



THE STRATEGIC TRADE ACT (STA) 2010

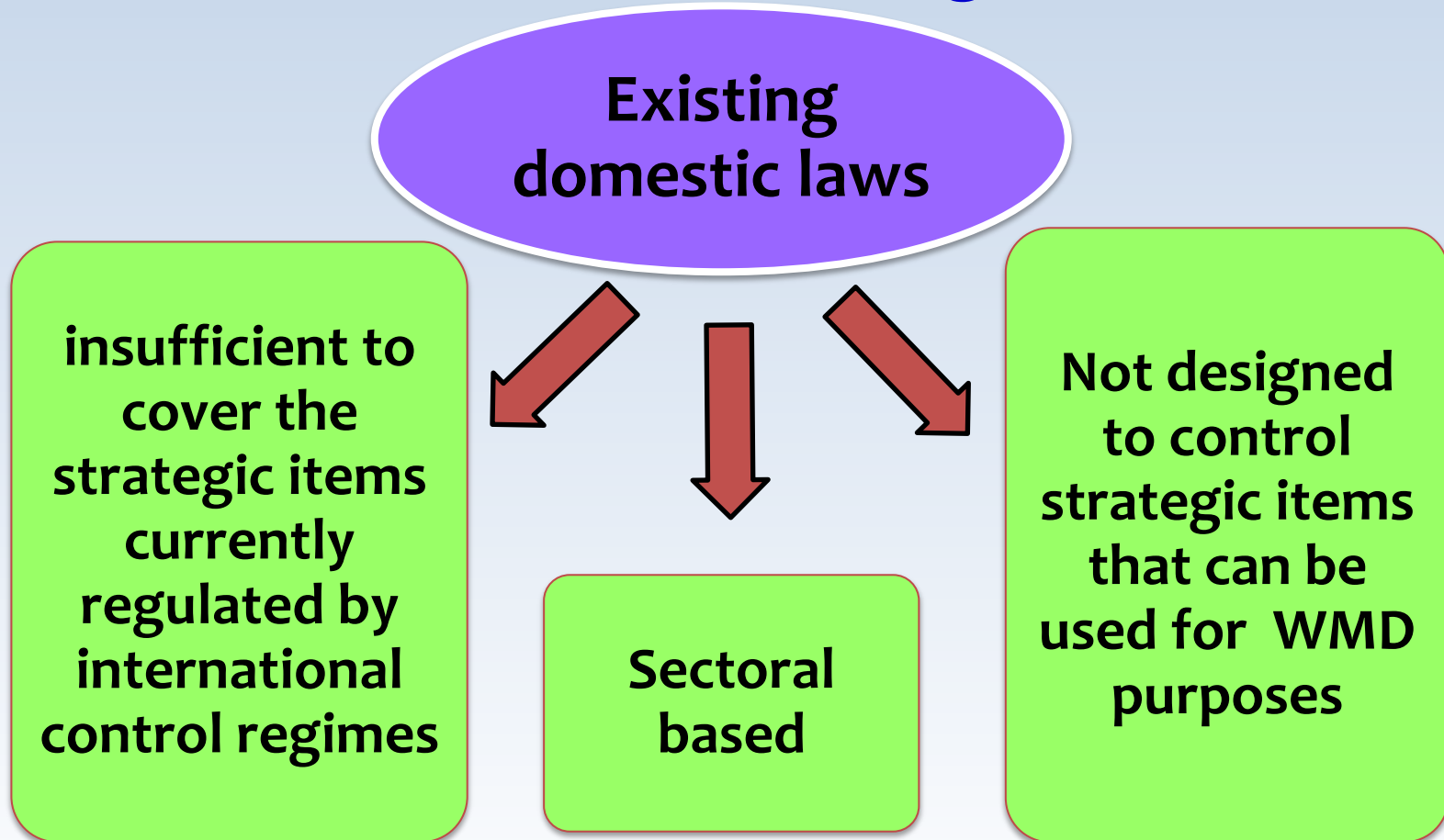
DEVELOPMENT OF NATIONAL LEGISLATION

**“FACILITATING TRADE IN A
SECURE TRADING ENVIRONMENT”**

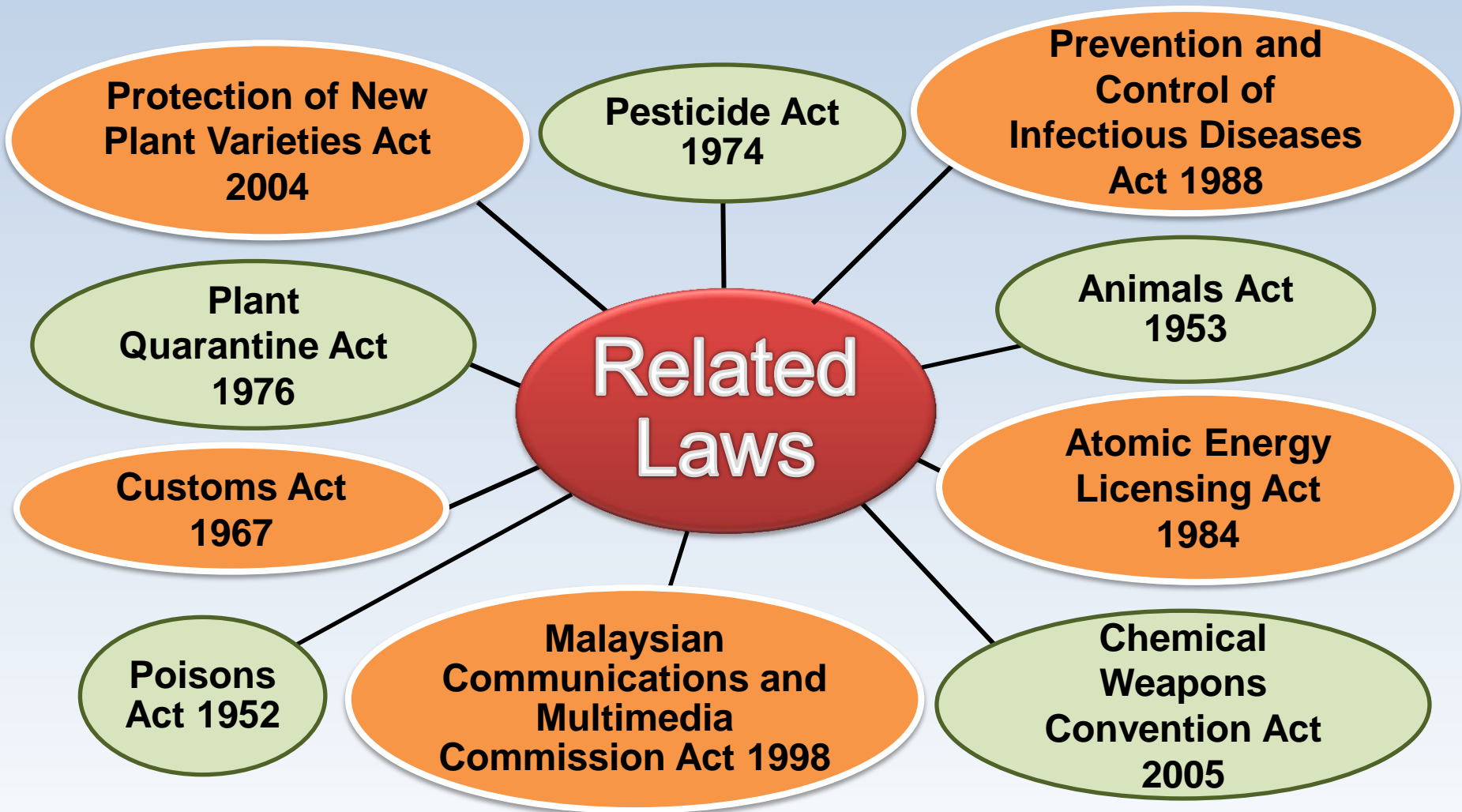
WHY MALAYSIA REQUIRES THE STA



Inadequacy Of Domestic Legal Framework



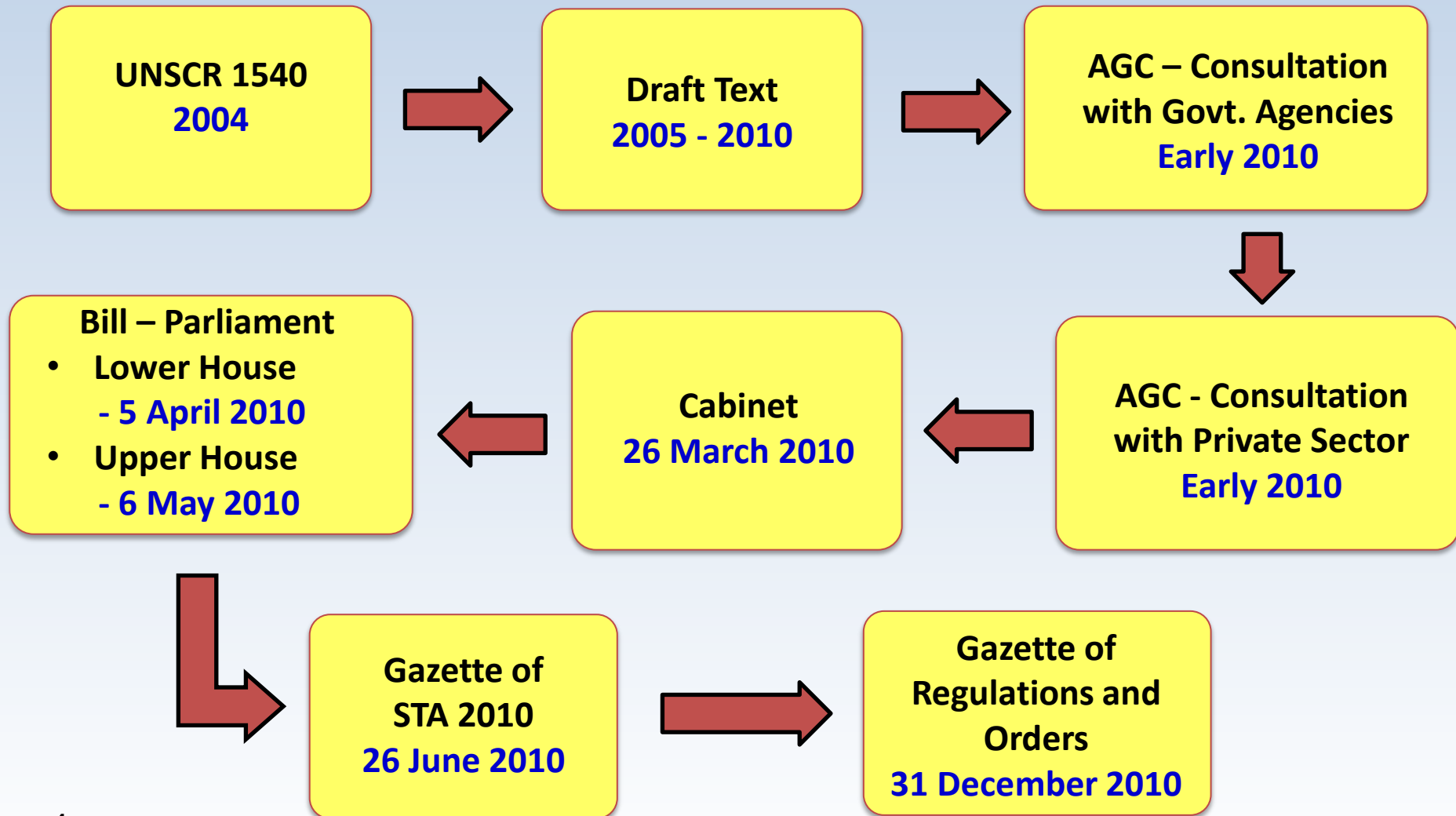
RELATED LAWS



If these laws are in conflict or inconsistent:

STA shall prevail

THE TIMELINE FOR ENACTMENT OF STA 2010



ENACTMENT OF STA 2010



UN Security Council Resolution – April 2010

- UNSCR 1540 – OP3(d) requires all States to -
 - *take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall*
 - *...establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export...*

NB: As a UN Member State, Malaysia is bound by Articles 25 and 48 of the Charter of the United Nations to comply with and implement these obligations.

ENACTMENT OF STA 2010



2005 - 2010

- Draft Text
- Implementation And Custodian Agency Not Identified
- Slow Progress



ENACTMENT OF STA 2010



- **Attorney General Chambers took the lead**
- **Consultation with Ministries and Agencies**
- **Consultation with Private Sector**
- **Inputs from experts from US, EU and others**

ENACTMENT OF STA 2010



26 MARCH 2010



- Bill brought for approval of Cabinet
- Ministry of International Trade & Industry identified as the custodian agency.

ENACTMENT OF STA 2010



Bill presented before Parliament and received consent

- **5 April 2010 – Lower House**
- **6 May 2010 – Upper House**
- **2 June 2010 – Royal Assent**



ENACTMENT OF STA 2010



Gazette of Strategic Trade Act 2010



6 June 2010

ENACTMENT OF STA 2010



REGULATIONS AND ORDERS



STA 2010



**Strategic Trade
Regulations 2010**

**Strategic Trade
(Strategic Items)
Order 2010**

Prescribes:

forms

procedures

**any matter,
including
enforcement**

**payable
fees**

**Strategic Trade
(Restricted End-Users
and Prohibited End-
Users) Order 2010**

ENACTMENT OF STA 2010



What was required to implement STA 2010:

- Draft bill
- Political will
- Custodian Agency
- Inter-Agency cooperation



Amendment of Act

- **Amendments to Law require approval of Parliament – Not an easy process**
- **Good Regulatory Practice – New Laws will have a provision for review before expiry – 5 years time frame**

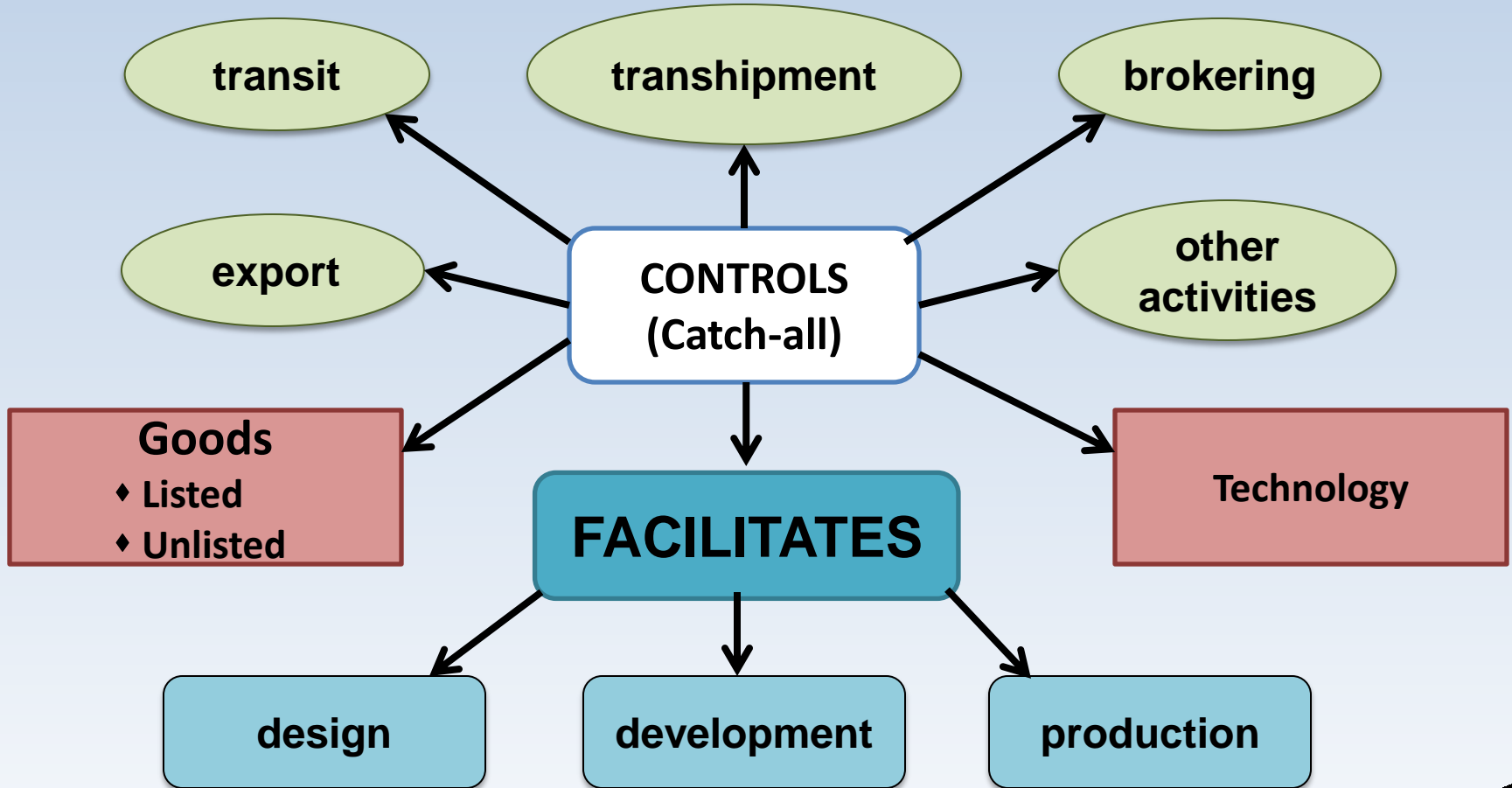
ENACTMENT OF STA 2010



Amendments to Regulations and Order

- Can be taken anytime
- 1st Amendment on 1 December 2011
 - Permit application period
 - Editorial for EUS and DVS
 - Non Requirement for transshipment permit for items under Category Codes 5A2 & 5B2
- Need to be gazetted

OBJECTIVE OF STA 2010



WEAPONS OF MASS DESTRUCTION (WMD) & ITS DELIVERY SYSTEMS



PARTNER AGENCIES

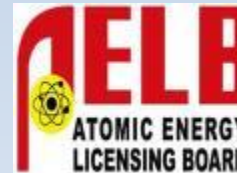
LICENSING MINISTRY/AGENCIES



Strategic Trade Secretariat, MITI



Malaysian Communications and Multimedia Commission (MCMC)



Atomic Energy Licensing Board (AELB)



Pharmaceutical Services Division, Ministry of Health

ENFORCEMENT AGENCIES



Royal Malaysian Customs



Royal Malaysian Police



Malaysian Maritime Enforcement Agency



MCMC

Other officers specified by the Controller

THANK YOU



**MOHAMED SHAHABAR
ABDUL KAREEM**

**STRATEGIC TRADE SECRETARIAT
MINISTRY OF INTERNATIONAL
TRADE AND INDUSTRY (MITI)**