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Syeda Naushin,  
University of Malaya, Malaysia

## \*CORRESPONDENCE

Pushpanathan Sundram  
✉ pushpanathan\_sundram@cmu.ac.th

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# ASEAN cooperation to combat transnational crime: progress, perils, and prospects

Pushpanathan Sundram\*

School of Public Policy, Chiang Mai University, Chiang Mai, Thailand

The Association of Southeast Asian Nations (ASEAN) has grappled with the persistent threat of transnational crime (TC) in Southeast Asia since its establishment in 1967. The rising tide of globalization and technological advancement has only exacerbated the problem, leading to the evolution and organization of various criminal activities. As ASEAN faces a multitude of non-traditional security challenges that transcend national borders, including climate change, infectious diseases, and resource scarcity, TC remains a critical concern that could jeopardize regional stability and security. This article undertakes an extensive analysis of ASEAN's endeavors to combat TC. It delves into key documents outlining ASEAN's commitment, highlights the significant achievements, and identifies the challenges facing the region. The qualitative study evaluates the effectiveness of ASEAN's response to TC within its cooperative framework and core principles. Through content analysis, it draws insights from ASEAN's official documents, as well as reports from Interpol and the United Nations Office on Drugs and Crime, to understand the regional efforts in countering TC. The research reveals a range of collaborative efforts initiated by ASEAN to tackle TC. By focusing on examples of successful operations, such as Operation Maharlika III against human trafficking and Operation HAECHI-I targeting cybercrime, the study underscores the vital role of cross-border cooperation. However, the analysis highlights the challenges posed by the complex nature of TC and the varying capabilities of ASEAN member states. It underscores the importance of regional cooperation and external partnerships to address the evolving threats of TC effectively. In essence, ASEAN's commitment to combating TC is evident through the adoption of strategic documents, joint operations, and capacity-building initiatives. Nevertheless, the evolving nature of TC and its diverse manifestations pose ongoing challenges. A balanced approach in addressing TC is needed that encompasses not only securitization but also a criminal justice response.

## KEYWORDS

ASEAN, transnational crime, challenges, securitization, criminal justice, regional cooperation, external partnership

## 1 Introduction

ASEAN is a regional organization comprising the ten member states of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. ASEAN established its ASEAN Community in 2015, consisting of three sectoral communities: ASEAN Political Security Community (APSC), ASEAN Economic Community (AEC), and ASEAN Socio Cultural Community (ASCC). The Association is implementing its second community building plan covering the period 2016 to 2025. ASEAN is an outward-looking community whose

members and external partners benefit from its integration in the political security, economic and socio cultural pillars. The prevalence of transnational crime (TC) has plagued the Southeast Asian region since ASEAN's inauguration in August 1967. ASEAN has defined TC as "organized crimes that transcend national borders and political sovereignty," and with globalization and technological advancement, TC is expanding in scope and evolving to become more organized (ASEAN Secretariat, 2012).

Today, ASEAN faces many new forms of non-traditional security issues defined primarily as out of non-military sources, such as climate change, resources scarcity, infectious diseases, natural disasters, irregular migration, food shortages, people smuggling, drug trafficking (NTS-Asia, 2023). Since the region depends on border transactions to further economic gains through "expanding social exchanges, trade and investment in infrastructure" (UNODC, 2019), the ease of movement between borders coupled with inconsistent border management makes the region a convenient choice for TC. This has stressed the need for a tighter cooperation between member states to raise the effectiveness of ASEAN (Koh et al., 2009) by strengthening cross-border cooperation to combat TC.

Additionally, social repercussions from TC can have dire consequences. For instance, drug and human trafficking remain a persistent concern, with the former troubling the region since the 1970s (ASEAN Secretariat, 2012). Due to parts of the ASEAN region such as Northern Thailand, Eastern Myanmar, and Western Laos forming the "Golden Triangle," constituting one of the leading regional producers of narcotics in the world with an estimated two-thirds of the world's opium being cultivated in Southeast Asia (Emmers, 2003a), it spurs and perpetuates drug abuse in member states. To this, ASEAN has placed concerted efforts in combating TC, emphasizing cooperation between member states and international agencies and/or organizations which can be traced back to the Declaration of ASEAN Concord of 24 February 1976 calling for the prevention and eradication of the abuse of narcotics and illegal trafficking of drugs (ASEAN Secretariat, 2012). This led to the formation of several key declarations or documents like the 1976 ASEAN Declaration on TC and the 1999 ASEAN Plan of Action to Combat TC further committing ASEAN to fight TC under the frameworks of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and Senior Officials Meeting on Transnational Crime (SOMTC) (ASEAN Secretariat, 2017). Despite member states acknowledgment of the necessity to enhance inter-cooperation, such as embracing the participation of external actors like non-state entities in coordinated initiatives driven by ASEAN, the intricate nature of TC and the varying resources available to each member state are factors that impact the success of efforts to combat TC.

As member states subscribe to a common principle of comprehensive security (Koh et al., 2009), which "acknowledges the interwoven relationships of political, economic, social-cultural and environmental dimensions of development" (ASEAN Secretariat, 2009), highlighting thereby the rippling effect which can be triggered should one of the dimension be threatened or harmed. A consensus-driven ASEAN can hinder efforts against TC, wherein a main obstacle lies in the harmonization of rules and procedures in favor of information sharing between member states (Shah, 2013).

Primarily, this works against the consolidation of transboundary information and slows or halts the decision-making process in the realm of TC. This is where ASEAN's commitment to combat TC will be tested, as much as member states understand and continuously work to maintain cooperation and information sharing beneficial to fighting TC.

## 2 Purpose and scope

The article undertakes a detailed analysis, focusing on the collective efforts of ASEAN member states to address transnational crime and assess regional effectiveness. Instead of a subjective definition of "success," the evaluation centers on the practicality and implementation of existing plans and the operational capacity within ASEAN. The conceptual framework serves as a structured lens for this assessment. It seeks to highlight achievements, identify shortcomings, and explore strategies, providing a nuanced foundation to align objectives with capacities, cooperation frameworks, and potential external collaborations. Within this framework, the research questions highlight the Association's achievements in countering transnational crime, understanding significant milestones, and identifying successes. Concurrently, there is a deliberate exploration of recognized shortcomings or weaknesses. This nuanced examination lays the groundwork for probing how ASEAN can better align its objectives in combatting transnational crime with existing capacities and cooperation frameworks. The conceptual framework also illuminates essential strategies, particularly regional cooperation, and explores potential collaborations with external partners and international organizations within the context of securitization.

## 3 Literature review

Non-traditional security (NTS) concerns, such as TC, represent "challenges to the survival and wellbeing of peoples and states" and are deemed as threats to societal and political stability, possessing the potential to yield severe consequences for both states and societies, thus emerging as significant security threats (NTS-Asia, 2023). Prevalent in the ASEAN region are drug trafficking, human trafficking, terrorism and cybercrime. First, drug trafficking refers to illicit drug trade which not only presents a "constant and high cost for a demographically stable population, but directly or indirectly represents an economic gain for dangerous actors who challenge the authority of the state, and the law, from beyond its borders" (Politi, 1997). This has plagued the Association in its early days, with ASEAN leaders calling for the "intensification of cooperation among member states as well as with the relevant international bodies in the prevention and eradication of the abuse of narcotics and the illegal trafficking of drugs" (ASEAN Secretariat, 2023a) since the Declaration of ASEAN Concord issued in 1976. Second, human trafficking refers to the "recruitment, transportation, transfer, harboring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit" (UNODC, 2023b). Victims are subjected to "life-threatening condition and exploitation" (ASEAN Secretariat, 2023b). The US Department of State Trafficking in Persons (TIP) Report has placed

most ASEAN member countries on a “Tier 2 Watch List because of the high number of victims” (Kranrattanasuit, 2014). The transboundary nature and complex web of syndicates have further spurred this situation. Third, “terrorism issues have grown in complexity and posed more threats to communities in the ASEAN region” (ASEAN Secretariat, 2023c). Moreover, the “advancement of the internet and social media has resulted in the extensive network of global and regional groups as well as new patterns of radicalization” (ASEAN Secretariat, 2023c), increasing the reach of terrorists. This includes providing new avenues for cybercriminals to exploit vulnerabilities and carry out illicit activities.

Since TC “encompasses virtually all serious profit-motivated criminal actions of an international nature where more than one country is involved,” it can destabilize countries and regions, going against the principle of comprehensive security by “undermining economic, social, cultural, political and civil development of societies” (UNODC, 2023a). According to the UN Convention Against Transnational Organized Crime (UNTOC), an offense is TC if, first, it is committed in more than one state, second, it is committed in one state but a substantial part of its preparation, planning, direction, or control takes place in another state, third, it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state, and finally, it is committed in one state but has substantial effects in another state (UNODC, 2004). While the UNTOC is an international legal instrument combatting TC, relying on international conventions can be tricky since the process of criminal investigations and prosecution are often subjected to the concerned states. The fact that TC crosses one or more national jurisdictions, international cooperation becomes all the more an essential component of criminal investigation or prosecutions (Ditjen, 2023). As such, regional institutional frameworks focusing on integrated actions regionally in the context of ASEAN (UNODC, 2023a) and building on intelligence and technology sharing will be pertinent to successfully combatting TC.

The APSC has accorded NTS the same level of significance as traditional security in fostering regional and national resilience. The APSC emphasizes ASEAN’s imperative to “respond effectively and in a timely manner” (ASEAN Secretariat, 2009), a critical element in building a unified, tranquil, and robust APSC. This principle is vividly reflected in the Community’s blueprint, evident through various measures taken to bolster cooperation against TC. These measures encompass the execution of eight priority areas under the Work Programme of the Plan of Action to Combat TC, operating within the frameworks of AMMTC and SOMTC. They also encompass efforts to ratify the Treaty on Mutual Legal Assistance in Criminal Matters among member states, progress toward elevating it to an ASEAN treaty, and the enhancement of cooperation regarding extradition. The strengthening of criminal justice responses to trafficking in persons, the development of multilateral or bilateral legal arrangements to combat drug-related crimes, knowledge sharing on syndicate group profiles, and improved coordination with relevant external entities and existing ASEAN sectorial bodies constitute pivotal elements in this concerted effort (ASEAN Secretariat, 2009).

By including NTS, the APSC blueprint highlights member states’ awareness and acknowledgment of the gravity of NTS, giving it equal standing as traditional security. In this respect,

a successful securitization of NTS is a key to commandeering attention to these threats, conveying a sense of urgency, and thus warranting the employment of governmental resources to mitigate and manage challenges and their consequences pertaining to TC (Caballero-Anthony, 2010). As a regional organization with a strong emphasis on the principle of non-supra-nationality, the willingness to cooperate and engage in the transfer of knowledge will be important since the ASEAN Secretariat holds no authority over member states and is more involved in the initiation, facilitation and coordination of the decision-making process to ensure alignment with the purposes and principles embedded in the ASEAN Charter. Therefore, the formulation of declarations, documents, and strategic plans outlining a framework for regional cooperation against TC holds paramount significance for ASEAN’s success in effectively combating the menace.

### 3.1 ASEAN transnational crime cooperation

Recognizing TC as a threat to ASEAN’s regional security, the inaugural Meeting of the ASEAN Ministers of Interior/Home Affairs on TC on 20 December 1997 in Manila, Philippines, resulted in the endorsement of the ASEAN Declaration on TC (ASEAN Secretariat, 2012). This pivotal step was taken following comprehensive discussions on the TC landscape within ASEAN and its adverse consequences to member states, underscoring the imperative for enhanced regional cooperation (ASEAN Secretariat, 2012). The Declaration also established the “basic framework for regional cooperation on fighting TC where the AMMTC was to convene once every 2 years to coordinate activities of relevant bodies such as the ASEAN Senior Officials on Drug Matters (ASOD) and the ASEAN Chiefs of National Police (ASEANAPOL)” (ASEAN Secretariat, 2012). In addition, “the SOMTC was to meet at least once a year to assist the Ministers in accomplishing their task” (ASEAN Secretariat, 2012). Moreover, it further outlined “initiatives for regional cooperation on tackling TC” (ASEAN Secretariat, 2012). These encompass “engaging in discussions to potentially formalize mutual legal assistance agreements, bilateral treaties, memorandum of understanding, or similar arrangements between member states, exploring the feasibility of establishing an ASEAN Center on Combating Transnational Crime (ACTC), envisioned to orchestrate regional endeavors against TC through intelligence exchange, policy alignment, and operational coordination, convening a high-level *ad-hoc* Experts Group within a year to achieve the following in collaboration with the ASEAN Secretariat: ASEAN Plan of Action on TC, and an institutional framework and a feasibility study on the establishment of ACTC” (ASEAN Secretariat, 2012). As such, this was a watershed document since it led to the establishment of the AMMTC, which was a key to the formulation of an ASEAN Plan of Action on TC developed by a high-level *ad hoc* Experts Group (ASEAN Secretariat, 2017) and adopted on 23 June 1999, in Yangon, Myanmar. The Declaration also encourages member states to consider assigning police attaches and/or police liaison officers in each other’s capital, significant to facilitate cooperation for tackling TC and explore ways by which member states can work closer with relevant agencies and organizations in dialogue partner countries,

other countries and international organizations, including the United Nations (UN) and its specialized agencies, Colombo Plan Bureau, Interpol and such other agencies, to combat TC (ASEAN Secretariat, 2012).

### 3.2 Securitising transnational crime

While these initiatives may be perceived as instinctive actions one should take in combatting TC, it should be noted that the idea of information sharing and harmonization of policies regarding TC would, in part, tread upon the ASEAN Way of non-intervention, as well as rely extensively on member states to reach a common consensus on the adoption of TC policies, to truly ensure policy effectiveness. Since collaborative efforts between member states and information sharing go beyond the state level, these undertakings infringe on the principle of non-intervention and would be assumed to be excluded from any ASEAN documents. Yet, this was not the case for TC. This is where the act of securitization – “the very act of labeling something a security issue – or a threat – transforms the issue” (Buzan and Wæver, 2003), justifying the “right to use extraordinary means or break normal rules, for reasons of security” (Buzan and Wæver, 2003). It was only through framing TC as a “security issue” that the formulation, development, and evolution of regional strategies centered on establishing regional cooperation, such as implementing the ASEAN Declaration on TC established in 1997, could occur. Here, the securitising act lies with the ASEAN heads of state, and the referent object (or the object being threatened) is the ASEAN region and its member states’ security. With this, it shifts the discourse on TC to one that immediately resonates with a concrete regional security threat rather than spurs questions of whether it is a ‘probable’ regional security threat. Here, it would be noteworthy to conceive of member states as employing a more constructivist approach in defining threats (Buzan and Wæver, 2003) and, most importantly, one that opens room for a collective response that can infringe on the principle of sovereignty due to TC’s transboundary nature, yet does not contradict with the organization’s nature. This propels the securitization process to be paramount to promoting TC from a probable security threat to one that ASEAN regards with gravity and severity.

It paves the way to successful securitization, thereby mitigating TC as the willingness on the part of ASEAN member states to support TC policies would mean that they would also be inclined to prioritize and dedicate more resources to combatting TC. As such, treading beyond the principle of non-intervention to enhance member states’ governance capabilities, and domestic legitimacy should be seen as an important success of ASEAN in the combatting of TC which is expected to enhance national identity and social cohesion (Suzuki, 2019).

### 3.3 Securitization erodes ASEAN norms

The desire to move beyond the principle of non-intervention and sovereignty can be understood as such where the transnational

nature of TC forces member states to “grapple with the spillover effects” (Suzuki, 2019) it would bring to their own country should the ASEAN region be engulfed with TC where it is in their own national interests to “contain its problems and reduce spillover effects” (Suzuki, 2019) since TC are concrete threats to member states’ sovereignty and domestic security. These rationale and sentiments are, thus, a precursor to member states’ commitment to combatting TC under ASEAN’s institutional frameworks. As much as one can highlight the realists’ tendencies of self-preservation, it pinpoints member states’ recognition that combatting TC would involve regional cooperation through ASEAN, moving beyond the intergovernmental nature of the Association and being sufficiently “flexible” according to the threat of TC a priority for the maintenance of the principle of sovereignty.

The process of securitising TC can be traced back to the Bali Summit of February 1976, during which the emphasis was placed on member states’ cooperation and collaboration with relevant international entities to combat the abuse of narcotics and illegal drug trafficking (Emmers, 2002). Additionally, the ASEAN Declaration of Principles to Combat the Abuses of Narcotics Drugs in Manila on 26 June 1976 marked the initial stages of an institutional approach to addressing TC, albeit initially centered around the narcotics issue (Emmers, 2002). However, this article contends that it was not until the establishment of the AMMTC and SOMTC in 1999, coupled with the inclusion of Myanmar into the Association and certain external factors, that TC underwent a more comprehensive securitization.

Conversely, the formation of the AMMTC and SOMTC frameworks broadened the scope of TC to encompass eight key areas, which include counter-terrorism, illicit drug trafficking, trafficking in persons, arms smuggling, sea piracy, money laundering, international economic crime, and cybercrime (ASEAN Secretariat, 2017), signifying a shift from the previous emphasis solely on narcotics and drug trafficking. Furthermore, the AMMTC and SOMTC’s efforts yielded two significant legally binding regional agreements: the ASEAN Convention on Counter Terrorism (ACCT) and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP). Notably, the ACCT outlined areas of collaboration, including measures to prevent individuals who finance, plan, facilitate, or commit terrorist acts from using their territories to target other Parties or citizens (ASEAN Secretariat, 2007). Additionally, the ACCT focused on suppressing the financing of terrorist acts (ASEAN Secretariat, 2007) and granted ACCT Parties the authority to establish jurisdiction over these offenses (ASEAN Secretariat, 2007). From the perspective of ASEAN, ACTIP is a milestone in ASEAN security cooperation because of its legally binding nature, which shows the commitment of ASEAN member states to minimum standards, harmonizing regulatory frameworks, and implementing ambitious tasks and follow-up mechanisms (UNICJR and TIJ, 2021). Additionally, ACTIP only requires six signatories to enter into force instead of ratification by all member states which is a revolutionary advancement for a consensus-based Association in the policy making process (UNICJR and TIJ, 2021). These can be seen as securitization efforts in the context of ASEAN.



### 3.4 Aspirations do not translate to reality

Despite the frameworks of AMMTC and SOMTC and the aspirations captured in the declarations and plans of action, it seems that there is an absence of implementation or adoption of policy responses limiting cooperation efforts (Emmers, 2002) and as a result, undermines the securitization of TC in ASEAN. As ASEAN continues to adopt numerous declarations, decisions, and instruments, “the lack of monitoring and evaluation mechanisms for the implementation of regional policies and action plans is regarded by many as a critical gap from achieving a coherent joint effort against TC” (UNICJR and TIJ, 2021). Moreover, with plans of action and memoranda of understanding regularly adopted, “there is a struggle to filter the contents of AMMTC and SOMTC resolutions into national strategies and to have them reflected in concrete cross-border cooperation” (UNICJR and TIJ, 2021) since only high-ranking officials attend those meetings and the issues of TC require the coordinated efforts from ASEAN heads of state to domestic players such as law enforcers, police attaché and even members of the public. Thus, the stress upon the Heads of State as primary decision makers excludes significant non-state actors paramount to the curbing of TC stem a challenge to the effectiveness of securitization probing the need for member states to recognize and evaluate the practical and aspirational aspects of what they propose as TC policies.

### 3.5 Importance of promoting regional cooperation

Here, this article turns to the idea of a policy network to conceive of policy making in the issue of TC as “involving more-or-less fluid sets of state and societal actors linked together by specific interest” (Howlett, 2002). With this, it looks beyond structure (institutional mode of analysis) or agency (behavioral mode of analysis) when assessing a policy making process, as well as its outcomes. This perspective helps to understand better challenges which are difficult to reconcile or compromise on, such as the principle of sovereignty and non-interference, which can hinder the securitization of TC in ASEAN, while highlighting other aspects, such as state capacity as a potential focal area to develop on in strengthening the effectiveness of securitization of TC in ASEAN. In the context of TC, it may be difficult to pinpoint instances where either the institutional nature of the Association (e.g., consensus-driven ASEAN) or the interests of member states to pursue certain decisions or policies in the issue of TC is responsible for the policy outcome. Instead, the interaction between the roles of actors, ideas, and interests should be highlighted (Howlett, 2002). This article would like to assess the three variables mentioned previously.

First, the role of actors would refer to states, who are the “principal provider of human and state security” (Caballero-Anthony, 2010) and hence should play prominent roles in regional governance and addressing TC threats (Caballero-Anthony, 2010). However, a majority of SEA countries remain relatively weak states and suffer from “fragile domestic institutions and socio-economic problems” (Emmers, 2002). This would mean a weakened ability of ASEAN as a whole to curb TC, which points back to the

inability to exercise its idea set forth in its’ declarations, plans of action, and institutional frameworks. Since TC would rely heavily on the capacity of law enforcement officials, poorly financed law enforcement agencies would undermine domestic attempts to combat those involved in TC (Emmers, 2002). Finally, “interests’ refer to member states’ willingness to fight TC and the extent they would go in implementing decisions or policies to combat TC. Where member states can be subjected by their own domestic capacity and the extent to which ASEAN principles and norms are upheld, it determines the will of member states to push forth certain decisions on the issue of TC and even implementation.

It should be noted that upholding ASEAN principles and norms looks beyond information sharing between states, which may overstep the ASEAN principle of sovereignty. Another essential element is the willingness to work with non-state actors (NSAs) in the prevention and mitigation of TC. This is highlighted in the frameworks of AMMTC and SOMTC which had a heavy emphasis on the development of strong ties and positive engagement with ASEAN external parties (ASEAN Secretariat, 2017), though limited to UN and other international organizations. As much as these variables are difficult to quantify, they hold significant weight to the policy-making process of TC issues. Where a policy network can be understood as “a group of various stakeholders (people) who are connected or are held together by common interests for certain policy problems” (Poocharoen and Sovacool, 2012), this article believes that the focus of the TC policy network to steer forward will be to strengthen state capacity first and foremost, instead of seeking way(s) to quantify those mentioned variables. By acknowledging how ASEAN principles and norms can be detrimental to a certain extent in executing the implementation of TC policies, it expects the Association to find a middle-point or to re-evaluate what it can achieve in practice so that its plan of action can remain relevant rather than repetitive and empty statements giving only the illusion of progress (Emmers, 2002). This way, acknowledgment does not suggest a shift or move away from the current institutional nature, which would be too drastic.

### 3.6 Weak security cooperation

Where regionalism in Southeast Asia was founded with the vision of promoting and maintaining regional security and peace after most Southeast Asian states found themselves “threatened by subversive communist movements” (Kefale, 2015) in addition to a series of territorial and border disputes. Regionalism in Southeast Asia tended to be a result of coping with complex and interrelated consequences of regional threats (Caballero-Anthony, 2010), even putting aside the idea of “former foes and strangers” (Lin and Grundy-Warr, 2012) to admit countries of Cambodia, Myanmar, and Vietnam for the maintenance of peace and development of shared norms in the region (Kefale, 2015). More importantly, this means that “intra-ASEAN relations are still influenced by suspicion and competition” (Emmers, 2002), which essentially signaled weak or low security cooperation in ASEAN. This is especially destructive where member states still harbor a “huge lack of trust and a strong reluctance to work together on concrete goals” (UNICJR and TIJ, 2021). For example, in the implementation of the ASEAN Treaty

on Mutual Legal Assistance in Criminal Matters (MLAT), the “least developed ASEAN member states do not have the capacity to engage in such coordination, while the most developed ones do not want to be burdened by members who have a more limited capacity” (UNICJR and TIJ, 2021). This reduces coordination to a “bilateral basis instead of a single regional force” (UNICJR and TIJ, 2021).

### 3.7 Other institutional challenges

The transboundary nature of TC would depend vastly on ASEAN member states’ information-sharing systems. Putting aside any differences or reluctance to commit to intelligence sharing, there are limitations when it comes to the practice of information sharing (UNICJR and TIJ, 2021). Firstly, there is a “lack of regional criminal information database and a regional immigration database” (UNICJR and TIJ, 2021). Secondly, there is a need to “streamline the approval process to disclose information to foreign agencies” (UNICJR and TIJ, 2021) because the current process requires information requests to go through several stages of validation and may require several months, or even years which would clearly be outpaced by criminal activities (UNICJR and TIJ, 2021). Finally, there is a concrete need to “harmonize rules and procedures for information sharing in the region.” In Thailand’s example, the Act on Mutual Legal Assistance in Criminal Matters (1992), last amended in 2016, “stipulates that the principle of reciprocity applies in the rendering of legal assistance” (UNICJR and TIJ, 2021). Since ASEAN’s approach to combating TC stems from a methodical and logical process, addressing the above shortcomings of the information sharing system will be crucial to its efficacy.

### 3.8 Toward regional cooperation

Despite the shortcomings and challenges ASEAN faces, it would still be noteworthy to highlight that it is undeniable that the Association understands the importance of regional cooperation, but that it may not be consistent with each type of TC. This means that the extent to which TC securitization occurs in ASEAN depends on each type of TC. On the issue of terrorism, ASEAN member states “adopted a more active position” (Emmers, 2002) after the events of 11 September and endorsed the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, announcing its “commitment to counter, prevent, and suppress all acts of terrorism in adherence to international law and the UN Charter” (Emmers, 2002). While the common stance adopted by ASEAN was commendable, the Declaration on Joint Action to Counter Terrorism did not yield “real consensus” (Emmers, 2002) among member states, offering little utility to the issue of terrorism. But in effect, the securitization of terrorism is an effective one. This would highlight that in the case of ASEAN, successful securitization of a type of TC does not immediately equate to successful deterrence of that TC. As such, the takeaway here relates to how the act of securitization tends to depend on the perception of each state in the ASEAN region. However, where a misaligned ASEAN (prior

to Myanmar’s inclusion in ASEAN) may signal a certain extent of ineffectiveness in combatting TC, seeing that the region is intertwined, successful securitization in ASEAN should be backed by institutional efforts which support the eradication of TC. In this case, we learnt that framing TC as a security issue in the case of ASEAN is a regional effort. While further institutional efforts should accompany the securitization process, it can be challenging to ratify as efforts go as far as the consensus-driven ASEAN allows, as we will see in subsequent sections.

Moving forward, ASEAN continues to emphasize the “continued need for member states to be vigilant and to effectively address in a timely manner the existing as well as emerging transnational and trans-boundary challenges and threats that have potentials to undermine the stability and the wellbeing of ASEAN region” (ASEAN Secretariat, 2017). This took place at the 10th AMMTC held in Kuala Lumpur, Malaysia where the Kuala Lumpur Declaration in Combating Transnational Crime was signed on 1 October 2015 to further oversee the prevention and combatting of TC (ASEAN Secretariat, 2017). More importantly, it looks toward streamlining and improving work processes, including “coordination with other ASEAN bodies under the APSC pillar and strengthen cross-sectoral coordination and improve information sharing with relevant ASEAN sectoral bodies under the AAEC and the APSC pillars” (ASEAN Secretariat, 2017). Moreover, it enhances regional investigative, prosecutorial and judicial cooperation, the capacity of law enforcement officials and improves coordination and the sharing of information to strengthen cooperation in addressing TC (ASEAN Secretariat, 2017).

### 3.9 ASEAN norms impede coordinated efforts against transnational crime

Ultimately, while ASEAN continues to showcase its’ commitments to preventing and combatting TC, a consensus-based ASEAN and the preference for autonomy and maintenance of the principle of non-intervention would potentially impede any attempts for a coordinated effort against TC. This was seen in the Tak Bak incident in southern Thailand in October 2004 where “at least 85 unarmed Muslim protestors died at the hands of the Thai government” (Suzuki, 2019). This issue had spillover effects since “many victims were Malays in origin and had retained contact with extended family in northern parts of Malaysia” (Suzuki, 2019). While Malaysia and Indonesia planned to raise the issue at the ASEAN summit in late 2004, Thaksin’s request not to raise the issue was heeded instead. Subsequently, “Thaksin initiated a trilateral meeting with leaders of Malaysia and Indonesia which led to the creation of an independent panel to investigate the situation” (Suzuki, 2019). The then-Malaysian leader, Abdullah Ahmad Badawi, left the resolution of the problem to Thaksin, stating that “he was confident the Thai leader could solve the problem, and ASEAN members eventually left containment of the problem to the Thai government” (Suzuki, 2019). This highlights the shared understanding that “domestic issues should be solved by their own states, with their state strength” (Suzuki, 2019), which leaves room to ponder if any issues of TC may easily be reduced to a singular

member state's problem despite spillover effects should there be any challenges arising from "domestic politics and conflict" (Caballero-Anthony, 2010).

## 4 Methodology

The primary data used for the content analysis was ASEAN documents pertaining to the AMMTC and SOMTC and related ASEAN's TC reports. They reflected the aspirations, objectives, rationale, and direction that ASEAN had developed in the combat against TC and are important to identify historical records that were phenomenal and significant to today's progress. Interpol and UNODC reports on TC operations conducted in collaboration with ASEAN member states were another set of primary data utilized. These are the key, especially in the analysis section, as they provided background information on the successful operations conducted so far and highlighted the role of various actors involved. This allowed for the examination of ASEAN's efforts against TC. Other supporting data consist of research articles on ASEAN's institutional design or norms and the idea of securitization, including definitions of TC. They provided an understanding of how ASEAN's current institutional design may impede or hinder efforts against TC. They also provided a counterbalance by showing instances where ASEAN's norms are eroded or side-lined, prioritizing plans to combat TC.

It should be noted that information regarding TC documented or reported by ASEAN, Interpol, and UNODC does not contain details of the TC operations or the specific roles played by each actor involved. This is because these can be sensitive information confidential to the public since they will be crucial to arrest operations of perpetrators of TC. As such, the main point in citing information from those reports remains to highlight challenges faced by authorities, actors involved, and actions required leading up to the execution of the operations. In this article, 'successful' operations of TC will be understood as operations where authorities and relevant organizations are able to achieve the operation's objectives.

### 4.1 Methods

The methods of analysis employed in this study were qualitative. Content analysis was used to examine the gathered literature and identify concerns, gaps, milestones, and significant efforts leading to the set-up of TC mechanisms and frameworks in ASEAN and theoretical frameworks related to securitization and comprehensive security. The findings from the literature analysis were synthesized and interpreted to provide an understanding of ASEAN's longstanding history with TC, gaps, current efforts and frameworks and challenges that will impede ASEAN's regional cooperation against TC and its implications on the Association's commitment to addressing TC.

## 4.2 Case studies

Two case studies, both depicting successful examples of ASEAN member states committing to regional operations to combat TC against human trafficking and cybercrime, are utilized. This is where we can see member states committing to regional cooperation and shedding a positive light on the efforts of ASEAN, which they could further strengthen to yield similar successes. TCs are identical in that they are transboundary and often difficult to track, persecute, or prosecute due to cross-border complications such as different laws and regulations and sovereignty issues. However, both human trafficking and cybercrime have slightly different aspects in that the latter was more developed in the latter half of the twentieth century due to technological advancement. With this, these two case studies provide a good balance as to the more conventional type of TC, as will be depicted by human trafficking, and the more globalized type of TC, as will be shown by cybercrime. Despite the differences, both still rely on good information sharing practices and regional cooperation or efforts to overcome the challenges involved. These two case studies signal the importance of inter-cooperation and support from external partners to combat their respective crimes.

## 5 Analysis

### 5.1 Case study 1: human trafficking

An Interpol-led operation, "Maharlika III," saw "law enforcement agencies from Brunei, Indonesia, Malaysia and the Philippines deploy to strategic points along known terrorist transit routes in Southeast Asia in a series of simultaneous law enforcement and border control actions" (Interpol, 2020) targeting perpetrators of human trafficking. Interpol, together with authorities of the respective member states, selected seven strategic locations around the Celebes and Sulu Seas, launching "simultaneous and coordinated enforcement actions, including sea patrols, passenger and vehicle checks, and secondary identity inspections on any suspicious individuals" (Interpol, 2020). Despite the onset of the COVID-19 pandemic, "the operation saw 82 victims of human trafficking, mainly young women aged between 20 and 30, rescued by Philippine authorities. In addition, Indonesian authorities identified and rescued a further 35 adults and 17 children (12 boys and 5 girls), aged between 10 and 15 years, arriving from Malaysia" (Interpol, 2020), showcasing the ease of borders "granting greater mobility to people" (ASEAN Secretariat, 2023b) and "facilitating the smuggling of people through various routes" (ASEAN Secretariat, 2023b). With this, more than 180 individuals, including a member of the terrorist Abu Sayyaf Group (ASG), were arrested between 24 February and 20 March 2020 during the COVID-19 pandemic outbreak (Interpol, 2020). This highlights the importance of border management and how the implementation of coordinated border control operations and joint patrols is an effective measure against the nature of TC. As previously mentioned in the article, border management varies according to member states and thus, is a weak link where, due to resource or capability limits, enforcement can be weaker in some member states. Mainly, since the operation region is scattered with

small islands and multiple border points, as noted by Interpol, it “presented a challenge to law enforcement seeking to crack down on the crime” (Interpol, 2020). Hence, tantamount to the success of Operation Maharlika III was the coordinated efforts between the participating member states to execute border patrols and arrests within the same period and information sharing of possible or confirmed travel routes used by terrorists and criminals in that region, especially during the global pandemic (Interpol, 2020).

In addition, the assistance of Interpol helped yield positive results for the operation by offering direct access to its global databases, allowing authorities to “run more than 13,000 checks on travel documents, firearms and nominal data” (ASEAN Secretariat, 2023b). Disrupting one of the routes commonly utilized by human traffickers is a successful example of ASEAN combatting TC and showcasing effective regional and international cooperation.

## 5.2 Case study 2: cybercrime

As highlighted in this article, the nature of cybercrime is extremely challenging given the ability of perpetrators to use enhanced encryption technologies to evade detection by law enforcement agencies, yet the level of threat they pose on the social level is immense given the excessive amount of money they can make through scam crime (MHA, 2021).

A “transnational joint operation supported by the Republic of Korea and coordinated by Interpol between September 2020 to March 2021” (MHA, 2021), Operation HAECHI-I “involved investigators and law enforcement agencies from Cambodia, Indonesia, Laos, the Philippines, Singapore, Thailand, Vietnam, China and Korea” (MHA, 2021). With more than 500 arrests made and US\$83 million intercepted across the Asia Pacific region, the operation could not have been successful without the joint efforts of each participating member state and partners from the ASEAN+3 countries. Furthermore, “between June and September 2021, the Singapore Police Force and the Royal Malaysia Police conducted a number of joint operations that led to several arrests in both countries and the dismantling of three transnational internet love and job scam crime syndicates” (MHA, 2021). This again highlights the importance of coordinated efforts and regional cooperation over “knowledge, intelligence, and capabilities” (MHA, 2021) to deter cybercrime.

Here, Interpol also plays a crucial role as a strategic partner, where the ASEAN Desk at the Interpol Global Complex for Innovation (IGCI) supports ASEAN through regional capability and capacity-building efforts. Furthermore, under Interpol, “the ASEAN Cyber Capability Desk, with support from the Singapore Government and the Japan-ASEAN Integration Fund (JAIF) 2.0 – to address the growing cyber threats in the region” (Interpol, 2023) was established. It was subsequently renamed as the ASEAN Cybercrime Operations Desk in 2020 “to better reflect its functions and operational relevance to the ASEAN countries” (Interpol, 2023).

Another coordinated effort is the establishment of the ASEAN CERT Incident Drill (ACID), which is a regional cybersecurity exercise designed to simulate cyber incidents and test response capabilities. Through ACID, member states share best practices,

exchange information, and enhance their incident response procedures (Kai Lin, 2023). Operation(s) and regional cooperation under cybercrime show that ASEAN indeed understands the importance of inter-cooperation and has proactively developed initiatives to facilitate related joint efforts. In this way, while transnational cyber threats are evolving in nature, “intelligence development, investigative support and operational coordination” (Interpol, 2023), which are crucial to information sharing, capacity building, and regional exercises, are continuously strengthened.

Moreover, member states such as Singapore have taken to strengthen public-private partnerships by hosting the 7th Senior Officials Roundtable on Cybercrime (SORC) held on 20 September 2021 where it “provided the opportunity for SOMTC leaders and Plus Three Dialogue Partner countries to meet industry partners to discuss the latest threats, trends, and collaborative initiatives to combat cybercrime” (MHA, 2021) since deterring cybercrime would very much depend on collaboration with the private sectors, such as telecommunications and banking where member states need to develop “more effective regulation of the online space to protect their citizens from cyber threats” (MHA, 2021). However, this again highlights a crucial gap in TC, which would be member states’ differential capabilities to deal with the similar nature of TC due to resource limits. In particular, this would be difficult to reconcile given the different pace of development each member state holds. Yet, it does not essentially doom ASEAN’s efforts as the very promotion of regional efforts and support from external partners such as Interpol and ASEAN’s dialogue partners are by itself proof of the Association’s understanding of its vulnerability and where it can direct its efforts to strengthen deterrence.

## 5.3 Future outlook on transnational crime

It would be noteworthy to elaborate that the “fear of terrorism in Southeast Asia since the attacks in the U.S. has lessened the importance given to other forms of TC” (Emmers, 2002). Consequently, this has led to uneven attention being directed toward different TC issues, resulting in policy networks unrelated to international terrorism coming to a halt. Despite ASEAN heads of state having securitized TC and assigned it priority status for receiving governmental support and organizational resources, the broadening scope of TC since the 1970s due to globalization – which fosters increased mobility among nation-states and exacerbates drug smuggling (Prayuda et al., 2021) – remains an ongoing challenge for ASEAN. The Association is still grappling with prioritizing the array of TC issues under consideration. Yet, this is not all that ASEAN would need to work on.

Moving beyond securitization, the “growing problem of TC in Southeast Asia could be dealt with more effectively at a regional level if it was approached primarily as a criminal matter rather than as a security issue” (Emmers, 2003b). While this may be ambitious in terms of harmonizing punitive measures and rules of law, this article believes that framing TC as a security issue was the initiation of getting member states to view TC politically and to gain “momentum necessary for the adoption of appropriate measures” (Emmers, 2003b). As discussed in the above sections, successful securitization of TC does not indicate successful deterrence or



eradication of TC. With the effectiveness of the securitization process supported by ASEAN frameworks, consensus over the risk of threats of TC is shared among ASEAN member states. Yet, it does not warrant collaboration over the issue. Reiterating the policy making process, TC policies often come to a standstill at the phase of decision making, thus inviting criticisms of lack of enforcement or implementation. Taking into consideration the maintenance of consensus building in ASEAN, the formulation of non-binding measures could be the most optimal result and even one that is considerably a significant milestone in ASEAN. This makes its “decision-making process inadequate to combat TC” (Emmers, 2003b) since ASEAN’s response will be defined by its role or responsibility to its own state and to a smaller extent its accountability to ASEAN. As such, securitization often leaves ASEAN’s response to TC between domestic priorities and a need for regional cooperation” (Emmers, 2003b). This allows us to reflect on a more effective and alternative viable pathway: seeking the criminalization of TC.

Through a deeper criminalization of the issues on TC, ASEAN would be able to combat TC more effectively by viewing TC as a “matter requiring a concrete judiciary response” (Emmers, 2003b) rather than a security concern warranting the need for a collective response or joint political instruments (Emmers, 2003b). This should be preceded by state capacity and the need to harmonize TC laws across all ASEAN countries. However, it will be an endpoint or rather a final goal of ASEAN seeking to eradicate TC.

## 6 Conclusion

In order to understand the implications of TC on the ASEAN region, this article examined the key strategies undertaken to combat TC, focusing on the milestones achieved and the challenges faced. Since forms of TC have evolved to include cybercrime in an increasingly globalized world, TC operations can become more “slippery” and its presence more hidden than before. This will put ASEAN’s capability to the test. Given that combatting TC relies heavily on cooperation between ASEAN members, member states would be expected to foster stronger ties in favor of information sharing. As such, it will be apt to look back on key documents established in the day to see if they remain relevant and/or helpful to current endeavors.

In conclusion, ASEAN will have to look beyond the securitising of TC, which has been relatively successful since concerns about organized crimes have been brought up at all ASEAN Summits since 1976. ASEAN action plans against TC could consider penal frameworks to discourage such crimes by formalizing rules or encouraging the active participation of all relevant agencies

of ASEAN member states for full effectiveness. However, the complexity of combatting TC needs to be acknowledged, where success can be hard to replicate even if coordinated efforts are ensured due to its “transnational” nature. The use of the concept of policy networks established by Howlett (2002) has highlighted the role member states play in decision making and, ultimately, shaping the outcomes in matters of TC. As such, it falls on the member states to understand and develop practical plans to combat TC, complementing their will and desire to eradicate TC and using regional and international cooperation platforms for effective outcomes.

Overall, this article acknowledges the changing nature of TC and how its looming presence threatens the region’s security and peace, especially in the post-COVID pandemic period, where organized crimes could impact the recovery trajectory of ASEAN economies and the vulnerable sectors of society. While ASEAN’s efforts to combat TC over the years are acknowledged, the Association must equip itself at the regional and national levels to take on current and potential challenges with closer partnerships with international organizations and like-minded countries.

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