

ASEAN DECLARATION TO PREVENT AND COMBAT CYBERCRIME

Manila, the Philippines, 13 November 2017

WE, the Heads of State/Government of the Association of Southeast Asian Nations (herein referred as ASEAN) namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Vietnam, gathered in Manila, Philippines for the 31st ASEAN Summit;

MINDFUL of the importance of Information and Communications Technologies (ICTs) as the key driver of ASEAN Member States in governance, economy, commerce and trade, social well-being and all other aspects;

COGNIZANT of the imperative to have National Action Plans in place that will contain national policies and strategies to prevent and combat cybercrime as well as the implementation of anti-cybercrime-related measures;

CONCERNED about the emerging harmful effects of crimes caused by the misuse and abuse of ICTs and considering the inherently technical and trans-border nature of cybercrime which affects every sovereign State;

RECOGNIZING the need to enhance cooperation against cybercrime aimed at the protection of our community in the region including by, *inter alia*, formulating concrete and effective regional approaches;

RECALLING the ASEAN Declaration on Transnational Crime, signed by the ASEAN Ministers of Interior/Home Affairs on 20 December 1997 in Manila, Philippines, during the 1st ASEAN Ministerial Meeting on Transnational Crime (AMMTC), which agreed to strengthen the commitment of Member States to cooperate at the regional level in combating transnational crimes;

RECALLING FURTHER the ASEAN Plan of Action to Combat Transnational Crime 2016-2025, which was adopted by the AMMTC on 26 July 2017 wherein ASEAN Member States have agreed to continue to cooperate closely in their efforts to prevent and combat cybercrime, along with terrorism and transnational organized crimes such as trafficking in persons, illicit drug trafficking, money laundering, arms smuggling, and sea piracy;

PURSUANT to the provision of the agreed Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crimes as adopted during the Preparatory SOMTC for the 10th AMMTC on 28 September 2015 in Kuala Lumpur, Malaysia, particularly on cybercrime components such as information exchange, regulatory and legal matters, law enforcements, capacity building, and extra-regional cooperation;

IN SUPPORT of the common framework for ASEAN cybercrime enforcement capacity building that was adopted during the 7th SOMTC on 26-27 June 2007, and the subsequent establishment of a Working Group on Cybercrime as endorsed in the 9th AMMTC on 17 September 2013, both held in Vientiane, Lao PDR;

AFFIRMING the key points in the ASEAN Regional Forum (ARF) Statement on Cooperation in Fighting Cyber Attack and Terrorist Misuse of Cyber Space which was adopted on 28 July 2006 in Kuala Lumpur, Malaysia, including the commitment to continue working together in the fight against cybercrime through activities aimed at enhancing each Member State's national framework for cooperation and collaboration in addressing the misuse of cyberspace;

NOTING the ARF Statement on Cooperation in Ensuring Cyber Security adopted on 12 July 2012, in Phnom Penh, Cambodia, and the ARF Work Plan on Security of and in the Use of ICTs, and synergising ASEAN efforts on issues on cybercrime;

CONVINCED that just like in other transnational crimes, the continuity of existing global framework against cybercrime rests on consolidated regional action in the institutional and operational spheres:

HAVE RESOLVED TO STRENGTHEN THE COMMITMENT OF ASEAN MEMBER STATES TO COOPERATE AT THE REGIONAL LEVEL IN PREVENTING AND COMBATING CYBERCRIME THROUGH THE FOLLOWING MEASURES:

1. **ACKNOWLEDGE** the importance of harmonization of laws related to cybercrime and electronic evidence;
2. **ENCOURAGE** ASEAN Member States to explore the feasibility of acceding to existing regional and international instruments in combating cybercrime;
3. **ENCOURAGE** the development of national plans of actions in addressing cybercrimes;
4. **STRENGTHEN** international cooperation among ASEAN Member States based on common interests, including but not limited to, technical expertise which is needed to tackle cybercrimes;
5. **ENHANCE** cooperation and coordination among ASEAN bodies and other relevant national agencies or organizations in dealing with cybercrime to reinforce efforts through exchanges of information, experiences and good practices;
6. **STRENGTHEN** capacities of each ASEAN Member States in addressing cybercrime through provision of assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres;
7. **PROMOTE** cooperation among ASEAN Member States on community education and awareness to prevent cybercrime;
8. **ENHANCE** cooperation between ASEAN Member States and its Dialogue Partners, as well as relevant agencies and organizations at regional and international levels, such as ASEANAPOL, EUROPOL, and the INTERPOL, among others, to enhance cyberspace security, prevention and response capabilities with regard to cybercrime and cyber-related matters;

9. **REINFORCE** ASEAN's abilities to build and enhance its capabilities to prevent and combat cybercrime by working closely with the INTERPOL Global Complex for Innovation (IGCI), including by voluntarily seconding or stationing cybercrime specialists there; and
10. **MONITOR AND REVIEW** the implementation of this Declaration through the Lead Shepherd for consideration and adoption by the SOMTC and AMMTC, to be facilitated by the ASEAN Secretariat.

ADOPTED in Manila, the Philippines on the Thirteenth Day of November in the Year Two Thousand and Seventeen.