

**LAW OF THE REPUBLIC OF INDONESIA
NO. 9 YEAR OF 2008**

**ON THE USE OF CHEMICAL MATERIALS AND
THE PROHIBITION OF CHEMICAL MATERIALS
AS CHEMICAL WEAPONS**

**WITH THE BLESSINGS OF GOD THE ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

- Considering :**
- a. that the objectives of the Government of the Unitary State of the Republic of Indonesia are to protect all the people and the entire homeland of Indonesia, to improve the public welfare, to promote the intellectual life of the nation and to contribute to implementing a world order based on freedom, eternal peace and social justice;
 - b. that as a peace-loving country and being respectful to the values of humanity, truth and justice, Indonesia shall promote the friendship and cooperation with every nations and international organization in any living life;
 - c. that as state party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Indonesia has obligation to implement any provisions under its territorial jurisdiction or sovereignty as stipulated under the Convention;
 - d. that development, production, stockpiling and use of chemical materials and chemical-industry products benefit the human life in one hand, however on the other hand, they pose serious danger if they are misused as chemical weapons;
 - e. that based in the considerations described in paragraphs a, b, c, d, and e. it is necessary to establish national legislation on the Use of Chemical Materials and the Prohibition of the Use of Chemical Materials as a Chemical Weapons;
- In view of:**
1. Article 5 paragraph (1), Article 20 and Article 22D of the 1945 Constitution;
 2. Law number 5 of 1984 on Industry (State Sheet of the Republic of Indonesia of 1984 Number 22 , Additional State Sheet of the Republic of Indonesia number 3274);

3. Law number 6 of 1998 on Ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons (State Sheet of the Republic of Indonesia of 1998 number 171, Additional State Sheet of the Republic of Indonesia number 3786);
4. Law number 37 of 1999 on Foreign Relations (State Sheet of the Republic of Indonesia of 1999 number 156, Additional State Sheet of the Republic of Indonesia number 3882);
5. Law number 24 of 2000 on International Treaties (State Sheet of the Republic of Indonesia of 2000 number 185, Additional State Sheet of the Republic of Indonesia number 4012);
6. Law number 15 of 2003 on Determination of the Government Regulation in Lieu of Law number 1 of 2002 on the Combating Terrorist Act to be Law (State Sheet of the Republic of Indonesia of 2003, number 45, Additional State Sheet of the Republic of Indonesia number 4284);

With the joint approval of
THE HOUSE OF REPRESENTATIVE OF
THE REPUBLIC OF INDONESIA
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
HAS DECIDED

To enact : LAW ON THE USE OF CHEMICAL MATERIALS AND THE PROHIBITION OF THE USE OF CHEMICAL MATERIALS AS CHEMICAL WEAPONS

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law, the following shall be construed:

1. Chemical materials are chemical materials listed in the schedule under the Convention of the Chemical Weapons and unscheduled discreet organic chemicals.
2. Chemical Weapons Convention is an international treaty on disarmament which prohibits the development, production, stockpiling, transfer and use of chemical weapons and on their destruction.

3. Schedule 1 Chemicals are highly toxic lethal chemicals which are developed, produced and used solely as chemical weapons.
4. Schedule 2 Chemicals are key component precursors to produce chemical weapons which also have commercial purposes.
5. Schedule 3 Chemicals are precursors to produce chemical weapons which can be used for commercial purposes.
6. Unscheduled Discreet Organics Chemicals (DOC) are any chemicals that are not listed in the Schedule 1, 2 and 3, but carbon except in the form of oxide, sulfide and metal carbonate.
7. Phosphorus, Sulfur or Fluorine Unscheduled Discreet Organics Chemicals (PSF DOC) are unscheduled discreet organic chemicals (DOC) containing phosphorus, sulfur or fluorine compound.
8. Chemical weapons are as follows, together or separately :
 - a. Toxic chemicals and their precursors as listed in the Scheduled Chemicals, except where intended for purposes not prohibited under this law.
 - b. Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a); or
 - c. Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).
9. Toxic chemicals are any chemicals which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.
10. Precursors are any chemical reactants which takes part at any stage in the production by whatever method of toxic chemical.
11. Transfer is an activity to physically move goods from one location to another and/or to transfer the possession from one party to another..
12. End-User Certificate is a guarantee document from the government of the non-state-party on the importation and the use of Scheduled Chemicals.
13. Declaration is a statement on the production, possession, and use of type and amount of scheduled chemicals and unscheduled discreet organic chemicals as defined in this Law.
14. Inspection is verification implementation, by conducting on-site inspection on declarations made by state parties.
15. State party is a state that has ratified and acceded to the Chemical Weapons Convention and has deposited its instrument of ratification and instrument of accession to the Secretary General of the United Nations.

16. Non-State Party is a state that has not yet ratified or acceded to the Chemical Weapons Convention and has not deposited its instrument of ratification and instrument of accession to the Secretary General of the United Nations.
17. National Authority is a national authority to the Chemical Weapons Convention that is authorized and responsible for the implementation of this Law.
18. Importer is any person who imports scheduled chemicals and unscheduled discreet organic chemicals to Indonesia from abroad.
19. International Inspection Team is a team assigned by the Organization for the Prohibition of Chemical Weapons to do verification upon the declaration.
20. Any person is an individual person or a corporation.
21. Corporation is a business activity in the form of business and law entity.
22. Minister is the minister who deals with industrial issues within the government.

Article 2

- (1) The regulation on the use of chemicals and the prohibition of chemicals as chemical weapons is done by observing the principles of safety, security, benefit and balance.
- (2) The regulation as referred to in paragraph (1) aims to prevent and overcome with the misuse of chemicals as chemical weapons.

Article 3

This Law applies to any person who commits crimes of misusing chemicals as chemical weapons and using of chemical weapons inside and outside of territory of the Republic of Indonesia.

CHAPTER II CLASSIFICATION AND USE OF CHEMICALS

Part I Classification of Chemicals Article 4

Chemicals comprise of:

- a. Scheduled Chemicals; and
- b. Unscheduled Discreet Organics Chemicals.

Article 5

- (1) Scheduled Chemicals as referred to in Article 4 letter a, comprise of:
 - a. Schedule 1 Chemicals;
 - b. Schedule 2 Chemicals; and
 - c. Schedule 3 Chemicals.

- (2) Scheduled Chemicals as referred to in paragraph (1) are fixed list of scheduled chemicals as listed on the annex of this law as an integral part of this law.
- (3) The fixed list referred to in paragraph (2) may be further detailed into and/or added by a separate list in accordance with the development of science and technology as regulated by Minister's Regulation.

Article 6

- (1) Unscheduled discreet organics chemicals as referred to in Article 4 letter b may be identified by their chemical names, chemical structure, or chemical abstract services number which comprises of :
 - a. Chemical compounds containing carbon, except in the form of oxide, sulfides, and metal carbonates; and
 - b. Chemical compounds referred to in letter a, which contain phosphorus, sulfur or fluorine.
- (2) Further provisions on unscheduled discreet organics chemicals referred to in paragraph 1 are to be regulated by Minister's Regulation.

Part Two The Use of Chemicals

Article 7

- (1) Any person who produces, possesses, stockpiles, transfers or use Schedule 1 chemicals or Schedule 2 chemicals and/or Schedule 3 chemicals should have a license.
- (2) Activities as referred to in paragraph (1), in particular with Schedule 2 Chemicals and/or Schedule 3 Chemicals, are carried out only for the following purposes:
 - a. industry, agriculture, research, medical, pharmaceutical, or other peaceful purposes;
 - b. protection against toxic chemicals or chemical weapons;
 - c. defense which not related to the use of chemical weapons and does not depend on the use of toxic chemicals as war methods; or
 - d. law enforcement, including to control domestic riots.
- (3) Further provisions on license procedure referred to in paragraph (1) and paragraph (2) are regulated by Government's Regulation.

Article 8

- (1) Any person who transfers Schedule 3 Chemicals to a non-state party shall first obtain an end-user certificate issued by a government institution of that non-state party.
- (2) An end-user certificate referred to in paragraph (1) is exempted for :
 - a. products containing less than 30 % (thirty percent) of Schedule 3 Chemicals; and
 - b. products identified as consumers' goods packaged for retail with the purpose of private use or packaged for personal use.
- (3) An end-user certificate as referred to in paragraph 1 shall include at least these following options :
 - a. A statement that Schedule 3 Chemicals will only be used for non prohibited purposes;

- b. A statement that Schedule 3 Chemicals will not be transferred to another party;
 - c. Type and amount of Schedule 3 Chemicals received by end users;
 - d. End use of Schedule 3 Chemicals which will be transferred; and
 - e. Names and complete address of Schedule 3 chemicals end users.
- (4) In the case which the importer from non state party and not the end users, the importer shall list their names and complete address of the end user of Schedule 3 Chemicals.

Article 9

- (1) Any person who creates, produces, possesses, stockpiles, transfers, or uses Schedule 1 Chemicals, Schedule 2 Chemicals or Schedule 3 Chemicals shall submit a report at least once a year to the Minister.
- (2) Any person who produces unscheduled discreet organics chemicals within the limited amount to be declared shall submit a report to the Minister.
- (3) Any person who owns a factory facility that produces Schedule 1 Chemicals, Schedule 2 Chemicals, Schedule 3 Chemicals and unscheduled discreet organics chemicals shall submit a report to the Minister.
- (4) Further provisions on reporting procedure referred to in paragraph (1), paragraph (2) and paragraph (3) are regulated by Government's Regulation.

Article 10

- (1) In the case where the person doing the business referred to in Article 9 paragraph 1 is a corporate entity, the submitted report shall be signed by the manager of the entity.
- (2) Further provisions on reporting procedure referred to in paragraph (1) are regulated by Government's Regulation.

Article 11

In case where part of the report referred to in Article 9 and Article 10 having a restriction in nature, its confidentiality shall be protected and kept.

CHAPTER III PROHIBITION

Article 12

- (1). Any person is prohibited to:
 - a. transfer Schedule 1 Chemicals to a non state party, from within or outside of territory of Indonesia;
 - b. transfer Schedule 1 Chemicals to Indonesia territory;
 - c. produce, possess, stockpile, or use Schedule 1 Chemicals within and outside territory of Indonesia;
 - d. further transfer Schedule 1 Chemicals to other state; and/or
 - e. transfer Schedule 1 Chemicals to a state party without notification to National Authority at least 30 (thirty days) prior to transferring.
- (2) Prohibition referred to in paragraph (1) letter b and letter c is exempted if the purposes of the activities are for research, medical, and/or pharmaceutical in accordance with the law and regulations.

- (3) Prohibition referred to in paragraph (1) letter e is exempted for any person who transfers not more than 5 (five) milligrams of *saxytoxyn* for medical and diagnostic purpose with the requirement to give notification to the state party at the latest on the day of transfer.

Article 13

- (1) Any person is prohibited to transfer Schedule 2 Chemicals or products containing Schedule 2 Chemicals from and/or to non states parties.
- (2) Prohibition referred to in paragraph (1) does not apply to :
 - a. Products containing maximum 1% (one percent) Schedule 2A Chemicals;
 - b. Products containing maximum 10 % (ten percents) Schedule 2B Chemicals; or,
 - c. Products identified as daily consumers' goods.

Article 14

Any person is prohibited to:

- a. develop, produce, acquire, and/or stockpile chemical weapons;
- b. transfer chemical weapons, directly or indirectly, to any person;
- c. use the chemical weapons;
- d. be involved in military preparations to use chemical weapons; or
- e. be involved, assist and/or persuade other people in any way in activities prohibited under the Law.

Article 15

Chemical weapons which are developed, produced, owned, stockpiled, possessed, or transferred unlawfully shall be seized and/or taken by the state to be destroyed.

CHAPTER IV NATIONAL AUTHORITY AND INTERNATIONAL COOPERATION

Part One National Authority

Article 16

- (1) A National Authority is established to represent the Republic of Indonesia, as one of the states parties, in order to fulfill the rights and obligations under this Law.
- (2) National Authority acts as coordinator and liaison office between the Indonesian government and the international organization and/or states parties.
- (3) National Authority is authorized to enact national regulation to implement this Law.

Article 17

- (1) The National Authority is chaired by the Minister and responsible directly to the President.
- (2) Members of the National Authority consist of representatives from related government agencies.
- (3) Membership of the National Authority is determined by Presidential Decree.

- (4) In order to support the operational of the National Authority, a National Authority Secretariat is established.
- (5) The National Authority Secretariat as referred to in paragraph 4 is established by a Ministerial Decree.

Article 18

Operational cost budget of the National Authority will be borne by the State Revenue and Expenditure Budget and any other source in accordance with the rules and regulations.

Article 19

Further provisions on the establishment, task, authority, and operational cost of the National Authority are regulated by Presidential Decree.

Part Two International Cooperation

Article 20

- (1) Indonesian Government may cooperate with other States Parties and international organizations in implementing the provisions of this Law.
- (2) Coordination for the international cooperation is conducted by the National Authority.

Article 21

- (1) Indonesian Government guarantees the convenience of the International Inspection Team in conducting verification .
- (2) In conducting verification mentioned in paragraph 1, the International Inspection Team shall be assisted by a National Inspection Team appointed by the National Authority.

CHAPTER V PENAL PROVISIONS

Article 22

Any person in violation of Article 8 paragraph (1) shall be punished by a maximum imprisonment of 3 (three) years and a maximum fine of Rp. 3.000.000.000,00 (three billion rupiahs).

Article 23

Any person in violation of Article 9 paragraph (1), paragraph (2) and paragraph (3) shall be punished by a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 5.000.000.000,00 (five billion rupiahs).

Article 24

Any person in violation of Article 11 shall be punished by a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 5.000.000.000, 00 (five billion rupiahs).

Article 25

Any person in violation of Article 12 paragraph (1) shall be punished by a minimum imprisonment of 5 (five) years and a minimum fine of Rp. 1.500.000.000,00 (one billion and five hundreds million rupiahs) or a maximum imprisonment of 15 (fifteen) years and a maximum fine of Rp. 15.000.000.000,00 (fifteen billion rupiahs).

Article 26

Any person in violation of Article 13 paragraph (1) shall be punished by a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 10.000.000.000,00 (ten billion rupiahs).

Article 27

Any person in violation of Article 14 shall be punished by capital punishment or life imprisonment or a minimum imprisonment of 4 (four) years or a maximum of 20 (twenty) years.

Article 28

Any person outside the territory the Republic of Indonesia who provides aid, assistance, appliance, or information leading to any punishable acts mentioned in Article 22 to Article 27 shall be punished with similar sentences as person committing punishable acts mentioned in Article 22 to Article 27.

Article 29

- (1) In the case of punishable acts mentioned in Article 22 to Article 27 organized by, or on behalf of a corporation, the prosecution and verdict shall be upon the corporation and/or its management.
- (2) Punishable acts mentioned in Article 22 to Article 27 are committed by corporation if the punishable acts are committed by persons, on working relationship or other relationships, acting within the corporate entity, individually or together.
- (3) Basic punishment applicable to corporation shall only be a fine punishment, added by 1/3 (one-third) of the maximum fine.

Article 30

Aside from being punished as mentioned in Article 22 to Article 27, the accused may be sentenced with additional punishments such as:

- a. forfeiture of substance, equipment, and specific good used in or obtained from the punishable act;
- b. the closure of all or part of the corporation for a maximum of 1(one) year; and/or
- c. deprivation of all or part of certain rights given or may be given by the Government to the sentenced person.

CHAPTER VI
TRANSITIONAL PROVISION
Article 31

Upon entry into force of this Law, other laws and regulations concerning chemical materials are deemed to be in force as long as as their provisions do not contradict or have not been replaced by the provisions stipulated in this Law.

CHAPTER VII
FINAL PROVISION
Article 32

This Law shall enter into force on the date of promulgation.
In order that the public is informed thereof, it is hereby ordered that this Law be published in the State Gazette of the Republic of Indonesia.

Approved in Jakarta,
on March 10, 2008

PRESIDENT OF THE REPUBLIC OF INDONESIA

(Signed)

SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on March 10, 2008
MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

(Signed)

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2008 No. 49

Copied as original text
State Secretary of the Republic of Indonesia
Head of Bureau on the Regulation of Political and People Welfare.

(Signed)

Wisnu Setiawan