Combating Transnational Crime in ASEAN

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Introduction
The Association of Southeast Asian Nations (ASEAN) has been fostering cooperation to combat transnational crime for more than two decades. ASEAN was initially concerned with the abuse of narcotics and trafficking in illegal drugs. However, with the expansion and diversification of transnational crime to include terrorism, arms smuggling, money laundering, illegal migration, and piracy, and the highly organised nature of such crimes, ASEAN has intensified its efforts to fight these crimes.

ASEAN Decisions on Combating Transnational Crime
ASEAN resolve to fight transnational crime can be traced to the Declaration of ASEAN Concord of 24 February 1976. The declaration signed by the Heads of Government/State of the founding member countries of ASEAN, called for the intensification of cooperation among member countries and with relevant international bodies to prevent and eradicate narcotics abuse and the illegal trafficking of drugs. It also called for the study on developing judicial cooperation including the possibility of an ASEAN extradition treaty.

With transnational crime expanding in scope and becoming more organised, the ASEAN Heads of Government/State have stressed the need for comprehensive and coordinated approaches to tackle the crime at the regional level. At the 1st Informal ASEAN Summit in November 1996 in Jakarta, they called upon the relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition. They resolved to take firm and stern measures to combat transnational crimes such as drug trafficking, trafficking in women and children as well as other transnational crime at their 2nd Informal ASEAN Summit in December 1997 in Kuala Lumpur. They also adopted the ASEAN Vision 2020 document, which sets out a broad vision for ASEAN in the year 2020. Among the goals forecasted was the creation of a drug-free Southeast Asia and a region of agreed rules of behaviour and cooperative measures to deal with problems that can only be met on a regional scale including transnational crime.

At the 6th ASEAN Summit in December 1998 in Hanoi, the ASEAN Heads of State/Government reiterated their calls for strengthening and promoting regional linkages among ASEAN institutional mechanisms in fighting drug abuse and trafficking, and in intensifying individual and collective efforts to address transnational crime. They adopted the Hanoi Plan of Action (HPA), the first in a series
of action plans to realise the ASEAN Vision 2020 which, among others, called for a strengthened regional capacity to address transnational crime.

The ASEAN Foreign Ministers also acknowledge the need for closer cooperation and coordinated actions among ASEAN member countries to fight transnational crime. At the 29th ASEAN Ministerial Meeting (AMM) in July 1996 in Jakarta, the Foreign Ministers shared the view that the management of transnational crime was urgent so that it would not affect the long-term viability of ASEAN and the individual member nations. At the 30th AMM in July 1997 in Subang Jaya, Malaysia they stressed the need for sustained cooperation in addressing transnational concerns including the fight against transnational crime. The ASEAN Foreign Ministers, at the 31st ASEAN Ministerial Meeting in July 1998 in Manila, reiterated the need for enhancing regional efforts against transnational crime. They signed the Joint Declaration for a Drug-Free ASEAN affirming ASEAN's commitment to eradicate the production, processing, traffic and use of illicit drugs in Southeast Asia by the year 2020. At the 32nd AMM in Singapore in July 1999, the Foreign Ministers stressed the urgent need to strengthen ASEAN's regional capacity to combat transnational crime and to implement drug control programmes with the assistance of the international community.

ASEAN Bodies Combating Transnational Crime
A number of ASEAN bodies are involved, directly or indirectly, in formulating policies and initiating activities against transnational crime. These include the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), ASEAN Finance Ministers Meeting (AFMM), ASEAN Chiefs of National Police (ASEANAPOL) and ASEAN Senior Officials on Drugs Matters (ASOD):

A. ASEAN Ministerial Meeting on Transnational Crime
The ASEAN Ministers of Interior/Home Affairs at their inaugural meeting on 20 December 1997 adopted the ASEAN Declaration on Transnational Crime, which underscored ASEAN's resolve to adopt a comprehensive approach to fight transnational crime through greater regional collaboration and by forging international cooperation.

The 2nd AMMTC in June 1999 adopted the ASEAN Plan of Action to Combat Transnational Crime. The Plan established mechanisms and activities to extend ASEAN member countries' efforts to combat transnational crime from the national and bilateral levels to the regional dimension, and strengthen regional commitment and capacity to undertake the expanded task. The Plan will put in place a cohesive regional strategy to fight transnational crime and will encompass information exchange, cooperation in legal and law enforcement matters, institutional capacity building, training and extra-regional cooperation as key programme activities.

The Plan called for closer cooperation and coordination between the AMMTC and other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the
ASEAN Chief of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs in the investigations, prosecution and rehabilitation of perpetrators of such crimes. On legal matters, the Plan of Action included the following:

Work on the criminalisation in ASEAN member Countries of specific transnational crimes such as illicit drug trafficking, money laundering, terrorism, piracy, arms smuggling and trafficking in persons;

Develop multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution and extradition, exchange of witness, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN member countries;

Coordinate with the ASEAN Senior Law Officials' Meeting on the implementation of the ASEAN Legal Information Network System.

On law enforcement, the Plan of Action, among others, outlined the following:

Develop an exchange programme for ASEAN officials in the policy, legal, law enforcement and academic fields;

Implement measures to ensure the protection of judges, prosecutors, witnesses and law enforcement officials and personnel from retaliation by transnational criminal organisations.

On extra-regional cooperation, the plan included the following:
Enhance information exchange with ASEAN Dialogue Partners, regional organisations, relevant specialised agencies of the United Nations and other international organisations, particularly towards the sharing of critical information on the identities, movements and activities of known transnational criminal organisations;

Promote interest and support of the international community for ASEAN initiatives against transnational crime through the participation of the ASEAN Member Countries and the ASEAN Secretariat in relevant international conferences.

An ad-hoc working group meeting would be convened to develop and finalise a work programme to implement the Plan. The ASEAN Secretariat is seeking technical assistance from the dialogue partners, relevant international and regional organisations and non-governmental organisations to develop the work programme.

The establishment of the ASEAN Centre for Combating Transnational Crime (ACTC) has also been agreed, in principle by the 2nd AMMTC. A Special Working Group on
the Establishment of the ACTC was held in Quezon City, Philippines on 7 August to prepare a full report on the operationalisation of the ACTC. The Working Group has finalised the arrangements for the establishment of the ACTC and recommended a draft agreement on the establishment of the Centre for the consideration and approval of the AMMTC.

The ACTC is another regional initiative of ASEAN against transnational crime which is envisioned to promote data resource sharing, assist in the implementation of programme activities outlined in the proposed action plan, and be a repository of information on national legislation, regulatory measures and jurisprudence of individual member countries. It is also envisaged that the ACTC will have research capabilities to conduct in-depth analysis of transnational crime activities to recommend appropriate regional strategies to fight these felonious activities. With the establishment of the Centre, ASEAN efforts in combating transnational crime will be further intensified.

B. ASEAN Finance Ministers Meeting
At their first meeting, on 1 March 1997 in Thailand, the ASEAN Finance Ministers signed the ASEAN Agreement on Customs. The agreement, which apart from enhancing ASEAN cooperation in customs activities and expediting the early realisation of AFTA, aims to strengthen cooperation in combating trafficking in narcotics and psychotropic substances, and will facilitate joint efforts in anti-smuggling and customs control.

C. ASEAN Chiefs of National Police
The ASEAN Chiefs of National Police (ASEANAPOL) deals with the preventive, enforcement and operational aspects of cooperation against transnational crime. ASEANAPOL has been actively involved in sharing of knowledge and expertise on policing, enforcement, law, criminal justice, and transnational and international crimes. It has established three ad-hoc commissions dealing with drug trafficking, arms smuggling, counterfeiting, economic and financial crimes, credit card fraud, extradition and arrangements for handing over of criminal offenders and fugitives. It has taken initiatives to combat new forms of transnational crime, such as fraudulent travel documents, phantom ship frauds, product counterfeiting and piracy. ASEANAPOL has also established its own database system to enable member countries to exchange information in a rapid, reliable and secure manner and to provide further means of accessing the computerised systems at the INTERPOL General Secretariat.

D. ASEAN Senior Officials on Drugs Matters
ASOD was officially established in 1984 and initiatives on drugs are based on the ASEAN Plan of Action on Drug Abuse Control that was adopted at the 17th ASOD Meeting in October 1994. The Action Plan covers four priority areas: preventive drug education, treatment and rehabilitation, enforcement, and research.
In preventive education and information, various workshops on drug education for teachers and curriculum designers and comparative researches on preventive education have been conducted. Co-operative activities in law enforcement include the exchange of law enforcement officers/personnel, the conduct of training programmes with the assistance of international agencies and the sharing of information concerning trends, modus operandi and routes of narcotics trafficking. ASEAN members have conducted regular exchanges of personnel involved in treatment and rehabilitation at the operational level.

These programmes were complemented by the efforts of the four training centres based in ASEAN member countries. These are the ASEAN Training Centre for Narcotics Law Enforcement (Bangkok), the ASEAN Training Centre for Preventive Drug Education (Manila), the ASEAN Training Centre for Treatment and Rehabilitation (Kuala Lumpur), and the ASEAN Training Centre for the Detection of Drugs in Body Fluids (Singapore).

**Extra-regional Cooperation**

Recognising that national and regional efforts alone will not suffice in effectively dealing with transnational crime, the AMMTC has agreed to explore ways of developing closer cooperation with the dialogue partners, regional organisations and international organisations, including the United Nations and its specialised agencies, Colombo Plan Bureau and the ICPO-INTERPOL. In an effort to promote greater cooperation, informal consultations between the senior officials and the interested parties have also been encouraged. Both the AMMTC and the AMM have called upon the dialogue partners to provide assistance in developing the work programme to implement the Plan of Action and in undertaking activities to fight the various forms of transnational crime.

ASEAN is also keen to further its collaboration with the ACPF. The ACPF is one of the UN affiliated NGO which has shown interest in ASEAN's efforts against transnational crime. It has participated in the Informal Consultative Meeting between ASEAN and Other International Organisations on Combating Transnational Crime on 26 November 1998 in the Philippines. At the consultative meeting, the ACPF expressed interest in supporting the activities of the ACTC and in implementing the Action Plan to Combat Transnational Crime. ACPF has been actively working with enforcement agencies and the legal services in ASEAN member countries. It has conducted and funded numerous workshops on cooperation against transnational crime, particularly on establishing cross-sectoral linkages among the law enforcement agencies, prosecution services and other institutions.

**Conclusion**

ASEAN has taken a bold step forward to deal, in a comprehensive manner, the menace of transnational crime with a view to neutralising and eradicating it. In order
to contribute effectively to regional and global efforts against transnational crime, ASEAN will need the assistance and expertise of the developed nations, relevant international and intergovernmental organisations as well as the non-governmental organisations.

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