

## **Concept Paper:**

### **ASEAN BORDER MANAGEMENT COOPERATION ROADMAP**

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#### **A. Rationale**

1. The past fifty-three years, ASEAN has seen relative peace and stability, continued growth, sustainable development and income increase by 33-fold. The important lesson learnt over the past five decades is that regional peace, stability and prosperity reinforce one another. Consequently, the ASEAN Community's security, economic and social agendas are mutually reinforcing.

2. Thailand's ASEAN Chairmanship theme for 2019 "Advancing Partnership for Sustainability" sought to nurture ASEAN's continued stability, growth and sustainable development by shepherding efforts to build a people-oriented, people-centered ASEAN Community that leaves no one behind and is better prepared for the future. The Chairman's Statement of the 34<sup>th</sup> ASEAN Summit convened in Bangkok in June 2019 stated that the Leaders agreed to "strengthen cooperation on border management as reflected in the ASEAN Community Vision 2025, and in accordance with respective domestic laws, rules, regulations and policies, to better safeguard the increasingly interconnected and integrated ASEAN Community by having the relevant sectoral bodies discuss common concerns such as transnational crime, trafficking in persons, illegal timber and wildlife trafficking, illicit drug trafficking and cross-border challenges including pandemics while facilitating cross-border trade and movement of people". The Leaders also "looked forward to discussions under relevant sectoral bodies to further enhance the effectiveness of existing relevant ASEAN mechanisms on border management cooperation and explore possible border management cooperation arrangements."

3. Critical to these developments are the ASEAN Community Vision 2025 and the Master Plan on ASEAN Connectivity 2025. These two key documents underscore the importance of integrated economies that bring growth and sustainable development to the region. In particular, connectivity has brought down barriers that divide us and helped link us with the region and the world. Citizens of and residents in ASEAN can now enjoy smoother movement of goods and services, and greater opportunities in doing business and economic activities. The envisaged launching of the ASEAN Single Window (ASW) in 2019, which is one of the key priority deliverables of Thailand's ASEAN Chairmanship, will further facilitate trade and other economic activities in the ASEAN Economic Community.

4. But as integration reaches a certain threshold, our region has become exposed to various forms of cross-border challenges, including transnational crime, whereby criminals have taken advantage of our wider openness and greater connectivity. According to the study, "Transnational Organized Crime in Southeast Asia: Evolution,

Growth and Impact"(2019) by the United Nations Office on Drugs and Crime (UNODC) transnational crime generates some 100 billion US dollars annually.

5. Therefore, to help ensure that a more integrated and interconnected ASEAN Community remains safe and secure, the ASEAN Member States need to work closely with Dialogue Partners and relevant external and international parties/ agencies to match greater border facilitation with enhanced cooperation in border management, as called for when ASEAN launched the original Master Plan on ASEAN Connectivity 2010 a decade ago.

6. Considering the cross-sectoral and cross-pillar nature of border management cooperation, the development of this paper underlines the need to synergise the work of various regional mechanisms such as the ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM), the Senior Officials Meeting on Transnational Crime (SOMTC), the ASEAN Senior Officials on Drug Matters (ASOD), Meeting of the ASEAN Customs Directors-General, ASEAN Chiefs of Police (ASEANAPOL) Conference, ASEAN Defence Senior Officials' Meeting (ADSOM), Border Liaison Officer (BLO), ASEAN Our Eyes (AOE) and the ASEAN Law Ministers Meeting (ALAWMM). This Paper also recognises relevant documents of other sectors such as the-Concept Paper on the Role of ASEAN Defence Establishment-in Supporting Border Management, adopted by the 13<sup>th</sup> ADMM in 2019, among others.

7. The implementation of ASEAN border management roadmap shall be guided by principles enshrined in the ASEAN Charter and ASEAN Political-Security Community Blueprint 2025, in particular respect for sovereignty and territorial integrity of the ASEAN Member States, consistent with the ASEAN Political-Security Community Blueprint 2025, and in accordance with their respective domestic laws, rules, regulations and policies. Participation and contribution shall therefore be flexible, non-binding, and voluntary, and decisions made shall be based on consensus.

## **B. Synopsis of Proposal**

8. More effective border management will help the ASEAN Member States better address non-traditional security challenges from transnational crime, including arms smuggling, terrorism, money laundering, sea piracy, people smuggling, trafficking in persons, international economic crime, cybercrime, illicit drug trafficking and illicit trafficking of wildlife and timber, as well as other transboundary challenges, in a timely, holistic and comprehensive manner for the entire ASEAN Community.

9. To ensure the safety and prosperity of the region, it is in the interests of the ASEAN Member States to work towards establishing a region-wide, comprehensive border management cooperation roadmap, based on existing laws and regulations, existing bilateral and multilateral extradition treaties and other legal cooperation agreements to which the ASEAN Member States are parties, with the modalities to be agreed upon by parties., ASEAN Member States have commenced work on the development of the ASEAN Extradition Treaty, which would strengthen ASEAN's

resilience and capacity to combat transnational crime and would also be beneficial to the envisioned region-wide border management cooperation roadmap. Such border management cooperation arrangement can complement the ASEAN Single Window.

10. The proposed roadmap would promote enhanced cooperation and coordination on a wide range of issues, including information sharing and relevant intelligence exchange, to keep out criminal elements, without hindering trade and investment and travel.

11. Based primarily on existing institutions and guided by domestic laws, rules and regulations of the ASEAN Member States, as well as relevant international laws, conventions or treaties, the envisaged ASEAN-wide border management cooperation roadmap is expected to pursue, *inter alia*, the following:

- Enhance coordination in aspects related to border management, including existing bilateral and multilateral arrangements among the ASEAN Member States, through information sharing and relevant intelligence exchange, in accordance with domestic legislation and policies.
- Implement appropriate measures, designed to ensure the safety and security of the ASEAN Community from transnational crime and cross-border challenges, by land, sea, or air.
- Catalyse joint action, as agreed by the ASEAN Member States, to help address the multifaceted dimensions of transnational criminal activities that involved land border crossing, transport and road connections, sea-based commerce and sea port transportation, and air transportation management.

12. This is in line with the ASEAN Community Vision 2025 and the ASEAN Political-Security Community (APSC) Blueprint which calls for enhanced cooperation on border management. Furthermore, the goal of enhanced cooperation in border management is reflected in the ASEAN Leaders' Vision stated on Partnership for Sustainability which was recently adopted at the 34<sup>th</sup> ASEAN Summit in Bangkok, particularly to "strengthen cooperation on border management in accordance with domestic laws and policies to better safeguard the increasingly interconnected and integrated ASEAN Community Vision 2025."

13. Recalling the ASEAN vision of an integrated, peaceful and stable community with shared prosperity, if ASEAN eventually goes along the path of developing an ASEAN Single Visa, a more integrated region-wide border management system within ASEAN may become even more necessary.

14. In conclusion, the long-term goal of an effective ASEAN-wide border management cooperation roadmap will enable the peoples of ASEAN to enjoy the benefits of a more integrated and interconnected ASEAN Community. This can only be achieved through the close cooperation between the ASEAN Member States and in partnership with all relevant stakeholders, both within ASEAN and beyond, such as the UNODC and the International Crime Police Organization (INTERPOL).

**C. Possible Priorities in a Border Management Cooperation Roadmap**

**I. Develop and enhance ability of frontline officers to collect and manage operational information related to illicit activities**

15. While information on trends related to illicit activities has improved, operational information remains inadequate. The ASEAN Member States may explore possibility to develop, streamline and standardise training curricula for government agencies involved with border security;

16. Utilise and establish connections with existing mechanisms of ASEAN cooperation in drug prevention and control such as ASOD Working Group on Law Enforcement, ASEAN Airport Interdiction Task Force (AAITF), ASEAN Seaport Interdiction Task Force (ASITF), INTERPOL Criminal Information System (ICIS) and the Malacca Straits Coordinated Patrol (MSCP);

**II. Enhance operational capacity and awareness of law enforcement agencies and justice institutions on key transnational crime threats and challenges**

17. Enhance capabilities and promote awareness of law enforcement agencies in the legal flow of people, goods and services and addressing transnational threats and challenges such as through training and capacity building programmes.

18. Further, investigation authorities handling cross-border crimes are often confronted with insubstantial pieces of evidence impeding their ability to conduct in-depth investigation. Hence, sharing of evidence amongst law enforcement agencies within ASEAN is likewise encouraged, in accordance with the respective domestic laws.

**III. Explore the collection of disaggregated information that includes gender, age, country or origin and other demographic information**

19. Information that is collected by law enforcement officers is often not fully descriptive of the individuals who are directly involved, either as criminals or victims. Without sufficient information, responses by border officials are not targeted to relevant groups. In the case of criminals, non-disaggregated data results in a limited understanding of patterns or trends. ASEAN should consider establishing guidelines on the scope of information to be collected and the data to be aggregated, if any. Likewise, ASEAN may also determine how the collected data may be linked or supplement national databases and INTERPOL's databases;

20. Regional database such as the ASEAN Drug Monitoring System that shares and collects drug data to produce the annual ASEAN Drug Monitoring Report, led by the ASEAN Narcotics Cooperation Center (ASEAN-NARCO) located at the Office of Narcotic Control Board (ONCB) in Bangkok, could be used as reference;

**IV. Improve information sharing methods to issue alerts from transport and trade hubs to border officials**

21. International airports, sea ports and mail forwarding offices have become important avenues used for transnational crime. The profile of transnational crime has become dynamic. For example, authorities have reported the entry of illicit substances at an airport which are then moved via land to a border crossing. The ASEAN Member States may each need to develop or establish (if there are none) or continue to improve their own existing integrated information sharing platforms between all ports of entry: airports, ports, mail packages forwarding facilities and border posts with a view to avoid duplication of work without prejudice to commitments made by the ASEAN Member States in other information sharing arrangements;

**V. Explore leveraging advanced technologies by border security agencies, both at all border entry points, and to explore sharing real-time information/intelligence on operations of transnational crime groups and other non-traditional security threats**

22. Currently, information technology can be more effectively utilised for border management. Beyond checks against watch lists and criminal databases, timely screening is needed. Where systems are slow, the results of the checks may emerge only after a traveller has arrived or departed;

23. By comparison, databases such as INTERPOL's Stolen & Lost Travel Document (SLTD), allows instantaneous results as to whether a passport is reported lost or stolen with appropriate action then taken by border offices. The ASEAN Member States may wish to explore the possibility of entering into an agreement/ partnership with INTERPOL to leverage their existing criminal databases and information sharing system such as the ICIS. Investing in the right technology and using information that is already available will increase the likelihood of identifying members of terrorist and criminal organisations;

**VI. Explore possibility to establish common minimum standards and approaches to border security as this will ultimately lead to a safer and more secure ASEAN**

24. The ASEAN Member States could study and explore the possibility of setting minimum standards relating to border security such as the use of biometrics. Border management authorities require, at all potential entry points, access to real-time information and systems which can anticipate and highlight risks immediately. Common border crossings that operate on a common standard include the BLO Network which has already established Standard Operating Procedures (SOP) for cross-border cooperation in several ASEAN Member States that find BLOs useful;

25. The ASEAN Member States may consider developing information-sharing systems to ensure that border security is sufficiently robust to meet future challenges.

Good examples of information sharing already in place include the Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC), which has been operational since 2013 and the Drug Abuse Information Network for Asia and the Pacific (DAINAP), an online drug-data collection and sharing system for ASEAN countries and China. These examples show how new systems could be developed which could include data collection on regional wildlife and timber trade, illicit drug trafficking and trafficking in persons;

#### **VII. Increase capacity of border officials to address the growing incidence of human trafficking involving women targeted by criminals**

26. Across ASEAN, women are often the primary victims of trafficking in persons. In some cases, women and girls may intend to be smuggled to another country to find work but may end up as victims of trafficking and forced labour. To address this growing trend, law enforcement agencies strategies should consider refining their recruitment strategy to deliberately increase the number of female officers who participate in cross-border operations. This will improve the ability of border management teams to identify human trafficking involving women and girls and develop more effective and timely responses;

27. In relation to this, ASEAN should also develop trainings and programmes especially dedicated for female officers to boost their skills in handling human trafficking cases and strengthen their role in the global security architecture;

28. The number of female officers who participate in cross-border operation should also be increased in order to create enabling environment for the victims and facilitate the care and provision of appropriate services to victims, including close cooperation and coordination with law enforcement officials;

#### **VIII. Explore the development of “risk-based” approaches in enhancing border management**

29. Such an approach, seeks to use more effective and selective methods of border checks, based on information of companies and individuals that pass through border crossings and their past record of cross-border activities and risk profiles. Each ASEAN Member State may wish to develop a “risk-based” approach that takes into account its unique national policies, unique circumstances and objectives as it could result in less frequent but more cost-effective border checks without compromising on safety and security. The ASEAN Member States could commence a dialogue to share best practices on how they have implemented “risk based” approaches for border management;

#### **IX. Maintain the efficacy of existing Border Liaison Offices (BLOs) and explore establishing new BLOs across the Mekong Region and other zones within ASEAN, where useful and mutually agreed upon**

30. A BLO is effective if it meets five key elements: (1) well-trained front-line officers; (2) adequate infrastructure and facilities; (3) up-to-date equipment; (4) modern

information management systems and updated information made available at the frontline, and; (5) effective and regular communications. These elements can only be sustained if national, regional and international resources are invested in the existing BLOs network. To meet the growing economic and trade integration challenges, the ASEAN Member States could consider possible means to strengthen existing BLOs and some ASEAN Member States may consider opening new BLOs in geographic zones at sub-regional level that present high levels of risk for illicit trade and transnational crime, where useful and mutually agreed upon. Hotline communication at the BLOs could also be set up for timely and effective response to transnational crime threats;

31. Cooperation with dialogue partners and other international agencies could also be strengthened to enhance border management capabilities, as appropriate;

**D. Implementation Arrangement**

32. Taking into account of the cross-pillar and cross-sectoral nature of border management cooperation, this paper will be implemented, as appropriate, by relevant sectoral bodies in line with their respective mandate. The ASEAN Ministerial Meeting on Transnational Crime (AMMTC) is responsible for overseeing the implementation of this paper with the support of the DGICM as the lead voluntary sectoral body for border management and SOMTC as a body overseeing issues of transnational crime.

**E. Suggested Next Steps**

33. This paper can be submitted for discussion at relevant Sectoral Bodies including the DGICM, SOMTC, under the coordination of the DGICM as the lead voluntary Sectoral Body for border management.

34. Once consensus is reached, Thailand will aim to submit the concept paper to the DGICM for endorsement and seek subsequent adoption by the AMMTC.

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