

CHAPTER FOUR

FINDING AND ANALYSIS

A. The Implementation of Security Pillar in Combating Transnational Crime in Southeast Asia

International security is the problem that cannot be separated from transnational crime.²⁹ International security problem arose from the increasing of the global markets, especially in illicit goods and services, and the emergence of resilient cross-national crime groups. From those effects of globalization, the crime does not only become a problem posed by a country or domestic problem but also becomes a multinational problem that can emerge to be a common threat.

Since the security becomes the concern of the global states, the threats transform into various form which is not only from one state. Threats are coming from several groups, criminal gangs, epidemics, terrorism, from over population, failed states, environmental things and many more. From the various threats, the victim also becomes broader which includes the single individual (individual or human security), society (societal security), and the globe (global security).

“Security can no longer be narrowly defined as the absence of armed conflict, be it between or within states. Gross abuses of human rights, the large-scale displacement of civilian populations, international terrorism,

²⁹ Allan Castle, “Transnational Organized Crime and International Security”, 1997, *Working Paper of International Relations No. 19*, The University of British Columbia.

the AIDS pandemic, drug and arms trafficking and environmental disasters present a direct threat to human security, forcing us to adopt a much more coordinated approach to a range of issues.”³⁰

The statement from Kofi Annan above described that security has a diverse meaning which can be explained in various ways and exists in various situations. Today, threat does not only come from wars that involve weapons, it is leaning toward the actions like abusing human rights, massive human trafficking and smuggling, international terrorism, health issues, natural disasters and many more. Most importantly, it is closely related to issues that pressure others.

As the growth of the crime that can threaten the stability of a state even a region, the movement in overcoming the common threat need to be strengthened. One of the ways in solving the common problem is creating a community in a region, as like as what happened in Southeast Asia. The Southeast Asian countries have created the security community in facing the globalization. This community is the place for a region especially the Southeast Asian States which incorporated in ASEAN that has an aim to create peace in term of security among the state members in a long term.

ASEAN has required its community to respect the concept of the “ASEAN Way” in order to maintain peace and security. It is necessary to explore

³⁰ Kofi Annan, 2001, Definition of Human Security, United Nation Definition, Available at <http://www.gdrc.org/sustdev/husec/Definitions.pdf>, Accessed on March 3rd, 2016 at 12.55 p.m.

the main principles making up this notion of the “ASEAN Way” in order to understand ASEAN’s approach to political conflict management. The ASEAN’s Way sets forth five principles of security management through the ASEAN Bangkok Declaration 1967 and the Treaty of Amity and Cooperation (TAC) in Southeast Asia 1976, including:

1. Mutual respect for the independence, sovereignty, territorial integrity of all nations;
2. The right of every state to lead its national existence free from external interference, subversion and coercion;
3. Noninterference in the internal affairs of one another;
4. Settlement of differences and disputes by peaceful means; and
5. Renunciation of the threat of use of force.³¹

These principles illustrate that ASEAN member countries have made a pledge to respect the individual country’s sovereignty and jurisdiction in order to avoid political intervention within its member countries. They have also agreed on consensus decision-making in all concerns in order to promote equal voting system that each member country has one vote.

The establishment of ASEAN Security Community creates a new common condition in the community in resolving a problem. First, long term

³¹ Treaty of Amity and Cooperation (TAC) in Southeast Asia Indonesia (February 24, 1976) , Available at <http://www.asean.org/treaty-amity-cooperation-southeast-asia-indonesia-24-february-1976/> accessed on February 27th, 2016 at 2.56 p.m.

interaction among the states makes the community more concerned in how to confront and resolve the conflict, not on how to eliminate the differences of viewing to resolve the conflict based on the perspective of each state. Second, the security community is more to the group of states which had become integrated to the point that the community will not fight each other physically than settle their disputes in some other ways.

ASEAN Security Community plays important roles, roles of bridging aspirations for peace, stability, democracy and prosperity in regional environment in which the member countries of ASEAN live in peace with one another in a fair, democratic, and harmonious environment. This pillar explains the principle of comprehensive security that recognizes the interdependence of high political, economic and social life of the regional environment. Moreover, ASC also looked at political and social stability, economic prosperity and equality development as a solid foundation for the ASEAN community, and would be appropriate in achieving the programs that will be built on these basics.

Southeast Asia is the region which is potential in implementing the community under the ASEAN. This statement was acknowledged by some scholars whether within the region or outside of the region. One of the statement was stated by Amithav Acharya in his book "Constructing a Security Community in Southeast Asia: ASEAN and the problem of regional order", which stated that

ASEAN recognized as the pluralistic community region where each member holds its sovereignty.

The dynamic development in the ASEAN region, even in a global area, has brought a new complex challenge to ASEAN. This challenge encourages ASEAN to take one step ahead towards ASEAN Way to Conflict Resolution other than ASEAN Way to Conflict Management.³² In this context, the action plan of ASEAN Security Community which is one of the pillars of ASEAN community becomes very important to be implemented.

Through the establishment of ASEAN Security Community, the member-state of ASEAN looking forward to create regional order in the framework to strengthen the national defense together with support the world peace and security. The regional order will be based on the norms and rules of good relationships between countries, effective conflict prevention, resolution mechanisms and post-conflict peace-building.

Those plans are existed in Article 10 of ASEAN Security Community Blueprint which stated that ASEAN Security envisages the following three key characteristics:

- a) A Rules-based Community of shared values and norms;

³² See Gillian Goh, "The 'ASEAN Way' Non-Intervention and ASEAN's Role in Conflict Management", *Stanford Journal of East Asia Affairs*, Volume 3 No.1 (Spring 2003).

- b) A Cohesive, Peaceful, Stable and Resilient Region with shared responsibility for comprehensive security; and
- c) A Dynamic and Outward-looking Region in an increasingly integrated and interdependent world.

The issue of transnational crime is one of the concerns of ASEAN Security Community. ASEAN's initial efforts in combating transnational crime were focused on drug abuse and drug trafficking, the prevalent crime then, which affected the growth and vitality of ASEAN. With globalization, technological advancement and greater mobility of people and resources across national borders, transnational crime has become increasingly pervasive, diversified and organized. The region has to deal with many new forms of organized crimes that transcend national borders and political sovereignty such as terrorism, new types of drug abuse and trafficking, innovative forms of money laundering activities, arms smuggling, trafficking in women and children and piracy.³³

Since some meetings were held by the Ministers of ASEAN member-state (ASEAN Ministerial Meeting) and the establishment of joining regulation and cooperation, the ASEAN Leaders took more concern in action on combating the transnational crime. The Ministers recognized the focus attention on such crimes as drugs trafficking, environmental crimes and illegal migration, including

³³ ASEAN Documents on Combating Transnational crime and Terrorism, 2012, Security Cooperation Division ASEAN Political-Security Department, Copyright Association of Southeast Asian Nations (ASEAN).

human trafficking. Those States leaders shared a view that the management on transnational crime issues is urgent.

In the blueprint of ASEAN Security Community noted that the transnational crime is the emergency crime which has to be handled soon. Hence, the blueprint of ASC stipulated articles which planned to regulate and combat the transnational crime which categorized as the non-traditional security threat.

The article which has stipulated in the Blueprint of ASC dealing with the transnational crime is particularly in the Section B.4 (Non-Traditional Security Issues). On this part, ASEAN has noted the purpose in respond to the transnational crime issue.

1. Strengthen cooperation in addressing non-traditional security issues, particularly in combating transnational crime and other transboundary challenges.
2. Intensify counter-terrorism efforts by early ratification and full implementation of the ASEAN Convention on Counter-Terrorism

In this blueprint, ASEAN has planned more to the action in building cooperation within the member of ASEAN in combating such crimes by holding a meeting and discussion which then becomes a multilateral or bilateral agreement in combating transnational crime and transboundary matters. In this article, effort by ASEAN has been shown in combating the transnational crimes through strengthening the relation and engagement of the countries in ASEAN.

The ratification and full implementation of the ASEAN Convention on Counter Terrorism that are considered to become one of the ways in fighting the non-traditional security threat have to be intensified by the member countries of ASEAN.

A number of ASEAN bodies are involved, directly or indirectly, in formulating policies and initiating activities against transnational crime. These include the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), ASEAN Finance Ministers Meeting (AFMM), ASEAN Chiefs of National Police (ASEANAPOL) and ASEAN Senior Officials on Drugs Matters (ASOD).³⁴

In order to combating the transnational crime, ASEAN takes an initiative by establishing ACTC (ASEAN Centre for Combating Transnational Crime) on the 2nd Meeting of AMMTC (ASEAN Ministerial Meeting on Transnational Crime) in June 1999. The ACTC is the initiative of ASEAN against transnational crime which has a vision to promote data resource sharing, assist the program activities in the action plan. It is also planned for having research capabilities to conduct depth analyses on transnational crime activities to recommend appropriate regional strategies to fight these felonious activities.

³⁴ S. Pushpanathan, "The Paper on Combating Transnational Crime in ASEAN", *Paper presented at the 7th ACPF World Conference on Crime Prevention and Criminal Justice*, 23-26 November 1999, New Delhi, India), p.2, Available at <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan011390.pdf> Accessed on March 5th, 2016.

ASEAN Finance Ministers Meeting (AFMM) is the body which is established to strengthen cooperation in combating trafficking in narcotics and psychotropic substances, and will facilitate joint efforts in anti-smuggling and customs control.³⁵

The ASEAN Chiefs of National Police (ASEANAPOL) is the body created by ASEAN which has a role in the preventive action, enforcement, and operational aspects of cooperation against transnational crime. The body which has a tagline “Together We Keep This Region Safe” based on secretariat which is in a rotation of every member countries. Therefore the member countries taking turns to host the ASEANAPOL Conference and automatically assume the role of the secretariat for the current year.³⁶

The body created by ASEAN which concerns on preventing and combating the matters on narcotics and drugs is called as ASEAN Senior Officials on Drug Matters (ASOD). ASOD has adopted the ASEAN Three-Year Plan of Action on Drug Abuse Control. The action plan covers four priority areas which are; preventive drug education, treatment and rehabilitation, enforcement, and research.

Beside the body which established by ASEAN in order to combating the transnational crime, some of the ASEAN countries has implemented the system

³⁵ S. Pushpanathan, *Ibid*, p.2.

³⁶ Introduction to ASEANAPOL, ASEANAPOL Secretariat, Available at <http://www.aseanapol.org/about-aseanapol/permanent-secretariat>, Accessed on March 7, 2016 at 3:07 p.m.

which called as Automated Border Control System (ABC). This system is very integrated system which the function is maintaining security. The installation of Automated Border Control (ABC) systems existed at a number of airports. In Southeast Asia itself, this system has applied by Singapore, Thailand and Indonesia.

Here we can see that ASEAN Security Community is one of the pillars of the ASEAN community that is very important. The role of ASEAN Security Community mentioned in Blueprint of ASC provides a mechanism for preventing and resolving the conflict peacefully. This is accomplished through discussions together to discuss political issues such as maritime security regional security, expansion of defense cooperation, as well as non-traditional security issues (transnational crime). Inn ASC Blueprint, the implementation of cooperation in the field of combating transnational crime is a goal that should be prioritized.

B. The Challenge for Southeast Asia in the Security Matters

In October 2003, the Association of Southeast Asian Nations (ASEAN) proposed the establishment of a security community for Southeast Asia by 2020. This proposal involves the implementation of a substantial level of integration in the security, economic, and sociocultural spheres of the ASEAN member states. As reflected by the scholarly literature on a security community, the outcome of such integration would be the establishment of a “secure” region where the

Southeast Asian states (and the communities they embrace) would reflect the degree of trust, reciprocity, and cooperation.³⁷

In facing the ASEAN Community, many countries in Southeast Asia posed more significant challenges in making the security community, which is one of the pillars of the ASEAN Community which has started by the end of 2015. One of the significant enemies faced by Southeast Asia is a common security threat. The way how to fight the common threat becomes a big challenge for Southeast Asian countries.

Common security threats are the sources of insecurity which potentially destabilize the countries in the region significantly. Generally, conventional threats/ traditional threats are one of the security aspects which is very sensitive for ASEAN countries, since it relates directly to the issue of sovereignty, integrity and viability of a country.

The traditional common security threats are limited to international field of research, especially those related to the status of the countries in their relationships with one another which only focuses from military point of view. It is quite relevant because it has the potencies to open conflict between ASEAN member states which are caused by armed conflicts, for example is the problem of separatism and border conflicts. The emergence of terrorist attacks in ASEAN

³⁷ Christopher Roberts, *ASEAN's Myanmar Crisis Challenges to the Pursuit of a Security Community*, 2010, Singapore, Institute of Southeast ASEAN Studies, p. ix.

countries or transnational organized crimes has changed the perception of a traditional common threat in the region become more conventional than before (non-conventional security). Transnational organized crime becomes one of cross-border crime which is a new threat in the region.

The security threat which derives from the domestic insecurity is the dominant factor which encourages the establishment of ASEAN. Since the threats are always developed in line with the crimes, there makes some differences between the traditional threat well known as conventional threat and the non-traditional threat or non-conventional threat.

In fact similar to crime, a threat is always developed. The author makes a table of differences of the threat. The table will make clear and easier on differentiate the main dissimilarity of the threats. The table below indicates what are the main differences between conventional threat and non-conventional threat. The differences can be viewed from the influence to the common security, the actor, and the nature of the threat.

Table 1: The Differences of the Threat

No	Threat	Common Security Threat	Actor	Nature
1.	Conventional Threat	Border Conflicts Separatism	State	Domestic
2.	Non-Conventional Threat	Transnational Crimes - Piracy - Drugs and Narcotics Trafficking - Human Trafficking and Smuggling - Terrorism - Firearms Trafficking - Environmental Resources Trafficking	Non-State	Transnational (Cross-Border)

Source: The compilation of some sources, like ASEAN Security Community Blueprint and Amithav Acharya's book.

From the table on the differences of the threat above, the differences between the previous threat which is conventional threat and the recent threat or non-conventional threat can be easily distinguished. The problem faced by ASEAN today tends to the Transnational Crime or known as Transnational Organized Crime (TOC).

The transnational crime has recognized in the principle international agreement, the United Nation Convention against Transnational Organized Crime (UNTOC), or the Palermo Convention.³⁸ The United Nation also identified transnational organized crime to the six major threats to a secure world. Among the six threats some, such as civil war, small wars and poverty play a criminogenic role while the effects of organized crime often has worse risks of terrorism, revenue loss and the governance lapses that lead to conflict.³⁹

³⁸ The Palermo Convention, *Op. Cit.*

³⁹ The risk identified by the UN High-level Panel on Threats, Challenges, and Change are: Economic and social threats, including poverty, infectious disease and environmental degradation; Inter-State conflict; Internal conflict, including civil war, genocide and other large-scale atrocities; Nuclear, radiological, chemical and biological weapons; Terrorism; and Transnational organized crime. The UN Security Council reinforced the continued "...serious threat posed in some cases by drug trafficking and transnational organized crime to international security in different regions of the world" (cited in UNSC, 2010, UN), p.2. available at [http://www.un.org/en/ga/search/view_doc.asp.S/RES/1963\(2010\)](http://www.un.org/en/ga/search/view_doc.asp.S/RES/1963(2010)), Accessed on March 11th, 2016.

Some of the examples of the transnational crime which become a threat faced by majority states in Southeast Asia are; Terrorism, Human Trafficking and Smuggling and Drugs and Narcotics Trafficking.⁴⁰

1. Terrorism

Terrorism is typically defined as premeditated, politically motivated attacks or threats of attacks by sub-state actors (that is, groups that are smaller than states) against noncombatants. Terrorists are those people who carry out or aid and conspire in such attacks.⁴¹

Still, defining the meaning of terrorism is not such a simple process. It becomes a debatable thing among the experts. They also have some debate and opinion on the definition of terrorism, but this debate has been a remarkable variety of approaches and definition.

One of the experts on terrorism studies, Walter Laqueur has noted that more than a hundred definitions have been offered including several of his own which says that terrorism is the fanaticism and the arms of mass destruction. The British have defined terrorism as the use of threat for the purpose of advancing a political, religious or ideological cause, and action which involves serious violence against any person or property.⁴² Within the

⁴⁰ Ralf Emmers, 2003, "The threat of transnational crime in Southeast Asia: drug trafficking, human smuggling and trafficking and sea piracy", *UNISCI Discussion Papers, No. 2*, Universidad Complutense de Madrid, Madrid, Spain, p. 1.

⁴¹ Margaret E. Beare, 2012, *The Encyclopedia of Transnational Crime and Justice*, Toronto: SAGE Publications, Inc., p.400.

⁴² David J. Whittake, 2001, *The Terrorism Reader*, New York: Routledge, p. 8.

new environment, terrorists were now quite capable of using-and very willing to use- weapon of mass destruction to inflict unprecedented casualties and destruction on enemy targets.⁴³

From the vary definitions of terrorism, there is much disagreement on usage of the term. In the media and public, certain groups or actions are called terrorist either because they involve certain types of attacks, such as suicide bombing, or because they are otherwise abhorrent. If terrorism is to be studied as a phenomenon, a definition that eschews value judgments and narrows the term needs to be employed.

The following are the characteristics of terrorism⁴⁴:

1. Modern terrorism:
 - a. Loose cell-based networks
 - b. Potential acquisition of weapons of mass destruction
 - c. Political vague, religious, or mystical motivations
 - d. Asymmetrical methods
2. Traditional terrorism:
 - a. Clearly identifiable organizations/ movements
 - b. Use of conventional weapons, usually small arms and explosives

⁴³ Gus Martin, 2003, *Understanding Terrorism: Challenge, Perspectives, and Issues*, New York: Sage Publication, Inc., p.2.

⁴⁴ Gus Martin, *Ibid*, p. 5.

- c. Explicit grievances championing specific classes of ethno-national groups
- d. Relatively surgical selection of targets

Terrorism in Southeast Asia is not a new phenomenon. Still remained in our memory the issue of terrorism has become a threat for Indonesia, which is the bombing terror near the Sarinah shopping mall, Central Jakarta on January 2016. Back to October 20th, 2002, the terrorist bombing in Bali were killed over 200 people (then followed by another attack on Bali a year later). Those issues were an important reason in bringing terrorism to the forefront of ASEAN's security concern. Terrorism is severe existential threat not only to the national security but also to the stability of Southeast Asia.⁴⁵

Because terrorism has attacks for numerous times in Southeast Asian country, it is little wondering therefore that the international media have pronounced Southeast Asia as “a terrorist haven”.⁴⁶ The propagation of that such perception becomes a tangible threat to the attacked country and perhaps Southeast Asia.

Some countries, mostly the west countries consider that terrorism has a close relationship to Islam. They often linked Islam religion to Al-Qaeda

⁴⁵ Yordan Gunawan, 2014, ASEAN and the Regional Security Challenge: An Analysis of the Security Community and ASEAN Charter for Preventing the Terrorism in Southeast Asia, *The 2nd CILS International Conference*.

⁴⁶ Kumar Ramakrishna and See Seng Tan, 2004, *After Bali the Threat of Terrorism in Southeast Asia*, Singapore: World Scientific Publishing Company, p. 2.

and ISIS (Islamic State of Iran and Syria) which is the radical Islamic organization, they have a view that terrorism is Jihad in the way of God and that's the way to be a genuine Muslim. The people who embrace Islam religion must hate the west perspective and bring down the secularism. By contrast, the former Prime Minister of Malaysia, Dr. Mahathir Muhammad angrily refused that his country, Malaysia- the country with Islam as a majority religion⁴⁷- linked to the global Al-Qaeda network.⁴⁸

The perception of one sided- perceptions usually come when intelligence or other government officials are prepared to provide data to journalists or academics. It is usually off-the-record and only to those selected individuals who can be trusted to accurately portrays what they have been told, without them raising difficult or contentious issues. Moreover, less knowledgeable government officials will, for various motives, provide unofficial 'background' briefings or leak classified material to journalists. The danger here is that they may be pushing a particular inaccurate point of view, something, Williams⁴⁹ observes, is very common in Indonesia and the Philippines.

⁴⁷ Malaysia Religion Stats, Nation Master. Retrieved from <http://www.nationmaster.com/country-info/profiles/Malaysia/Religion> accessed on 27 February 2016 at 4:25 p.m.

⁴⁸ Amithav Acharya, *Op. Cit*, p. 244.

⁴⁹ Clive Williams is Director of Terrorism Studies at the Australian National University's Strategic and Defence Studies Centre, and is a specialist on terrorism and politically motivated violence.

2. Human Trafficking

Trafficking in persons, also called human trafficking, is defined in the UN Convention Against Transnational Organized Crime and its supporting document the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children as the following:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.⁵⁰

By the definition above, human trafficking refers to the transport of people to an area where they will be exploited in some ways; it also refers to an active process of recruitment and harboring them by using force or other types of coercion. The exploitation can include forced labor, slavery in its different forms, and the illegal trade of human body organs.

The fact shows that human trafficking is the fastest spreading and growing crime all over the world. In line with the growing number of human trafficking, many studies and research on identifying the actual number of victim has been done. The recent International Labor Organization (ILO) Global Alliance against Forced Labor report estimates that there are nearly 21

⁵⁰ United Nation Convention Againsts Transnational Organized Crime and the Protocol Thereto, 2000, New York, United Nations Office on Drugs and Crime, Annex II, Article 3, p. 42

million people - Three out of every 1,000 people worldwide - are victims of forced labor across the world, trapped in jobs which they were coerced or deceived into and which they cannot leave.

Figure 4.1: Global Forced Labor



Source: Statistics and Indicators on Forced Labour and Trafficking, International Labor Organization (ILO), Available at <http://www.ilo.org/global/topics/forced-labour/policy-areas/statistics/lang--en/index.htm>

The figure of the latest global forced labor above shows us that the Asia-Pacific region accounts for the largest number of forced laborers in the world. Asia-Pacific region contributes around 11.7 million (56 per cent) of the global total, followed by Africa at 3.7 million (18 per cent) and Latin America

with 1.8 million victims (9 per cent). Directly, Southeast Asia which is one of the area in Asia Pacific region includes to the area which contributes the big number of forced labor in the world.

To understand human trafficking, it is important to elaborate the types of trafficking that occur, how the process is conducted, and the factor which causes it. People, including small children, are recruited into trafficking to fill a number of roles, including domestic laborers, factory workers, farmworkers and other outdoor laborers, quarry and mill workers, and restaurant employees. Trafficking also existed in several places based on the condition and area, like in Malaysia and Thailand. There are so many workers which are transferred from Indonesia in reason of the need of the employee. Some factors which make the human trafficking can exist across the world are because the rapid growth of the population in one place which can cause the poverty and the lack of education of human resources. These factors become the supporting factors that cause the transfer of human. It then leads to human trafficking.

Traffickers often deceive the trafficked persons into thinking that there will be trustworthy jobs available when they arrive at their destinations. The trafficked persons are then required to work for free or extremely low wages in order to repay their transportation costs. Often they are totally unaware that they will be working in areas other than those promised and that moreover are illegal or exploitative. Finding themselves in a foreign country without visas,

they are forced to obey the demands of the criminals involved in the trafficking enterprise.

Human trafficking and the issue of security are two different things, however those two things are related to each other. Human trafficking is a serious threat which can endanger the security and the sovereignty of a country. Therefore the security needs to be reinforced both national security and international security to overcome the transnational crime, including human trafficking.

At the international level, the challenges in overcoming human trafficking are at various levels. One of them is the differences of sovereignty and law in every country in the world. Every country in the world must have its own sovereignty and law system, which cause a big challenge when the victims are brought across the borders of the country.⁵¹ This makes the government of a country get difficulties in enforcing the law due to the fact that there are countries in the world without Anti-Human Trafficking law.

Besides, there are human trafficking victims who do not want to expose their identity. This is because when the victims are successfully rescued by the authorities, they fail to give detailed information about themselves and their country of origin. The lack of knowledge regarding human trafficking issues shows that most people in the world know very little

⁵¹ Ahmad Shah Pakeer Mohamed et. al, *The Phenomenon of Human Trafficking Activities in Southeast Asian*, *International Journal of Humanities and Social Science*, Vol. 1 No. 13 (Special Issue – September 201), p. 169.

and inaccurate information about the human trafficking crime and problems in increasing uniformity in the law system among the country of source, transiting country and country of destination. This is the reality faced at the international level due to differences in laws and sovereignty.

Since some challenges arise due to the existing of human trafficking, it makes an extra effort in combating human trafficking which always increases year by year. The problem of lack of law which regulates human trafficking is imperative to be solved particularly the regional regulation. The regulation on human trafficking can be set down on the action of preventing the human trafficking action, protecting the victims of human trafficking, prosecuting the main perpetrators of human trafficking, and also creating a monitoring human rights body in ASEAN.

3. Drugs Trafficking

Several Southeast Asian countries become the major producer of narcotics or even become a transit area for the illicit drugs which exported to the other parts of Asia, North America, and Europe. The Northern Thailand, Eastern Myanmar and Western Laos are the area well known as the Golden Triangle. It has been one of the most extensive opium-producing areas of Asia and of the world since the 1950s. The trade of narcotics especially opium which later transformed into heroin has dramatically increased and has even been produced massively in the area of Golden Triangle.

The figure below is the map which shows the three Southeast Asian countries (Myanmar, Laos, and Thailand). If the geographic location of those three countries in the map connected each other, it will form a triangle then it known as the Golden Triangle.

Figure 4.2: The Golden Triangle is responsible for huge quantities of the world's heroin



Source: <http://www.chiangraitimes.com/thirty-people-sentenced-to-death-for-drug-trafficking-at-mass-trial-in-vietnam.html>

The production of narcotics in the Golden Triangle rapidly increased on the 90s due to the drug trafficking activities by the group of the former

Burmese Communist Party (BCP)⁵². The BCP started to traffic drugs in the 1970s to fund its fight against the military regime of General Ne Win and gradually became a central player in the production and distribution of heroin.

An effective distribution network allows drug dealers to transport the refined heroin and amphetamines from the Golden Triangle to Thailand, which is one of the major routes of the illicit drug trade. The drugs also transferred to the other state like China. The Chinese Triads trade the drugs to the most of Asia's and collaborate with other transnational criminal organization, such as Japanese Yakuza, Vietnamese Gangs, Nigerian Groups and Colombian Cartels, to distribute the illicit drugs worldwide.

ASEAN Organized the International Congress in Pursuit of a Drug Free ASEAN 2015 in association with the United Nation Office for Drug Control and Crime Prevention (UNDCP), on October 2000. It led to the formulation of the Bangkok Political Declaration in Pursuit of a Drug-Free ASEAN 2015 and to the adoption of a plan of action, the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD).⁵³ The latest one tried to eradicate or at least seriously reduce the production, trafficking and consumption of narcotics in Southeast Asia in 2015. This makes the Action Plan rely on four central pillars:

⁵²Burmese Communist Party (BCP), John E. Pike, Available at <http://www.globalsecurity.org/military/world/para/bcp.htm>. Accessed on February 18, 2016 at 1:42 p.m.

⁵³Drug-Free ASEAN 2015: Status and Recommendations, 2008, United Nations Office on Drugs and Crime Regional Centre for East Asia and the Pacific, Publication No. 01/2008.

1. Proactively advocating civic awareness on dangers of drugs and social response
2. Building consensus and sharing best practices on demand reduction
3. Strengthening the rule of law by an enhanced network of control measures and improved law enforcement co-operation and legislative review
4. Eliminating the supply of illicit drugs by boosting alternative development programs and community participation in the eradication of illicit crops.

The ACCORD which adopted by ASEAN is only the intent declaration in prevent and combating the spread of drugs and narcotics. The key issued that need to be conquered: First, the regional cooperation in the ASEAN need to be extended, for example the cooperation in combating the drugs trafficking with China, therefore it addressed to have broader cooperative structures. Second, tackle the issue of supervision by establishing a monitoring mechanism and introducing target dates. If implemented, this could be an important step in a cooperative process where the adoption of binding measures will most likely be achieved in the short to medium term.

The issues of transnational crime which include to the non-traditional threat become a concern for ASEAN members. The action plan in combating the non-traditional threat made by the ASEAN members noted that the members

should have cooperation in the making of document in combating the non-traditional threat including the transnational crime. However, the transformation of traditional threat into the non-traditional threat doesn't make ASEAN members well-implement the plan of action that they had ever made.

The section A 1.1 of the Blueprint of ASEAN Security Community has mentioned to promote the understanding and appreciation of political systems, culture and history of ASEAN Member States. The actions requirements encourage the holding of at least two track two events per year and intensify exchange of experience and training courses.⁵⁴

The meetings which discuss the issue on combating the transnational crime in Southeast Asia have been held for several times since the establishment of ASEAN action of plan in security matters,⁵⁵ yet the further discussion to implement or adopt the document is still in the process until now. The former secretary general of ASEAN, Dr. Surin Pitsuwan criticizes the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) that they have to maintain proactive role in responding to challenges faced by the region. Sectoral Bodies under the AMMTC should develop greater practical cooperation in the context of

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⁵⁵ ASEAN to Enhance Cooperation in Combating Transnational Crime, ASEAN Secretariat News, Available at <http://www.asean.org/asean-to-enhance-cooperation-in-combating-transnational-crime/> Accessed on March 3rd, 2016 at 2:44 p.m.

moving beyond declarations of common positions and eventually achieve the ultimate goal of establishing regional peace and stability.⁵⁶

The statement which show that ASEAN has not yet received a goal stated in ASEAN Security Community Blueprint also delivered by Mr. Ong Keng Yong, the executive deputy chairman of Singapore's S Rajaratnam School of International Studies (RSIS) and former ASEAN Secretary-General in an interview with "TODAY" this week. He said, "There is still a long way to go before we get to an ASEAN Security Community."⁵⁷ The statements clearly explain that until nowadays ASEAN has not yet implemented the action of plan of ASEAN Security Community well.

The author concludes that since there is no further action on implementing the action of plan that the ASEAN members made, the security challenge faced by Southeast Asian countries is dealing with the non-traditional crime coming from the inside of ASEAN itself. This issue should be treated seriously because it can endanger the stability and the security of a region.

One of the important ways in facing the threat is by knowing the root of the threat. Problems will not arise without any roots, and problems will not be

⁵⁶ ASEAN Cooperation in Combating Transnational Crime Moving Towards 2015 and Beyond, ASEAN Secretariat News, Available at <http://www.asean.org/asean-cooperation-in-combating-transnational-crime-moving-towards-2015-and-beyond/> Accessed on March 3rd, 2016 at 3:15 p.m.

⁵⁷ ASEAN Political-Security Community "still a distant goal", Today News, Albert Wei, Available at <http://www.todayonline.com/world/asia/asean-political-security-community-still-distant-goal6>, Accessed on November 17th, 2015 at 5:30 a.m.

settled without knowing the background behind it. Therefore, knowing the root of problem is basically the first step which should be taken into account in combating the transnational threat. From the opinion of the author, the root problem in the security of ASEAN community is coming from the inside of the ASEAN body. It means that the problem within ASEAN has to be settled down first in order to combat the transnational crime.