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## **Influencing Factors of Small Arms Light Weapons Smuggling into Malaysia**

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### **Abstract**

Malaysia strategic location had resulted in rampant cross border crime of small arms and light weapons (SALW) smuggling activities. Despite of Malaysia's strict firearms law, SALW smugglings continues. This article will discuss on influencing factors that promote the increase of SALW smuggling into Malaysia. This article employs a qualitative method with primary data obtained through formal interviews with Malaysian and Thailand security agencies and non-governmental organizations. Whilst secondary data was acquired via reports of related enforcement agencies and previous credible research. The study found that the internal factors and external factors have influenced the increased of SALW smuggling and its crime related activities in Malaysia.

**Keywords:** Globalization, Cross-Border Crimes, Salw Smuggling, Definition of Salw, Influencing Smuggling Factors

### **Introduction**

The borderless environment compounded with the effects of globalization have made border more porous that permit free flow human and trading traffic within this shrinking geographical space. A large variety of trade activities are undertaken within borderless circumstances. This phenomenon has pushed the boundaries of open space and indirectly opened the door for firearm smuggling. Within Southeast Asia, firearm smuggling has since emerged as a prized trade in cross-border crimes (CBC). As argued by Lumpe, Meek and Naylor (2000, p.2), firearm smuggling is believed to be the second highest commodity smuggled after drugs. As stated by the United Nations (UN) in 2001 through the United Nations (UN) Conference on the Illicit Trade in Small Arms and Light Weapons In All Its Aspects that convened in New York (United Nation, 2001), Muggah & Moser-Puangsuwan (2003, p.7)and supported by Capie (2002, p.10) and

Griffiths (2010, p.130), the ever availability supply of firearms following the demise of the Cold War more so with abundant quantity of SALW being a spillover from the former Soviet Union and East Block in the market inevitable offered enticing prospects market for prospective buyers. The unfavourable economic environment of reduced military spendings coupled with weak regulatory protocols indirectly compelled these countries with large abandoned stocks to ever available customers. Kramer (2001, p.2) in concurring did not offer any disagreement that the issue of small and light weapons (SALW) is almost always connected with CBC. However, the issue of CBC is often immersed into the overall security agenda to combat other more pressing cross border issues that are accorded more precedence as in drug trafficking and human trafficking. Deaths due to SALW in Southeast Asia for the period 2000–2012 are recorded at 167,093 as reported by the United Nations Office on Drugs and Crime (UNODC, 2013).

In the recent years, crimes involving the use of SALW are contagiously increased albeit strict firearms law imposed in Malaysia. Explosions and open shooting in public places, armed robberies and killing using firearms are taking place even though such incidences were uncommon in the past. How SALW smuggling could happen in Malaysia? This article will discuss the definition of SALW and the internal and external factors that influenced smuggling of SALW into Malaysia.

#### **Definition of Small and Light Weapons (SALW)**

The definition offered in the United Nations 1997 Report of the Panel of Governmental Experts on Small Arms, explain that small arms consist of revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns. Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars of less than 100mm caliber (Small Arms Survey, 2002, p.235).

As argued by Kramer (2001, p.4), when discussing issues related to weapons and ammunition, there are no uniform term that could collectively be agreed among countries in the Southeast Asian region. Differences in these definitions were widely debated due to the lack of harmonization of these firearm laws, little progress was made. These differences were also unable to arrive at an agreement at the domestic levels between civilian and military sectors. Here SALW generally refers firearms and ammunition that can be carried by one or two individuals. In this aspect Kramer interprets the definition as promulgated by the UN although it has not been accepted or applied universally.

The definition of SALW applied by Malaysia refers to any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, or which can be adapted for the discharge of any such shot, bullet or other missile, and any weapon of whatever description designed or adapted or which can be adapted for the discharge of any noxious liquid, gas or other thing, and includes an air gun, air, automatic gun, pistol and any component parts of any such weapon, and any accessory to those weapons designed or adapted to diminish the

noise or flash caused by firing the weapon [The Firearms Act 1960 & Firearms (Increased Penalties) Act 1971, (2015, p.5)]. In an easy to comprehend manner, SALW refers to the type of firearm that can be hand held. These include pistols, revolvers and also guns with long barrels (long guns) or shoulder guns such as rifles and shotguns.

### **Influencing Factors of SALW Smuggling into Malaysia**

Malaysia has a strict regulations and policy regarding possessions of firearms. The Firearms Act 1960 and the Firearms (Increased Penalties) Act 1971 serves a huge purpose in cases regarding firearms in aspects of possessions, productions, imports, exports, keeping, maintenance, transactions and trades. Off late the rise of serious criminal activities involving SALW such as gunfire and mafia murders using firearms and explosive materials in public places has been slowing increasing and becoming quite common. According to the Deputy Prime Minister of Malaysia and Home Minister, Ahmad Zahid Hamidi who stated that the increase in crime cases in the country is believed to have been originated from firearm smuggling (Metro, 2016, July 29, p. 22). This scenario is alarming as it illustrates how easy firearms could be found on the black market and smuggled through our borders.

This study has revealed that the smuggling of SALW has made Malaysia a first direct recipient country of some these problems due to a number of internal and external factors. The first internal influencing factor is the increasing of organized crime activities which are closely associated with the smuggling and drug trafficking activities from the Golden Triangle. According to Griffiths (2010, p.129), the flow of organized crimes happens when the SALWs used for crime purposes are those obtained from legal markets in the country. Usually, this happen between two countries with one of them exercise strict firearms act and the other one is vice versa. The movement of SALW across border is a smuggling and it seldom happens in a large volume (Griffiths, 2010, p.129). In a preliminary interview with the former Inspector General of Police (IGP) (Abu Bakar. K, personal communication, March 21, 2016), it was revealed that following some extensive investigations by the Royal Malaysia Police (RMP) decisively indicate in most SALWs seizures, these weapons are mostly smuggled through the Malaysia-Thailand border. These SALWs are not meant for transit purposes but mostly destined for use in Peninsular Malaysia for various illegal purposes such as smuggling and drug trafficking, secret societies, gambling and vice activities, gangsterism, thugish groups to be armed with firearms, armed robberies, assassinations and other organized criminal activities which are all unlawful and use them illegally as part of self-defence. This statement is supported by the Deputy Director (Intelligence Operation) Crime Investigation Department, Bukit Aman and both Kedah Police Chief and Kelantan Police Chief (personal communication, Mohamed, 2018; Kasim, 2018; Hassan, 2018 respectively).

The long coastline, hilly terrain and the porous border of Malaysia has become a second factor as challenge to the enforcement agencies and security personnel to monitor it's border together with limited resources available. Capie (2002, p.15) agreed that Southeast Asia region has a long maritime and land border which is difficult to monitor and secure. Malaysia is used as a SALW





along the land border in both countries such as in Serikin. According to Defence Intelligence Staff Division's (DISD) (Malaysian Armed Forces), Malaysia Armed Forces (MAF) record, 73 illegal passages has been detected as of January 2019 along the Sarawak-West Kalimantan border. This is no exception for Sabah which is surrounded by numbers of small islands near the Malaysia-Philippine border which has created opportunities for non-state actor such as SALW smugglers to freely move and hide at the islands near the borders. They even dispose the SALW into the sea before being intercepted by the MMEA. Deputy Director General (Operation) of MMEA claimed to face difficulties in monitoring East Malaysia waters which cover almost 1733km (Ibrahim. M. T, personal communication, June 22, 2018). According to DISD, two recognised districts to be the potential entrance of SALW are Sandakan and Tawau. The use of some squatters as a transits for the SALW smugglers before proceeding to the nearby Turtle Island (Tagganak Island, Langawan Island, Lihiman Island, Bakungan Besar Island and Boaan Island) in southern Philippine. In Tawau, the smugglers enters through Nyamuk River (Indonesia) to Tawau. Whereas from southern Philippine which are Setangkai/Tawi-Tawi Island to Tawau. The majority population of the squatters are from Nyamuk River and Nunukan (Indonesia) and Tawi-Tawi Island (southern Philippine). Miani (2011) stated that one of the SALW Sulu routes are Sandakan, Lahad Datu and Tawau (Malaysia) and the Nunukan Island including Sebatik Island (Indonesia). The assimilation of Indonesia population with the southern Philippines including family bonds between them has made the smuggling activities difficult to be detected from Indonesia to Philippine and inversely where the three districts, Sandakan, Tawau and Lahad Datu (Sabah, Malaysia) are used as the transit (pp.97-101).

SALW sales are seen as a very profitable enterprise that stimulate the smuggling SALW. Due to the exceptionally huge profits acquired from SALW sales, the criminals are willing to do anything for the sake of greed, dominance, revenge and ideology (Gagliardi, 2012, p.88). These monetary gains are the main motivations for SALW smuggling (Capie, 2013, p.92). From Malaysia's perspective, the monetary motivator supercedes the risk, though it is difficult to obtain SALW in the country, however the expensive price makes the peril worth encountering. So, it is not surprising for SALW smuggling to transpire into the country by non-state actors for various purposes as the third internal influencing factor.

Integrity and bribery among officers at the border becomes the fourth factor contributing to the smuggling of SALW. Based on interviews with representative of RMP, The Royal Thai Army and the Royal Thai Police, they are not denying that there are bribery issues exist between the security personnel who work at the borders which assisted the smuggling activities (personal communication, Mohamed, 2016; Supavanich, 2017 & Srisorayut, 2017) respectively. The smuggling of SALW from Indochina especially Cambodia, Vietnam and Laos have become easy with bribery offered to the officers in Cambodia and Thailand border (Capie, 2002, p.20; 2013, p.95). The Deputy Chief Commissioner (Operation) Malaysian Anti-Corruption Commission (MACC) not denying the relation of integrity and bribery with the smuggling activities including SALW among the enforcement officers at the border irrespective of inspection conducted towards both individuals or the vehicles crossing the border (Jamil, 2018).

As generally agreed by many scholars' among others (Kantha (1999); Capie (2002); Misalucha (2004), Miani (2011); Denik (2012) armed conflict and insurgency contribute towards increased SALW smuggling activities. Thus this represents the first external influencing factor that contributes to the increase SALW smugglings into Malaysia. As pointed out by Kantha (1999), it is known fact that civil war within the Asian region had its spillover effects in terms of refugees, firearms and national alliance activities. Large caches of post-war firearms had made it a very enticing source for brokers at low prices that may ignite continued smuggling activities (pp.1450-1460). Several countries in the region had witnessed conflicts where a large number of military-owned SALWs were conveniently disposed and since made easily available (Capie, 2002, p.15). Capie added that after the fall of South Vietnam in April 1975, a large number of abandoned United States (US) supplies were seized by the North Vietnamese army with an estimated haul of between 1.5 million to 1.8 million SALWs and 150,000 tons of ammunition. Many of these weapons were then sold by the Vietnamese government to its allies but implicated these sales were undertaken by terrorist groups. Similarly, Cambodia is believed to have between 500,000 and 1,000,000 military-style firearms spread throughout the country after the collapse of the previous government. These firearms were smuggled through southern Thailand via the Straits of Malacca to Aceh. On the same vein, Cambodian firearms were also smuggled into Thailand, Indonesia, Myanmar, India, the Philippines, Sri Lanka and other countries. There have been reports that smuggling through southern Thailand is done with help of the Pattani United Liberation Organization (PULO), a Thai separatist group. Malaysia as a country in the middle of this 'smuggling ring' is saddled with and has to dwell, face various problems arising from this situation (Ruhanas, 2009, p.20).

SALW smuggling would not occur if there is no demand or supply. This second external factor also contributes to the increase of SALW smuggling cases into the country. An estimate of 639 million SALWs are in circulation around the world. Supply is not viewed as an issue (Stohl, 2005, p.61) Southeast Asia has available stock for purchase. Thailand has since emerged as the leading SALWs black market supply center from Cambodia to the insurgents in Myanmar, Aceh, Sri Lanka and northeast India (Capie, 2002, p.88). From the perspective of demand, with the occurrence of conflicts in the region has created the necessity for illegal SALW among insurgent groups and other non-state actors. Capie stated that the selling of SALW is seen a booming industry and the profits act as a motivation to the smugglers (2013, p.92). Based on the RMP intelligence, there are demands of SALW in the black market which can be obtained with a lower price (Mohamed, 2016; 2018). This development is possible in Malaysia's perspective since SALW is difficult to obtain or sold at a higher price in the country, thus catalysing the smuggling industry for multiple purposes. A member of Malaysia Crime Prevention Foundation agreed that the continuous smuggling of SALW is because of profitable market, available demands, absence of modern SALW experts and limited resource of SALW in the country and thus the reasons why the non-state actor becomes dependant of the black market. Synonymously, SALW are mostly obtained from Thailand since it is easily accessible and the nearest border to the Peninsular (Hashim, 2018). Capie (2013, p.95) and Stohl (2005, pp.60-61) agreed that SALW and explosive

devices are cheap, easily obtained, have killing nature, durable, easily used, mobile, easily hide and placed inside the cars or hand carry, used mostly by arm forces and police, thus, giving civilian the commodity to move them across border legally or otherwise.

The third factor is a consequence to the lack of dedicated cooperation among countries that invite a strong cause of increased smugglings of SALWs. According to preliminary interviews with Mohamed. H, of RMP on the 23 March 2016 along with Srisorayut. S, of The Royal Thai Police in Kuala Lumpur on 26 December 2017 collectively state there is a lack of access and sharing of necessary information from the relevant agencies for both CBC and SALW activities. This was also mentioned picked up by Bedeski, Anderson and Darmosumarto (1998, p.5) as the lack of coordination and cooperation among regional partners in an effort to curb circulation and supply of SALWs from within and outside the region.

### Conclusions

The increase in smuggling activities of SALW into Malaysia is particularly alarming as it invites terrorism activities, the spread of illegal use of SALW, as well as increased crime rates within the country. Although the amount of smuggling is considered to be of a small scale but the actual amount could not be determined by the authorities. Non-state actors are now boldly seen using SALW for various purposes although penalties under Malaysia's firearm laws can lead to mandatory death sentences. There are two main factors contributing to the increase in smuggling activities of SALW to Malaysia, namely internal factors and external factors. Internal factors are within the national control while external factors are something beyond national control. On the study done by some scholars, it turns out that internal factors (such as economics, politics and social) and external factors (technology, economy, and social) affect the increase of SALW smuggling into Malaysia and its related crime committed by non-state actors.

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