodia and Vietnam. For smaller post conflict area such as East Timor, Ambon, Maluku, etc. In those areas, the spreading of arms is high. It is used by broker to buy the arms from the civilian who is more need money than arms or weapons.

## B.2.2. Actors in Demand

### *Parties in War*

Many parties which are involved in war such as separatist movement, insurgent movement, militant group, civil war, etc. For separatist movement, they have role not only in user but also broker. When they play role as broker, the main purpose is profit oriented. They seldom buy illegal weapons with other commodities such as narcotics or drugs, human or woods. Separatist movements in golden triangle (Thailand-Myanmar-Laos) buy illegal weapon by narcotics. GAM/FAM in Indonesia got illegal weapons by selling marijuana. Another example of separatist movement and insurgent movement are:

FALINTIL	East Timor
OPM (Organisasi Papua Merdeka)	Indonesia
ULNLF (United Lao National Liberation Front)	Laos
Cao Faa Movement	Laos
MILF (Moro Islamic Liberation Front)	Philippine
NPA (New People's Army)	Philippine
RPA-ABB (Revolutionary Proletarian Army-Alex Boncayao Brigade)	Philippine
UWSA (United Wa State Army)	Myanmar
KNLA (Karen National Liberation Army)	Thailand

KA (Karenni Army)	Myanmar – Thailand
NSCN (National Socialist Council of Nagaland)	Myanmar-Bangladesh
PLA (Peoples’s Liberation Army of Manipur)	Myanmar-India- Bangladesh
ULFA (United Liberation Front of Asom)	Myanmar-India- Bangladesh

Militant group is little bit different with separatist or insurgent group. The source of weapons of militant movement is grey market. It means their weapons come from the government of other states. When the conflict involved this militant group is fall calm, so the weapons will bring back to government who gives the weapons. Unfortunately, militant group prefer to sell their weapons rather bring back the weapons to get more money.

The parties who are involved in civil war also become the demand actor. They get weapons by stealing or rubbing from police or army arsenals, illicit trading or even produce paltik by them selves. Not only that, corrupt official in police or army, become the way to get weapons. The corrupt officials sell the weapons to get more money.

### *International Criminal*

International criminal also need weapons to support their crime activities. They need modern weapons because their area is not only national scale but also regional and international scale. Terrorists and pirates are the example of international criminals. They get illegal weapons by bartering weapons with other commodities like woods, drugs, heroin, and narcotics or even human as hostage.

### *Individual*

Individual here means civilian. Civilian who has weapon commonly live in conflict state or area. They use weapons to protect their selves from conflict. Civilians can get weapon legally or illegally based on budget they have. If the budget is minimum, they can buy weapon illegally and the opposite. The ownership of legal weapons in the world in 2001, are up to 305 million from the total 550 millions. It is equal with 55.4 %<sup>65</sup>.

### B.3. Impact the Spreading of SALW Illegally (Arm Smuggling)

Talking about the impacts of the spread of SALW, moreover, illegal SALW in non-state actors is not merely about national security, but also civil

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<sup>65</sup> [Small Arms Survey, Small Arms, Drones and Civilian Protection: Global Firearms Stockpile](#). Can be accessed

security and regional security. All of those elements—civil or human security, national security and regional security—are inter related and influence each other. The spread of illegal SALW also an impact on not only security sector but also other sector such as social, politic, and also economic sector.

From its impact for human/civil in security sector, firstly, we have to realize that civil/human not only becomes casualties/sacrifice of misusing of illegal SALW, but also becomes a user of those illegal SALW by insurgent groups. We can see that majority of members of insurgent group is civilian.

The impacts of misusing illegal SALW for human/civil can be seen from two conditions. The first condition is in peace condition. We remember that one of the functions of SALW is giving pressure groups —civilian— in order to maintain peace or to reach their interests. In over condition, civil/human will live under pressure. Another example of using SALW is that it is often used to do crime such as killing, robbery, etc. Of course it makes them feel unsafe or uncomfortable anymore in their life.

The second is in war condition. It is easy to be understood that in war condition, not only heavy weapons but SALW also make civilian/human insecure any more. It is getting worse when fact shows that thousands of people died in conflicts area because of SALW. It means that SALW is being used as an instrument to break the law and human rights.

The fact that many civilians died because of SALW by other civilians in war/conflict areas is supported by several causes. The causes are sometimes the users do not have enough knowledge about using the weapon, indiscipline in using weapons and less skill in using the weapons.<sup>66</sup> Dying people/civilians in Southeast Asia can be seen in table 1 in chapter I.

The quantity of illegal weapons in war state can give impact toward the intensity and durations of war itself. For governments in a weak state, receiving arms supplies from external resources or other governments is needed and urged for defeating an insurgent group. Likewise, an insurgent group that has sufficient arms supplies from one particular source or a variety of sources will be able to carry out intensive fighting for longer periods.

The duration of internal conflict is highly dependent on arm supplies to either side at the time the conflict occurs. The greater arms supply (especially to a non-state actor), the more likely an internal conflict will be drawn out. There are three conditions that will favor in lengthening domestic war, such as, increased quantity of available arms, increased number of suppliers and deployment of heavy weapons. Other conditions are ethnic heterogeneity, per capita income, population, ethnic, secessionist wars, and overall costs associated with the conflict.

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<sup>66</sup> *Peredaran Small Arms and Light Weapons di Asia Tenggara dan Ancaman Terhadap Keamanan Manusia, Negara, dan Kawasan*. Accessed in <http://yudhakurniawan->

Simply, the spread of illegal weapons associated with owning those illegal weapons by non state user, make an area easily becomes chaotic and then potentially becomes in conflict/war situations. Besides dying civilian, there is a problem with displacement of populations/refugees (illegal mass migration) and the impact toward children in war. Even though those impacts are indirectly consequences of small arm trouble, it still becomes trouble for all states.

Many people forcibly displaced from their homes due to armed conflicts. In the following table, we can see the number of people who have to become refugees. The problem is not only stopping when the origin place does not have war anymore, but also because victims of displacement are often afraid to return to their homes due to the large number of weapons that remain in circulation and in the possession of ex-combatant, local gangs, warlords, or militias.<sup>67</sup> This condition is not merely intra state problems, it has become regional problem. It is because those refugees sometimes trespass other states territory illegally (undocumented) and ask for asylum from other states.

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<sup>67</sup> Pattulagan, Gina Rivas. *Small Arm Proliferation and Misuses: Human Security Impact and Policy*

**Table 7:**

**Internally Displaced Persons and Refugees due to Armed Conflicts in Southeast Asia, 2003**

<b>Host Country</b>	<b>Number of Displaced People and Refugees</b>	<b>Ethnicity/Nationality</b>
<b>Cambodia</b>	16,000 refugees 20 confirmed but an unknown number in hiding	Vietnam Montagnards from Vietnam
<b>Indonesia</b>	700,000 internally displaced people  23,000 refugees in West Timor	Include: 118,000 from Aceh; 202,783 Maluku; 34,166 North Maluku; 13,000 North Sulawesi; 129,919 East Java; 22,184 North Sumatra; 156,620 Central Sulawesi; 28,097 East Nusa Tenggara (in addition there are 7,800 Indonesian refugees in Papua New Guinea, and 7,800 in United States and Canada) East Timorese
<b>Malaysia</b>	85,000 refugees and asylum seekers	Include: 57,000 Filipino Muslims; 8,000 Indonesians; Mostly of Acehnese origin; And 10,000 Myanmarese
<b>Myanmar</b>	1,000,000 internally displaced	Majority Karen, Karenni, And Shan ethnic minorities
<b>The Philippines</b>	150,000 internally displaced	Mostly Muslims
<b>Thailand</b>	2,000 refugees 420,000 refugees  4,000 asylum seekers 40,000 illegal migrants 10,000 political activists	Vietnamese Various group ethnic groups from Myanmar (including 200,000 Shan, 140,000 Karen and Karenni, and 50,000 other ethnicities). Various ethnic groups from Myanmar Various ethnic groups from Myanmar Various ethnic groups from Myanmar



There are also indirect impacts of weapon war related to children. Many children in conflict area become combatants. A fact shows that 300,000 child soldiers are actively fighting in 41 states and another 500,000 were recruited into paramilitary organization, non-state armed group and civilian militias (Coalition to Stop the Use of Child Soldier, 2004).<sup>68</sup> Not only becomes combatant, children in war states also get impact related their psychology. Violent, traumatic experience impairs their emotional. It becomes the focus of several international organizations which care toward the children in war state.

Beside human security, the spread of illegal weapons also gives impacts toward national/state security. The state security means the ability of a state to maintain them selves from real threats in politics, economy, social, military, and environment.<sup>69</sup> When a state has many conflicts, it means that the state cannot give security feeling toward the citizen.

War happened in a state has close relations with the politics situation. It is because most of conflict/war in a state is caused by political interest. If the political condition is chaotic, so other sector will get similar impact. It can happen in economic and social sectors.

Economic security means there is a guarantee toward access to get the needs of nature, finance and market in order to fulfill daily needs to reach the

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<sup>68</sup> *Ibid.* Page 69.

prosperity and power.<sup>70</sup> Security of a state also gives impact toward investment of a state. So that is why, a state always try to give guarantee upon its investors that their investment will be safe in the state.

Social security means the continuity of culture, religion and national identity of society in a state. The existence of war in a state can give value of war, violence in solving the problems. There is no politeness, tolerance, and respect one another.

### C. Arms Smuggling Cases in Southeast Asia

Arms smuggling case has close relation with situation within states where arms will be smuggled. In many facts of arm smuggling, the states that will get the arms, has security problems like rebellion, ethnic conflict, civil war, etc. Both parts in war need arms to fight their enemy. These are several examples of cases of arms smuggling related to intra states conflicts in Southeast Asia.

#### **Indonesia**

Arm smuggling has close relation with separatist movements, terrorism or intra state conflicts. There are several separatist movements happened in

Indonesian islands, Gerakan Aceh Merdeka (GAM) and Aceh Movement (EAM)

Papua Freedom Organization (FPO)/Organisasi Papua Merdeka (OPM), Tragedy of Poso, and the like.

For arms smuggling activities, Indonesia becomes one of the state destinations or states which accepts many illegal weapons by smuggling. There are three crisis points which become access of arms smuggling. They are Sangihe Talaud (North Sulawesi), Aceh and the border between Indonesia and East Timor.<sup>71</sup> The Jakarta Post reported that arms are being smuggled into Indonesia from Thailand, India, Hong Kong, Taiwan and Sabah in Malaysia. Major suppliers and producers of smuggled arms to Indonesia include China, North Korea, Cambodia, Myanmar and Pakistan.

The big supplier state for arms is South Philippines. The illegal arms distributed into Indonesia by Sangihe Talaud, North Sulawesi. There are eight islands in Talaud which become entry point of illegal weapons. The actors of Bali bombing acknowledge that they smuggled explosive materials and M16 weapons from South Philippines by this point.<sup>72</sup>

Other access point in Indonesia is Tawao (Malaysia) – Nunukan (East Kalimantan, Indonesia) and the source of illegal weapon is South Philippines. One of the members of Jamaah Islamiyah (JI) from Malaysia acknowledged that JI once used this strip to sent four single barreled shotguns and four double

barreled shotguns to Ambon. In this strip, the Indonesian police also baffled the arms smuggling, two M16 guns and five revolvers in July 2001.

Thailand as the main state supplier of illegal weapons in Southeast Asia, in send weapons illegally, commonly, transit in Malaysia or Philippines for a while before send to Indonesia. Thailand is not only supplier state for Indonesia but also for several states such as Burma, Sri Lanka and Philippines. Those illegal weapons are fulfilling the weapons needs of arms organizations such as Karen National Union (KNU) and United Wa State Army (UWSA) in Burma, Macan Tamil (Sri-langka), Moro Islamic Liberation Front (MILF) and Abu Sayyaf (Philippines), Gerakan Aceh Merdeka (GAM) in Indonesia / Free Aceh Movemnet (FAM).<sup>73</sup>

The spreading of weapon in Indonesia is included in high category. It can be seen under table. Table shows that legal weapons (licensed) owned by society. Civilians want to have weapons for many reasons. Several reasons are such as for sport (shooting), self defense even doing crime to other persons. Licensed weapons are generally for sport or self defense from other person or party.

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<sup>73</sup> Pongsudhirak, Thitinan. *Small Arms Trafficking in Southeast Asia: A Perspective from Thailand*. In

**Table 8:**

**Amount of Registered and Licensed Firearms (2001)**

<b>Purpose</b>	<b>Type</b>	<b>Number (in pieces)</b>
Sport	Hand gun	1,618
	Shoulder guns	4,228
Security Guard/Special Police	Hand gun	3,074
	Shoulder guns	4,844
Self Defense	Hand gun	891
	Total	14,655

Source: Jeanne Mandagi, "Illicit Trafficking of Firearms and Control Measurement"

- *Gerakan Aceh Merdeka (GAM)/Free Aceh Movement (FAM)*

GAM is one of separatist movements in Indonesia. It wanted to separate from Indonesia and established a new independent state. In their action, GAM often got contact with Indonesian Police and Indonesian Armed Forces and as the victim of conflict was civilian. Since the conflict began, 12,000 people killed with 6,000 people dying since the second phase of the conflict began in 1998. The army of GAM was also had and used small arms and light weapons. Their weapons were also as sophisticated as Indonesia's army.

The location of Aceh at the head of the Malacca Strait, which links the Pacific and Indian Oceans, makes it one of the busiest waterways in the world

This makes it harder for Indonesian authorities to intercept any illegal arms shipments that may be bound for insurgent groups like GAM.

Based on approximation of Indonesian intelligent, from 5,256 member of GAM, 2,126 members had and used weapons. In November 2000, GAM had 1,100 pieces of AK-47, 700 pieces of M-16IA, 52 pieces of FN Minimi LMG and more than 1,200 pieces of pistols. It was predicted to get higher year by year. ICG also estimated that Arms possessed by GAM are estimated between 1,000 and 1500 modern firearms, a few grenade launchers and mortars.

The sources of weapons or firearms of GAM came from domestic as well as foreign states. Operations, ambushes as well as directly buying from Indonesian state army as well as Indonesia National Forces personal had been the most significant domestic source of acquiring weapons for the GAM. External sources of weapons acquired by GAM came from Malaysia via Thailand. Expatriate supporters from Aceh in Malaysia and Singapore had also been known to smuggle small quantities of arms to Aceh through southern Thailand. Police and army of Indonesia always try to combat the distribution illegal weapon to Aceh. Here the table about several failed arms smuggling to Aceh. Military

**Table 9:****Several Failed Arms Smuggling To Aceh**

<b>Dates</b>	<b>Location</b>	<b>Number and Type of Weapons</b>	<b>Number of Perpetration</b>
<b>February 29, 2000</b>	Jakarta	2 pistols, 1 military standard revolver	1, Indonesian civilian
<b>March 1, 2000</b>	Sunggul, Medan, North Sumatra	2-4 hand grenades; document of arms delivery (AK-47, M-16, and pistols to Aceh; 2,200 AK-47 Bullets; 500 M-16 Bullets; all for 50 million Rupiahs)	11, all Indonesian; (10 civilians, 1 military personnel)
<b>March 2, 2000</b>	Jakarta	5,000 bullets for M-16 and AK47; 12 handguns from various types; several boxes of PINDAD-made SS-1; 1 Mauser; 1 Tika M-59 Deluxe Signal Pistol	10 civilians, 2 military personnel, Indonesian
<b>1999-2000 (Police Kamtibmas Operation )</b>	West Aceh Resort	40 firearms from various types	n/a
<b>July 24, 2000</b>	North Aceh Resort	2 M-16; (mag. Serial no: 5298847) 1 BEM 98 shoulder gun (plus its binocular) – for sniper; 18,763 PINDAD-made bullets for various types of gun	4, civilian Indonesia
<b>August 10, 2000</b>	Palembang, South Sumatra	7,200 9mm bullets for FN-46; 1,710 5.56 mm bullets	5 civilians, 1 military personnel, Indonesian
<b>March 12, 2002</b>	Bandung, West Java	3 FN-45 (Barreta and Walter) – Organic pistol of the Air Force	4 military; 1 civilian, Indonesia

<b>May 21, 2002</b>	Labuhan Ratu, Medan, North Sumatra	14,640 Finland-made bullets for M-16	2 Civilians, Indonesian
<b>August 10, 2002</b>	Jakarta	Several M-16 and AK- 47 with its ammo	1 military (captain), Indonesian
<b>November 5, 2002</b>	North Sumatra Province	11 AK-47; 10 FNs; 4 Revolvers; 273 ammunition for AK-47	1, civilian Indonesian

Source: Small Arms Problems in Southeast Asia: an Indonesia Case, 2004

- *Poso Conflict*

In Poso conflict, the weapons that used by the conflict group were from South Philippines. Before arrived in Poso, those weapons transited in several villages such as Parigi Moutong, Togean Archipelago, Tojo Una-una and Kolonodale or South Bungku in Morowali.<sup>74</sup>

From those transit points, the illegal weapons were supplied to Poso. In dangerous situations, those weapons would be supplied by sea, using the fisherman's ship or by land, using humanity assistance. If situation was calm and safe, those weapons supplied by land using car or motorcycle. The weapons used in Poso conflict were SS-1, M-16, AK-47, FN, revolver, and ammunition.<sup>75</sup>

<sup>74</sup> Sangaji, Arianto. *Peredaran Ilegal Senjata Api di Sulawesi Tengah*. Accessed in <http://ytm.or.id/pdf/kertasposisi4.pdf>

<sup>75</sup> *Pasukan Terlatih dan Perubahan Pola Kekerasan di Poso*. Accessed in



- *Papua Freedom Organization (PFO)/Organisasi Papua Merdeka (OPM)*

West Papua organization (OPM) was an illegal organization in Indonesia that tried to get its freedom from Indonesia. As the illegal organization and not related with the used of weapons in daily use, of course OPM did not have authority to get supply of weapons from the government of Indonesia. Whereas in the process to reach its goal, OPM needs the weapons to fight against Indonesia's conspiracy.

Related to OPM, Indonesia has indicated the route of weapons' trade to Indonesia which probably also distributed to Papua. Here the writer classified into several sources: from West Indonesia, from North Indonesia, from Northwest Indonesia, from Northeast Indonesia, and from Indonesia – Timor Leste border.<sup>76</sup>

The source in Western point of Indonesia commonly comes from Thailand which distributed it into Malaysia and than to Indonesia. The weapons were smuggled by sea and by taking advantage small islands that is bordered with Indonesia. One of those islands is Adang Island. After that, with black market, the weapons will be brought to Papua by sea. But this route is probably far and needs extra money to send it to Papua, so it is rare to access weapon from this route.

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<sup>76</sup> *Indonesia's problem with the smuggling and trafficking of weapon related with national belligerency Case Study: Papua Freedom Organization / Organisasi Papua Merdeka (PFO or OPM) in West Papua.* Accessed in <http://blo9ny4luk3.wordpress.com/2008/06/08/indonesias-problem-with-the-smuggling-and-trafficking-of-weapon-related-with-national-belligerency-case-study-papua->

The source in Northern of Indonesia comes from South Philippines which smuggled via Bitung Island, Sangihe Talaud and Tawao – Nunukan. From this route the weapons distributed to Papua. The source in northwest Indonesia comes from Yugoslavia and Israel which smuggled by sea and centered in Pulogadung and Solo. The source in Northeast Indonesia comes from United States sent by Pacific Ocean via Hawaii. Indonesia – Timor Leste border is the most fatal area because Timor Leste is post conflict area. The weapons which come from this area can be sent to Papua easily. We can see the fact at the field that there are many sources of weapons which can be accessed by OPM easily.

## **Malaysia**

Malaysia is one of states which has direct border with Singapore, Brunei and also Indonesia. Even though there is no big armed conflict in Malaysia, there is problem related to arm smuggling in Southeast Asia. Malaysia becomes transshipment area of those illegal weapons before it smuggled to other state especially Indonesia. The route of Asian arm smuggling to Indonesia is Tawao, Malaysia–Nunukan, East Kalimantan. This route once used by Jemaah Islamiyah (JI) to smuggle several weapons to Ambon.<sup>77</sup>

Malaysia actually has specific laws related with the arms smuggling in the state. Notwithstanding, it does not make the criminal think twice to do their action. It makes Indonesia as a state that is smuggled many weapons, always get supply illegal weapons. The clear data about the punishment or penalties in Malaysia can be seen in table 10.

**Table 10:**

**Table of Penalties related to Arms or Firearms**

<b>Infraction</b>	<b>Punishment</b>
General penalty	Max. 1 year and/or max fine 2,000 RM
Violation of license	<ul style="list-style-type: none"> <li>• Max 7 years and/or max 10,00 RM fine (possession)</li> <li>• max 25,000 RM fine (manufacture, individual)</li> <li>• max 100,000 RM fine (manufacture, company)</li> </ul>
Illegal possession	Max 7 years and/or max 10,000 RM fine
Unauthorized carrying of arms	Max 7 years and/or max 10,000 RM fine
Trading in arms/ammunition without a license	Life and min 6 strokes whipping or death
Providing/selling arms/ammunition to an unlicensed individual	Max 2 years and/or max 2,000 RM fine
Purchasing/accepting arms/ammunition without a license	Max 2 years and/or max 2,000 RM fine
Stealing arms/ammunition	<i>Unknown condition</i>
Manufacturing arms/license	<ul style="list-style-type: none"> <li>• Life and min 6 strokes whipping or death (individual)</li> <li>• Max 500,000 RM fine (company)</li> </ul>
Repairing/transforming arms without a license	Max 7 years and/or max 10,000 RM fine
Tampering, defacing changing, or erasing the serial number identification mark	Max 2 years and/or max 2,000 RM fine
Exporting/Importing without a license	Max 7 years and/or max 10,000 RM fine
Transporter of illegal shipment	Max 7 years and/or max 10,000 RM fine
Use in violation of the penal code or	• Life or max 14 years (penal code)

scheduled offence	• Life and min 6 strokes whipping (schedule offence)
Injury without lawful excuse	Max 2 years and/or max 5,000 RM fine
In possession of an arm at time of committing a schedule offence	Life and min 6 strokes whipping
Concealing/keeping arms, ammunition or explosives by carelessness	Max 7 years and/or max 10,000 RM fine
Damage to government owned arms/explosives by carelessness	<i>Unknown condition</i>
Drunk and disorderly conduct with an arm	Max 1 year and/or max 1,000 RM fine
Loss or theft of license or licensed weapon	Max 1 year and/or max 1,000 RM fine

Source: Legal Controls on SALW in Southeast Asia, 2001

## Thailand

Thailand is a big source of weapons in Asia. Many separatist groups, terrorist and criminals get their supply weapons from Thailand. Most of them get the weapon from Southern Thailand. It is because Southern Thailand has separatist movement especially in Pattani.

Thailand itself gets their weapons from internal and external source. Internal source is like robbery of arsenals that involved military personnel as a criminal. The example of robbery is September 2<sup>nd</sup>, 2010, in Armys Ordnance Department No. 69, in Lop Buri, 9.000 M-60, 10 rockets RPG lost. Whereas external source is the stock from Cambodia as post-conflicts state and China's weapons that smuggled into Thailand by Vietnam, Laos and Cambodia. The weapons smuggled into other states such as AK-56 ex. China, AK-47 ex.

China, and weapon AK made in South Korea

To smuggle weapons into Indonesia, there is a popular connection namely Phuket Connections. This connection works well.<sup>78</sup> In shipping, it can smuggle 100-200 pieces of weapons.

### **The Philippines**

In 2003, there were 814,562 registered and 284,100 loose small arms. The latter classification includes those unregistered weapons bought from legal dealers but excludes illegally manufactured or transferred weapons. However, in 2001, Small Arms Survey estimated the total number of weapons at 4.2 million, mostly in the hands of civilians. The police and military stockpiles have some 100,000 weapons.<sup>79</sup> A substantial portion also held by private security companies and other non state groups.

The ownership of weapons in Philippines is getting higher year by year. It is not strange remind Philippine is conflict state in Southeast Asia. Civilians feel do not believe toward the secure of their selves and their properties so they feel need to have weapons in their hand. They can get weapon legally or illegally depend on the budget they have.

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<sup>78</sup> *Belanja Senjata ke Phuket*. Accessed in <http://sorot.vivanews.com/news/read/179461-belanja-senjata-ke-mafia-phuket>

<sup>79</sup> Philippine Mission to the United Nations 2003; Small Arms Survey 2001, 43-45, 55.

**Table 11:**  
**Licensed Firearms in the Philippines**

<b>Licensed Firearms Purchased from Gun Dealers from 1990 to February 2003</b>	<b>496,006</b>
1990	13,409
1991	11,628
1992	10,060
1993	18,418
1994	23,533
1995	34,757
1996	65,113
1997	90,480
1998	41,815
1999	69,293
2000	17,299
2001	31,162
2002	59,273
2003 (as of February)	9,766
<b>Other Licensed Firearms</b>	<b>328,322</b>
<b>Total Licensed Firearms</b>	<b>824,328</b>

Source: Firearms and Explosives Division, Philippine National Police

In addition, the Philippines has a large private arms industry, including 45 legal manufacturers of small arms, 522 authorized dealers and 133 gun repair shops. In Danao, Cebu Province, there are some 3,000 gunsmiths and as many as 25,000 people believed to rely on gun manufacturing for living. In addition to the legal industry, it is commonly known that there is no lack of illegal manufacturers for civilians and armed groups use. In Mindanao, estimated licensed and unlicensed weapons are placed at 2.2 to 2.3 million with an estimated population of 16 million. This number excludes *naltik* or home made guns. Mindanao can be

considered as one of the most heavily armed regions in Southeast Asia and, indeed, in the world.

The ownership of weapon in the right hand will not raise any problems (crime). In contrary, weapons will cause problems (crime) if it is in the wrong hand. The person can use it to do crime act to get what they want instantly, even though must break the rule of law.

**Table 12:**  
**Number of Firearms Involved in Criminal Cases**  
**1993-2002**

<b>Year</b>	<b>Unlicensed</b>	<b>Licensed</b>
1993	188	29
1994	183	22
1995	78	20
1996	741	45
1997	1,238	29
1998	794	93
1999	655	76
2000	215	6
2001	3,400	664
2002	2,916	831

Source: Arms Corporation of the Philippines and Philippines Center on Transnational Crime

In the Philippines, there are many intrastate conflicts and the arms conflicts happened so many times. Those conflicts are such as the Moro National Liberation Front (MNLF), Moro Islamic Liberation Front (MILF), New People

Army (NPA), and so on. In this paper, the writer will explain about MNLF and MILF especially their weapons.

- *Moro National Liberation Front (MNLF)*

The MNLF was one of the initial insurgent organizations in the Philippines that aims of turning Mindanao into an independent state. Their main objective is a complete liberation of the Moro homeland. Initial fighting between the MNLF and government forces lead to President Ferdinand Marcos imposing martial law on the country in September 1972, and the immediate collection of all guns from civilians. By the end of 1972, two armed forces carried out and a full-scale civil war was on the island of Jolo. By 1973, mainland of Mindanao was also at war.

Most of MNLF's small arms come from battlefield acquisition or are bought from government soldiers. The MNLF as well as the MILF have also established pipelines for small arms transfers among the Maguindanao and Maranao populations of South-central Mindanao. Foreign military aid in the past, was also a major source of small arms for the MNLF. Much of the reason of supplying military aid to the MNLF, by Middle East countries like Libya, was to further their own interests in the country, and encourage the Islamic connection between themselves and the Philippines. Libyan arms shipments arrived in Sabah then transferred by boat to the Southern Philippines



Powerful weapons the MNLF possess are the 61mm and 81mm mortars, which were both captured in battles. Furthermore, the MNLF also possess a small number of small motor boats, which have M60s and 30 calibre Brownings. The MNLF is also believed to have the ability to make its own small arms and ammunitions, at a low level capacity. These include home made mines as well as the M79 grenade launcher.

The ability of the MNLF to have a continuous source of supply accessible has made it increasingly difficult for the Philippine government to end the Moro conflict. Very few MNLF members turned over their weapons to the government after the 1996 peace accord.

- *The Moro Islamic Liberation Front (MILF)*

The MILF was formally established in 1984 and have become the largest and most powerful insurgent force in the Southern Philippines after splitting from the MNLF. The MILF took advantage of ceasefires in the mid 1990s to build up its own strength, so that it is the dominant Moro insurgent group in the region, instead of the MNLF. The main difference between the two insurgent groups according Quilop (2000) is the MILF has desired Mindanao to be an Islamic state,

The main supply of weapons for the MILF is battlefield acquisition and leakage of government armaments. However, there have been reports that the MILF has built a firearms factory, somewhere in Central Mindanao which could produce high-caliber weapons and ammunition like a replica of the Russian grenade launcher RPG-2, 60mm mortars, bullets and bombs. Most of the rebels M16 and M14 rifles and bullets owned by MILF are bought directly from military personnel.

MILF also has external sources for their arms supply. The first is Osama bin Laden and the Al Qaeda network, as well as providing money to the MILF, has also been accused of providing small arms to the MILF. Other external sources of supply rumored coming from a North Korean arms dealer named Rim Kyu Do. Iraq has also been touted as a possible supplier of small arms to the MILF. Unconfirmed reports indicate that China and Malaysia have provided the MILF with small arms weapons that are purchased through arms smugglers are often obtained via Sabah state in eastern Malaysia.

Many of the weapons used by the MILF are of American origin, mainly due to the Philippine military being supplied with weapons through aid packages by the American government. This further highlights the importance of the MILF which being able to acquire weapons not only through battlefield acquisition but also recruited personnel in the Philippine military