



UN Programme of Action

National Reporting Tool

Malaysia

2016

SECTION 1: POINTS OF CONTACT

Sources National Coordination Agency

PoA II.4 1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects? Yes

- a) Name of agency : Ministry of Home Affairs, Malaysia Security and Public Order Division
 b) Address : Level 10, Block D1, Complex D Federal Government Management Centre 62546 Putrajaya, Malaysia
 c) Contact details :
 i) Contact person : Muhamad Sade bin Mohamad Amin Undersecretary, Security and Public Order Division
 ii) Telephone number(s) : +603-88868063/8064 Fax no.: +603-88891763
 iv) Email : sade@moha.gov.my

Sources National Point of Contact

PoA II.5, 24 2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)? Yes

2.1. Details:

- a) Name : ACP Noorsiah binti Mohd Saaduddin
 b) Organization or agency : The Royal Malaysia Police (RMP)
 c) Address : Royal Malaysia Police Headquarters Bukit Aman, 50560 Kuala Lumpur, Malaysia
 d) Telephone number(s) : +60322661051 Fax no.: +60322725613
 f) Email : noorsiah@rmp.gov.my

ITI 25 2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)? Yes

SECTION 2: MANUFACTURE

Sources Laws, regulations and administrative procedures

PoA II.2 3. Are there any SALW manufactured in your country? Yes

3.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW? Yes

3.1.1 List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country

i. Arms Act 1960; ii. Arms Licensing Regulation 1961; iii. Arms (Manufacture of Arms and Ammunition) (Licensing) Regulations 1989; iv. Firearms (Increased Penalty) Act 1971; v. Explosive Act 1957; vi. Penal Code; vii. Customs Act (Prohibition of Import) Order 2012; viii. Customs Act (Prohibition of Export) Order 2012; ix. The Strategic Trade Act 2010.

3.1.2. Does your country license the manufacture of SALW? Yes

PoA II.3 3.1.3. Is illegal manufacture of SALW considered a criminal offence in your country? Yes

Sources Marking of manufacture

PoA II.7; ITI 8a 3.2. Does your country require that SALW be marked at the time of manufacture? Yes

ITI 8a 3.2.1. What information is included in the marking (check relevant boxes)?

- a) Name of the manufacturer
 b) Country of manufacture
 c) Serial number
 d) Year of manufacture
 e) Weapon type/model
 f) Caliber
 g) Other i. Batch Number; ii. For all ammunitions, Manufacturer's monogram, month-year markings are provided in the base-marking.

ITI 10a 3.2.2. What part of the SALW is marked? i. For weapon : at lower receiver; ii. For ammunition : base-marking of cartridges case.

3.2.3 Are there exceptions to the requirement to mark SALW at the time of manufacture? No

Sources Record-keeping by manufactures

PoA II.9; ITI 11 3.3. Does your country require that manufacturers keep records of their activities? Yes

ITI 12a 3.3.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW manufactured
 b) Type or model of SALW manufactured

- c) Markings applied to manufactured SALW
- d) Transactions (e.g. sales of manufactured and marked SALW)
- e) Other

Manufacturer is subjected to: i. Strategic Trade Act 2010; ii. EUC from the importer; and iii. Import and export permits.

ITI 12a 3.3.2. How long must manufacturing records be kept? Indefinitely ▾

Sources Actions taken during the reporting period

PoA II.6 3.4. During the reporting period, was action taken against groups or individuals engaged in illegal manufacturing of SALW (e.g. prosecution)? No ▾

Sources International assistance

PoA III.6 4. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture? No ▾

SECTION 3: INTERNATIONAL TRANSFERS

Sources Laws, regulations and administrative procedures

PoA II.2, 12 5. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW? Yes ▾

PoA II.11 5.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.
 i. Arms Act 1960; ii. Arms Licensing Regulation 1961; iii. Arms (Manufacture of Arms and Ammunition) (Licensing) Regulations 1989; iv. Firearms (Increased Penalty) Act 1971; v. Explosive Act 1957; vi. Penal Code; vii. Customs Act (Prohibition of Import) Order 2012; viii. Customs Act (Prohibition of Export) Order 2012; ix. The Strategic Trade Act 2010; x. Road Transport (Construction and Use) (Dangerous Goods Vehicle) Rules 2015; xi. Civil Aviation Regulations 2016; and xii. Merchant Shipping Ordinance 1952.

Sources Licensing and authorisation

PoA II.11 5.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to transfer SALW from/into your country? Yes ▾

PoA II.3 5.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country? Yes ▾

PoA II.11 5.4. What kind of documentation does your country require prior to authorising an export of SALW to another country?

PoA II.12 a) An end-user certificate (EUC) from the importing country Yes ▾

- i) What elements does an end-user certificate in your country contain (check relevant boxes)?
- 1) Detailed description (type, quantity, characteristics) of the SALW or technology
 - 2) Contract number or order reference and date
 - 3) Final destination country
 - 4) Description of the end-use of the SALW
 - 5) Exporter's details (name, address and business name)
 - 6) End-user information (name, position, full address and original signature)
 - 7) Information on other parties involved in the transaction
 - 8) Certification by the relevant government authorities of the authenticity of the end-user
 - 9) Date of issue
 - 10) Other

PoA II.12 b) Other types of end-user documentation
 Royal Malaysia Police (RMP) approval.
 5.5. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided? Yes ▾

5.5.1 Details:
 We have to check the details given in the end user statement via online and using restricted and prohibited end user list under STA 2010 as well as to verify with Royal Malaysia Police (RMP), related government agencies and Malaysia's Mission Overseas.

5.6. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation? Yes ▾

5.6.1 Details:
 We have to check the details online as well as to verify with Royal Malaysia Police (RMP), related government agencies and Malaysia's Mission Overseas.

Sources Post-delivery controls

- 5.7. When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State?
- 5.8. After exporting, does your country verify or seek to authenticate DVCs provided?
- 5.8.1 Details
We have to check the delivery verification statement with the end user statement provided earlier and verify with RMP if need be.
- 5.9. When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?

Sources Marking at import

- ITI 8b 5.10. Does your country require that SALW imported into your country be marked at the time of import?
- 5.10.1. Who is required to mark the SALW?
The Manufacturer
- 5.10.2. What information is included in the marking on import (check relevant boxes)?
- a) Country of import
- b) Year of import
- c) Other
- 5.10.3. Are there exceptions to the requirement to mark imported SALW?
- 5.10.4. If marked SALW imported into your country do not bear a *unique* marking when they arrive, does your country require that they be given such a marking?
- 5.10.4.1 Details:
i. For weapon : at lower receiver; ii. For ammunition : base-marking of cartridges case.

Sources Record-keeping

- PoA II.9; ITI 12 5.11. Does your country require that exporters and importers of SALW keep records of their activities?
- 5.11.1. What information must be recorded (check relevant boxes)?
- a) Quantity of SALW traded
- b) Type or model of SALW traded
- c) Markings appearing on transferred SALW
- d) Transactions
- i) Identity of buyer/seller
- ii) Country SALW are to be delivered to or purchased from
- iii) Date of delivery
- e) Other
- 5.11.2. How long must records of transfers be kept?

Sources Actions taken during the reporting period

- PoA II.6 5.12. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)?
- 5.12.1 Details.
i. Arms Act 1960 - Section 9(12)(b) "A licensed dealer or licensed repairer who - sells or transfer by way of trade or business any arms or ammunition, at any place other than a place in respect of which he holds a licence under this section shall, on conviction, for each such offence be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one thousand ringgit, or to both." ii. Arms Act 1960 - Section 9(14) "Any person who contravenes subsection (1) or (2) shall, on conviction, be liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding ten thousand ringgit, or to both."

Sources International assistance

- PoA III.6 6. Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?

SECTION 4: BROKERING

Sources Laws, regulations and administrative procedures

- PoA II.14 7.

Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?

7.1. List laws and/or administrative procedures regulating SALW brokering in your country.

i. Arms Act 1960; ii. Arms Licensing Regulation 1961; iii. Arms (Manufacture of Arms and Ammunition) (Licensing) Regulations 1989; iv. Firearms (Increased Penalty) Act 1971; v. Explosive Act 1957; vi. Penal Code; vii. Customs Act (Prohibition of Import) Order 2012; viii. Customs Act (Prohibition of Export) Order 2012; ix. The Strategic Trade Act 2010.

8.1.1 Are those laws and procedures part of the national arms export control system?

--- Select ---

7.2. Does your country require registration of SALW brokers?

Yes

7.3. Does your country require a licence, permit or other authorisation for each brokering transaction?

Yes

8.4. Does your country have measures to validate the authenticity of documentation submitted by the broker?

--- Select ---

7.4. Does your country regulate activities that are closely associated with the brokering of SALW?

Yes

7.4.1. If so which of the following activities are regulated when undertaken in connection with the brokering of SALW (check relevant boxes)?

- | | |
|-----------------------------------|-------------------------------------|
| a) Acting as dealers or agents | <input checked="" type="checkbox"/> |
| b) Providing technical assistance | <input checked="" type="checkbox"/> |
| c) Training | <input checked="" type="checkbox"/> |
| d) Transport | <input checked="" type="checkbox"/> |
| e) Freight forwarding | <input checked="" type="checkbox"/> |
| f) Storage | <input checked="" type="checkbox"/> |
| g) Finance | <input checked="" type="checkbox"/> |
| h) Insurance | <input checked="" type="checkbox"/> |
| i) Maintenance | <input checked="" type="checkbox"/> |
| j) Security | <input checked="" type="checkbox"/> |
| k) Other services | <input type="checkbox"/> |

Sources Actions taken during the reporting period

7.5. During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?

Yes

7.5.1 Details.

i. Arms Act 1960 and ARMS ACT 1960 & Firearms (Increased Penalty) Act (FIPA) 1971; and ii. Strategic Trade Act 2010 - No prosecution on illegal brokering yet to date.

Sources International assistance

PoA III.6 8. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering?

No

SECTION 5: STOCKPILE MANAGEMENT

Sources Laws, regulations and administrative procedures

PoA II.17 9. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW?

Yes

PoA II.17 9.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?

- | | |
|--|-------------------------------------|
| a) Appropriate locations for stockpiles | <input checked="" type="checkbox"/> |
| b) Physical security measures | <input checked="" type="checkbox"/> |
| c) Control of access to stocks | <input checked="" type="checkbox"/> |
| d) Inventory management and accounting control | <input checked="" type="checkbox"/> |
| e) Staff training | <input checked="" type="checkbox"/> |
| f) Security, accounting and control of SALW held or transported by operational units or authorised personnel | <input checked="" type="checkbox"/> |
| g) Procedures and sanctions in the event of theft or loss | <input checked="" type="checkbox"/> |
| h) Other | <input type="checkbox"/> |

Sources Surplus

- PoA II.18 9.2. When stocks are identified as surplus, what actions does your country take with regard to the surplus (check relevant boxes)?
- a) Officially declare as surplus
 - b) Take out of service
 - c) Record by type, lot, batch, and serial number
 - d) Store separately
 - e) Other
- 9.3. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?
- a) Destruction
 - b) Sale to another State
 - c) Donation to another State
 - d) Transfer to another state agency
 - e) Sale to civilians
 - f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.)
 - g) Other
- Buyback by
the
Companies or
Manufactures.

Sources Actions taken during the reporting period

- PoA II.19 9.4. During the reporting period, has your country destroyed surplus stocks?

Sources International assistance

- PoA II.29; III.6 10. Does your country wish to request assistance in developing standards and procedures on stockpile management?
- PoA III.6; 14 11. Does your country wish to request assistance in developing capacity for the destruction of weapons?

SECTION 6: COLLECTION

Sources Collection

12. During the reporting period, did your country collect any SALW?
- PoA II.21 12.1. How many SALW were collected?
Approximately about 500 SALW and below were collected
- 12.2. What action was taken with respect to the SALW collected (check relevant boxes)?
- a) Stored securely pending further action
 - b) Marked
 - c) Registered or recorded
 - d) Destroyed
 - e) Other

Sources International assistance

- PoA III.6 13 Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW?

SECTION 7: MARKING AND RECORD KEEPING

Sources	Marking	
ITI 8d	14. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked?	Yes ▾
	14.1. Describe the markings that are applied to government-held stocks. i. BAT Number; and ii. Serial Number.	
ITI 8c	14.2. When government stocks are transferred to civilians or private companies in your territory, are such stocks marked to indicate that your government transferred the stocks?	Yes ▾
ITI 8e	15. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?	No ▾

Record-keeping		
PoA II.9	16. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?	Yes ▾
	16.1. What records relating to SALW are kept by the State (e.g. manufacturing, brokering, import and export licences granted, sales to other States, SALW held by State agencies such as the armed forces etc)? The records relating to SALW includes:- marking at manufacture, quantity of SALW, type or model of SALW, transactions of sales , import and export permits, EUC from the importer, country /name of manufacture, serial number, year of manufacture, batch number and caliber.	
ITI 12 a,b	16.2. How long does the government keep such records? Indefinitely	
ITI 13	16.3. In the event that they go out of business, are companies engaged in SALW activities (e.g. manufacturing, importing, exporting etc) required to submit all records held by them to the government?	Yes ▾

Sources	International assistance	
PoA III.6, ITI 27	17. Does your country wish to request assistance in building capacity for record-keeping?	No ▾

SECTION 8: INTERNATIONAL TRACING

Sources	Laws, regulations and administrative procedures	
PoA II.10; ITI 14, 24	18. Does your country have procedures in place to trace SALW?	No ▾

Sources	Cooperation with INTERPOL	
PoA II.37; ITI 33	19. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?	No ▾

Sources	International assistance	
PoA II.36; III.6;ITI 27	2420.Does your country wish to request assistance in developing procedures to trace SALW? td>	No ▾

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PoA III.10; ITI 28 2521. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW?td>

No ▾

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SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCEspan>

Sources Assistance requested / received / provided

PoA III.3, 6 2622. During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI?td>

No ▾

&n

Any further comments on PoA and ITI, including implementation challenges and opportunities?td>

Additional information may be uploaded/attached, if necessary:

SECTION 10: INFORMATION TO BE SUBMITTED

Information on national marking practice

2823. Pursuant to paragraph 31 of the International Tracing Instrument, States will provide the Secretary-General with the following information, updating it when necessary:td>

- a) National marking practices related to marking used to indicate country of manufacture and/or country of import as applicable.

Additional information such as images and illustrations may be uploaded/attached, if necessary:

Note: Relevant information might have been provided in questions 4.2.1, 4.2.2 and 18.1 in this report.