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Panel E5

Cross Border Issues

Mapping the ASEAN Framework on Transnational Crime

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Overview

- Historical Background
- Prevalence of transnational crime (TC) in South East Asia
- ASEAN Frameworks and organs to Combat TC
- Challenges ASEAN faces in implementing these frameworks
- The future?

Historical Background

The critical period for the emergence of ASEAN Frameworks to combat transnational crime is in 1997 due to the expansion of ASEAN to include the CLMV countries.

Prevalence of TC in SEA (1997 ASEAN Declaration against Transnational Crime

- Drug Trafficking
- Trafficking in persons (TIP)
- Terrorism
- Piracy and armed robbery at sea
- Illegal trade in firearms

ASEAN Frameworks against TC

- TC in ASEAN Community's Framework; and
- General ASEAN framework to combat TC.

Specific Frameworks:

- Drug Trafficking;
- Trafficking in Persons;
- Piracy and Armed Robbery at Sea;
- Terrorism; and
- Illegal Trade in Firearms

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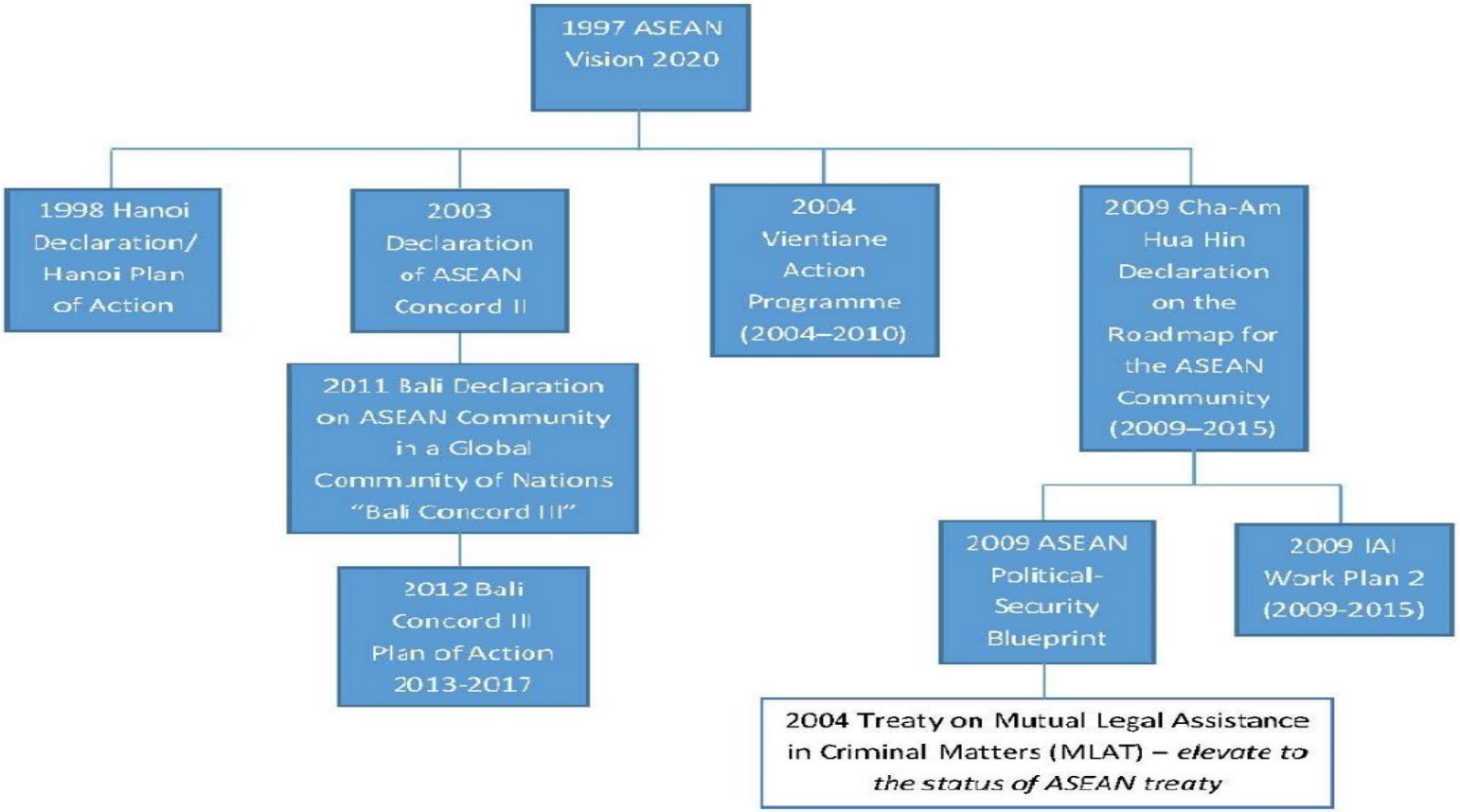
TC in the ASEAN Community's Framework



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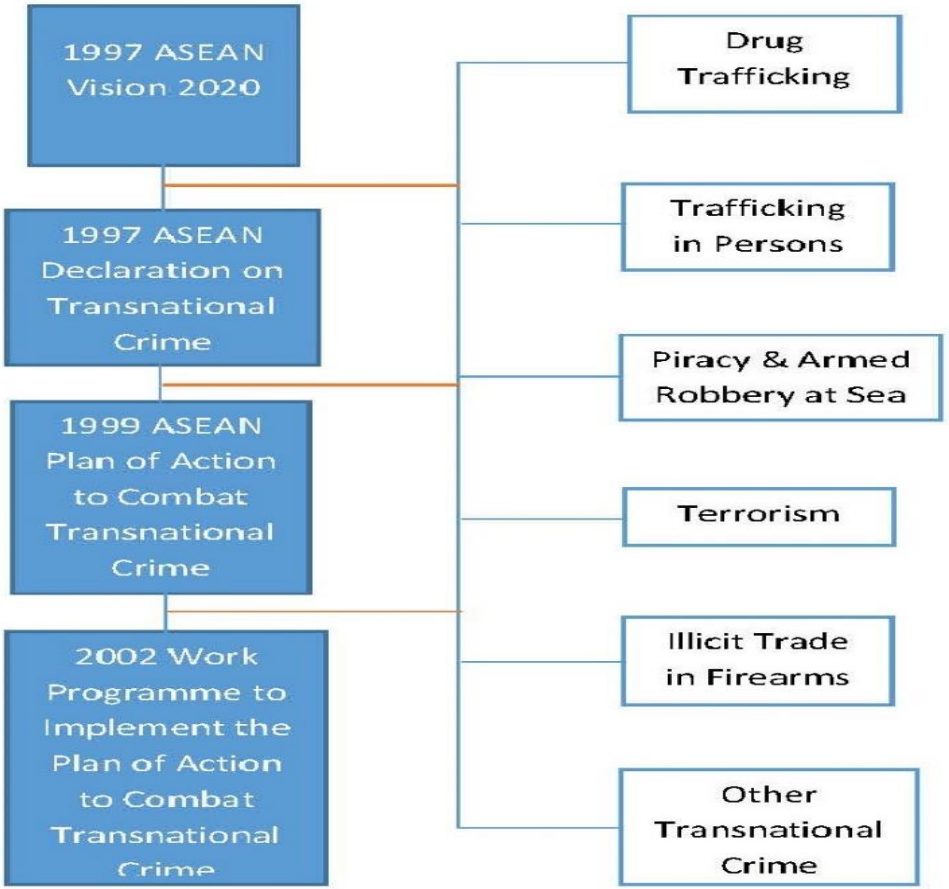
General ASEAN Framework on Measures against TC



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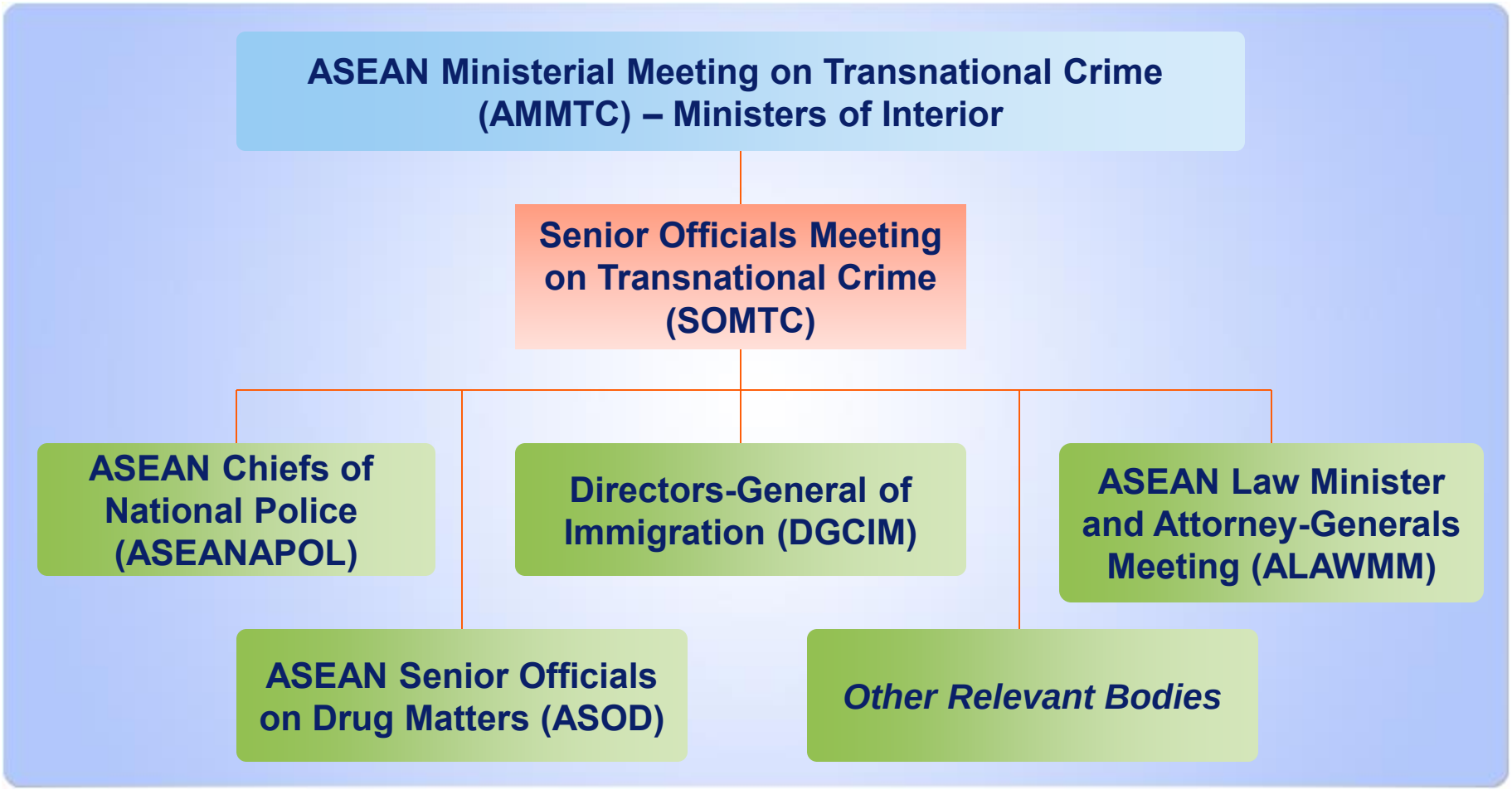
Main Responsible Bodies & Subsidiaries
the tip of the iceberg



Characteristic of the Frameworks & Organs

- Most instruments are not binding
- Focus on voluntary exchange of information
- Categorised TC as security threats to the region thus placing it under the APSC
- Do not provide definitions to forms of TC covered under the frameworks
- With few exceptions, all relevant organs are political bodies
- These organs' procedures are largely unknown and meeting are done discreetly.

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Important Developments

- 1997 ASEAN Declaration against Transnational Crime and its 1999 Plan of Action – *Approved, in principle, to establish the* ***ASEAN Centre to Combat Transnational Crime (ACTC)***
- 2002 Work Programme to Implement the Plan of Action to Combat Transnational Crime – *Add other forms of TC, which include money laundering, international economic crimes and cyber crime*
- 2009 APSC Blueprint – *Set 2015 as the deadline for the completion of the 2002 Work Programme*
- 2012 Bali Concord III Plan of Action – *Include an aspiration to develop closer regional working relationship among defence and armed forces to combat TC.*

Issues and Challenges

- The absence of enforcement mechanisms
- All road leads to the Senior Officials Meetings on Transnational Crime (SOMTC)
- The absence of compliance monitoring mechanisms
- Non-transparency
- The absence of hard data in ASEAN on the prevalence of TC
- The absence of definitions of forms of TC

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The Future of Combating TC in ASEAN?

- Push for the establishment of ACTC
- Individual member state to drive efforts against particular forms of TC (e.g. Indonesia and Malaysia on TIP and smuggling of migrants and Singapore and Philippines on Terrorism
- Regional treaty on certain forms of TC and binding instrument(s) for enhanced regional cooperation (e.g. extradition treaty) as already stipulated in ASEAN's frameworks against TC

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Thanks for Your Attention

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