

Report

On implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Executive Summary

A.) National level

1. National coordination agency

Malta does not have a national coordination authority responsible for SALW. However, Malta has established, according to the UN PoA on SALW a national point of contact, who liaises with other pertinent national authorities such as the Armed Forces of Malta, Customs and the Trade Services Directorate, among other authorities.

2. National point of contact

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3. Legislation, regulations, administrative procedures

i) What national laws, regulations and administrative procedures exist to exercise effective control over SALW in the following areas? (II.2)

- production
- export
- import
- transit
- retransfer

National Laws, Regulations and Decrees		
Area:	Law/ Regulation/ Decree	Date
Production	Title of the law in the original language	
	Title of the law in English translation (and short form)	

	<p>Short description explaining how the law, either alone or in combination with other national measures, ensures that effective control is exercised over SALW in the area of production.</p> <p>In our law we do not have the legal concept of production but we have of manufacture which is explained further below</p>	
	Web link	
Export	Title of the law in the original language Att dwar l-Armi	15 th August 2006
	Title of the law in English translation (and short form)	
	Arms Act	
	As above (... in the area of export) A person requires a licence from the Commissioner of Police and the necessary documentation from the Customs department – Article 5(2) of the Arms Act	
	Web link http://docs.justice.gov.mt/lom/Legislation/English/Leg/VOL_15/Chapt480.pdf	
Import	Title of the law in the original language Att dwar l-Armi	
	Title of the law in English translation (and short form)	
	Arms Act	
	As above (... in the area of import) A person requires a licence from the Commissioner of Police and the necessary documentation from the Customs department – Article 5(2) of the Arms Act	
	Web link: http://docs.justice.gov.mt/lom/Legislation/English/Leg/VOL_15/Chapt480.pdf	
Transit	Title of the law in the original language	
	Title of the law in English translation (and short form)	
	As above (... in the area of transit)	
	Web link (Ps Bunce check with Customs on this issue)	
Retransfer	Title of the law in the original language Att dwar l-armi	
	Title of the law in English translation (and short form)	
	Arms Act	
	As above (... in the area of retransfer) A person to transfer a firearm from his name to another such a transfer shall be authorised by the Commissioner of Police	
	Web link: http://docs.justice.gov.mt/lom/Legislation/English/Leg/VOL_15/Chapt480.pdf	

Administrative Procedures		
<i>Area:</i>	<i>Administrative Procedures</i>	<i>In place since</i>
Production	Legal basis for the procedure	
	As above (... in the area of production)	
	Web link	
Export	Legal basis for the procedure	
	As above (... in the area of export)	
	Web link	
Import	Legal basis for the procedure	
	As above (... in the area of import)	
	Web link	
Transit	Legal basis for the procedure	
	As above (... in the area of transit)	
	Web link	
Retransfer	Legal basis for the procedure	
	As above (... in the area of retransfer)	
	Web link	

ii) What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked SALW? How have these been implemented? (II.8)

The Government of Malta is committed to a policy not to manufacture arms or any other weapons. Article 3 of the Arms Act (2006) prohibits the manufacturing of arms. Under current Maltese legislation, the import, export and transit and transshipment of small arms and light weapons are subject to import and export licences in accordance with the Importation Control Regulations (Legal Notice 242 of 2004) as amended by Legal Notices 341 of 2004 and 230 of 2005 and the Military Equipment (Export Control) Regulations (Legal Notice 269 of 2001). Stockpile management is under the responsibility of the Armed Forces and Police. No other bodies are permitted to possess and use firearms.

iii) Please describe how national laws, regulations and procedures that impact on the prevention, combating and eradication of the illicit trade in SALW in all its aspects are made public. (II.23)

National laws, regulations and procedures are made public through the Malta Government Gazette (available online at <http://www.doi.gov.mt/EN/gazetteonline/2010/05/default.asp>). National laws are available online at http://www2.justice.gov.mt/lom/chronological_index.asp, whilst other regulations and notices are available at <http://www.doi.gov.mt/EN/parliamentacts/malta%20legislation.asp>.

4. Law enforcement/criminalization

i) What national legislative or other measures exist to make the illegal manufacture, possession, stockpiling and trade of SALW criminal offences under domestic law? How have these measures been implemented? (II.3)

National criminal offences relating to illicit SALW		
<i>Area:</i>	<i>Law / other measure</i>	<i>Date</i>
Manufacture	Title in original language Att dwar l-Armi	15 th August 2006
	Title in English translation (and short form) Arms Act	
	Short description, including details of penalties To manufacture a firearm a person shall be licensed by the Commissioner of Police to act as a gunsmith Penalties - fine (<i>multa</i>) of one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.	
	Web link: http://docs.justice.gov.mt/lom/Legislation/English/Leg/VOL_15/Chapt480.pdf	
Possession	Title in original language Att dwar l-armi	
	Title in English translation (and short form) Arms Act	
	Short description, including details of penalties For a person to keep in any premises or have in his possession, under his control or carry outside any premises or appurtenances any firearm shall be licenced from the Commissioner of Policethe possession of a firearm one – Article 5(1) Penalties - Any person who contravenes article 5(1) shall be guilty of an offence and shall on conviction be liable to imprisonment for a term of not less than three months and not exceeding five years: Provided that where the conviction relates to possession of arms proper or ammunition within premises, or where the infringement is considered minor by the Court, and having regard to the quantity or quality of the firearms or ammunition the Court is satisfied that they were not so kept for sale or for some other kind of deal or in order to be used unlawfully, the offender shall be liable to a fine (<i>multa</i>) of not less than six hundred and ninety-eight euro and eighty-one cents (698.81) or to imprisonment for a term not exceeding three months or to both such fine and imprisonment: Provided further that where the conviction under article 5(1) relates to the possession of a firearm outside any premises and the offence was committed because of actual necessity of lawful self-defence or of the lawful defence of another person, the offender shall not be liable to punishment.	

	Web link http://docs.justice.gov.mt/lom/Legislation/English/Leg/VOL_15/Chapt480.pdf	
Stockpiling	Title in original language	
	Att dwar l-Armi	
	Title in English translation (and short form)	
	Arms Act	
	Short description, including details of penalties Every dealer shall keep a register showing the movements of any firearm and also for receiving or disposing of any firearm under any title – Article 15(1). Penalties - fine (<i>multa</i>) of one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.	
	Web link http://docs.justice.gov.mt/lom/Legislation/English/Leg/VOL_15/Chapt480.pdf	
Trade	Title in original language	
	Att dwar l-Armi	
	Title in English translation (and short form)	
	Arms Act	
	Short description, including details of penalties: A person to deal in firearms requires a licence from the Commissioner of Police – Article 19 Penalties – a term of imprisonment of not less than six months and not exceeding five years.	
	Web link http://docs.justice.gov.mt/lom/Legislation/English/Leg/VOL_15/Chapt480.pdf	

ii) Have those groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit SALW been identified, where applicable? What action has been taken under appropriate national law against such groups and individuals? (II.6)

iii) What national measures have been taken, including legal or administrative means, against activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations? (II.15)

The Secretary of the Sanctions Monitoring Board monitors all UN Council Resolutions. Scrutiny is given to Council Resolutions that require effective implementation into national legislation, in particular with regard to arms embargos. Once a United National Council Resolution is adopted, preparation is made for a legal notice to be drafted in order to implement the arms embargo into our national law. It is always seen that this implementation is done within the given time-frame imposed by the United Nations. It is the Permanent Representation in New York who will communicate the date of implementation to the United Nations.

National measures for the enforcement of UN Security Council arms embargoes		
<i>Area:</i>	<i>Legal means</i>	<i>Date</i>
Enforcement of UN arms embargoes	Law: Title/provision in original language	
	Title/provision in English translation (and short form)	
	Short description of the functions of the law/provision	
	Web link	

National measures for the enforcement of UN Security Council arms embargoes		
<i>Area:</i>	<i>Administrative means</i>	<i>In place since</i>
Enforcement of UN arms embargoes	Short description of the procedure(s) used to prevent/punish violations	
	Web link	

5. Stockpile management and security

- i) What national standards and procedures exist for the management and security of SALW stocks held by armed forces, police or other authorized bodies? (II.17)

Stockpile management is under the responsibility of the Armed Forces and Police. No other bodies are permitted to possess and use firearms.

National standards and procedures for stockpile management and security		
<i>Group:</i>	<i>Standards / procedures</i>	<i>Date</i>
Armed forces	Name and briefly describe	
	Web link	
Police	Name and briefly describe	
	Web link	
Other authorized bodies	Name and briefly describe	
	Web link	

ii) How often are stocks of SALW held by armed forces, police and other authorized bodies reviewed? (II.18)

SALW stocks are weekly audited at unit level.

iii) How are those stocks of SALW held by armed forces, police and other authorized bodies that are surplus to requirements identified? (II.18)

There are no identified surplus stocks of SALW.

6. Collection and disposal

i) Please give details of any national programmes that have been established and implemented for the responsible disposal of surplus stocks of SALW held by armed forces, police and other authorized bodies. (II.18)

There are no identified surplus stocks of SALW.

ii) Is destruction the means used to dispose of such stocks? (II.18)

iii) What national measures exist to safeguard such stocks prior to their disposal? (II.18)

iv) Subject to the exceptions set out in paragraph II.16 of the UN Programme of Action, are all confiscated, seized or collected SALW destroyed? (II.16)

v) What methods has your country used to destroy surplus stocks of SALW designated for destruction? (If appropriate, please make reference to the report of the UN Secretary-General (S/2000/1092) of 15 November 2000.) (II.19)

vi) Please give details of any information on SALW confiscated or destroyed within your jurisdiction that is submitted to relevant regional and international organizations. (II.23)

7. Export controls

i) Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by your country for the transfer of all SALW. (II.11)

The Commissioner of Police is responsible for the issuing of import and export licences under Act. No. XIV of 2005 and other applicable legislation, the Police Licensing and Testing office may also be able to provide other relevant information.

ii) Please describe the national laws, regulations and administrative procedures used by your country to ensure effective control over the export and transit of SALW. How are these measures implemented? (II.12)

The AFM and Police never transferred or exported any SALW.

National laws, regulations and administrative procedures used to ensure effective control over SALW export and transit		
<i>Area:</i>	<i>Laws / regulations / procedures</i>	<i>Date</i>
Export	Title in the original language	
	Title in English translation (and short form)	
	Describe how the law is designed to ensure control over SALW export. Explain how it is implemented in actual practice.	
	Web link	
Transit	Title in the original language	
	Title in English translation (and short form)	
	Describe how the law is designed to ensure control over SALW transit. Explain how it is implemented in actual practice.	
	Web link	

iii) Does your country use authenticated end-user certificates for this purpose? (II.12)

iv) Does your country notify the original exporting State when re-exporting or retransferring previously imported SALW? (II.13)

The Police and AFM never transferred or exported any SALW. Malta would notify the original exporting State if previously imported SALW are re-exported or re-transferred.

8. Brokering

i) What national legislation or administrative procedures exist to regulate the activities of those who engage in SALW brokering within national jurisdiction and control? (e.g. registration of brokers, licensing or authorization of brokering transactions and appropriate penalties) (II.14)

Brokering of arms is controlled by the Military Equipment (Export Control) (Amendment) Regulations, 2003. Legal Notice No.376 of 2003 restricts the activities of persons and entities who negotiate, arrange transactions, buy, sell or arrange the transfer of arms and weapons from any country (including Malta) to any other country. These regulations apply to any person in Malta (irrespective of his/her nationality) and to any citizen or permanent resident in Malta, whether in Malta or elsewhere.

9. Marking, record keeping and tracing

Amendments to current legislation are being discussed to introduce the markings of firearms.

i) Does your country require licensed manufacturers of SALW to apply an appropriate and reliable marking on each weapon as an integral part of the production process? (II.7)

The manufacture of arms is prohibited in Malta.

ii) Is this marking unique? (II.7)

iii) Does this marking identify the country of manufacture? (II.7)

iv) How does this marking otherwise allow concerned authorities to identify and trace the relevant weapon? (II.7)

v) How long are records kept on the manufacture, holding and transfer of SALW under your jurisdiction? (II.9)

vi) What national measures exist for tracing SALW held and issued by the State? (II.10)

vii) Please give details of any steps taken by your country to cooperate in tracing illicit SALW, including the strengthening of mechanisms based on the exchange of relevant information. (III.11)

10. Disarmament, demobilization and reintegration (DDR)

i) Please describe any disarmament, demobilization and reintegration (DDR) programmes your country has developed and implemented, including the effective collection, control, storage and destruction of SALW. (II.21)

n/a

ii) Please describe how your country has addressed the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation. (II.22)

n/a

iii) Please describe any DDR programmes or activities that your country has supported. (II.30, 34)

n/a

11. Awareness-raising

i) Please describe any public awareness and confidence-building programmes on the problems and consequences of the illicit trade in SALW in all its aspects that your country has developed and implemented (including the public destruction of surplus weapons and the voluntary surrender of SALW). (II.20)

n/a

ii) Please describe any education and public awareness programmes on the problems of the illicit trade in SALW in all its aspects that your country has encouraged. (II.41)

n/a

B.) Regional level

1. Legally binding instruments

i) Has your country been involved in negotiations for the conclusion of legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects? (II.25)

The Arms Trade Treaty

ii) Where such instruments exist, please describe the steps your country has taken to ratify and fully implement them. (II.25)

Malta is in the process of ratifying the Protocol against the illicit manufacturing of and trafficking in Firearms, their parts and components and ammunition, supplementing the UN Convention against Transnational Organised Crime.

2. Moratoria and action programmes

i) Please give details of any support your country has given moratoria or similar initiatives on the transfer and manufacture of SALW, and/or regional action programmes to prevent, combat and eradicate the illicit trade in SALW in all its aspects (including cooperation with States concerned in the implementation of these initiatives). (II.26)

n/a

3. Regional Cooperation

i) Please describe any involvement your country has had in the establishment of subregional or regional mechanisms with a view to preventing, combating and eradicating the illicit trade in SALW across borders (in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies). (II.27)

Active cooperation in the framework of the EU and OSCE.

ii) Please describe any initiatives your country has undertaken to encourage regional and subregional action on illicit trade in SALW in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures. (II.28)

Active cooperation in the framework of the EU and OSCE.

C.) Global level

1. International instruments against terrorism and crime

i) What existing international legal instruments against terrorism and transnational organized crime has your country ratified or acceded to? (II.38)

- **1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft**
- **1970 Convention for the Suppression of Unlawful Seizure of Aircraft**
- **1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**
- **1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**
- **1977 European Convention on the Suppression of Terrorism**
- **1979 International Convention against the Taking of Hostages**
- **1980 Convention on the Physical Protection of Nuclear Material**
- **1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**
- **1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation**
- **1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection**
- **1997 International Convention for the Suppression of Terrorist Bombings**
- **1999 International Convention for the Suppression of the Financing of Terrorism**
- **2000 United Nations Convention against Transnational Crime**
- **2003 United Nations Convention against Corruption**

2. International cooperation and assistance

i) Please give details of any assistance, including technical and financial assistance, your country has provided for purposes of supporting the implementation of the measures to prevent, combat and eradicate the illicit trade in SALW in all its aspects as contained in the UN Programme of Action. (III.3, 6, 10, 14)

ii) Please describe any initiatives your country has undertaken to enhance mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in SALW in all its aspects. (III.13)

iii) Please give details of any assistance your country has provided to combat the illicit trade in SALW linked to drug trafficking, transnational organized crime and terrorism. (III.15)

iv) Please give details of your country's cooperation with Interpol for the purpose of identifying those groups and individuals engaged in the illicit trade in SALW in all its aspects. (II.37)

v) Please give details of your country's use and support of Interpol's International Weapons and Explosives Tracking System database (including providing relevant information on the illicit trade in SALW). (III.9)

vi) Please give details of your country's cooperation with the UN system to ensure the effective implementation of arms embargoes decided by the UN Security Council in accordance with the UN Charter. (II.32)

Once a United National Council Resolution is adopted, preparation is made for a legal notice to be drafted in order to implement the arms embargo into our national law. Malta sees that implementation is conducted within the given time-frame imposed by the United Nations. It is the Permanent Representation in New York who will communicate the date of implementation to the United Nations.

vii) Please describe any steps your country has taken in cooperation with other states, or regional or international organizations, to develop common understandings of the basic issues and the scope of the problems related to illicit brokering in SALW. (II.39)

3. Cooperation with civil society and NGOs

i) Please give details of cooperation with civil society and non-governmental organizations in activities related to the prevention, combat and eradication of the illicit trade in SALW in all its aspects, at the national, regional and global levels. (II.20, 40, 41; III.2, 18)

n/a

4. Information exchange

i) Please describe any steps taken by your country to exchange information on national marking systems on SALW. (III.12)

Within the framework of regional cooperation, information on SALW is forwarded to the Organisation for Security and Co-operation in Europe (OSCE) and its member countries.

ii) Please give details of any information on, inter alia, SALW confiscated or destroyed within national jurisdiction, or other relevant information such as illicit trade routes and techniques of acquisition, that your country has submitted to relevant regional and international organizations. (II.23)

5. Training, capacity-building, research

i) Please describe any initiatives your country has undertaken to enhance cooperation and exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in SALW in all its aspects. (III.7)

There are regular inter-ministerial meetings, ensuring the coordination and cooperation between the competent ministries (including Ministry of Foreign Affairs, Ministry of Justice and Home Affairs and the Ministry of Finance, Investment and the Economy).

ii) Please describe any regional and international programmes for specialist training on small arms stockpile management and security that your country has developed or supported. (III.8)

n/a

iii) Please give details of any action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in SALW in all its aspects that your country has developed or supported. (III.18)

n/a