REGIONAL EFFORTS AMONG ASEAN COUNTRIES: 
MALAYSIA’S PERSPECTIVES

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BACKGROUND

Malaysia supports the continuous effort by United Nations Department for Disarmament Affairs (UN DDA) to address the supply and the demand aspects of the trade in small arms. We believe in peace as the ultimate and basic prerequisite for providing a conducive environment for the overall development of the country, and hence our commitment for the combat and eradication of the tools of death – small arms and light weapons (SALW).

Malaysia is blessed with relative peace within the last two decades. The threat from Communist Party of Malaya (CPM) was almost eliminated with the disarmament accord signed between CPM and the government on 2 December 1989 in Hatyai, Thailand. This significantly marked the end of an era of CPM’s armed insurrection, a threat which left us with a big number of our security personnel maimed and dead. It was one of the darkest episodes of our national history, but one which provides us with a lesson that in whatever way possible, SALW as primary tools of violence and death, need to be tightly regulated and controlled by the state.
Granted that there is a need to regulate and restrict the availability of small arms, the government enacted the Arms Act in 1960, which, *inter alia*, control the productions, exports, imports, and transits of SALW. Additional acts and regulations were later enacted to allow for wider and comprehensive control of SALW.

**REGIONAL COOPERATION**

Malaysia supports the ASEAN Plan of Action to combat transnational crime as a follow-up to the Manila Declaration on the Prevention and Control of Transnational Crime. The ASEAN collaboration is focused towards strengthening regional commitment and capacity to combat transnational crime, which includes terrorism, drug trafficking, arms smuggling, money laundering, trafficking in persons and piracy. The co-operation envisaged comprehensive actions on all aspects of transnational crime, which includes the illicit trade in SALW.

The specific objectives of the ASEAN Plan of Actions for the ASEAN Member Countries are as follows:

(i) Develop a more comprehensive regional strategy aimed at preventing, controlling and neutralizing transnational crime;

(ii) Foster regional co-operation at the investigative, prosecutorial and judicial level as well as the rehabilitation of perpetrators;
(iii) Enhance co-ordination among ASEAN bodies dealing with transnational crime;

(iv) Strengthen regional capacities to deal with the sophisticated nature of transnational crime; and

(v) Develop sub-regional and regional treaties on co-operation in criminal justice, including mutual legal assistance and extradition.

In order to curb and eliminate the arms smuggling within the region, Malaysia undertook proactive measures to ensure the objectives of the ASEAN Plan of Action are met in various fields, for instance, information exchange, legal and law enforcement matters, training, institutional capacity-building and extra regional co-operation.

At a Regional Workshop on Arms Smuggling held in Kuala Lumpur in March 2005, Thailand and Malaysia has resolved to approach arms smuggling across their common border in an integrated manner by *inter alia* establishing an Arms Smuggling Coordinating Committee, to be co-chaired by senior police officials appointed by each country; exchange of information and cooperation among relevant government agencies pertaining to international and regional arms smuggling activities; sharing of intelligence on arms smuggling; and developing procedures through mutual cooperation and understanding in arresting and handing over of fugitive criminal.
On cooperation with Indonesia for the eradication of transnational organized crime, the Malaysia Marine Police has been working very closely with their Indonesian counterparts, especially in combating and preventing illegal trafficking of firearms, as well as in controlling and combating sea piracy, along the busy, narrow straits of Melaka, and the sea area between Sabah state and the Philippines.

In addition, efforts have been made for a compilation of national laws and regulations of ASEAN Member Countries pertaining to arms smuggling leading towards establishing a regional repository of such laws on-site. Meanwhile, Malaysia has also conducted typology studies to determine trends and modus operandi of arms smuggling in the ASEAN region. Besides enhancing the exchange of information and cooperation among the ASEAN officials such as ASEANAPOL, customs, immigration and legislators on international and regional arms smuggling activities, Malaysia has also established coordination with ASEANAPOL on information pertaining to regional arms smuggling activities.

On the other hands, Malaysia is working towards the harmonization of marking systems for ammunitions, arms, their parts and components according to the international system developed by the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*. Malaysia also committed to the intelligence exchange and co-operation in border and customs control between ASEAN countries as well as with EUROPOL and INTERPOL. On legal aspect, Malaysia is in the process to strengthen the legal
enforcement capabilities, especially the needs for comprehensive domestic legislation against illicit arms trafficking.

In order to enhance the capability of the frontline officers, Malaysia from time to time provided training and institutional capacity-building. The on-going programmes in the area of training and capacity-building reads as follows:

(i) Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence surveillance and detection, monitoring and reporting. This can be achieved through sharing of experiences among the law enforcers and the compilation of national training programmes of each Member Country by the ASEAN Secretariat within a specific time frame;

(ii) Establish a database on illicit trafficking of arms and explosives with a view to address the current lack of information/database and research indicating the volume of trade, types of cases pursued, the trends, routes and manner of smuggling; and

(iii) Establish procedures for countries to declare surplus arms destroyed, missing and lost from government stockpiles, to be reported and compiled to facilitate tracking measures in line with the development of international procedures and the exchange of information.
To enhance the exchange of information, Malaysia’s counterparts were ASEAN Dialogue Partners, regional organisations, the United Nations and other relevant international organisations, particularly towards the sharing of critical information of identities, movements and activities of known transnational criminal organisations involved in arms smuggling; and to seek technical assistance and funding considerations for weapons collection and destruction, the strengthening of law enforcement and institutional capacity-building.

MAJOR PROBLEMS AND CHALLENGES

Admittedly, combating the illicit trade in SALW is an arduous, challenging and unending task, more so when a country is geographically located adjacent to, or surrounded by, areas of armed conflicts. Vast tracts of land or open shores provide ample corridor for the movement or transit of SALW, to areas where they are wanted most – areas of armed conflicts – the case of Malaysia. The main challenge here to us in civil bodies is not the illicit trade in SALW per se, but genuine efforts to find a permanent resolution of the armed conflicts between various factions, ethnics, beliefs or regions. When armed conflicts cease and peace prevails, the illicit trade in SALW would be greatly reduced, directly proportional to the reduced need.

Consequently, ASEAN member countries will need to play a far greater and decisive role, firstly in finding a peaceful resolution of their internal conflicts,
and secondly, in stepping up national efforts in combating the illicit trade in SALW. For lasting peace and stability of the region, member countries within the region will need to reevaluate and if need be, to renew their cooperation in our common need to combat and eradicate the illicit trade in SALW. The *Manila Declaration on the Prevention and Control of Transnational Crime* as a non-binding document will need to be re-studied and where possible, used as a tool for effective collaboration to combat and eradicate the illicit trade of SALW between neighboring countries. As much as we see it possible, ASEAN member countries need to adhere to the ASEAN Plan of Actions, and to be more committed to mutually assist each other in our effort to combat and eradicate illegal possession and use of SALW.

**CONCLUSION**

Malaysia has put in place, adequate and stringent laws, administrative procedures and regulations for the effective control over the production of small arms and light weapons, as well as over the exports, imports, transits and re-transfer of such weapons, in order to prevent illegal manufacture and illicit trafficking or their illegal diversion to unauthorized recipients.

However, despite the existence of the laws and regulatory frameworks, due to the sophisticated nature and mode of the illegal activities, combating and eradicating illicit trade in SALW has not been all easy-going to the enforcers and cannot be done unilaterally. It needs continuous and collaborative efforts, both bilateral and multilateral among neighboring countries. As such, ASEAN member
countries need to be agreeable on specific collaborative efforts at the regional level subsequently to take further actions along the lines of the *Manila Declaration on the Prevention and Control of Transnational Crime*.

Meanwhile, each ASEAN member countries need to be more committed and to follow through the ASEAN Plan of Actions which had been accepted as a reasonable and effective approach to prevent, combat and eradicate the illicit trade of SALW between neighboring ASEAN countries. Reducing or resolving internal armed conflicts within the national border may greatly contribute to the reduction of illegal possession and illicit trafficking of SALW within the ASEAN region.