

**The Association of Southeast Asian
Nations' (ASEAN) Efforts in Dealing
with Transnational Crime**

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INTRODUCTION

Globalisation has resulted in rapid economic development with immense benefit to countries around the world. Yet criminals have exploited the same forces that made possible today's rapid international trade and global advancement to extend their activities and influence across countries and regions.

With the reduction of trade restrictions, the increasing ease with which people and goods cross national borders, the global reach of information and telecommunications technology and financial systems, the issue of transnational crime is becoming more prominent in ASEAN. Regional security and development have been imperilled by terrorism, sea piracy, illicit drug trafficking, money laundering, trafficking in persons, arms smuggling, international economic crimes and cyber crimes. While transnational crime is becoming more organised, diversified and pervasive, ASEAN has realised the serious threat that transnational crime poses to its security and progress.²

The adoption of the Bali Concord II at the ASEAN Summit held on 7-8 October 2003 in Indonesia was a landmark decision to work towards an ASEAN Community comprising

the ASEAN Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community. The establishment of an ASEAN Security Community envisages the utilisation of the existing institutions and mechanisms within ASEAN for strengthening national and regional capacities to counter terrorism, drug trafficking, trafficking in persons and other transnational crimes. With this initiative, the issue of addressing transnational crime needs to be closely examined in order to facilitate the realisation of the ASEAN Security Community.

This paper examines ASEAN's efforts and its institutional mechanism in dealing with transnational crime. In doing so, the paper is divided into three sections. The first section introduces the notion of transnational crime both in crime and security terms. With a focus on transnational crime in security terms, it also examines what has traditionally meant "security cooperation" to ASEAN since its establishment 1967. The second section examines whether transnational crime has been articulated in security terms in ASEAN, as well as ASEAN efforts in combating transnational crime. The final section discusses the challenges and difficulties that face ASEAN's efforts in combating transnational crime, and explores the possible institutional mechanism that would be able to deal with transnational crime effectively and comprehensively.

TRANSNATIONAL CRIME: SECURITY AND CRIME

The importance of transnationalism as a phenomenon in international politics is not new. It was discussed by Robert Keohane and Joseph Nye in the early 1970s.³ Transnational relations refer to "those networks, associations, or interactions which cut across national societies creating linkage between individuals, groups, organisations, and communities with different nation-states".⁴ In the age of globalisation, it is physically difficult to limit the flows of peoples and goods at a time when technological, market, and societal forces make such movement easier than ever before.

Indeed, not only have corporations and countries gone global, but also criminal groups have followed suit to ensure their continued prosperity.

Given the nature of transnational crime, it can be considered both in a discourse of crime and security. In terms of criminal activities, transnational crimes are often regarded as those acts that are criminalised by the laws of more than one country. Passas, in his working definition of crime, characterised crime as misconduct that entails avoidable and unnecessary harm to society, which is serious enough to warrant state intervention and similar to other kind of acts criminalised in the countries concerned. Passas further described “crime that becomes transnational when offenders or victims are located in, or operate through, more than once country”.⁵ Such crimes, however, must be differentiated from international crime which are those prohibited by international law, including treaties and customs (for example: aggression, war crimes, or crimes against humanity), and domestic crimes that fall under a single jurisdiction. In order to be considered transnational, a crime must involve crossing borders or jurisdiction. The United Nations (UN), for instance, determined that an offence is transnational in nature if:

- (a) it is committed in more than one State, (b) it is committed in one State but substantial part of its preparation, planning, direction or control takes place in another State, (c) it is committed in one State but involves organised criminal group that engages criminal activities in more than one State, or (d) it is committed in one State but has substantial effects in another State.⁶

The fight against transnational crime has led to some examples of international cooperation, resulting primarily in the criminalisation of the issue. Founded in 1923, the International Criminal Police Organisation (Interpol) has currently 176 member states and provides a vehicle for the exchange of information and assistance between police forces.

The European Union (EU) formed Europol in July 1999 in an attempt to combat transnational crime at a European level. In 1989 the Group of Seven (G7) nations created the Financial Action Task Force (FATF) to tackle money laundering and also established the Lyon Group in 1995 to improve international cooperation against transnational crime. The UN has also established different bodies to deal with various aspects of transnational crimes, namely; the UN Commission on Crime Prevention and Criminal Justice, the Commission on Narcotic Drug, and the recent United Nations Convention Against Transnational Organised Crime.

Transnational crime has also been referred to as a security issue. John MacFarlane and Karen McLennen claim that transnational crime is now emerging as a real threat in its own right to national and international security and stability.⁷ Galeotti suggests that “the struggle against organised and transnational crime will be the defining security concern in the twenty-first century”.⁸ When former President Clinton placed his updated National Security Strategy before Congress in 1996, the fight against transnational crime was recognised a national security issue facing the United States.⁹

It is important to highlight the threats posed by transnational crime to states, national economies and civil societies. In the case of international terrorism, non-state actors can use this method as a means of promoting their political causes. Such groupings gain strength from their ability to forge linkages across national boundaries. Their activities represent a challenge to the national sovereignty and integrity of independent states and can threaten the survival of governments. Other forms of transnational crime can dangerously affect states and their societies, as well as reduce a government’s capacity to govern, weaken the credibility of financial institutions, undermine social order by questioning the rule of law, and increasing the level of violence. Weak states as well as open societies are particularly vulnerable to the transnational criminal activities. This has been the case in Colombia, where the Colombian judiciary has been decimated;

violence, at times, has reached levels characteristic of small civil wars. Colombian political and economic activity has been dominated by the threats posed by the *narcotraficantes*. These cartels have threatened the country's democratic values by killing journalists critical of their activities and corrupting the institutions of the state.

As it is seen above, transnational crime can pose a serious threat to national states and is more appropriately addressed within the security context. However, before discussing ASEAN's securitisation of transnational crime, it is important to comprehend what is meant by an act of securitisation.

Securitisation was first introduced by the "Copenhagen School". Its two best-known members are Barry Buzan and Ole Waever, but a number of other prominent scholars have also contributed to its body of work. The Copenhagen School provides a coherent framework within which to define security and determine how a specific issue becomes securitised. The school is critical to the understanding of a new security environment and, in particular, to the priority that should be accorded to non-traditional security issues, including transnational crime.

In *Security: A New Framework for Analysis*, Buzan, Waever and Wilde start by defining security in a traditional security context. They posit that "security is about survival. It is when an issue is presented as posing an existential threat to a designated referent object".¹⁰ The security-survival logic is then applied to five categories of security: military, environment, economic, societal and political security.¹¹ The dynamics of each sector are determined by securitising actors and referent objects. The former are defined as "actors who securitise issues by declaring something, a referent object, existentially threatened"¹² and can be expected to be "political leaders, bureaucracies, governments, lobbyists, and pressure groups".¹³ Referent objects are "things that are seen to be existentially threatened and that have a legitimate claim to survival".¹⁴ They include the state, national sovereignty,

national economies, collective identities, and environmental habitats.¹⁵ Evidently, the referent object and the existential threat that they may face vary across the security sector.

The Copenhagen School regard security as a socially constructed concept. It stipulates that any social referent can be deemed “threatened” to a social organisation (i.e. a state, a community or some other type of collective polity). A political concern becomes a security matter through a process of securitisation. A securitising actor defines an issue as an existential threat and asserts that it needs to be removed from the normal process of policies due to its declared urgency. Buzan et. al. argue that security “is the move that takes politics beyond the established rules of game and frames the issue as either a special kind of politics or as above politics”.¹⁶ The school stressed the importance of the speech act in securitisation.¹⁷ That is, securitisation actors articulate an issue in security terms to persuade a relevant audience of its immediate danger.¹⁸

Before discussing the details of the ASEAN’s securitisation of transnational crime, let us examine what ASEAN has traditionally defined as a “security issue” within its cooperation framework since establishment. Although ASEAN adopted a multi-sectoral approach to security in the 1970s, it is important to note that preserving national sovereignty, avoiding inter-state military conflict, and non-use of military forces were a major concern to regional security in the Southeast Asian region when it was established. As Chatichai Choonhavan, Thailand’s Foreign Minister, stated in 1973, “the immediate task of ASEAN.... is to attempt to create a favourable condition in the region whereby political differences and security problems among Southeast Asian Nations can be resolved peacefully”.¹⁹

As regional security was the first preoccupation of the founders of the Association,²⁰ the 1967 Bangkok Declaration reaffirmed the sovereignty of the ASEAN members and demanded respect for the principles of the UN Charter.²¹ It

institutionalised the ASEAN Ministerial Meeting (AMM), consisting of an annual gathering of the five foreign ministers, as the highest body to implement ASEAN's activities. Over the years, the AMM has become the key mechanism where security matters could commonly be discussed. In his analysis of non-use of forces and pacific settlement of disputes in ASEAN, Amitav Acharya characterised the establishment of ASEAN as a product of a desire by its members to create a mechanism for the prevention of war and conflict management.²² Mr Rodolfo C. Severino, the former Secretary-General of ASEAN, remarked in an address at the Kennedy School of Government Harvard University in 2002:

Perhaps, it was because things were so inauspicious that Indonesia, Malaysia, the Philippines, Singapore and Thailand found it necessary to get together in a regional association. Indonesia had just undergone a traumatic change of regimes and emerged from a period of confrontation with Malaysia and Singapore. Malaysia and Singapore had just been through a bitter separation. The Philippines was continuing to pursue its claim to Sabah and was being challenged by an internal insurgency that it perceived was somehow connected to events in China, then in the throes of the Cultural Revolution, and in Vietnam. Thailand felt threatened by the communist regimes next door and a communist insurgency in its own Northeast.²³

These security concerns are further seen in other various ASEAN documents. In its efforts to avoid external intervention, and to bring peace and security to the region, ASEAN signed in 1971 the Zone of Peace, Freedom and Neutrality (ZOPFAN) Declaration. The ZOPFAN document repeated ASEAN's determination, previously announced in the Bangkok Declaration, "to exert initially necessary efforts to secure the recognition of, and respect for, South East Asia as a Zone of Peace, Freedom and Neutrality, free from any form or manner of interference by outside Powers".²⁴ At that time, Southeast Asia remained divided between the then five-original members and the rest. The regional security situation was

complicated by intra-regional tensions and great power intervention and rivalry. As a collective response to these events and a sign of unity and cohesion, ASEAN members, at their first Summit held in 1976, Bali, Indonesia, signed the Treaty of Amity and Cooperation in Southeast Asia (TAC). The TAC established a norm-based code of conduct for regional inter-state relations. Among others, it enunciated the following fundamental principles (1) “mutual respect for independence, sovereignty, equality, territorial integrity and national identity of all nations,” (2) “the right of every state to lead its national existence free from external interference, subversion or coercion,” (3) “non-interference in internal affairs of one another,” (4) “settlement of differences or disputes by peaceful means,” and (5) “renunciation of the threat or use of force”.²⁵ It mandates the establishment of a high council made up of ministerial representatives from the parties as a dispute-settlement mechanism. The TAC has been an important document for ASEAN members in conducting their relations with one another in the furtherance of peace, stability and harmony. Referring to the dispute-settlement mechanism under the TAC, Acharya notes that:

Although the mechanism has never been invoked, this very fact has been cited by ASEAN leaders as indicating an enduring commitment to the non-use of force in intra-regional relations as well as a sign of the grouping’s success in intra-mural conflict avoidance and management.²⁶

Over the years, despite the interstate territorial disputes, intra-regional ideological polarisation and intervention by external powers, ASEAN survived and prospered. ASEAN was claimed to be one of the most successful experiments in regional cooperation in the developing world.²⁷ At the heart of this claim was ASEAN’s role in moderating intra-regional conflicts and significantly reducing the likelihood of war. Through political dialogue and security cooperation, no tension has escalated into armed conflict among ASEAN

member countries since its formation more than three decades ago.²⁸

As observed above, the conceptualisation of security and approaches to achieve and maintain security in ASEAN countries have defined in traditional terms – the defence of national sovereignty and territorial integrity by military means against “external” threats. With this perception, up until recently, ASEAN’s discussions on political and security cooperation were mainly focused on specific areas that affect ASEAN and the region’s peace, stability and security such as the Korean peninsula, the South China Sea, and the war in Iraq. When ASEAN Foreign Ministers, which is the main ASEAN body/institution dealing with political and security cooperation, issued their Joint Communiqué in 2002, the problem of transnational crime was not highlighted under the section of political and security cooperation, but under the ASEAN functional cooperation.²⁹ In addition, in the “Overview of the Association of Southeast Asian Nations” prepared by the ASEAN Secretariat, political and security cooperation was highlighted under the political cooperation section, which made no reference to the issue of transnational crime.³⁰ Meanwhile the ASEAN Plan of Action on Drug Abuse Control and the ASEAN Plan of Action on Combating Transnational Crime were mentioned under the section dealing with ASEAN economic and functional cooperation.

SECURITISATION OF TRANSNATIONAL CRIME AND ASEAN’S EFFORTS IN COMBATING TRANSNATIONAL CRIME

As ASEAN provides a framework for political and security cooperation among its members, securitising transnational crime can offer tangible benefits to ASEAN. Securitisation can inject urgency into the issue and lead to a mobilisation of political support and better deployment of resources. Addressing transnational crime as a security issue would be the way for ASEAN to move forward

on this question and to gain the kind of political momentum necessary for the adoption of appropriate and practical measures and mechanisms.

The advantage of an act of securitisation has already been demonstrated by the ASEAN members. For instance, in ASEAN's response to the Cambodian crisis in 1997, continued adherence to the principle of non-interference as the basis for interstate relations of ASEAN was questioned. The former Indonesian Foreign Minister H.E. Mr Ali Alatas, in his opening statement at the 30th AMM (July 1997) referred the regrettable turn of events in Cambodia as a challenge to the ASEAN arrangements, mechanisms and cooperative efforts that have led to relative peace, stability, security and prosperity in Southeast Asia.³¹ Alatas further emphasised that the resolution of Cambodia's problem would contribute greatly to the peace and stability in the region.³² The political uncertainty in Cambodia to a large extent vitiated the peaceful security situation in Southeast Asia. As Thailand's Foreign Minister H.E. Prachuab Chaiyasan contended, "as ASEAN becomes more open, as growing interdependence means events in one country can send shock waves throughout the region, we need to rethink...the meaning of development and cooperation to the implications of non-intervention".³³ Although there were different perceptions on the crisis, Cambodia's entry into the group was suspended.³⁴ Cambodia's membership of ASEAN was only formalised on 30 April 1999, after the formation of the new coalition government that resulted from the general election. The ASEAN collective reaction raised the level and expectation of political and security cooperation in the region. This example is not an attempt to compare ASEAN's response to the 1997 Cambodian crisis with its reaction to transnational crime. What should be stressed is the significance of securitising an issue and the consequences it can have on the workings of the Association.

Let us now address the issue of ASEAN's efforts in combating transnational crime to see whether ASEAN has

articulated transnational crime in security terms and how ASEAN formulated its institutional mechanisms in dealing with transnational crime. In theory, in examining ASEAN's securitisation, one needs to determine the securitising actors, referent objects, and relevant audiences. The securitising actors are the ASEAN Heads of State/Government as well as their Foreign Ministers and other Ministers. The various ASEAN senior officers involved with transnational crime and national chief of police can also be regarded as securitising actors, though of less importance. The beliefs and concerns of these actors are reflected in the ASEAN Declarations, Statements and Joint Communiqués. These sources have to be examined closely, particularly as to whether transnational crime has been labelled as an existential threat to national and regional security. The primary referent object would be the state "because security policy-making is very largely an activity of states, (and) there is an important practical sense in which national security subsumes all of other security considerations found at the individual and system levels".³⁵ The relevant audiences are policy-makers and other elites.

It can be said that ASEAN has sought to promote regional cooperation on transnational crime, and recognised the need to deal with its dangers at an early stage of ASEAN's institution evolution. The fight against transnational crime in ASEAN can be traced back to 1972 when the First ASEAN Expert Group Meeting on the Prevention and Control of Drug Abuse was organised. A further boost to combat the problem was derived from the Bali Accord of 1976, signed by the Heads of Government/State of the founding members of ASEAN, which called for the intensification of cooperation among member states as well as with the relevant international bodies in the prevention and eradication of the abuse of narcotics and the illegal trafficking of drugs. It also called for the study on developing judicial cooperation including the possibility of an ASEAN extradition treaty.³⁶ The adoption of the ASEAN Declaration of Principles to Combat the Abuse of Narcotics Drugs in 1976 by ASEAN Foreign Ministers proved to be a major landmark in ASEAN's efforts towards regional

collaboration in drug abuse prevention and control. This declaration provided the framework for the adoption of a cooperative programme to combat the abuse of narcotics drugs. In 1985, ASEAN expressed their views that drug abuse and illicit trafficking could seriously endanger the development of nations and undermine the security and well-being of mankind. With this concern, the organisation adopted the "Joint Statement on the International Strategic for Combating Drug Abuse and Trafficking".³⁷ The Statement reaffirmed ASEAN commitment to cope with drug abuse and trafficking, which led to the formulation of a common position on the drug matter to be suggested to the World Conference on Drug Abuse and Illicit Drug Trafficking.³⁸

As seen, ASEAN has been fostering cooperation to combat transnational crime. ASEAN initially was concerned with the drug abuse and drug trafficking.³⁹ This is because "drug trafficking is perhaps the most serious transnational criminal problem faced by the Southeast Asian countries".⁴⁰ Several Southeast Asian countries are major producers of narcotics and/or serve as transit points for illicit drugs exported to North America, Europe and other parts of Asia. The Golden Triangle, which incorporates North Thailand, Eastern Myanmar and Western Laos, is one of the leading producing regions of narcotics in the world. It is estimated that two-third of world's opium, which later transformed into heroin, is cultivated in Southeast Asia.⁴¹ According to the US Drug Enforcement Agency, Southeast Asian heroin dominated the market in the United States during the late 1980s and early 1990s,⁴² but over the past decade, the United States has experienced a dramatic shift in the heroin market from the domination of Southeast Asian heroin to a dominance of the wholesale and retail markets by South American heroin.⁴³ Southeast Asia heroin trafficking links run from independent brokers and shippers in Asia, through overseas Chinese criminal populations, to ethnic Chinese criminal wholesale distributors in the United States. In the United States, ethnic Chinese criminals rely upon local criminal organisations for the distribution of Southeast Asian heroin. Thus drug

trafficking has been a major concern to ASEAN. Emmers argues that “the threat of transnational crime in Southeast Asia: drug trafficking, human smuggling and trafficking, and sea piracy” is real and concludes that the consumption of narcotics in Southeast Asia, especially amphetamines, is unlikely to decline in the future.⁴⁴

Realising that drug trafficking continued to seriously threaten ASEAN, the ASEAN Leaders, at their meeting in Kuala Lumpur in 1997, adopted the ASEAN Vision 2020 document, which sets out a broad vision for ASEAN in the year 2020. Among the goals forecasted were 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.⁴⁵ Following its commitment, in October 2000, ASEAN organised in Bangkok the International Congress in Pursuit of Drug Free ASEAN 2015 in association with the United Nations Office for Drug Control and Crime Prevention (UNODCCP). It led to the formulation of the Bangkok Political Declaration in Pursuit of Drug Free ASEAN 2015, and to the adoption of the Plan of Action, the ASEAN and China Cooperative Operations in Response to Dangerous Drug (ACCORD). The implementation of ACCORD is on track. The ACCORD Task Force Meeting on Alternative Development, held in Chiang Mai in January 2003, discussed its priorities and work plan. The ACCORD regional network has been set up and the ACCORD account has been established for the purpose of project implementation.

However, in the age of globalisation, the activities of many criminal groups cross national boundaries and escape the control of governments and law enforcement agencies. As a result, the problem of transnational crime in Southeast Asia serves and consists of not only drug abuse and drug trafficking, but other form of crimes such as terrorism, human trafficking, arms smuggling, money laundering and sea piracy. For instance, it is estimated that about 200,000 woman and children are trafficked annually in Southeast Asia, primarily

for sexual exploitation and forced labour.⁴⁶ The problem of trafficking in women and children has become a greater concern for the governments of Southeast Asia as it is “predominantly hidden within the broader phenomenon of undocumented migration,”⁴⁷ and linked to the problem of poverty as well as lack of education and job opportunity for women.

Another growing concern is sea piracy, which is a “threat to regional and international economic security”.⁴⁸ Reported incidents of piracy worldwide have drastically increased over the last five years. A significant number of these incidents occurred in Southeast Asia waters.⁴⁹ The free and safe navigation of commercial vessels in Southeast Asia is essential for regional and international trade. With these concerns and diversification of transnational crime to include other forms of transnational crime such as terrorism, arms smuggling, money laundering, human trafficking and sea piracy, and the highly organised nature of such crime, ASEAN has intensified its efforts to fight these crimes.

At the ASEAN Ministerial Meeting (AMM) of July 1996, the Ministers discussed drug trafficking, human smuggling and trafficking, money laundering, sea piracy and other categories of transnational crime. They called for the urgent need to tackle these transnational problems to prevent them from undermining the long-term viability of ASEAN and its individual member countries.⁵⁰ This statement indicated that transnational crime was perceived as the possible threat to the political, economic and social security of ASEAN countries. When ASEAN Leaders met at the same year in Jakarta for their 1st Informal Summit, they called upon the relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition.⁵¹

ASEAN can therefore be said to have been committed to fighting transnational crime since its earliest years. ASEAN’s commitment to enhance regional cooperation in dealing with the threat of illicit drug trafficking and other forms of

transnational crime has intensified since the 1990s. It must, however, be noted that the enlargement of ASEAN's membership to include Laos and Myanmar in July 1997 was not the prime reason for ASEAN to articulate crimes in security terms, as Emmers claimed in 2002 in his analysis of the securitisation of transnational crime in ASEAN.⁵² Rather the new security challenges have forced ASEAN to strengthen their national and regional capacity to combat transnational crime. The ASEAN Heads of State/Government acknowledged that new forms of security threats had appeared in Southeast Asian in the 1990s due to a changing security environment. They also agreed that the Association "should make its long-held principles and approaches more relevant to meet these new security challenges".⁵³ As former Philippines President Fidel Ramos, at the Inaugural AMMTC Meeting in 1997 stated:

The concept of regional security should extend beyond the mere absence of armed conflict and war among and within nations. Enduring regional security continued to be assaulted by transnational crime and from time to time international terrorism, which threaten the attainment of our people's goals and aspirations. We cannot allow these criminals and terrorists to steal our future and that of our young people away from us.⁵⁴

ASEAN has also been criticised that it securitised transnational crime rhetorically without adopting any political response.⁵⁵ To the contrary, ASEAN has addressed transnational crime persuasively according to its declared urgency. Following the leaders' decision to task the relevant ASEAN bodies to study the possibility of regional cooperation on transnational crime, the First ASEAN Ministerial Meeting on Transnational Crime (AMMTC) was convened on 18-20 November 1997 in Manila. The Ministers adopted the ASEAN Declaration on Transnational Crime, which underscored ASEAN's resolve to fight transnational crime, and represented a common position on the issues as well as a joint statement on political support and cooperation against this

interconnected phenomenon. Considering transnational crime may impair regional stability and development of the region, the Ministers decided to convene a high level-expert group to accomplish the ASEAN Plan of Action on Transnational Crime, Institutional Framework for ASEAN Cooperation on Transnational Crime, and Feasibility Study on the Establishment of ASEAN Centre on Transnational Crime (ACOT).⁵⁶

Transnational crime continued to be articulated in security terms at the highest level at ASEAN meetings. The ASEAN Leaders and Ministers have indicated their concerns on transnational crime and called for an intensification of efforts to fight against 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.

Following its commitment to manage and combat transnational crime, ASEAN has forged its closer cooperation both at the political and operational levels. Besides ASEAN Leaders and ASEAN Foreign Ministers, a number of ASEAN bodies have since been involved, directly or indirectly, in formulating policies and implementing programme activities to combat transnational crime. The AMMTC, for instance, is responsible for coordinating ASEAN's activities in combating transnational crime. ASEAN Finance Ministers (AFM), through the ASEAN Agreement on Customs, apart from enhancing ASEAN cooperation in customs activities, will strengthen cooperation in combating trafficking in narcotics and psychotropic substances, and will facilitate joint efforts in anti-smuggling and customs control. The ASEAN Law Ministers Meeting (ALAWMM), with assistance from the

ASEAN Senior Law Officials Meeting (ASLOM), dealt with ASEAN legal cooperation. Since the adoption of Bali Concord II, their role is now increasingly critical, not only to promote the legal infrastructure and law development of each member countries, but also to be one of the instrumental mechanisms for enabling ASEAN to realise its goals.⁵⁷

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 knowledge and expertise on policing, enforcement, law, criminal justice, and transnational and international crimes. The ASEAN Senior Officials on Drug Matters (ASOD) was officially established in 1984 for coordinating ASEAN's cooperation on drug issues. ASEAN countries through ASOD are now working toward the criminalisation and harmonisation of drug laws in ASEAN. The ASEAN Directors-General of Immigration Department and Heads of Consular Affairs Division of the Ministries of Foreign Affairs (DGICM) dealt with ASEAN cooperation on immigration matters with a view to establishing a strong network among immigration authorities, to promote and facilitate economic cooperation, and to combat transnational crime especially trafficking in persons.

As ASEAN is committed to combating transnational crime, the Second AMMTC was organised in Yangon in 1999. The Ministers described transnational crime as non-traditional threat to security, and recognised that "transnational crime was becoming more organised, diversified and pervasive, and thus posed a serious threat to the political, economic and social well-being of all nations, including the ASEAN Member Countries".⁵⁸ The AMMTC adopted the ASEAN Plan of Action to Combat Transnational Crime. The Plan established the institutional framework for ASEAN to combat transnational crime, and called for closer cooperation and coordination between the AMMTC and other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs 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. As it was institutionalised to assist AMMTC, the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) adopted at its Second Annual Meeting in 2002, the Work Programme to Implement the Plan of Action. The Programme offered a comprehensive strategy against transnational crime, which includes illicit drug trafficking, trafficking in person, sea piracy, arms smuggling, money laundering, terrorism, international economic crime and cyber crime. For each of these categories, the Programme introduced action lines to enhance the exchange of information, legal coordination, law enforcement, training, institutional capacity-building and extra-regional cooperation.⁵⁹

The institutionalisation of mechanism/frameworks, as well as the adoption of its important documents dealing with transnational crime, represented a significant step for ASEAN in its efforts to fight transnational crime. Aside from illicit drug trafficking, ASEAN is now committed to “a cohesive regional strategy to prevent, control and neutralise” such crimes as terrorism, arms smuggling, money-laundering, trafficking of persons (especially women and children), sea piracy, as well as international economic crime and cyber crime, which were included in transnational crime when ASEAN adopted the programme to implement the action plan. Given the expansion of transnational crime and the diverse nature of crimes, it is important to look closely and examine how the institutional mechanism that ASEAN adopted can work and how effective the adopted policies, initiatives and activities have been in dealing with these types of crimes.

It is, however, important to note that the terrorist attacks against the United States in 2001 provided a strong impetus for ASEAN to come together to fight terrorism through cooperation at the multilateral, regional and bilateral levels. Although AMMTC, at its 3rd Meeting in October 2001 in Singapore, acknowledged that transnational crime continues to

seriously threaten the socio-economic and moral fabric of all countries,⁶⁰ the new challenge of international terrorism has come to dominate the security agenda of Southeast Asian governments.⁶¹ The issue of combating terrorism was a particular focus for ASEAN Leaders when they met in Brunei Darussalam in November 2001. The leaders condemned the 11 September attacks, and considered them as a direct challenge to the attainment of peace, progress and prosperity of ASEAN and the realisation of ASEAN Vision 2020. They adopted the 2001 Declaration on Joint Action to Counter Terrorism, which called for the early signing/ratification of, or accession to, all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism, and tasked the Ministers to study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism. The ASEAN Leaders further endorsed AMMTC's initiatives to focus on terrorism, convening the special session of AMMTC that focuses on terrorism.⁶²

Repeatedly, ASEAN has been criticised as the “talkigest” and “meetingest” grouping in the world, holding more than 300 meetings or talks a year, which yield little in the way of concrete results. Critics claim that ASEAN has not been able to offer strong measures to respond to the emerging transnational challenges because ASEAN's response has been largely in the form of statements and declarations.⁶³ However, a closer examination reveals that ASEAN has committed and dedicate its efforts and resources to fight terrorism. Two scholars - Dalpino and Steinberg - in their *The US Should Support an “ASEAN Way” to Fight Terrorism* give due recognition to the ASEAN process of working.⁶⁴

Following the 2001 Leaders' declaration on terrorism, the special AMMTC on terrorism was held on 20-21 May 2002 in Kuala Lumpur to review and strengthen ASEAN efforts and mechanism to counter terrorism. The Ministers entrusted SOMTC to execute the terrorist component of the adopted

work programme to implement the plan of action on transnational crime. The ASEAN Senior Law Officers at their meeting in early July 2003 discussed a draft legal mutual assistance treaty. The study on relevant international conventions on terrorism, with a view to integrating them into the ASEAN mechanism on combating international terrorism, was tabled during the 3rd SOMTC held in November 2003. Besides regional efforts, ASEAN has also engaged in sub-regional international and multilateral arrangements aimed at enhancing security cooperation to combat transnational crime. In May 2002, Indonesia, Malaysia and the Philippines signed the *Agreement on Information Exchange and Establishment of Communication Procedures* to cooperate in combating transnational crime, including terrorism. Thailand and Cambodia have subsequently acceded to the Agreement. As a result of regional and sub-regional cooperation against terrorism and its related crimes, it was reported by *Asia Times* that ASEAN has proven that it might finally take hard decisions on the regional transnational crime network.⁶⁵

Besides those cited above, other various ASEAN bodies are also involved with combating terrorism and transnational crime. Immediately after the 11 September terrorist attacks, the ASEAN Economic Ministers (AEM) issued a statement condemning the attacks and underlining the need for the international community to strengthen cooperation in combating terrorism around the world. The ASEAN Committee on Disaster Management (ACDM) is responsible for ASEAN cooperation in disaster management, which includes natural and man-made disasters to minimise their adverse consequences on the social and economic development of ASEAN countries.

As terrorism and transnational crime can pose a serious threat to the peace and security of each ASEAN country individually as well as throughout the region, terrorism and transnational crime are no longer an issue that can be discussed under functional or economic cooperation. ASEAN has now addressed the issue within the context of political and security

cooperation. The issues of combating terrorism and transnational crime were elaborated under the section of political and security cooperation when ASEAN Foreign Ministers issued their Joint Communiqué of the 36th AMM held in June 2003 in Cambodia.⁶⁶

Most importantly, the adoption of the ASEAN Bali Concord II by the ASEAN Leaders at their 9th Summit in Bali in November 2003 was a landmark decision to work toward an ASEAN Community comprising of the ASEAN Security Community, ASEAN Economic Community, and ASEAN Socio-Cultural Community.⁶⁷ As envisaged, the ASEAN Security Community would bring ASEAN's political and security cooperation to a higher plane,⁶⁸ and "strengthen ASEAN capacity to deal with security challenges, both traditional and non-traditional issues".⁶⁹

In sum, the issue of transnational crime has been securitised in ASEAN. ASEAN has portrayed transnational crime as a threat to national and regional security of ASEAN. The ASEAN Leaders, Foreign Ministers, and Ministers of Interior/Home Affairs as well as its senior officials have discussed and addressed the issue of transnational crime in security terms. Various examples cited above have supported this claim. Nevertheless, coping with transnational crime in the region is not without difficulties and constraints. These are now addressed below.

CHALLENGES AND DIFFICULTIES FOR REGIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

ASEAN has securitised transnational crime and affirmed its commitment to fight transnational crime. Yet regional cooperation faces a number of obstacles that ASEAN still may need to address.

Appropriate Institutions

An important requirement for the success of any form of regional cooperation is the creation of necessary and appropriate institutions/bodies. Where such institutions already exist, coordination is required to ensure cohesion. Since ASEAN has articulated and addressed transnational crime in security terms, ASEAN might be required to identify an appropriate mechanism to respond, comprehensively and effectively to the threat of transnational crime so that the measures taken will be effective and will bring sustainable results. This paper will now briefly examine the existing ASEAN mechanisms to combat transnational crime and review how other institutional models of regional and global organisation could provide useful lessons for ASEAN in countering transnational crime.

The institutional framework for ASEAN to combat transnational crime was created by AMMTC at its 2nd Meeting held in June 1999 in Myanmar. The established framework consists of the AMMTC, ASEAN Senior Officials on Transnational Crime (SOMTC) and the ASEAN Secretariat. The AMMTC, the highest policy-making body in this area in ASEAN, is to meet at least once in every two years and informally in between when necessary. The AMMTC coordinates activities and approves the reports of relevant bodies such as ASEAN Senior Officials Meeting on Drug Matters (ASOD), ASEAN Chiefs of National Police (ASEANAPOL), ASEAN Directors-General of Customs, and ASEAN Directors-General of Immigration and the Heads of Consular Affairs of the Ministries of Foreign Affairs (DGICM). The AMMTC comprises ministerial level representatives of each ASEAN country responsible for combating transnational crime, which are normally ASEAN ministers of home affairs/interior.

The ASEAN SOMTC was also institutionalised to assist AMMTC in this matter as well as to coordinate and cooperate with other relevant ASEAN bodies dealing with transnational

crime. The SOMTC is to convene at least once a year before the AMMTC. The ASEAN Secretariat was tasked to assist SOMTC in initiating, planning and coordinating activities, strategies, programmes and projects to facilitate regional cooperation on transnational crime. It was further tasked to assist SOMTC in mobilising resources and seeking technical assistance from international agencies and ASEAN's Dialogue Partners (see Chart 1 below).

However, as mentioned earlier, numbers of other ASEAN bodies have played their part in ASEAN's effort to combat transnational crime, such as ALAWMM, ASLOM, ACDM, AEM, and AFM. They were established however as separate institutional mechanisms to be responsible for their own respective areas of cooperation within the ASEAN framework. For instance, the SOMTC is not able to oversee the work and activities of the ASLOM, which reports directly to the ALAWMM. Despite the decision of the ASEAN leaders to task the ASEAN relevant bodies for possible regional cooperation on criminal matters,⁷⁰ the AMMTC declared itself in 1999 as the highest policy-making body on ASEAN cooperation on transnational crime. The key decisions on policies, initiatives and programme activities, as well as the formation of ASEAN institutional mechanism on cooperation to combat transnational crime were adopted by them. The AMMTC and SOMTC endorsed the 1997 ASEAN Declaration on Transnational Crime, the 1999 ASEAN Plan of Action to Combat Transnational Crime, and its subsequent Work Programme to Implement the Plan of Action of 2002.

With the above institutional mechanisms, many may cast their doubt over the functionality of the arrangement. Whether this mechanism alone, which consists of ministers of home affairs/interior and the relevant senior officials, is sufficient to bring a sustainable and satisfactory result to response to these types of crimes is questionable. The answer would probably be negative because transnational criminal activities are considered not only as a crime, but also a threat to regional peace and security, and survival of governments.

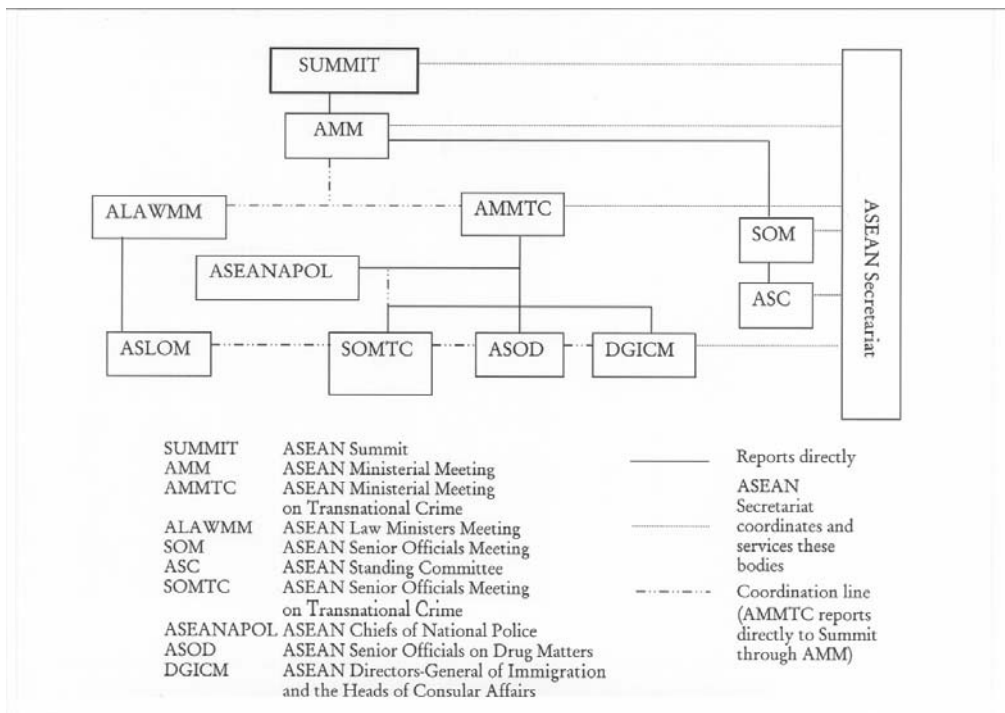
Referring to the anti-terrorism efforts among ASEAN countries, Penrose, a researcher at the Council for Security Cooperation in the Asia-Pacific (CSCAP) notes that “there is a lack of institutional capacity in terms of policy, law and resources within the ASEAN bodies responsible for coordinating [efforts against] terrorism and transnational crime”.⁷¹

The AMMTC has recognised that to efficiently combat transnational crime, it will need an effective legal cooperation, and extra-regional cooperation framework.⁷² In its adopted Plan of Action to Combat Transnational Crime and its subsequent Work Programme to Implement the Plan of Actions the AMMTC put in place a comprehensive strategy to enhance ASEAN cooperation in combating transnational crime, which includes information exchange, legal matters, law enforcement matters, institutional capacity building, training and extra-regional cooperation.

This indicates that the issue of formulating policies and initiating ASEAN’s actions and activities to combat transnational crime, which is a cross-sectoral strategy, should not only fall under the responsibility of the law enforcement body (AMMTC and its senior officials). For instance, the law enforcement cooperation on investigations and prosecutions depend upon the availability of effective and efficient mutual legal assistances and extradition regimes, which may be embodied in reciprocal domestic legislation, bilateral treaties or multilateral conventions. The law officers would be in a better position to understand potential cooperation on mutual legal assistance, as sometimes reciprocal domestic legislation relating to legal assistance and extradition provides the possibility of extensive cross-border cooperation, even in the absence of a formal treaty relationship.⁷³ The important role of legal cooperation in combating transnational crime would require law officers to directly participate in discussion on any polity, plan of action and work programme on transnational crime, particularly on legal cooperation. Above all, the inclusion of law officers in the discussion would make a vital contribution

to address the various problems of different legal systems to ensure effectiveness of police cooperation measures and legal assistance, and also to find practical solutions. In addition, the issue of transnational crime is also linked to the question of national sovereignty and integrity. Thus, transnational crime needs to be also discussed within the context of political and security cooperation, which is under the mandate of the ASEAN Ministerial Meeting (AMM).

Chart 1: The institutional framework for ASEAN cooperation on combating transnational crime



The success of regional cooperation in the fight against transnational crime in ASEAN should not rest on law enforcement cooperation, the AMMTC, and its senior officers

alone. The creation of multi-sectoral working body/institution which includes not only representatives of the AMMTC, but also other concerned ministries such as the foreign and justice ministries, would be of the utmost utility. This will ensure ASEAN's capacity to develop a comprehensive approach (political, legal and law enforcement cooperation) in dealing with transnational crime.

The "Lyon Group" of G8 nations is a useful example of a cross-sectoral group of senior government experts convened to address the issue of combating transnational crime. The structure and composition of the "Lyon Group", established by the Halifax Summit in 1995, offers distinct advantages missing from some multilateral and regional cooperation mechanisms. First, the group's membership includes senior officials with specialised expertise and who represent police agencies, justice ministries, and foreign affairs ministries. The effect of this horizontal structure is to ensure representation of a broad cross-section of perspectives, all of which are critical to the development of a sound and comprehensive response to a particular crime and security problem. Second, the group coordinates closely with (and effectively answers to) the minister-level officials, as well as reporting directly to heads of state, with G8 leaders providing guidance through communiqués issued at annual G8 summits. This helps to ensure buy-in for the group's activities at the highest levels of government, and thus that the group has the capacity to develop policies and practices that will be implemented. This G8 Senior Experts Group on Transnational Organised Crime undertook an extensive and critical review before drawing up 40 operational recommendations,⁷⁴ which were approved at the G8 summit in Lyon in 1996. Since then the Lyon Group has developed into a permanent multi-disciplinary body with numerous specialised sub-working groups, each of which reports to the heads from whom they receive new tasks. Conferences on individual topics of the G8 Justice and Interior Ministers have expanded and specified the Lyon Group's field of work.

Domestic Priorities and Regional Cooperation

As a consensus decision-making organisation, ASEAN's response to transnational crime will have to rest on an overlap between domestic priorities and a need for regional cooperation. In the beginning, ASEAN's efforts in combating transnational crime focused mainly on drug abuse and drug trafficking. When ASEAN adopted its Plan of Action to Combat Transnational Crime in 1999, it specifically extended its efforts to combat transnational crime such as terrorism, arms smuggling, money laundering, trafficking in human beings, particularly women and children, and drug trafficking. International economic crimes and cyber crimes were later included into the work programme to implement the Plan of Action, which was adopted in 2002.

Transnational crime has been broadened to include eight different types of crimes. As Acharya argues, as the national priorities of each ASEAN country remain different, if not divergent,⁷⁵ each ASEAN country may not consider all of these crimes as a priority crime that need to be addressed urgently. This is because the prioritisation of certain crimes can lead to a mobilisation of political support and better deployment of resources for those particular crimes. Thus, Shinn's argument that ASEAN making-consensus style is serious roadblock of ASEAN's response to drug trafficking may not be accurate.⁷⁶ This is because if the concern over drug trafficking was the domestic priority of all members, reaching consensus perhaps may not be the core problem.

Political will and capacities vary from country to country.⁷⁷ The differences in domestic political circumstances and strategic perception also weaken ASEAN's effort for forging closer regional cooperation on counter-terrorism. For instance, domestic opposition in Indonesia mitigates against decisive action regarding Al-Qaeda-linked terrorist organisations, which will constrain its response to terrorism. Even in the wake of the horrific Bali and Jakarta bomb attacks, Indonesia continues to face domestic pressure. This was

witnessed in the trial of an influential cleric Abu Bakar Bashir, whose school was once visited by Hamzah Haze, the leader of Indonesia's largest Muslim political party, claiming "there's no terrorist network in Indonesia, particularly in this school".⁷⁸ In a lengthy address Bashir's legal team described the case against the cleric as fiction, accusing Indonesian authorities of a plan to use the trial to curry favour with foreign countries. As such, Bashir's claim that the case against him was all lies engineered by US President George Bush and his allies like Australia were met with enthusiastic chants of "Allah Akbar" or "God is Great" from his hundreds of supporters in the court.⁷⁹ In the Muslim majority countries such as Indonesia and Malaysia, there was a general understanding that US support for Israel is a "root cause" for the terrorist menace, which led to a strong popular resentment against the US for what was seen as its arrogant and unjust treatment of Palestinian peoples.⁸⁰ While congratulating the re-elected president Bush, Malaysian Prime Minister Abdullah Ahmad Badawi said that Bush should give his whole attention to the Palestinians' plight. This is what Badawi believes that Bush will do since he has pledged to continue his war on terrorism.⁸¹ Counter-terrorist campaigns, thus, must not be seen to aggravate the perception that Islam and Muslims are engaged in a monumental struggle with modernisation and the West.⁸²

Another challenge for effective regional cooperation is that the poverty and development gaps in and between ASEAN countries also complicate ASEAN's capacity to institutionally respond to some specific transnational crimes, as the domestic priorities and the need for regional cooperation may not be alike. For instance, cyber crime probably would not be a cause for major concern, compared with other forms of transnational crime, to the newer, lesser-developed members of ASEAN, as it does to more economically advanced members with ready access to advanced technology. As a result, newer members may focus their efforts to respond to crimes that best meet their domestic priorities.

CONCLUSION

ASEAN has acknowledged the nature of the threat of transnational crimes and affirmed its commitment at the highest level to fight transnational crime, bilaterally, regionally, and multilaterally. Certainly, efforts to combat transnational crime are growing. ASEAN and its member countries are committed to improving national and regional capacities and capabilities to deal with it.

Yet, combating transnational crime is not without difficulties and constraints. There are problems such as poverty and development gaps among ASEAN countries and other sensitive issues that require great attention. The different domestic priorities with regard to transnational crime and lack of its regional definition also weaken ASEAN's cooperation effort. ASEAN will be required to identify and adopt effective and appropriate mechanisms to fight transnational crime so that the measures employed will be comprehensive and practical. Proper institutional mechanisms that can effectively and comprehensively deal with new challenges of transnational crime would significantly contribute to the realisation of the ASEAN Security Community, which is one of the three pillars of the ASEAN Community. With its pledge to work toward an ASEAN Community, experiences and expertise from other regional and international organisations in setting up institutional mechanisms would be useful for ASEAN in reviewing its institutional framework to determine how the ASEAN structure could be further strengthened to facilitate the realisation of the ASEAN Community.

ENDNOTES

1. The views expressed in this paper are the author's own, not that of ASEAN, nor of the ASEAN Secretariat.

2. Joint Communiqué of the Third ASEAN Ministerial Meeting on Transnational Crime (AMMTC), online at www.aseansec.org/5621.htm.
3. Robert Keohane and Joseph Nye, *Transnational Relations and World Politics* (Harvard University Press, Cambridge, 1973).
4. Anthony G. McGrew and Paul G. Lewis et. al., *Global Politics* (Cambridge: Polity Press, 1993), p. 7.
5. Nikos Passas (ed.), *Transnational Crime* (Aldershot: Ashgate, 1999).
6. Article 3 of the United Nations Convention Against Transnational Organised Crime, adopted at the UNGA, 2 November 2000.
7. John MacFarlane and Karen McLennen, *Transnational Crime: The New Security Paradigm*, Working Paper No. 294 (Canberra: Strategic and Defence Studies Centre, Australian National University, 1996), p. 2.
8. Mark Galeotti, "Underworld and Upperworld: Transnational Organised Crime and Global Society," in D. Josselin and W. Wallace, *Non-State Actors in the World Politic* (London: Palgrave, 2001).
9. "Enlargement and Engagement," *National Security Strategy of the United States* (Washington DC, GPO, February 1996), p. 25.
10. Barry Buzan, Ole Waever, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publisher, 1998).
11. *Ibid.*, p. 21.
12. *Ibid.*, p. 7-8.

13. *Ibid.*, p. 40.
14. *Ibid.*, p. 36.
15. *Ibid.*, p. 22-23.
16. Buzan et. al, *op. cit.*, p. 23.
17. Waever, *op. cit.*, p. 55.
18. Buzan et. al, *op. cit.*, p. 24.
19. ASEAN, 2nd edition (Jakarta: ASEAN Secretariat, 1975), p. 65.
20. Ralf Emmers, *Cooperative Security and the Balance of Power in ASEAN and AFR* (London: RoutledgeCurzon, 2003), p. 14.
21. The ASEAN Bangkok Declaration of 1967, online at www.aseansec.org/3628.htm.
22. Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (London: Routledge, 2001), p. 48.
23. Rodolfo C. Severino, "Three ages of ASEAN," online at www.aseansec.org/12310.htm.
24. The ZOPFAN Declaration, Kuala Lumpur, 1971, online at www.aseansec.org/3629.htm.
25. Article 2 of The Treaty of Amity and Cooperation in Southeast Asia (TAC).
26. Acharya, 2001, p. 51.
27. Kofi Annan, in his address to the Indonesia Council of World Affairs on 16 February 2000, stated: "Today,

ASEAN is not only a well-functioning, indispensable reality in the region. It is a real force to be reckoned with far beyond the region. It is also a trusted partner of the United Nations in the field of development”.

28. “Overview, Association of Southeast Asian Nations,” online at www.aseansec.org/64.htm, accessed on 26 October 2004.
29. *Joint Communiqué of the 35th ASEAN Ministerial Meeting*, Bandar Seri Begawan, 29-30 July 2002, online at www.aseansec.org/4070.htm.
30. Online at www.aseansec.org/64.htm.
31. See the Opening Statement by Ali Alatas, online at www.aseansec.org/3997.htm.
32. *Ibid.*
33. *Bangkok Post*, 24 July 1997, p. 6.
34. The Joint Statement of the Special ASEAN Foreign Ministers Meeting on Cambodia, 10 July 1997 stated: “While reaffirming the commitment to the principle of non interference in the internal affairs of other states, they decided that, in the light of unfortunate circumstances which have resulted from the use of force, the wisest course of action is to delay the admission of Cambodia into ASEAN until a later date”.
35. See Barry Buzan, “National and International Security: The Policy Problem,” *People, States, and Fear: An Agenda for International Security Studies in the Post-cold War Era*, 2nd ed. (Boulder: Lynne Rienner, 1991).
36. Declaration of ASEAN Concord, Bali, Indonesia, 24 February 1976.

37. 18th AMM, Kula Lumpur, 8-9 July 1985.
38. ASEAN Joint Statement of the International Strategy for Combating Drug Abuse and Trafficking, July 1985.
39. Sundram Pushpanathan, "Combating Transnational Crime in ASEAN," 7th ACPF World Conference on Crime Prevention and Criminal Justice, 23-26 November 1999, New Delhi, India, online at www.aseansec.org/2823.htm.
40. Ralf Emmers. The Threat of Transnational Crime in Southeast Asia: Drug Trafficking, Human Smuggling and Trafficking, and Sea Piracy, UNDCI Discussion Paper (Singapore: Institute of Defence and Strategic Studies, 2003), p. 1.
41. *Ibid.*, p. 3.
42. Drug trafficking in the United States, online at www.usdoj.gov/dea/pubs/intel/01020/.
43. Drug trafficking in the United States, online at www.usdoj.gov/dea/concern /drug_trafficking.html.
44. Ralf Emmers, The Threat of Transnational Crime in Southeast Asia, *op. cit.*, p. 5.
45. Pratap Parameswaran, "Combating and Preventing Drug and Substance Abuse," online at www.aseansec.org/2817.htm.
46. Ralf Emmers, The Threat of Transnational Crime in Southeast Asia, *op. cit.*, p. 6.
47. *Ibid.*
48. *Ibid.*

49. Peter Chalk, "Contemporary Maritime Piracy in Southeast Asia," *Studies in Conflict and Terrorism*, (Vol. 21, 16 March 1997), p. 89, quoted from IMB statistics.
50. Joint Communiqué of the 29th ASEAN Ministerial Meeting, Jakarta 20-21 July 1996.
51. Chairman's Statement of the First ASEAN Informal Meeting, Jakarta, 30 November 1996.
52. Ralf Emmers, *Securitisation of Transnational Crime in ASEAN* (Singapore: Institute of Defence and Strategic Studies, November 2002), p. 9.
53. Joint Communiqué of the 3rd Informal ASEAN Summit, Manila, the Philippines, 28 November 1999.
54. Speech of H.E. Mr Fidel V. Ramos at the Inaugural Meeting of the ASEAN Ministerial Meeting on Transnational Crime held in Manila, 20 December 1997.
55. Ralf Emmers, *Securitisation of Transnational Crime in ASEAN*, op. cit., p. 16.
56. ASEAN Declaration on Transnational Crime, online at www.aseansec.org/5640.htm.
57. Joint Statement of the 6th ASEAN Senior Law Officials Meeting, 23-24 August 2004, Brunei Darrusalam, online at www.aseansec.org/16335.htm.
58. Joint Communiqué of the 2nd AMMTC, Yangon, Myanmar, 23 June 1999.
59. See: The Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime adopted in June 2002, in Kuala Lumpur, online at www.aseansec.org/5616.htm.

60. Joint Communiqué of the 3rd ASEAN Ministerial Meeting on Transnational Crime, Singapore, 11 October 2001, online at www.aseansec.org/5621.htm.
61. Amitav Acharya, *Southeast Asian Security, After September 11*, Foreign Policies Dialogue Series, 2003-8.
62. ASEAN Declaration on Joint Action to Counter Terrorism, online at www.aseansec.org/5620.htm.
63. Amitav Acharya, *Southeast Asian Security, After September 11*, Foreign Policies Dialogue Series, 2003-8.
64. ASEAN Way to Combat Terrorism, ASEAN Secretariat, online at www.aseansec.org.
65. See: *Asia Times*, 20 May 2002, online at www.atimes.com.
66. Joint Communiqué of the 36th AMM, 16-17 June 2003, Phnom Penh, Cambodia, online at www.aseansec.org/14880.htm.
67. Press Statement by Chairperson of the 9th ASEAN Summit and the 7th ASEAN+3 Summit, online at www.aseansec.org/15259.htm.
68. Declaration of ASEAN Concord II (Bali Concord II), www.aseansec.org/15159.htm.
69. Joint Communiqué of the 37th AMM, 29-30 June 2003, Jakarta, online at www.aseansec.org/16192.htm.
70. The Informal ASEAN Summit, November 1996, Jakarta, Indonesia.
71. *The Nation*, 27 May 2004, Thursday; online at www.web.lexis-nexis.com/universe/document?m=ad7f14da0ef0df163db82a6ff6a9c8b2&_docnum=49&wchp=dGLbVlz-zSkVb&_md5=9ed78bd0cce4f767da5381e37ff3452c.

72. Joint Communiqué of the 4th AMMTC, Bangkok, 8 January 2004, online at www.aseansec.org/15649.htm.
73. For example of such statutes, see generally Malaysia's Extradition Act (Act No. 479 of 1992); Singapore's Mutual Assistance in Criminal Matters Act (Act No. 12 of 2000); Thailand's Mutual Assistance in Criminal Matters (1992) and Extradition Act B.E 2472.
74. Online at www.auswaertiges-amt.de/www/en/aussenpolitik/vn/lyon_group_html.
75. Amitav Acharya, *Southeast Asian Security, After September 11*, Foreign Policies Dialogue Series, 2003, p. 8.
76. James Shinn, "Asia Drug Menace and the Poverty of Diplomacy," *Current History*, 1998, p. 178.
77. Daljit Singh, "9/11, Two Years on: ASEAN Break Terrorism's Deadly Lock," *The Strait Times*, 9 September 2003.
78. Mark Fineman and Richard C. Paddock, "Indonesia Seen as 'Weakest link' in Anti-Terror War," *Los Angeles Times*, 16 February 2002.
79. Cindy Wockner, "Bashir taunts prosecution," *The Australian*, 5 November 2004: online at www.theaustralian.news.com/common/storypage/0,5744,11293065%5E401,00.html.
80. Amitav Acharya, *Southeast Asian Security, After September 11*, Foreign Policies Dialogue Series, 2003. p. 5.
81. "Asian Leaders see Bush victory as boost for war on terror," *The Independent*, 4 November 2004, online at www.independent-bangladesh.com/news/nov/05/05112004ap.htm#A17.

82. On Keng Yong, "Mobilising Multilateral Resources in the War against Terrorism: The Role of ASEAN Inside and Outside of Southeast Asia," Inaugural Asia-Pacific Homeland Security Summit, Honolulu, USA, 20 November 2003.

BIBLIOGRAPHY

- Acharya, Amitav. *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (New York: Routledge, 2001).
- . *Southeast Asian Security, After September 11*, Foreign Policies Dialogue Series, 2003.
- Berdal, Mat and Monica Serrano (eds). *Transnational Crime and International Security, Business as Usual?* (London: Lynne Rienner Publisher, 2002).
- Broadhurst Roderick. *Proceedings of the Asia Cyber Crime Summit* (Hong Kong: Centre for Criminology, 2001).
- Buzan, Barry. "National and International Security: The Policy Problem," *People, States, and Fear: An Agenda for International Security Studies in the Post-cold War Era*, 2nd ed. (Boulder: Lynne Rienner, 1991).
- Buzan, Barry; Ole Waever and Jaap de Wilde. *Security: A New Framework for Analysis* (Boulder: Lynne Rienner, 1998).
- Chalk, Peter. "Contemporary Maritime Piracy in Southeast Asia," *Studies in Conflict and Terrorism*, 16 March 1997, p. 21.
- Emmers, Ralf. *Cooperative Security and the Balance of Power in ASEAN and AFR* (London: RoutledgeCurzon, 2003).

----- . "The Threat of Transnational Crime in Southeast Asia: Drug Trafficking, Human Smuggling and Trafficking, and Sea Piracy," UNDCI Discussion Paper, Institute of Defence and Strategic Studies, Singapore, 2003.

----- . *Securitisation of Transnational Crime in ASEAN*, Institute of Defence and Strategic Studies, Singapore, November 2002.

"Enlargement and Engagement," *National Security Strategy of the United States* (Washington DC, GPO, February 1996).

Fineman, Mark and Richard Paddock. "Indonesia Seen as 'Weakest link' in Anti-Terror War," *Los Angeles Times*, 16 February 2002.

Galeotti, Mark. "Underworld and Upperworld: Transnational Organised Crime and Global Society," in D. Josselin, and W. Wallace, *Non-State Actors in the World Politic* (London: Palgrave, 2001).

Keohane, Robert and Joseph Nye. *Transnational Relations and World Politics* (Harvard University Press, Cambridge, 1973).

MacFarlane, John and Karen McLennen. *Transnational Crime: The New Security Paradigm*, Working Paper No. 294, Canberra: Strategic and Defence Studies Centre, Australian National University, 1996.

McGrew, Anthony and Paul Lewis et. al. *Global Politics* (Cambridge: Polity Press, 1993).

On, Keng Yong. "Mobilising Multilateral Resources in the War against Terrorism: The Role of ASEAN Inside and Outside of Southeast Asia," *Inaugural Asia-Pacific Homeland Security Summit*, Honolulu, USA, 20 November 2003.

- Passas, Nikos. *Transnational Crime* (Aldershot: Ashgate, 1999).
- Pratap Parameswaran. "Combating and Preventing Drug and Substance Abuse," online at www.aseansec.org/2817.htm.
- Press Statement by Chairperson of the 9th ASEAN Summit and the 7th ASEAN+3 Summit, 2003.
- Ressa, Maria A. *Seeds of Terror: An Eyewitness Account of Al-Qaeda's Newest Centre of Operations in Southeast Asia* (New York: Free Press, 2003).
- Severino, Rodolfo C. "Three ages of ASEAN," The ARCO Forum of Public Affairs, Kennedy School of Government, Harvard University, Cambridge Massachusetts, 3 October 2002.
- Shinn, James. "Asia Drug Menace and the Poverty of Diplomacy," *Current History*, 1998.
- Singh, Daljit. "9/11, Two Years on: ASEAN Break Terrorism's Deadly Lock," *The Strait Times*, 9 September 2003.
- Smit, Anthony. "Strategic Centrality Indonesia's Changing Role in ASEAN," Regional Strategic and Political Studies Programme, Institute of Southeast Asian Studies, 2000.
- Sundram, Pushpanathan. "Combating Transnational Crime in ASEAN," 7th ACPF World Conference on Crime Prevention and Criminal Justice, New Delhi, 23-26 November 1999.
- Wockner, Cindy. "Bashir taunts prosecution," *The Australian*, 5 November 2004.

OFFICIAL DOCUMENTS

The 2nd ASEAN edition (Jakarta: ASEAN Secretariat, 1975).

The ASEAN Bangkok Declaration of 1967.

The ASEAN Declaration on Joint Action to Counter Terrorism, 2001.

The ASEAN Declaration on Transnational Crime, 1997.

The ASEAN Joint Statement of the International Strategy for Combating Drug Abuse and Trafficking, July 1985.

The Chairman's Statement of the 1st ASEAN Informal Meeting, Jakarta, 30 November 1996.

The Declaration of ASEAN Concord, Bali, Indonesia, 24 February 1976.

The Declaration of ASEAN Concord II (Bali Concord II), 2003.

The Joint Communiqué of the 3rd ASEAN Ministerial Meeting on Transnational Crime, Singapore, 11 October 2001.

The Joint Communiqué of the 4th ASEAN Ministerial Meeting on Transnational Crime, Bangkok, 8 January 2004.

The Joint Communiqué of the 29th ASEAN Ministerial Meeting, Jakarta, 20-21 July 1996.

The Joint Communiqué of the 35th ASEAN Ministerial Meeting, Bandar Seri Begawan, 29-30 July 2002.

The Joint Communiqué of the 36th ASEAN Ministerial Meeting, Phnom Penh, Cambodia, 16-17 June 2003.

The Joint Communiqué of the 37th ASEAN Ministerial Meeting, Jakarta, 29-30 June 2003.

The Joint Communiqué of the 3rd Informal ASEAN Summit, Manila, the Philippines, 28 November 1999.

The Joint Statement of the 6th ASEAN Senior Law Officials Meeting, Brunei Darrusalam, 23-24 August 2004.

The Treaty of Amity and Cooperation in Southeast Asia.

The United Nations Convention Against Transnational Organised Crime, adopted at the UNGA, 2 November 2000.

The Zone of Peace, Freedom and Neutrality in Southeast Asia (ZOPFAN) Declaration, Kuala Lumpur, 1971.