

## **Elevating The Contribution Of Regional Defence Cooperation In Tackling Transnational Security Issues Particularly Organised Crimes**

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### **Context**

1. When approaching issues relating to transnational crimes, analyses and outlook are framed in the context of the followings:
  - a. Transnational crimes have been occupying national and regional security practitioners for quite some time now, stretching back even earlier than the advent of globalisation.
  - b. Interconnectedness and technological revolution allowed transnational criminals to thrive and prosper – to diversify their activities and become more sophisticated and organised and more difficult to detect.
  - c. Transnational crimes have throughout history and over the years manifested in numerous forms, ranging from:
    - i. Traditional transnational crimes that came to prominence in the 1970s, such as drugs trafficking and arms smuggling;
    - ii. The more contemporary types joining the foray in the 1990s, such as money laundering and piracy, and
    - iii. The new and emerging breeds of transnational crimes, such as cybercrime, environmental crime and organ trafficking.
  - d. Transnational criminals will and have resorted to violence in order to successfully execute their activities, affecting public safety and the welfare of the citizens, bringing significant impact on the political, economic and socio-cultural stability and security of the affected nations and the region.

### **National Approaches to Transnational Crimes**

2. Like any other countries, Brunei Darussalam is equally vulnerable to various forms of transnational crimes. Recognising this, Brunei Darussalam is committed to work with regional partners bilaterally and multilaterally, particularly with fellow ASEAN member states to strengthen international cooperation in the fight against transnational crimes.
3. Brunei Darussalam is a small country both in its size and population, thus diminishing some of the pull factors for transnational criminal activities. Data for the past five years recorded minimal cases of transnational crimes.

4. With regard to the three areas of focus for this workshop, the national approaches in tackling them include:

Type	Legal Framework	Institutional Mechanism [Specialised Unit / Lead Agency / Working Group]	Bilateral and Multilateral Arrangements
People Smuggling	Trafficking and Smuggling of Persons Order 2014	Royal Customs and Excise Department	Capacity building assistance initiatives such as technical trainings and legislative advise
Money Laundering	Criminal Asset Recovery Order 2012	Financial Intelligence Unit (FIU), MOF	
Cyber Crimes	Computer Misuse Act 2007	<p>Criminal Investigation Department (CID), Royal Brunei Police Force</p> <p>Brunei Computer Emergency Response Team (Bru-CERT led by PMO)</p> <p>Cybercrime Focus Group – Chaired by the Attorney General Chambers (AGC)</p> <p>National Cyber Security Working Committee</p>	

**National Approaches: The Role of Defence**

5. While continuously strengthening law enforcement efforts, ensuring security in Brunei Darussalam, including against the threat of transnational crimes, is tackled using the Whole-of-Government approach, in order to gain the multiplier effect from the diverse resources and capabilities of the various security agencies in the country.

6. Under the purview of the National Security Committee (NSC) and its subordinate working committees, the Ministry of Defence and the Royal Brunei Armed Forces are actively contributing to the national security strategy. These include:

- a. Border control management through joint patrol operations, and
- b. Membership in the national-level working committees on Cyber Security, Law Enforcement, Maritime Security as well as Technical and Intelligence working committees.

### **Regional Frameworks in Preventing and Combating Transnational Crimes**

7. Regional efforts to respond to transnational crimes are spearheaded by the AMMTC (ASEAN Ministerial Meeting on Transnational Crime) and its subordinate SOMTC (Senior Officials' Meeting on Transnational Crime) and Working Groups.

8. In 1997, at its inaugural meeting, the AMMTC adopted the ASEAN Declaration on Transnational Crime which listed out seven transnational crimes:

- Terrorism
- Drug Trafficking
- Arms Smuggling
- Money Laundering
- Trafficking in Persons
- Piracy
- International Economic Crimes.

9. Cybercrime was later included to the list in 2001 and in 2015, people smuggling and illicit trafficking of wildlife and timber were added.

10. Under the AMMTC process, plan of actions in combating transnational crime has been formulated in strengthening regional collaboration, commitment and capacity to combat the threat, which manifested in several initiatives such as the 2015 ASEAN Convention Against Trafficking in Person (ACTIP).

11. Investigative and enforcement instruments, particularly the Interpol and ASEANAPOL also played a significant role in bolstering regional efforts against transnational crimes.

12. Concurrently, regional working groups, for example the ARF Inter-sessional Meetings (ISMs) and the ADMM-Plus Experts Working Groups (EWGs) provided significant platforms of information / intelligence sharing and sharing of best practices, and germination of effective regional strategies in tackling transnational crimes.

### **Regional Approaches: Contribution of Defence**

13. Under the ADMM-Plus Process, transnational security issues are widely discussed, and EWGs on Counter-Terrorism, Maritime Security and Cyber Security were formed to facilitate information / intelligence sharing and formulation of issue-specific work plans for regional defence cooperation in the areas.

### **Observations**

14. Moving ahead, several important observations can be made:

a. The incentives, particularly that of financial benefits, for committing transnational crimes will continue to remain high. At the same time, money laundering will continue to facilitate transnational crimes by fuelling the activities of organised criminals.

b. The adverse impacts and the need to address transnational crimes are clear and countries have taken various concerted efforts to combat them, including efforts under international and regional frameworks.

c. Nevertheless, the advent of cybercrime added complexity prevention and enforcement efforts whereby transnational crime activities spillover from the material world to the cyber world.

d. Additionally, the growing transnational criminal-terrorist nexus – for example the increasing link between cyber extortion and money laundering to terrorist financing; as well as arms smuggling to terrorist attacks - makes effective counter transnational crime strategies ever more urgent.

f. Granted that transnational crimes are largely under the purview of law enforcement institutions and criminal justice, the increasingly strategic nature of the threat called for efforts to prevent and mitigate transnational crimes to cut across multiple stakeholders, both in national and regional settings.

e. The impact of regional efforts is as strong as the individual countries enforcement capability. Different countries have different institutional capacities to combat transnational crimes, thus improvements in the effectiveness of regional strategies must go hand-in-hand with capacity building efforts at the national level.

### **Recommendations**

12. Consistent with the observations made, some operational recommendations in moving forward in strengthening ASEAN **defence cooperation** in order to control transnational crimes in Southeast Asia include:

a. Optimising the benefits from the multitude of available platforms of conversations, information / intelligence and best practices sharing by delivering effective

recommendations for national and regional counter transnational crime strategies.

b. Synergising the works of regional working groups that look at transnational crimes towards the same direction that would build up and converge in producing tangible outcomes/benefits in a form of effective strategies and strengthened national and regional capacities against transnational crime.

c. Boosting capacity building initiatives to strengthen national capacity to prevent and combat transnational crimes, in particular, technical assistance and training in detection / investigative and enforcement areas.

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