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Co-Chairmen's Summary Report of the ARF Experts' Group Meeting (EGM) on Transnational Crime held in Seoul, 30-31 October 2000, and in Kuala Lumpur, 16-17 April 2001

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**CO-CHAIRMEN'S SUMMARY REPORT
OF THE ARF EXPERTS' GROUP MEETING
ON TRANSNATIONAL CRIME
HELD IN SEOUL, REPUBLIC OF KOREA
30-31 OCTOBER 2000
AND IN KUALA LUMPUR, MALAYSIA 16-17 APRIL 2001**

Introduction

1. Pursuant to the decision of 7th ARF SOM and 7th ARF Ministerial Meeting, held in Bangkok in May and July 2000 respectively, the Experts' Group Meeting (EGM) on Transnational Crime, co-chaired by Republic of Korea and Malaysia, was held in Seoul on 30-31 October 2000, back-to-back with the ISG on CBMs in Seoul, 1 - 3 November 2000. Following the decision of the Seoul ISG on CBMs, the second EGM was held in Kuala Lumpur on 16-17 April 2001, back-to-back with the ISG on CBMs in Kuala Lumpur, 18 – 20 April 2001.

**ARF EXPERTS' GROUP MEETING (EGM) ON
TRANSNATIONAL CRIME, 30-31 OCTOBER 2000, SEOUL,
REPUBLIC OF KOREA**

Introduction

2. Pursuant to the agreement reached at the 7th ARF SOM and ARF Ministerial Meeting, held in Bangkok in May and July 2000 respectively, the Experts' Group Meeting (EGM) on Transnational Crime, co-chaired by Malaysia and the Republic of Korea, was held in Seoul on 30-31 October 2000, prior to the first ISG Meeting on CBMs in the 2000/2001 intersessional year.

3. The EGM commenced with a plenary meeting to provide direction to the experts to ensure that their discussions would be relevant within the ARF context, followed by three separate sessions designed to explore the ARF's role and contribution in addressing the issues of piracy, illegal migration and illicit trafficking of small arms.

Plenary

4. The Meeting recognized that the EGM can contribute to building confidence in the ARF, and noted that the submission of Country Reports by a number of ARF countries facilitated the discussions on issues of transnational crime. In addition, CBMs such as seminars and workshops on transnational crime can be useful in raising awareness of this problem and proposing concrete actions. The Meeting noted that the EGM can play a valuable role in increasing regional awareness and complementing the work undertaken in other existing fora.

5. The Meeting recognized that issues of transnational crime need to be addressed through coordination and cooperation among ARF countries and some experts expressed the view that the EGM should continue to be convened. However, some experts also expressed reservations on the possibility of future EGM, especially in terms of mandate and the issues to be addressed by such EGM.

6. Subject to the mandate of the ISG on CBMs and ARF SOM to convene future EGM, some experts pointed out that future EGM should also discuss the nature of transnational crime and the linkages between them. Some experts also expressed the view that future EGM should include on their agenda such issues of transnational crime as drug trafficking, computer crime, money laundering and terrorism.

Piracy

7. The Meeting recognized that piracy is an increasingly serious transnational crime with regional security implications and that cooperation among ARF countries is required to address this problem. In this context, the experts regarded it important to focus on the regional security aspects of the issue and its relevance to the ARF.

8. The Meeting took note of the briefings by Japan and India on the outcomes of the "Regional Conference on Combating Piracy and Armed Robbery against Ships" held in Tokyo on 27-28 April 2000 and the "Workshop on Anti-Piracy" held in Mumbai on 18-20 October 2000.

9. In recognizing the efforts at the bilateral, regional and international levels, the Meeting agreed to take cognizance of existing mechanisms and urged the ARF countries to take the necessary and appropriate actions to implement the recommendations developed by the International Maritime Organization (IMO) and other international initiatives for preventing and suppressing piracy and armed robbery against ships.

10. The Meeting acknowledged that the ARF is an important forum to promote political and public awareness and enhance commitment and cooperation among ARF countries in addressing the issue of piracy. The Meeting noted the usefulness of possible cooperative measures under the ARF as suggested by some experts and encouraged ARF countries to consider them for discussion in the future. In view of the fact that there are various international definitions of piracy, the EGM could consider, among other things, the most appropriate definition and categorization in their subsequent discussions on piracy.

11. In recognizing the contributions of the IMO and International Maritime Bureau (IMB), including the Piracy Reporting Center (PRC) in Kuala Lumpur, the Meeting encouraged ARF countries to work closely with these organizations to promote the exchange of information and compilation of accurate statistics.

Illegal Migration

12. The Meeting recognized that illegal migration is becoming an increasing concern to countries in the Asia-Pacific region with its serious economic and social implications and potential to become a threat to regional security. The experts stressed the importance of closer cooperation and coordination among ARF countries.

13. The Meeting discussed the multifaceted characteristics of illegal migration, including people smuggling, and took note of how it was becoming more organized and diverse in scope. It also pointed out that illegal migration is closely inter-connected with other transnational crime.

14. The experts exchanged views on the current trends and characteristics of illegal migration in the Asia-Pacific region, identified some common difficulties and presented suggestions - for example, information sharing, coordination among law enforcement agencies, harmonization of legal mechanisms and raising public awareness - to counter illegal migration. The experts also agreed that bilateral and multilateral cooperation and coordination, along with a firm sense of national commitment, are of paramount importance.

15. The Meeting expressed general support for two of the protocols supplementing the United Nations Convention against Transnational Organized Crime, namely the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" and the Protocol against the Smuggling of Migrants by Land, Air and Sea," and recognized the role of the ARF in encouraging countries to support the above Convention and two protocols. A number of experts also noted the key role of the inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) in providing a forum to develop and implement coherent and sustainable strategies to deal with illegal migration.

16. In light of the diversity in the region, a number of reasons may be attributed to the rise in illegal migration and thus, activities to address this challenge should be relevant to each country's unique background and needs. In addition, some experts pointed out that the issue of illegal migration should be comprehensively dealt with by countries of origin, transit and destination, if it is to be effectively addressed. Concerns were also expressed that measures to curb illegal migration should not restrict the orderly movement of people.

Small Arms

17. The Meeting recognized that illicit trafficking in small arms poses a danger to the well-being of citizens, economic and social development, and regional security. In their deliberations, the experts took account of both global and regional initiatives developed to combat the excessive and destabilizing accumulation of and trafficking in small arms. It was agreed that any initiative must take into account the specific regional characteristics of the problem.

18. A number of measures were suggested to deal with illicit trafficking, such as information exchanges on best practices and national legislation and improved cooperation among law enforcement agencies. Most experts expressed support for the early completion of the negotiations in Vienna on the Firearms Protocol. Some experts suggested that the ARF could play a role in the implementation of the protocol at the regional level.

19. Many experts expressed the view that states have the right to procure small arms and light weapons in order to fulfill their legitimate defense and security needs. In order to prevent the illicit trade in small arms, experts suggested that states should ensure that all transfer are conducted responsibly. In addition, a number of experts raised the possibility that the ARF countries exchange information concerning the illicit transfer of small arms.

20. The 2001, UN Conference on the Illicit Trade in Small Arms and Light Weapons In All Its Aspects was viewed in the Meeting as the main forum for international action to deal with this problem. In this context, the ARF countries were encouraged to play an active role in the 2001 process. . The Meeting also took note of the Canada/Japan/Cambodia co-sponsored "Seminar on Conventional Arms Transfers" scheduled for February 2001, which will include discussions on small arms.

21. Australia circulated a working paper on "Possible ASEAN Regional Forum Actions on Small Arms." In particular, it suggested that the ARF consider developing a statement or declaration as a contribution to the 2001 UN Conference. Some experts supported this proposal while there was the view that it would require further study.

ARF EXPERTS' GROUP MEETING (EGM) ON
TRANSNATIONAL CRIME, 16-17 APRIL 2001, KUALA
LUMPUR, MALAYSIA

Plenary

22. Representatives from all ARF member countries except Mongolia attended the second EGM on Transnational Crime, 16 — 17 April 2001 in Kuala Lumpur. The meeting adopted the Provisional Agenda and Programme of Activities. The list of delegation, Provisional Agenda, Annotated Agenda and Programme of Activities appear as Annexes A, B and C respectively.
23. The EGM started with a plenary session to provide direction to the experts, followed by three separate sessions on piracy, illegal migration and illicit trafficking of small arms based on the Co-Chairs' discussion paper on the EGM which appears as Annex D.
24. The Meeting had an exchange of views on the EGM as a whole including its future. It was generally agreed that the EGM had been useful in facilitating discussions on transnational crime among the ARF participants. Given the serious implications of transnational crime to security and peace in the region, the Meeting recognized the need to continue discussions and cooperation among the ARF participants to effectively address this issue.
25. Some experts were of the view that there was insufficient time at the EGM to discuss the issues of transnational crime in depth. Others expressed their views that the EGM should discuss a broader array of transnational crime such as drug trafficking, cyber crime, money

laundering and terrorism. Some other experts felt that concrete measures should be identified in the three existing areas namely piracy, illegal migration and illicit trafficking of small arms before broadening the scope to include other transnational crime. Some experts suggested that, subject to the mandate of the ARF SOM, additional discussions on transnational crime could be held in alternative formats such as ad hoc workshops or seminars. The outcome of the seminars and workshops would be reported to the Intersessional Support Group on Confidence Building Measures (ISG on CBMs).

Piracy

26. The Meeting had an extensive exchange of views on definition and categorization of piracy in order to develop appropriate measures and responses in combating piracy within ARF framework. Some ARF members recognised that regardless of wherever the crime occurred, the act of piracy could be broadly categorised into two categories (ship hijacking and armed robbery at sea) that have a regional security dimension. The Meeting recognised the importance of regional cooperation in combating piracy in these two categories. Petty theft on board ships in ports, harbours and internal waters should be dealt with effectively by the appropriate local authorities.

27. The Meeting explored greater cooperation among the ARF participants including appropriate measures to be taken by the relevant authorities in dealing with problems of piracy. The Meeting took note of the existence of various national and international instruments to combat the crime and stressed on the importance of their implementation.

28. The Meeting expressed general support for concrete and practical measures to be taken in enhancing regional cooperation to combat piracy, specifically:

- The need to establish operational contact points among appropriate ARF enforcement agencies;
- Sharing and circulation of information/experiences on the best practices to combat piracy among ARF countries;
- Maintaining close cooperation including making consistent piracy reporting to the IMO/IMB; and
- The need to provide better training and exposure for coast guard or equivalent authorities.

29. Some experts were of the view that participating countries which have not yet ratified the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome Convention) should do so as soon as possible.

30. The Meeting also had an exchange of views on the future directions on piracy matters. The experts generally felt that the discussion so far had been useful and agreed that it could be continued in the future.

Illegal Migration

31. The Meeting reviewed the outcome of the discussion on illegal migration at the Seoul EGM on Transnational Crime. The Meeting continued to exchange views and experiences in combating illegal migration.

32. The Meeting was informed that some participating countries have signed the United Nations Convention against Transnational Organized Crime and its two supplementing protocols namely the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" and the "Protocol against the Smuggling of Migrants by Land, Air and Sea". There was general support to encourage other participating countries to take necessary actions to sign and ratify the UN Convention and its two protocols. Some experts expressed views that it should not infringe states' sovereign rights to implement their laws and regulations pertaining to this issue.

33. The Meeting was of the view that illegal migration still constituted an issue of common concern for the ARF. They stressed the importance of close cooperation and coordination among participating countries in addressing the issue in view of its serious economic, social and security implications to the Asia-Pacific region.

34. The Meeting was of the view that the issue of illegal migration has been extensively discussed at the Seoul and Kuala Lumpur EGMS. Further, they noted that the issue has also been discussed in parallel in other fora at regional and international levels such as the inter-governmental Asia-Pacific Consultations on Refugees, Displaced

Persons and Migrants (APC). Some experts also expressed the view that, if necessary, the issue of illegal migration could be addressed through seminars or workshops which among others could serve to identify gaps in capabilities of ARF countries in addressing this issue.

Illicit Trafficking of Small Arms

35. The Meeting took note of the report on the outcome of the ARF CBMs Seminar on Conventional Weapons Transfers held in Phnom Penh, Cambodia on 21 - 22 February 2001 (Annex E). The experts generally agreed that various recommendations of the seminar could be adopted by member countries in addressing this issue in the context of regional co-operation. The Meeting also took note of the efforts undertaken by member countries at their national level towards combating illicit trafficking of small arms.

36. The Meeting generally agreed that there should be a concerted effort towards combating illicit trafficking of small arms. In this regard, the Meeting was of the view that the United Nations should take the lead in addressing this issue in particular the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. Some experts were of the view that regional approaches could be reflected in the UN process. The Meeting also took note of the various initiatives undertaken to curb the illicit trafficking of small arms including the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition supplementing the United Nations Conventions against Transnational Organised Crime.

37. Some experts were of the view that participating countries could explore possibilities for cooperation in areas such as personnel training, sharing of information and cooperation among enforcement agencies.

38. The Meeting had an extensive exchange of views on Australia's draft Declaration on Small Arms and Light Weapons (Annex F). Some experts were of the view that the draft declaration was an expression of political will of the ARF countries to cooperate in addressing the problem of illicit trafficking of small arms. They proposed that the ISG recommend that the ARF SOM adopt the draft declaration as a regional contribution to the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Some experts, however, noted that the text of the draft declaration had not been thoroughly explored by the ARF members and yet others proposed that the main elements of the draft declaration be reflected in the EGM Co-Chairs Summary Report instead.

39. The Meeting agreed to recommend to the ISG that the ARF members would forward their comments and views on the text of the draft declaration to Australia for further consideration by the ARF SOM.

Country Report

40. Following participating countries submitted their country reports at the Seoul EGM :

40.1 Australia - Country Report on Piracy and
Illegal Migration

- 40.2 Brunei - Country Report on Illegal Migration
Darussalam
- 40.3 Cambodia - Country Report on Piracy and
Illegal Migration
- 40.4 Canada - Country Report on Illegal Migration

- Country Report on Small Arms and
Light Weapons
- 40.5 Japan - Country Report on Piracy, Illegal
Migration and Small Arms
- 40.6 Laos - Country Report on Illegal Migration
- 40.7 Malaysia - Country Report on Piracy, Illegal
Migration and Small Arms
- 40.8 Myanmar - Country Report on Piracy
- 40.9 New Zealand - Country Report on Piracy, Illegal
Migration and Small Arms
- 40.10 Philippines - Country Report on Piracy
- 40.11 Rep. of Korea - Country Report on Piracy, Illegal
Migration and Small Arms

- 40.12 Singapore - Country Report on Piracy and Illegal Migration
- 40.13 Thailand - Country Report on Small Arms
- 40.14 United States - Country Report on Piracy, Illegal Migration and Small Arms

41. The following participating countries submitted their country reports:

- 41.1 Cambodia - Country Brief on Small Arms and Light Weapons for the Experts' Group Meeting (EGM) (Annex G)
- 41.2 China
 - Country Report National Report on Cracking Down on International Piracy Crimes (Annex H)
 - Country Report National Report on Combating Illegal Immigration and Human Smuggling (Annex I)
 - Country Report on Cracking Down on Small Arms Smuggling (Annex J)
- 41.3 Republic of Korea - Country Report by Republic of Korea (updated)
(Annex K)

- 41.4 Malaysia - Country Report on Piracy and Armed Robbery at Sea (Annex L)
- 41.5 Myanmar - Country Report on Illegal Migration (Annex M)
- Country Report on Illicit Trafficking of Small Arms (Annex N)
- 41.6 New Zealand - Country Report (Annex O)
- 41.7 Singapore - Country Report on Small Arms and Light Weapons (Annex P)