

## ASEAN PLAN OF ACTION IN COMBATING TRANSNATIONAL CRIME (2016-2025)

### I. INTRODUCTION

The ASEAN Plan of Action in Combating Transnational Crime (2016-2025) is established to follow up the mandate of the 2015 Kuala Lumpur Declaration in Combating Transnational Crime and contribute to the realisation of the ASEAN Political-Security Community Blueprint 2025.

The aim of the Plan of Action is to continue ASEAN Member States' close cooperation to prevent and combat transnational crimes as well as to enhance ASEAN's capacity to address transnational crimes in an effective and timely manner.

### II. BACKGROUND

The inaugural Meeting of the ASEAN Ministers of Interior/Home Affairs on Transnational Crime on 20 December 1997 in Manila, Philippines, adopted the ASEAN Declaration on Transnational Crime. This landmark instrument, among others, established the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and requested a high-level *ad hoc* Experts Group to formulate an ASEAN Plan of Action on Transnational Crime. The ASEAN Plan of Action to Combat Transnational Crime was adopted on 23 June 1999, in Yangon, Myanmar.

The 1999 ASEAN Plan of Action to Combat Transnational Crime espoused its general and specific objectives of strengthening regional commitment and capacity to combat transnational crimes. Its specific objectives included developing regional strategy aimed at preventing, controlling and neutralizing transnational crimes; fostering regional cooperation at the investigative, prosecutorial and judicial level; enhancing coordination among ASEAN bodies dealing with transnational crimes; strengthening regional capacities and capabilities in dealing with transnational crimes; and developing sub-regional and regional treaties on cooperation in criminal justice, including mutual legal assistance and extradition. The 1999 ASEAN Plan of Action to Combat Transnational Crime also as part of its institutional framework established the Senior Officials' Meeting on Transnational Crime (SOMTC).

The commitment to combating transnational crimes under the frameworks of AMMTC and SOMTC was focused on eight areas, namely counter-terrorism; illicit drug trafficking; trafficking in persons; arms smuggling; sea piracy; money laundering; international economic crime; and cybercrime. To date under the SOMTC, three Working-Groups have been established, namely the Working Group on Counter Terrorism (WG on CT); Working Group on Trafficking in Persons (WG on TIP); and Working Group on Cybercrime (WG on CC). These institutional frameworks are also supported by the Voluntary Lead Shepherd mechanism, where ASEAN Member States volunteer to lead one or several specific area(s) of transnational crime under the purview of the AMMTC and SOMTC. The most notable work of the AMMTC and SOMTC was the development and adoption of two legally-binding regional instruments, namely the ASEAN Convention on Counter Terrorism

(ACCT) and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).

Throughout the years, the AMMTC and SOMTC have developed strong ties and engaged positively with ASEAN external parties, in particular ASEAN Dialogue Partners, which eventually developed into AMMTC/SOMTC Plus Dialogue Partners Consultations. Moreover, various documents, including joint declarations and memoranda of understanding have been discussed, signed and adopted with ASEAN external parties in undertaking common efforts to combat transnational or specific areas of transnational crime, such as terrorism and trafficking in persons.

### **III. THE KUALA LUMPUR DECLARATION IN COMBATING TRANSNATIONAL CRIME**

At the sidelines of the 10<sup>th</sup> AMMTC held in Kuala Lumpur, Malaysia, the ASEAN Ministers responsible for overseeing the prevention and combating of transnational crimes signed the Kuala Lumpur Declaration in Combating Transnational Crime on 1 October 2015. The Kuala Lumpur Declaration acknowledged the emergence of new forms of transnational crime and recognised the continued need for the ASEAN Member States to be vigilant and to effectively address in a timely manner the existing as well as emerging transnational and trans-boundary challenges and threats that have potentials to undermine the stability and well-being of ASEAN Member States and the region. The Kuala Lumpur Declaration declared, among others to:

1. Continue to cooperate closely in efforts to prevent and combat transnational crimes;
2. Convene the AMMTC on an annual basis for regular consultations and emergency ministerial sessions, if necessary;
3. Endorse illicit trafficking of wildlife and timber and people smuggling as new areas of transnational crimes under the purview of the AMMTC;
4. Support the work towards the elevation of the Treaty on Mutual Legal Assistance in Criminal Matters to an ASEAN Treaty and the work of the ASEAN Law Ministers' Meeting (ALAWMM) to enhance cooperation on the issue of extradition;
5. Promote enhanced cooperation with ASEAN Dialogue Partners and external parties, while preserving the central role of ASEAN and the region's interests in appropriate regional frameworks and mechanisms;
6. Consider the formulation of regional legal instruments and harmonization of relevant national policies, laws and regulations among ASEAN Member States to further strengthen regional efforts to combat transnational crimes;
7. Strengthen the capacity of the criminal justice system and enhance cooperation and coordination among ASEAN law enforcement operational as well as intelligence units responsible for tackling transnational crimes;
8. Streamline and improve work processes including coordination with other ASEAN bodies under the ASEAN Political-Security Community pillar and strengthen cross-sectoral coordination and improve information sharing with relevant ASEAN sectoral bodies under the ASEAN Economic Community and the ASEAN Socio-Cultural Community pillars;

9. Encourage the effective implementation of the relevant provisions on combating transnational crimes identified in the post-2015 APSC Blueprint; and
10. Initiate the formulation of a new ASEAN Plan of Action to Combat Transnational Crime.

#### **IV. OBJECTIVES**

1. Cooperate closely to prevent and combat transnational crimes under the purview of the AMMTC and SOMTC, namely on terrorism; illicit drug trafficking; trafficking in persons; arms smuggling; sea piracy; money laundering; international economic crime; cybercrime; illicit trafficking of wildlife and timber; and people smuggling, as well as where necessary and mutually agreed, expand its scope of responsibility to deal effectively with new methods and forms of transnational crime;
2. Enhance regional investigative, prosecutorial and judicial cooperation, including by supporting the work of ASEAN Law Ministers' Meeting (ALAWMM) towards the elevation of the MLAT to an ASEAN Treaty as well as enhancing cooperation on the issue of extradition;
3. Enhance the capacity of law enforcement officials, including judges, on preventing and combating transnational crimes within ASEAN through, among others, cooperation with relevant regional and international organizations, to the extent permitted by domestic laws, including through exchange of information and intelligence sharing, mutual assistance, coordinated patrols, as well as the return of the proceeds of crime;
4. Enhance and improve coordination, including through sharing of information and joint training and other relevant activities, with other ASEAN Sectoral Ministerial Bodies and relevant organs on issues related to preventing and combating transnational crimes;
5. Strengthen cooperation with ASEAN Dialogue Partners and external parties, such as INTERPOL, as well as collaborate and implement effective information exchange with all relevant stakeholders, including private sector, media and civil society in addressing transnational crimes.

#### **V. ACTIONS/PRIORITY AREAS**

In order to achieve the general and specific objectives, the ASEAN Member States, subject to its national policies and legislation, are encouraged to:

##### **National Strategies/Action Plans**

1. Adopt a national strategy and/or action plan to prevent and combat transnational crimes, in accordance with the current ASEAN Plan of Action;

2. Streamline national strategies and/or action plans as guided by the “ASEAN 2025: Forging Ahead Together”, related ASEAN instruments and plans of action or declarations in the areas of transnational crime, such as the ASEAN Comprehensive Plan of Action on Counter Terrorism (ACPoA on CT) and the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA);
3. Establish specialist units/task forces within the law enforcement agencies, where appropriate, to effectively prevent and combat transnational crimes;
4. Review national policies and laws, where necessary, to strengthen regional cooperation in areas such as mutual legal assistance in criminal matters and extradition, as well as law enforcement cooperation;
5. Adopt national measures, policies and laws for the confiscation of the proceeds of crime, and establish national measures, policies and laws for the sharing and/or return/disposal of proceeds of crime;
6. Develop the capacity of financial intelligence/authorised units and other relevant agencies involved in anti-money laundering measures to better detect, analyse and investigate the laundering of proceeds of crime;
7. Allow for the use of controlled delivery of other special investigative techniques such as electronic surveillance and undercover operations to effectively combat transnational crime, to the extent permitted by its domestic laws.
8. Develop criminal records and/or databases of respective ASEAN Member States on transnational crimes, such as trends, methods and *modus operandi* of transnational organised groups;
9. Strengthen the criminal justice system by enhancing the capacity of law enforcement officials, such as the police, prosecutors and judges to effectively and in a timely manner investigate, prosecute and adjudicate transnational crimes, through among others trainings, workshops and seminars;
10. Strengthen national measures, policies and laws, to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings, and take appropriate measures within its means to provide assistance and protection to victims.;
11. Collaborate and implement effective information exchange with relevant stakeholders, including private sector, media and civil society in addressing transnational crimes.

## Legal Matters

1. Strive to sign, ratify and/or accede as well as implement effectively international instruments related to transnational crimes;
2. Effectively implement the ACCT and accelerate the internal ratification process of the ACTIP and its effective implementation;
3. Explore the possibility of developing new regional legal instruments in the areas of transnational crimes under the purview of the AMMTC and SOMTC;
4. Harmonise relevant national policies, laws and regulations among ASEAN Member States to further strengthen regional efforts to prevent and combat transnational crimes;
5. Establish, where appropriate, as a criminal offense the illicit trafficking of wildlife and timber to prevent and combat illicit trafficking of wildlife and timber in an effective manner, in accordance with relevant international laws;
6. Establish as a criminal offense the act of people smuggling to prevent and combat people smuggling in an effective manner;
7. Support the work of ALAWMM towards the elevation of the Treaty on Mutual Legal Assistance in Criminal Matters to an ASEAN Treaty and the work of the ALAWMM to enhance cooperation on the issue of extradition;
8. Conduct a study of the possibility of creating a regional programme/arrangement on the protection of witnesses and victims of transnational crimes from retaliation of organised criminal groups.

## Information Exchange

1. Utilise existing international/regional database to facilitate and analyse critical intelligence information, such as wanted and arrested persons, *modus operandi*-organised criminal groups, and maritime offences;
2. Utilise the INTERPOL's tools, such as the i-24/7, to facilitate coordination and information exchange to effectively address transnational crime;
3. Utilise and improve the exchange of information and sharing of information mechanism between Heads of Specialist Units (HSUs) on Trafficking in Persons in order to enable the law enforcement agencies to effectively investigate, prosecute and adjudicate trafficking in person cases;
4. Strengthen collaboration with the ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs of the Ministries of Foreign Affairs (DGICM) by exchanging information to prevent and deter transnational crimes;

5. Establish a regional repository to compile national laws and legislation of ASEAN Member States related to transnational crimes at the ASEAN Secretariat, and to this end by strengthening the functions of the ASEAN Secretariat;
6. Identify relevant national contact points, such as national central authorities for mutual legal assistance in criminal matters and extradition requests; financial intelligence authorities/units (FIUs); and law enforcement agencies;
7. Augment the use of modern telecommunications technology in facilitating the rapid exchange of information/data on, among others, criminals, methodologies, arrests, legal documents, and requests for assistance, and ensure its restricted transmission.

### **Law Enforcement Matters**

1. Continue appointing Police Attaché or Police Liaison Officers, where possible, in the capitals of ASEAN Member States to act, among others as points of contact for matters related to addressing transnational crimes;
2. Continue exchange programmes among ASEAN officials in the policy, legal, law enforcement and academic fields on addressing transnational crimes;
3. Enhance cooperation and coordination, including through exchange of information and intelligence sharing among ASEAN's law enforcement agencies to effectively prevent and combat transnational crimes;
4. Enhance cooperation and coordination, including through exchange of information and intelligence sharing among law enforcement agencies to effectively and in a timely manner prevent and combat illicit trafficking of wildlife and timber;
5. Enhance cooperation and coordination, including through exchange of information and intelligence sharing among law enforcement agencies to effectively and in a timely manner prevent and combat people smuggling;
6. Enhance cooperation and coordination, including through exchange of information and intelligence sharing among law enforcement agencies to prevent, deter, and suppress effectively radicalism and violent extremism leading to acts of terrorism;
7. Undertake joint investigations and using special investigative techniques, where feasible, among ASEAN Member States for the purpose of combating transnational crimes;
8. Enhance cooperation and coordination among ASEAN law enforcement agencies in the protection of witnesses and the protection of, and assistance to, victims of transnational crimes;

9. Enhance cooperation with relevant stakeholders, including private sector, media and civil society in preventing and deterring transnational crimes.

### **Training and Institutional Capacity-Building**

1. Develop training programmes and conduct workshops, seminars and other capacity building activities to enhance existing capability in investigation, intelligence, surveillance, detection, prosecution and adjudication of transnational crimes;
2. Conduct workshops and seminars, and develop training programmes for ASEAN law enforcement officials, including training modules on the protection of witnesses and the protection, and assistance to, victims of transnational crimes, in full respect of their human rights, including international and ASEAN human rights as well as humanitarian instruments;
3. Utilise as well as upgrade training centres of ASEAN Member States, such as the Jakarta Centre for Law Enforcement Cooperation (JCLEC), in providing training programmes for law enforcement officials on addressing transnational crimes;
4. Establish, when necessary, Heads of Specialist Units (HSUs) on other areas of transnational crimes under the purview of the AMMTC and SOMTC.

### **Relations with Dialogue Partners and Other External Parties**

1. Enhance and expand cooperation with ASEAN Dialogue Partners and other external parties in the spirit of common and mutual benefit, based on the “Guidelines for AMMTC to Engage with External Parties”, as approved by the AMMTC;
2. Promote ASEAN’s common position in various multilateral and regional forums related to preventing and combating transnational crimes, as approved by the AMMTC.

## **VI. INSTITUTIONAL FRAMEWORK AND WAY FORWARD**

1. Convene the AMMTC on an annual basis through three formats: the annual ministerial meeting, ministers’ retreat and ministers plus dialogue partner consultations;
2. Establish, when necessary, working groups on other areas of transnational crime under the purview of the AMMTC and SOMTC;
3. Mainstream the issues related to illicit trafficking of wildlife and timber, and people smuggling into the agenda of the AMMTC and SOMTC;
4. Continue the on-going discussion on expanding the scope of responsibility of the AMMTC and SOMTC in dealing effectively with new methods and forms of

transnational crime, such as non-traditional maritime security issues as well as radicalism and violent extremism leading to acts of terrorism;

5. Continue to implement effectively, the ASEAN Comprehensive Plan of Action on Counter-Terrorism (ACPoA on CT), ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA), and the SOMTC Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime (1999) with due regard to incorporate the current ASEAN Plan of Action to Combat Transnational Crime and the ASEAN Political-Security Community (APSC) Blueprint 2025;
6. Streamline and improve work processes of the AMMTC and SOMTC, including through coordination with other ASEAN sectoral bodies under the APSC as well as ASEAN-led mechanisms to ensure effective implementation of their decisions;
7. Strengthen cross-sectoral coordination and improve information sharing with relevant ASEAN Sectoral Ministerial Bodies under the ASEAN Economic Community and the ASEAN Socio-Cultural Community on issues pertaining to combating transnational crimes, including through, *inter alia*, enhancing cooperation on border management information sharing, and intelligence exchange;
8. Secure, upon request, technical assistance, including funding, from ASEAN Dialogue Partners and external parties based on common interest and mutual benefit for the implementation of the Actions/Priority Areas identified by this ASEAN Plan of Action, as approved by the SOMTC and/or AMMTC.

## **VII. IMPLEMENTATION**

1. The implementation of the Plan of Action shall be done through the SOMTC Work Programme, which will subsequently be titled “SOMTC Work Programme to Implement the Plan of Action in Combating Transnational Crime”.
2. The SOMTC Work Programme shall contain components of all areas of transnational crime under the purview of AMMTC/SOMTC.
3. The SOMTC Work Programme shall be reviewed every three years.

## **VIII. EFFECTIVITY, REVIEW AND MONITORING**

1. The effectivity of the current ASEAN Plan of Action shall follow that of the ASEAN Political-Security Community Blueprint 2025.
2. ASEAN Member States shall report the progress and implementation of the current ASEAN Plan of Action by reviewing the SOMTC Work Programme on



an annual basis, to be led by the SOMTC Chair and compiled by the ASEAN Secretariat. In addition, the review of each component shall be led by the Voluntary Lead Shepherd.

3. The compilation report will be submitted by the ASEAN Secretariat to the AMMTC annual ministerial meeting. The format of the annual report shall be formulated by the SOMTC and approved by the AMMTC;
4. A Mid Term Review in monitoring the progress and implementation of the current ASEAN Plan of Action shall be conducted by the SOMTC in 2020. The SOMTC, with the support and assistance of the ASEAN Secretariat shall report the achievements made by ASEAN Member States, including recommendations to effectively implement the current ASEAN Plan of Action, to the AMMTC for its endorsements;
5. A Final Review shall be conducted by the SOMTC with the support and assistance of the ASEAN Secretariat in 2025. The Final Review shall contain a report detailing the achievements made by ASEAN Member States and ASEAN in the implementation of the current ASEAN Plan of Action, including recommendations for future ASEAN Plan of Action, to the AMMTC for its endorsements.