

## **CHAPTER I**

### **INTRODUCTION**

Globalization means borderless. It can be said borderless because of the fast development in technology, transportation and communication in the world. People can connect each other in the same time in different place. People can go to some place faster than before because of high technology of transportation. These are the good effect of globalization.

Globalization is not only gives good effects toward human life in the world. One of the bad impacts is that transnational crime. In past time, crime was in local or national scale. In recent time, the type of crime become wider that is regionally even internationally. Transnational crime fully exploits the development of technology in globalization era.

One type of transnational crime is arms smuggling. It activity give bad impact toward the civilian especially in conflict state. As the impact is many died people, child soldiers and refugees which in the end rise new problems to all parties in the

## A. Background

Association of Southeast Asia Nations or ASEAN is a regional organization which consists of several states in Southeast Asia. ASEAN established in Bangkok, Thailand on August 8<sup>th</sup>, 1967. The establishment of ASEAN emerged by an initiative of five foreign ministers and prime ministers of five states in Southeast Asia. They were Indonesia, Malaysia, Singapore, Thailand and the Philippines. Thus, those five states became founding fathers of ASEAN.

As the time passed, ASEAN members increased. Until 2010, the ASEAN members are all states in Southeast Asia except Papua New Guinea and Timor Leste<sup>1</sup>. The new members were Brunei Darussalam in 1984, Vietnam in 1995, Laos and Myanmar in 1997 and Cambodia in 1999. As a new state, Timor Leste hopes to become ASEAN new member in 2012<sup>2</sup>. Based on Bangkok Declaration, the aims and purposes of the Association shall be:<sup>3</sup>

1. To accelerate economic growth, social progress and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian Nations.

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<sup>1</sup> *Perhimpunan Bangsa-Bangsa*. Accessed in [http://id.wikipedia.org/wiki/Perhimpunan\\_Bangsa\\_bangsa\\_Asia\\_Tenggara](http://id.wikipedia.org/wiki/Perhimpunan_Bangsa_bangsa_Asia_Tenggara)

<sup>2</sup> *Timor Leste Tak Ingin Jadi Anggota ASEAN Dengan Ekonomi Jelek*. Accessed in <http://www.antara.co.id/view/?i=1211688981&c=INT&s=>

2. To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter.
3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative field.
4. To provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres.
5. To collaborate more effectively for the greater utilization of their agriculture and industries, expansion of their trade, including the study of the problems of international commodity trade, improvement of their transportation and communications facilities and the raising of the living standards of their peoples.
6. To promote South-East Asian studies.
7. To maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves.

In the beginning, ASEAN aims of is advancing the economic growth, social and cultural development of all the ASEAN members by regional cooperation in equality<sup>4</sup>. Thus, prosperity, security, peace and political stability can be achieved.

ASEAN believes in economic road toward peace. The assumption is that if the economic stability could be achieved, political and peace stability in the region would be reached out<sup>5</sup>. At that time, the cooperation of ASEAN members focused not only on economic sector but broadening and deepening in other sectors such as technology, military, law enforcement and also governance.

Broadening cooperation done by ASEAN is absolutely needed. A problem faced by a state member of ASEAN will give many effects in several aspects toward other member states. In most cases, that problem will bother the relationship of inter states of ASEAN and its members with other ASEAN non-member state. Hence, ASEAN needs to regulate any problems especially international problem rising in Southeast Asia region.

Recently, all international political actors face similar problem called international problems. The sources of international problems are illegal trading (weapons and drugs), intellectual property rights, money laundering and also human trafficking<sup>6</sup>. From those points, the writer sees several international problems such as illegal trading in drugs, weapons and guns (small weapon smuggling), intellectual property rights, money laundering, human trafficking and terrorism. Based on Department of Foreign Affairs–ASEAN cooperation, there are several international

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<sup>5</sup> Luhulima, CPF., Anwar, DF., Bhakti, IN., Sungkar, Y., Inayati, RS., *Masyarakat Asia Tenggara Menuju Komunitas ASEAN 2015*. Yogyakarta: Pustaka Pelajar. 2008. Page 2

<sup>6</sup> *Masalah-Masalah Keamanan Internasional Abad 21*. Accessed in

crimes faced by South East Asia's countries (ASEAN) such as illegal mass migrations, drugs trafficking, cyber crime, small weapon smuggling, human trafficking, vessel piracy, money laundering and the last is terrorism<sup>7</sup>. Those problems usually called *Transnational Crime*.

Transnational crime is a kind of crime that happen transborderly in term of actors of crime, victims and also place. Transnational crime is also called as a part of sophisticated crime because shape and characteristics of transnational crime action are more complex rather than the conventional ones. A case occurred in a state could spread its effects into other states; therefore, transnational crime is an inter-related crime.

The rise of international crime can influence stability of states security and in turn, instability of a state will influence the stability of the region. At this point, those things are main supports toward international security.<sup>8</sup> Intra states conflicts and transnational crimes are contra-productive toward regional and international security and stability. Hence, every state and states in region must always try to keep their security become more stable by managing and solving the transnational crime treats that set up in their territories. Transnational cooperation–regional and international organization–is absolutely needed to solve transnational crime.

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<sup>7</sup> *Kerjasama ASEAN – Deplu*, 2000, Page 238 - 240

ASEAN in its role to maintain the security and to solve the security problems in Southeast Asia, concerns about the transnational crime. Almost all those crimes happened in this region try to be solved as 'good as possible. It was discussed in ASEAN Ministerial Meeting (AMM) in Malaysia in 1997. In this meeting, the members of ASEAN agreed that transnational crime is collective problems, so it needs regional cooperation between all aspects in region such as states, INGOs, international agencies, people, etc.

There are many shapes of ASEAN's efforts in combating transnational crime. There are three main things in ASEAN's efforts to fight transnational crime. They launched many decisions and agreements; establishing of special bodies related with transnational crimes and the last is extra-regional cooperation.<sup>9</sup> Every year, about 300,000 people mixed up with violent conflict and war, in which small arms are weapons of choice (Small Arms Survey, 2002). Another 200,000 to more than 270,000 died due to intentional violence, suicide and accidents involving small arms and several hundred thousands are left disabled from injuries (Small Arms Survey, 2004). Weapons violence also leaves deep personal, economic and psychological trauma on victims and their families who are left to care for the disabled people, or to survive alone without parent.

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<sup>9</sup> Small Arms Survey, *Small Arms in Southeast Asia*, p. 14. <http://www.smallarmsurvey.org/11/1000>

In Southeast Asia, thousand of people wasted their life because of arm conflict. There is a data that contain how many people die because of small arms and light weapon. It comes from the civilians as well as combatants.

**Table 1:**  
**Armed Conflict-Related Death in Southeast Asia**

<b>States</b>	<b>Estimated Number of Deaths</b>	<b>Years</b>
<b>Cambodia</b>	More than 600,000	1978-1991
<b>Indonesia</b>		
• East Timor	More than 200,000	1975-2000
• Aceh	12,000	1979-2003
• Maluku	5,000-10,000	1999-2002
• Kalimantan	More than 1,000	1996-2000
• Sulawesi	1,000-2,500	1998-2003
• West Papua	From 5,000 to 100,000	1963-2003
<b>Myanmar</b>	100,000 and possibly tens thousands died in the fighting between government and ethnic rebel forces.	1998 (during the civic protests only)
<b>The Philippines</b>		
• Communist vs. the Government	More than 25,000	1969-2003
• Mindanao	100,000-150,000	1970-2003

Source: Project Ploughshares 2003, Slack 2003

Another data come from INTERPOL (International Criminal Police Organization) which claimed that there are about 15,000 registered homicide cases every year in region and many unreported cases. Thus, small arms and light weapon

There is a question then about the resources of their weapons, whereas, the bureaucracy to get a weapon is complex and high cost. It is impossible for the legal weapon owner to use the weapon uncontrollably. Weapon and missiles bought legally has certain code and enlisted by the police force. It can be easily traced if the owner uses it freely.

The answer is arms smuggling. Arms smuggling is not as popular as drugs and narcotics, even terrorism. If seeing its effects in the future, arms smuggling is not only create many horizontal as well as vertical conflicts but also a lot of victims like mentioned in the data above as well as many destructions in all aspects. By seeing the effects that caused by arms smuggling, there is a wish that ASEAN must fight it as well as possible and as fast as possible.

Arms smuggling is urgent problem in Southeast Asia. It means arms smuggling must be warded of not only by ASEAN but also conflict domestic states in Southeast Asia. So that it does not make situation getting worst. If a state gets instability of security, it will influence the stability of economic and politics. It will disturb the developments of economic, social and political growth.

In contrast, ASEAN has less attention toward arms smuggling in Southeast Asia. Recently ASEAN gives bigger attention toward other transnational crime such as drug and narcotic smuggling than arm smuggling. One big difference is that for drug and narcotic case, ASEAN has special body that manages them. There is special



body named ASEAN Senior Officials on Drugs Matters (ASOD) to handle drugs dealing, yet there is no particular body for arms smuggling. Arms smuggling, together with other transnational crime is managed by a body called AMMTC (ASEAN Ministerial Meeting on Transnational Crime). The main duty of AMMTC is formulating policies and initiating activities against transnational crime.

In 1997 Malaysia's AAM, ASEAN has agreed that arms smuggling included in transnational crime. Other fact said that arms smuggling create heavy both damage physically and psychologically. Based on this fact, ASEAN should give balance attentions toward arms smuggling and also other transnational crime.

## **B. Research Question**

From the short explanation above, we can see that there is a logic correlation between arms smuggling with situation of a state, regional and international security. So as the research question is:

“Why does ASEAN put a relatively small attention to arm smuggling cases in Southeast Asia?”

## **C. Theoretical Framework**

### **Concept of ASEAN Way**

Every regional organization in the world has its own way to work towards a

in which all states have problems, especially regional problems that emerge

around them. The way to solve the problems is determined based on the situation or condition, norms and values of the regional itself, beside the common agreement of the organizations members. The way to solve regional problems is also applied in many aspects of life such as politics, economy, and security and the like.

ASEAN has “ASEAN WAY”, the behavioral and procedural norms those which become the bedrock of the organization. ASEAN way is described as the characteristic in the way how ASEAN manages conflict and maintains peace and security in Southeast Asia.<sup>10</sup> Another simple definition of ASEAN way is the customs of ASEAN in solving the problems.<sup>11</sup> ASEAN way is almost similar with ASEAN DIPLOMACY.

ASEAN way is a significant aspect of ASEAN's agenda to tighten regional binding that aimed at promoting regional peace and stability by establishing politic security dialogue and cooperation. More than that, ASEAN way is applied in order to avoid real potential open conflict between the ASEAN members. So, it can be said that ASEAN way is states conflict management—avoidance and control—within Southeast Asia region.

In early establishment of ASEAN, the interactions between the members became sources of value for creating the norms and in the future, it become the basic

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<sup>10</sup> Caballera, Mely. *Regional Security in Southeast Asia Beyond the ASEAN Way*. Institute of Southeast Asian Studies Singapore. Singapore. 2005. Page 2.

<sup>11</sup> Cipto, Bambang. *Hubungan Internasional di Asia Tenggara, Teropong terhadap Dinamika Realitas*. Pustaka Pelajar Yogyakarta. 2007. Page 26.

way in member's interactions.<sup>12</sup> In ASEAN, there are two value resources that were used as basic of creating the ASEAN norms. First, ASEAN can learn from other regional as well as international organization about the norms and way of solution. The second point is that values and norms also can be achieved from the values of social, political, and cultural aspects in a region.<sup>13</sup> It does not mean that ASEAN will imitate all kinds of norms and values, but it can be used as inspiration for ASEAN in deciding the norms.

The ASEAN way concept came from the values and norms accepted by the members of ASEAN. Those norms and values have been discussed by the member in Bali's ASEAN Summit at 1976. The result of this meeting was Treaty of Amity and Cooperation (TAC) and then acknowledged as the form of global values of regional organization. In this meeting, the ASEAN members agreed in several points, such as, respect other's independence, sovereignty and integrity, every state has its right to keep independence from interference, subversion, and pressure from outside, doctrine of non-interference, solve the problems in peace approach, non-use of force in solving conflicts.

The norms shown in this treaty would then be adopted as ASEAN way. There were many norms believed by the members of ASEAN. They are preference for informality and loose arrangement over legal instruments and binding agreements;

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<sup>12</sup> Noordin, Sopie, "ASEAN and Regional Security," in *Hubungan Internasional di Asia Tenggara*. Pustaka Pelajar, Yogyakarta, 2007. Page 22.

<sup>13</sup> Acharya, Amitav, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem*

the greater reliance on personal relation than on institutions; the measured pace of institutional building, the invocation of national sovereignty as a way to ward off anticipated pressures restricting freedom of action and choice; the avoidance of the exercise of overt leadership; the emphasis on the sovereign equality of members; and decision making by consensus.<sup>14</sup>

From the kinds of ASEAN norms above, there are several main ways or norms that often discussed. They are doctrine of non-interference, non-use of force, avoid military pact and support bilateral security cooperation and regional autonomy,<sup>15</sup> and the last is decision making by consultation and consensus.<sup>16</sup>

Doctrine of non-interference is the clearest norms applied by the ASEAN members. It was adopted since the early establishment of ASEAN. By stating non-interference upon other state's business, it avoids open conflict between the members, and regionalism of ASEAN still implemented among the members. In adopting doctrine of non-interference, it has several consequences that have to be implemented by the ASEAN members, such as, first, do not launch serious assessment toward other member's policies. Second, remind other members which break the rule and do not give protection toward opposition group of other members.

For the example of those consequences was when Cambodia got internal conflict related to Pol Pot's rebellion. Even at that time, Cambodia was not the

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<sup>14</sup> Severino, Rodolfo .C, *Southeast Asia in Search of an ASEAN Community*, Institute of Southeast Asia Studies Singapore, 2006, page 35.

<sup>15</sup> Cipto, Bambang, *Hubungan Internasional di Asia Tenggara, Teropong terhadap Dinamika Realitas dan Masa Depan*. Pustaka Pelajar Yogyakarta. 2007. Page 23.

ASEAN members yet however ASEAN did not want to declare that Pol Pot regime was a genocide regime. It shows that ASEAN applies those consequences not only for the ASEAN members but also states outside ASEAN. Besides as the consequences of doctrine of non-interference, it is also becomes a trick of ASEAN to attract non-member at that time to become new member.

Another example is when Vietnam invaded Cambodia in 1979. ASEAN reminded Vietnam that it has broken the doctrine of non-interference. Finally, in January 9<sup>th</sup>, 1979, ASEAN shoved the states in Southeast Asia to take care of their independence, sovereignty and did not interference other domestic business.

In fighting transnational crime in Southeast Asia, ASEAN applies ASEAN way as the basic idea. In arms smuggling cases, ASEAN has done the actions related with ASEAN way. Principle of ASEAN way related to fight arms smuggling is decision making by consultation and consensus. There are several meetings conducted related with arms smuggling case. For example of meeting was Malaysia's AMM in 1997. The members agreed that arms smuggling included in transnational crime and needed regional cooperation between states, INGOs, International Agencies, etc. Another meeting held in the same year. ASEAN held Conference on Transnational Crime in Manila. Here, ASEAN Ministers of Interior and Home Affairs adopted ASEAN Declaration on Transnational Crime. In 1999 ASEAN

Transnational Crime. It consists of ASEAN or regional strategies to prevent the control and neutralize transnational crime.

ASEAN also prefers to optimize in its internal factor supports than external one.<sup>17</sup> It means that ASEAN does not want external sides interfere ASEAN, such as dependence toward other super power like US, China, etc. The internal factors are such as improving bilateral security relations, in order to look for the solutions as well as discussing those crimes in ASEAN forum.

Arms smuggling becomes problem in almost all states in Southeast Asia. Most of the case of separatist, rebellion group related with the existence of arms smuggling. Here, there are two states with their separatist and rebellion conflicts, Indonesia with GAM (Gerakan Aceh Merdeka)/Free Aceh Movement (FAM) and the Philippines with several separatist conflicts.

GAM is separatist movement in Nanggroe Aceh Darussalam. Their main goal is to separate from Indonesia and becomes a new independence state. GAM seldom includes in weapon disputes with Indonesian National Force and Indonesian Police Force. It is because GAM's troops also have and use the small arms and light weapons they got illegally. Data said that from 5,246 members of GAM, 2,126 of them use SALW and increase 32% since 2002.<sup>18</sup>

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<sup>17</sup> *ASEAN Way Sebagai Manajemen Konflik Negara-Negara Asia Tenggara*. Accessed in <http://relacionintercionales.blogspot.com/2008/03/asean-way-sebagai-manajemen-konflik.html>

<sup>18</sup> *ASEAN Way Sebagai Manajemen Konflik Negara-Negara Asia Tenggara*. Accessed in <http://relacionintercionales.blogspot.com/2008/03/asean-way-sebagai-manajemen-konflik.html>

In November 2000, GAM has 1,100 gun type AK-47, 700 gun type M-16IA, 52 gun type FN Mini LMGs and more than 1,200 pistols.<sup>19</sup> It shows that by owning small arms and light weapon, a group has brave to conduct separatist movements.

**Table 2:  
GAM External and Internal Sources**

	<b>Sources Of Finance And Resources</b>	<b>Sources Of Small Arms</b>
<b>External</b>	<ul style="list-style-type: none"> <li>• Libya</li> <li>• Diasporas - Southern Thailand and Malaysia</li> </ul>	<ul style="list-style-type: none"> <li>• Indonesian Military</li> <li>• Malaysia – via Thailand</li> <li>• Expatriate Supporters – Malaysia and Singapore</li> <li>• Thailand Suppliers and Military</li> <li>• Abu Sayyaf</li> <li>• Cambodian Black Market – via North Malaysia</li> </ul>
<b>Internal</b>	<ul style="list-style-type: none"> <li>• Taxation – Aceh People and Major business (e.g. Mobil Oil)</li> <li>• Crime</li> <li>• Drug running</li> <li>• Trade and Cultivation of Marijuana</li> <li>• Kidnapping</li> <li>• Piracy</li> <li>• Illegal Logging – Aceh and Northern Parts of Sumatra</li> <li>• Prostitution</li> </ul>	<ul style="list-style-type: none"> <li>• Battlefield Acquisition – Raids and Ambushes</li> <li>• Leakage of Government</li> <li>• Stockpiles – ‘PT Pindad’</li> <li>• Purchases off Government Soldiers – Black Market Sales</li> </ul>

Source: The Dynamics of Small Arms Transfers in Southeast Asian Insurgencies, 2006

Another state that popular with its separatist movements is the Philippines.

There are more than two separatist movements like Moro Islamic Liberation Front

(MILF) in south Philippines, Abu Sayyaf movements and communist group coalition with New People's Army (CPP-NPA). Those groups also have many guns and weapons to fight the government. As the consequent, it makes separatist movement become more difficult to be solved.

**Table 3:  
Firearms Holdings of Rebel Groups In the Philippines**

<b>Year</b>	<b>MILF</b>	<b>Abu Sayyaf</b>	<b>CPP-NPA</b>
<b>1998</b>	10.227	387	5.841
<b>1999</b>	11.279	384	6.212
<b>2000</b>	9.129	392	6.851
<b>2001</b>	9.190	393	7.159
<b>2002</b>	9.089	256	6.920
<b>May, 2003</b>	8.910	256	5.875

Source: Arms Corporation of the Philippines and Philippine Center on Transnational Crime.

From the example data above, we can see that quantity and quality of arm smuggling in Southeast Asia is in worrying condition. It needs solution from ASEAN and cooperation between members states to fight arms smuggling, including ASEAN way as the norms of ASEAN and its members. Even though ASEAN believes in ASEAN way, it does not mean that arms smuggling case does not need ASEAN roles



There are two kinds of ASEAN way that will be applied in this paper, related with arms smuggling in Southeast Asia. They are doctrine of non-interference and also practice of intense dialogues, exhausting consultations and generate consensus (*musyawarah mufakat*).

#### D. Hypothesis

Since its establishment in 1967, ASEAN has applied ASEAN way as the conflict management in order to maintain security and avoid open war among its members. It works well until today, so that ASEAN way is still applied until today as the way to solve problems in Southeast Asia including arm smuggling.

Arms smuggling is acknowledged as one of transnational crimes in the world and it needs solution to fight it immediately. Unfortunately, ASEAN put low level of attention to arms smuggling in Southeast Asia. It is different with other transnational crimes such as illicit trading of drugs and narcotics, terrorism, etc.

There are many reasons why ASEAN put low level of attentions toward arms smuggling in Southeast Asia. Related to ASEAN way, the writer thinks that there is a reason in putting low level of attention. The reason is related to doctrine of non-interferences in ASEAN way, arms smuggling is viewed as issues of National

## E. Purpose and Benefit of Research

Analysis on this writing is used to give outlook about the spread of illegal small arm and light weapon in South East Asia. Besides, the reader will know the illegal or legal trading status of small arm and light weapons as well as the efforts of ASEAN as regional organization in Southeast Asia in attempt managing and solving this problem.

## F. Research Method

In this writing, the writer uses several ways to collect data in order to discuss the problem, as follows:

### 1. Media Research

Media research means collecting data from media, such as the internet, in order to find references and sources to accomplish the explanation of the problem.

### 2. Library Research

Library method means the writer uses data from several resources such as books, magazines, newspaper, journal, articles, encyclopedia, tabloid related with the problem as the relevant sources in order to discuss the problem (secondary data)

### 3. Data Analysis

The data gained from the internet and libraries (books) were checked for the

#### 4. Proving Hypothesis

Proving hypothesis derived from the meaning of the title, the discussion of the problem and data analysis.

#### G. Range of Research

In this writing, according to the theme discussed, the writer will limit the scope of time from 1997 until 2009. The writer starts in 1999 because at that time, arms smuggling discussed for the first time as the part of transnational crimes. Beside it is finished in 2009, ASEAN Chiefs of Police Conference debated and adopted resolution in regard to transnational crimes such as drugs trafficking, terrorism, human trafficking, and arms smuggling. The areas take several states of ASEAN members. It will be taken randomly based on data found. It aims to ease the observation of the problem.

#### H. System of Writing

Systematical of writing was meant to answer the research question and hypothesis explained. The systematic of writing will be as follows:

#### *Chapter I*

In this chapter, the writer will explain about introduction of this final paper.

Introduction in the beginning of the next chapter because it contains background

research question, theoretical framework, hypothesis, purpose and benefit of research, range of research and system of writing.

### *Chapter II*

In this chapter, the writer will explain about ASEAN and its transnational crimes inside as well as ASEAN way concept.

### *Chapter III*

This chapter will talk about arm smuggling in Southeast Asia. This chapter will describe dynamic of arms smuggling in Southeast Asia. The dynamic is not only in general, but also the writer will take examples in several states in Southeast Asia.

### *Chapter IV*

This chapter will explain about the role of ASEAN in combating arms smuggling in Southeast Asia. It will include the institutions in ASEAN which concern about arm smuggling, meetings, results as well as the seminars or workshop about arm smuggling.

### *Chapter V*

This chapter will explain about the solution from the problem