

# **ASEAN DOCUMENTS ON COMBATING TRANSNATIONAL CRIME AND TERRORISM**

**A Compilation of ASEAN Declarations,  
Joint Declarations, and Statements on Combating  
Transnational Crime and Terrorism**

Security Cooperation Division  
ASEAN Political-Security Department



one vision  
one identity  
one community

The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967. The Member States of the Association are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The ASEAN Secretariat is based in Jakarta, Indonesia.

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## List of Abbreviations and Acronyms

ACCORD	: ASEAN and China Cooperative Operation in Response to Dangerous Drugs
ACCT	: ASEAN Convention on Counter-Terrorism
ACOT	: ASEAN Centre on Transnational Crime
ACPF	: Asia Crime Prevention Foundation
ACSS	: APEC Cyber Security Strategy
ACTC	: ASEAN Centre for Combating Transnational Crime
ACTTF	: APEC Counter Terrorism Task Force
ACW	: ASEAN Committee on Women
ADB	: Asian Development Bank
ADSTC	: ASEANAPOL Database System Technical Committee
ADSWG	: ASEANAPOL Database System Working Group
AESI	: APEC Energy Security Initiative
AGLOP	: ASEAN Government Law Officials Programme
AGM	: Attorneys-General Meeting
AICFT	: APEC Initiatives on Countering the Financing of Terrorism
AIFOCOM	: AIPO Fact Finding Committee on the Drug Menace
AIIF	: ASEAN Immigration Intelligence Forum
AIPA	: ASEAN Inter-Parliamentary Assembly
AIPO	: ASEAN Inter-Parliamentary Organization
ALAWMM	: ASEAN Law Ministers Meeting
ALIA	: ASEAN Legal Information Authority
ALF	: ASEAN Law Forum
AMCs	: ASEAN Member Countries
AMM	: ASEAN Ministerial Meeting (Foreign Affairs)
AMMTC	: ASEAN Ministerial Meeting on Transnational Crime
APEC	: Asia-Pacific Economic Cooperation
APG on AML	: Asia Pacific Group on Anti-Money Laundering
ARF	: ASEAN Regional Forum
ASC	: ASEAN Standing Committee
ASC	: ASEAN Security Community
ASCCO	: ASEAN Security Community Coordinating Conference
ASEAN	: Association of Southeast Asian Nations
ASEANAPOL	: ASEAN Chiefs of National Police Conference
ASLOM	: ASEAN Senior Law Officials Meeting
ASOD	: ASEAN Senior Officials Meeting on Drug Matters
ATC	: (CIS) Anti-Terrorist Centre
ATF	: Anti-Terrorism Task Force
ATS	: Amphetamine-Type Stimulants
AUSTRAC	: Australian Transaction Report and Analysis Centre

BCBS	: Basle Committee of Banking Supervisors
CBI	: (Indian) Central Bureau of Investigation
CID	: Criminal Investigation Department/Division
CIQS	: Customs, Immigration, Quarantine and Security agencies
CIS	: Commonwealth of Independent States
CMBs	: Confidence-Building Measures
CNB	: Central Narcotic Bureau (Singapore)
CNP	: Cambodian National Police
CT	: Counter-Terrorism
CTAG	: (G-8) Counter Terrorism Action Group
DEA	: (US) Drug Enforcement Agency
DDB	: Dangerous Drugs Board (the Philippines)
DGICM	: ASEAN Directors-General of Immigration Departments and Heads of Consular Divisions of Ministries of Foreign Affairs Meeting
DPs	: (ASEAN) Dialogue Partners
e-ADS	: Electronic ASEANAPOL Database System
EAG	: Euro-Asian Group on Combating Money Laundering and Financing of Terrorism
EC	: European Commission
ECO	: Economic Cooperation Organization
EU	: European Union
FASA	: Federation of ASEAN Ship-owners' Association
FATF	: Financial Action Task Force
FBI	: (US) Federal Bureau of Investigation
FIU	: Financial Intelligence Unit
FSF	: Financial Stability Forum
G-77	: Group of 77 Countries
G-8	: Group of 8 Countries
HONLEA	: Heads of National Drug Law Enforcement Agencies Meeting
I-24/7	: Intelligent network /24 hours/7days/week (Interpol)
IAEA	: International Atomic Energy Agency
ICAO	: International Civil Aviation Organization
ICPO-Interpol	: International Criminal Police Organization – Interpol
ICT	: Information and Communication Technology
IDEC	: International Drug Enforcement Conference
IFIs	: International Financial Institutions
IFNGO	: International Federation of NGOs
ILEA	: International Law Enforcement Academy (Bangkok)
IMF	: International Monetary Fund
IMO	: International Maritime Organization
INP	: Indonesian National Police
IOM	: International Organization for Migrants
IOR	: Instrument of Ratification
ISG on CBM	: ARF Inter-sessional Support Group on Confidence Building Measures
ISG on DM	: Inter-sessional Support Group on Disaster Management
ISM on CT-TC	: ARF Inter-sessional Meeting on Counter-Terrorism and Transnational Crime
ISIS	: Institute of Strategic and International Studies
JASPOC	: Joint ASEAN Senior Police Officers' Course

JCLEC	: Jakarta Centre for Law Enforcement Cooperation (Semarang)
JD	: Joint Declaration
JEWG	: Joint Experts Working Group
JWG	: Joint Working Group
LBI	: Legal Binding Instrument
LINKS	: Legal Information Network Systems
MANPADS	: Man-Portable Air Defence Systems
MLAT	: Treaty on Mutual Legal Assistance in Criminal Matters-Among ASEAN Member Countries
MOHA	: Ministry of Home Affairs
MOI	: Ministry of Interior
MOIS	: Ministry of Internal Security
MOJ	: Ministry of Justice
MOU	: Memorandum of Understanding
MPF	: Myanmar Police Force
MPS	: Ministry of Public Security
NACD	: National Authorities for Combating Drugs (Cambodia)
NCB	: Narcotics Control Bureau (Brunei Darussalam)
NCB-Interpol	: National Central Bureau for Interpol
NGOs	: Non-Governmental Organizations
NNB	: National Narcotics Board (Indonesia, also known as BNN)
NWS	: Nuclear Weapon States
OAS	: Organization of American States
OECD	: Organization for Economic Cooperation and Development
ONCB	: Office of Narcotics Control Board (Thailand)
OSCE	: Organization for Security and Cooperation in Europe
PCC	: Project Coordinating Committee (Meeting)
PDEA	: Philippine Drug Enforcement Agency
PMO	: Prime Minister's Office
PNP	: Philippine National Police
PSI	: Proliferation of Security Initiative
RATS	: Regional Anti-Terrorist Structure (Russian Federation)
RMAL	: Regional Management Alert List (ASEANAPOL)
RMP	: Royal Malaysian Police
ROK	: Republic of Korea
RPS	: Regional Partnership Scheme
RTP	: Royal Thai Police
SAARC	: South Asia Association for Regional Cooperation
SALW	: Small Arms and Light Weapons
SAR	: Search and Rescue
SAR	: Special Administrative Region (China and Myanmar)
SAREX	: Search and Rescue Exercise
SCO	: Shanghai Cooperation Organization
SEARCCT	: South East Asia Regional Centre for Counter-Terrorism (KL)
SODC	: Standing Office for Drug Control (Viet Nam)
SOMTC	: ASEAN Senior Officials Meeting on Transnational Crime
SOP	: Standard Operating Procedures
SPF	: Singapore Police Force



SPF	: South Pacific Forum
STAR	: Secure Trade in the APEC Region
STOM	: Senior Transport Officials Meeting
SWPD	: South West Pacific Dialogue
TC	: Transnational Crime
TELMIN	: Telecommunication Ministers Meeting
TELSOM	: Telecommunication Senior Officials Meeting
TIP	: Trafficking in Persons
TNCC	: Transnational Crime Centre
TOC	: Transnational Organised Crime
TOR	: Terms of Reference
UN	: United Nations
UNAFEI	: United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
UNCICP	: United Nations Centre for International Crime Prevention
UNCTC	: UN Counter-Terrorism Committee
UNDCP	: United Nations International Drug Control Programme
UNDP	: United Nations Development Programme
UNGA	: United Nations General Assembly
UNODC	: United Nations Office on Drugs and Crime
UNSC	: United Nations Security Council
VAP	: Vientiane Action Programme
WB	: World Bank
WG	: Working Group
WMD	: Weapon of Mass Destruction





# TRANSNATIONAL CRIME



# ASEAN Declaration on Transnational Crime

Manila, Philippines, 20 December 1997

WE, the ASEAN Ministers of Interior/Home Affairs and Representatives of ASEAN Member Countries, participating in the first ASEAN Conference on Transnational Crime held in Manila on 18-20 December 1997;

**CONCERNED** about the pernicious effects of transnational crime, such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy on regional stability and development, the maintenance of the rule of law and the welfare of the region's peoples;

**RECOGNIZING** the need for clear and effective regional modalities to combat these forms of crimes, especially on the aspect of information exchange and policy coordination;

**RECALLING** the Naples Political Declaration and Global Plan of Action of 23 November 1994, which sought international solidarity and effective legal cooperation against these forms of crime;

**RECALLING FURTHER** the Baguio Communique adopted during the first International Conference on Terrorism held in Baguio City, Philippines, on 18-21 February 1996, which endeavoured to enhance international cooperation against all forms of terrorism through such modalities as intelligence-sharing, coordinated policies and law enforcement training;

**NOTING** the decision of the 29<sup>th</sup> ASEAN Ministerial Meeting (AMM) in Jakarta in July 1996 on the need to focus attention on such issues as narcotics, economic crimes, including money laundering, environment and illegal migration which transcend borders and affect the lives of the people in the region, and the urgent need to manage such transnational issues so that they would not affect the long term viability of ASEAN and its individual member nations;

**ENDEAVOURING** to further the decision of the First Informal ASEAN Summit in November 1996 in Jakarta to request the relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition;

**PURSUANT** to the decision of the 30<sup>th</sup> AMM in Kuala Lumpur in July 1997 which stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking in people, illicit drugs and arms and piracy;

**AFFIRMING** the agreement among Heads of Government during the Second Informal Summit in December 1997 in Kuala Lumpur to take firm and stern measures to combat transnational crime such as drug trafficking and trafficking of women and children, as well as other transnational crime; and,

**CONVINCED** that the continuity of existing global framework against transnational crime rests on consolidated regional action in the institutional and operational spheres:

## **HAVE RESOLVED TO CONFRONT THE PROBLEM OF TRANSNATIONAL CRIME THROUGH THE FOLLOWING MEASURES:**

1. **Strengthen** the commitment of Member Countries to cooperate at the regional level in combating the transnational crime;

2. **Convene** at least once every two years ASEAN Ministerial Meeting on Transnational Crime in order to coordinate activities of relevant ASEAN bodies, such as the ASEAN Senior Officials on Drug Matters (ASOD) and the ASEAN Chiefs of National Police (ASEANAPOL);
3. **Hold** discussions with a view to signing mutual legal assistance agreements, bilateral treaties, memorandum of understanding or other arrangements among Member Countries;
4. **Consider** the establishment of an ASEAN Centre on Transnational Crime (ACOT) which will coordinate regional efforts against transnational crime through intelligence sharing, harmonisation of policies and coordination of operations;
5. **Convene** a high-level ad-hoc Experts Group within one year to accomplish the following with the assistance of the ASEAN Secretariat:
  - a. ASEAN Plan of Action on Transnational Crime,
  - b. Institutional Framework for ASEAN Cooperation on Transnational Crime, and,
  - c. Feasibility study on the establishment of ACOT;
6. **Encourage** Member Countries to consider assigning Police Attaches and/or Police Liaison Officers in each other's capital in order to facilitate cooperation for tackling transnational crime;
7. **Encourage** networking of the relevant national agencies or organizations in Member Countries dealing with transnational crime to further enhance information exchange and dissemination;
8. **Expand** the scope of Member Countries' efforts against transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and to request the ASEAN Secretary-General to include these areas in the work programme of the ASEAN Secretariat;
9. **Explore ways** by which the Member Countries can work closer with relevant agencies and organizations in Dialogue Partner countries, other countries and international organizations, including the United Nations and its specialised agencies, Colombo Plan Bureau, Interpol and such other agencies, to combat transnational crime;
10. **Cooperate and coordinate more closely** with other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs in the investigations, prosecution and rehabilitation of perpetrators of such crimes; and,
11. **Strengthen** the ASEAN Secretariat's capacity to assist the Member Countries in initiating, planning, and coordinating activities, strategies, programmes and projects to combat transnational crime.

SIGNED this 20<sup>th</sup> day of December 1997 in Manila, Philippines.

**Dato Paduka Haji Abidin bin Orang Kaya Periwara Abd. Rashid**

Acting Minister of Home Affairs

Brunei Darussalam

**Yogie S. Memet**

Minister of Home Affairs

Republic of Indonesia

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Embassy of the Republic of Singapore in the Philippines

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Charge d'Affaires  
Embassy of the Kingdom of Thailand in the Philippines

**Le Minh Huong**

Minister of Interior  
The Socialist Republic of Viet Nam

# Manila Declaration on the Prevention and Control of Transnational Crime (1998)

Manila, Philippines, 25 March 1998

## INTRODUCTION

1. The General Assembly, in its resolution 49/159, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex) adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and urged States to implement them as a matter of urgency. The General Assembly, in its resolution 51/120, requested the Commission on Crime Prevention and Criminal Justice to consider, as a matter of priority, the question of the elaboration of an international convention against transnational crime. On the recommendation of the Commission, and the Economic and Social Council, the General Assembly in its resolution 52/85, decided to establish an inter-sessional open-ended intergovernmental working group of experts for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission on Crime Prevention and Criminal Justice at its seventh session. Pursuant to that resolution and thanks to the generosity of the Government of Poland, the meeting was held on 2-6 February 1998 in Warsaw (Poland).
2. On the recommendation of the Commission, contained in draft resolution I adopted at its fifth session, the General Assembly adopted, by its resolution 51/59, the International Code of Conduct for Public Officials. By its resolution 51/191 of 16 December 1996, the Assembly also adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.
3. Pursuant to the above-mentioned resolutions, the Asian Regional Ministerial Meeting on Transnational Crime was held at Manila from 23 to 25 March 1998 on the invitation of the Government of the Philippines.

## I. RECOMMENDATIONS

4. The Regional Ministerial Meeting on Transnational Crime unanimously adopted the Manila Declaration on the Prevention and Control of Transnational Crime, presented below.

# Manila Declaration on the Prevention and Control of Transnational Crime

Manila, Philippines, 25 March 1998

**We**, Ministers and Representatives of the States participating in the Asia Regional Ministerial Meeting on Transnational Crime, held at Manila, Philippines, from 23 to 25 March 1998, organized by the United Nations Centre for International Crime Prevention, with the Government of the Philippines acting as the Host;

**Assembled** for the purpose of promoting regional and international cooperation to combat transnational crime and to devise modalities to improve the capacity of our countries to respond more effectively to the threats we are facing;

**Reiterating** the importance of implementing the principles contained in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, as well as other pertinent United Nations instruments;

**Convinced** of the need for effective national and regional action against transnational crime, particularly in view of its serious debilitating effects on democratic institutions, the maintenance of the rule of law and the development process;

**Mindful** of the crucial importance of action against transnational crime, including organized crime, drug trafficking, terrorism, trafficking in human beings and various forms of financial crimes and corruption, and the need for appropriate legislation and regulatory measures, as well as of an efficient and fair criminal justice system;

**Conscious** of the important role played by the United Nations in fostering international cooperation and developing practical strategies to prevent and combat transnational crime in all its forms and dimensions;

**Bearing in mind** the Shizuoka Declaration of the Sixth Asia Crime Prevention Foundation Conference on Crime Prevention and Criminal Justice, held in Tokyo and Shizuoka, Japan, from 28 October to 1 November 1997;

**Bearing in mind** also the ASEAN Declaration on Transnational Crime of 20 December 1997 which called for the expansion of the scope of the efforts of member countries to combat transnational crime such as terrorism, drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and the exploration of ways by which the member countries can work closer with relevant agencies and organizations, including the United Nations and its specialized agencies;

## Hereby declare:

1. We recognize that organized transnational crime undermines civil society, distorts legitimate markets and destabilizes States. Criminal groups are creative in their endeavours in establishing alliances in the region and in other parts of the globe by taking advantage of gaps and weaknesses in international cooperation in criminal matters.
2. We are concerned about the increase and expansion of organized criminal activities, such as trafficking in human beings, transnational exploitation of women and children, drug trafficking, trafficking in firearms and motor vehicles, illegal trade in cultural objects and natural resources including flora and fauna, money laundering and other forms of financial crimes and corruption. We express our determination and political will to take concrete action by, among other measures:
  - (a) promoting national and regional action against transnational crime and corruption;
  - (b) developing effective strategies aimed at defeating the economic power of criminal organizations, dismantling

their alliances and support networks and developing effective mechanisms capable of bringing members and leaders of criminal groups to justice;

- (c) improving the functioning of our institutions, in particular the criminal justice systems, reviewing, modernizing and harmonizing, as appropriate, existing laws and regulations to ensure their continued relevance, efficiency and adaptability to modern manifestations of organized crime;
  - (d) enacting new laws and regulations, responding to the complexity and sophistication of various forms of transnational crime, so as to bridge the gaps in legal systems which can be exploited by organized criminal groups;
  - (e) strengthening the capacity of our law enforcement agencies and criminal justice personnel, and upgrading their skills through specialized training in the area of transnational crime, money laundering and other economic offences, including corruption, and the elaboration of the required training materials;
  - (f) implementing existing and developing new regional programmes aiming at the implementation of the various recommendations of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,
  - (g) intensifying cooperation and coordination at the national level among relevant agencies to deal with various forms of transnational crime; and
  - (h) fostering close collaborative ties with international organizations, in particular Interpol and relevant non-governmental organizations.
3. We also recognize that the Asia and Pacific region is witnessing rapid economic and political changes, together with advancements in communications and technology. These developments not only stimulate closer contacts with global markets, but also facilitate linkages between criminal organizations and allow joint criminal ventures. We note that the use and exploitation of computers and telecommunications technology for criminal activities have increased.
  4. We call upon States that are not yet parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to ratify or adhere to it without delay and to implement it fully.
  5. We realize that organized crime, drug trafficking, corruption and other economic crime generate large profits, which are used in illegal activities and to infiltrate legitimate businesses and financial enterprises, affecting negatively the development processes of our countries. It is therefore imperative that we prevent and control money laundering by, inter alia :
    - (a) developing modern and adequate investigation and information-gathering techniques to prevent criminals from manipulating and using the financial systems to disguise the origin of assets and funds, and developing complex structures that make detection unlikely and the collection of evidence difficult; and complementing this approach by actively encouraging and securing the cooperation of financial institutions and the business community through appropriate regulations and mechanisms;
    - (b) when appropriate, revising existing laws and regulations and enacting new laws, in order to integrate therein provisions on money laundering, in particular, those dealing with the extension of anti-money laundering measures to cover all serious offences and the reporting of suspicious transactions to appropriate authorities, combined with effective implementation mechanisms to ensure prevention and control of the laundering of the proceeds of crime; and
    - (c) supporting the Global Programme Against Money Laundering, developed by the United Nations International Drug Control Programme (UNDCP) and the Centre for International Crime Prevention, with a view to having cooperation activities with these entities to address the needs of the region in this field by paying particular attention to institution building and training of personnel.
  6. We reiterate the view that corruption in various forms, including corruption and bribery in international commercial transactions, and their linkages with the various forms of organized crime undermine the values of democracy and morality and jeopardize the social, economic and political development of the countries of our region. Therefore, we confirm our commitment to combat all corrupt practices by, among other measures:
    - (a) developing prevention and control measures to promote a culture of accountability and transparency, with the active involvement and support of the public;



- (b) developing comprehensive anti-corruption programmes, including administrative, civil, procedural and criminal legislation, as well as regulatory provisions and administrative action;
  - (c) putting into effect, as appropriate, the various provisions of the International Code of Conduct for Public Officials, adopted by the General Assembly in its resolution 51/59, the United Nations Declaration on Public Security, adopted by the General Assembly in its resolution 51/60, and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, adopted by the General Assembly in its resolution 51/191 as well as the recommendations of the Expert Group Meeting on Corruption, held in Buenos Aires, 17 - 21 March 1997, in order to strengthen national institutions and call attention, at national and international levels, to the need for addressing the problems of corruption and bribery.
7. We note that the phenomena of corruption and bribery have become transnational in nature. Consequently, we encourage the Commission on Crime Prevention and Criminal Justice, in accordance with its existing mandate, to examine the feasibility of a global convention against corruption and bribery, taking into consideration successful initiatives in this field, such as the 1996 Inter-American Convention against Corruption, adopted by members of the Organization of American States, and the Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions, adopted in 1997 by the OECD members and a number of non-OECD members.
8. We are convinced that combating the above-mentioned forms of crime requires concerted action at all levels. As these crimes transcend national boundaries, international cooperation is essential, complemented by collaborative ties at the regional and sub-regional levels. To that end, we are determined that our efforts should be focused on the following actions:
- (a) creating the necessary infrastructures for regional and sub-regional cooperation of criminal justice institutions and law enforcement agencies to detect, investigate and effectively prosecute various forms of transnational crime with special emphasis on organized crime and corruption, taking full advantage of the experience of existing bilateral and regional arrangements;
  - (b) intensifying the exchange of information and experience regarding the occurrence and patterns of organized crime and corruption, benefiting from best practices applied in different countries, and taking into account developments in the region.
9. We recognize the urgent need to make progress in vigorously promoting international cooperation in criminal matters. In this regard, we urge that special attention be given to extradition, mutual assistance, witness protection, transfer of prisoners, seizure and forfeiture of the proceeds of crime, as well as to other forms of regional and international cooperation in criminal matters. Towards that end we encourage focus on the following cooperation modalities, bearing in mind the differences in our legal systems:
- (a) reviewing and updating our extradition and mutual assistance arrangements or agreements, or concluding such arrangements, as appropriate, so as to facilitate the application of extradition, mutual assistance and witness protection laws and practices among the countries of the region;
  - (b) in concluding bilateral or regional agreements, efforts should be made to include provisions on simplified extradition procedures, taking into account the need for each country to have its own extradition law and to respect safeguards contained in that law;
  - (c) establishing national central authorities to process requests for extradition and mutual assistance and putting in place mechanisms that would ensure coordination between competent national authorities; and
  - (d) making full use of the United Nations Model Treaties on International Cooperation in Criminal Matters when concluding bilateral, subregional or regional agreements or arrangements in this field, and taking full advantage of the expertise of the United Nations Commission on Crime Prevention and Criminal Justice regarding modalities of cooperation in criminal matters.
10. We welcome the results achieved by the inter-sessional open-ended intergovernmental group of experts on the elaboration of a draft international convention against organized transnational crime, which met in Warsaw, Poland, from 2 to 6 February 1998. We believe that the outline of options for contents of the convention serves as a solid basis for its further elaboration. We strongly support such an endeavor and confirm our commitment to play an active role in the efforts to resolve differences and overcome conceptual or substantive

difficulties so that the process can move with speed towards its conclusion. We urge the Commission on Crime Prevention and Criminal Justice to take advantage of the existing momentum and the consensus achieved on the desirability of such a convention, with a view to speeding up the process of its drafting and finalizing such a project as soon as possible.

11. We are convinced that, in order to achieve progress in combating the various forms of crime mentioned above, the capacities of our crime prevention and criminal justice infrastructures should be strengthened. Technical assistance and advisory services provided by regional and international organizations are essential for many of the countries in our region, particularly those which are undergoing economic hardships and do not possess the means to institute effectively appropriate reforms and changes.
12. We believe that technical assistance should respond to the specific needs of the countries of the region and take account of the following issues:
  - (a) strengthening national capacities, including the creation of specialized structures capable of dealing with the complexity of organized crime;
  - (b) establishing arrangements for the systematic collection, collation and analysis of data on structures, functions and manifestations of organized transnational crime, including trafficking in human beings, money laundering and corruption, and using such data in the development and implementation of appropriate policies should be pursued;
  - (c) exchanging information regarding legislative measures in order to assist in enactment of new legislation in response to newly emerging patterns of crime;
  - (d) organizing training courses and seminars for law enforcement and criminal justice personnel and developing training materials such as manuals and training curricula, with a view to upgrading their skills, promoting the exchange of experiences and know-how;
  - (e) developing and implementing bilateral, subregional, regional and international treaties on cooperation in criminal justice matters, drawing on the expertise of regional States and the United Nations; and
  - (f) ensuring that the sectors of society that may be involved in transnational crime by reason of poverty and similar circumstances be provided with effective and sustainable alternative sources of livelihood and/or provided with opportunities to put their talents to legitimate use.
13. We recognize the important role played by the United Nations Centre for International Crime Prevention in providing technical assistance and advisory services. Its role in facilitating the creation of joint initiatives and the formulation and implementation of technical cooperation projects, involving not only the interested developing countries but also other interested countries and relevant agencies, should be enhanced, with a view to maintaining efficient criminal justice systems as an essential element of development efforts. The resources for the Centre should be strengthened in order for it to cope with the increased demand for technical assistance and advisory services.
14. We also recognize the important role played by institutions and organizations in the Asia and Pacific region, such as the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and the Asia Crime Prevention Foundation (ACPF) in assisting the countries of the region in this field.
15. We recognize as well the important role of subregional organizations in pursuing initiatives focused on their geographic areas and in establishing inter-organizational coordination mechanisms to address the problem of transnational crime.
16. We are convinced of the fact that building up the capacity of governments to effectively cooperate with each other in criminal justice matters, particularly in relation to combatting organized crime and corruption, is a joint responsibility of developed and developing countries and relevant agencies. We therefore call upon countries, the United Nations Development Programme, the World Bank, the Asian Development Bank, and other relevant international, regional and national agencies to give favourable consideration to technical assistance project proposals submitted to them by the Centre for International Crime Prevention on strengthening our

national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and corruption. In this connection, and given the high priority attached by our Governments to these matters, we appeal to prospective donors to give favourable consideration to the further development and implementation of action plans contained in the project proposals, including the integration of the activities foreseen in such proposals in the national' development plans of our countries and in the respective country programmes of UNDP.

17. We express our determination to ensure proper follow-up to the pronouncements of this Declaration by undertaking the following:
  - (a) encouraging our Governments to take the necessary measures, in accordance with their countries, respective legal systems, to implement the various provisions of the Declaration; and
  - (b) appealing to Governments and intergovernmental and non-governmental organizations and relevant institutes, to assist the efforts of the countries of the region in their fight against transnational crime.

# ASEAN Plan of Action to Combat Transnational Crime

Yangon, Myanmar, 23 June 1999

## A. BACKGROUND

### (a) The Mandate for ASEAN Cooperation In Combating Transnational Crime

One of the fundamental principles of the Association of Southeast Asian Nations (ASEAN) as enshrined in the Bangkok Declaration of 8 August 1967 was “strengthening the foundation for a prosperous and peaceful community of Southeast Asian Nations.” ASEAN policies, plans, strategies and activities revolve around this principle. Transnational crime has the potential of eroding this central belief thereby affecting the political, economic and social well being of ASEAN. In recognizing the detrimental effects of transnational crime, ASEAN countries have taken concerted efforts to combat such crime since early 1970s.

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.

The resolve of ASEAN’s Leaders in fighting illicit drugs, the prevalent transnational crime then, can be traced to the Declaration of ASEAN Concord of 24 February 1976. The ASEAN Leaders, in that landmark document, called 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.”

Since then, all the ASEAN Summits have expressed concerns on narcotics abuse and illegal drug trafficking in the region. At the Fifth ASEAN Summit in December 1995 in Bangkok, the Leaders decided that “ASEAN shall further enhance cooperative efforts against drug abuse and illicit trafficking with special emphasis being given to demand reduction programs and information exchange and dissemination, with the aim of creating a drug-free ASEAN.”

With transnational crime expanding in scope and becoming more organized, ASEAN’s Leaders have called for a comprehensive and coordinated approach in combating crime at the regional level. At the First Informal Summit in November 1996, the ASEAN Leaders called upon the “relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition.” At the Second Informal Summit in December 1997, they “resolved to take firm and stern measures to combat transnational crimes such as drug trafficking, trafficking in women and children as well as other transnational crime.” The ASEAN Leaders also adopted the ASEAN Vision 2020 at the Second Informal Summit which, among others, envisioned the evolution of agreed rules of behavior and cooperative measures to deal with problems that can be met only on a regional scale, including drug trafficking, trafficking in women and children and other transnational crimes.

The ASEAN Foreign Ministers have also called for closer cooperation and coordinated actions on tackling transnational crime among ASEAN<sup>1</sup> countries- At the 29<sup>th</sup> ASEAN Ministerial Meeting (AMM) in Jakarta in July 1996, the Foreign Ministers recognized the need to focus attention on such crimes as narcotics trafficking, economic crimes, including money laundering, environmental crimes and illegal migration. They “share(d) the view that the management of such transnational issues are urgently called for so that they would not affect the long-term viability

of ASEAN and its individual member nations.” At the 30th AMM in Subang Jaya in July 1997, the Foreign Ministers “stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking of people, illicit drugs and arms, piracy and communicable diseases.” The Foreign Ministers, at the 31st AMM in Manila in July 1998 reiterated the need for enhancing regional efforts against transnational crimes, such as illicit drug trafficking, terrorism, money laundering, and trafficking in women and children. At the meeting, the Ministers also signed the Joint Declaration for a Drug-Free ASEAN to eradicate the production, processing, traffic and use of illicit drugs in Southeast Asia by the year 2020.

The ASEAN Finance Ministers echoed the sentiments of the ASEAN Leaders and the ASEAN Foreign Ministers on illicit drug trafficking when they signed the ASEAN Agreement on Customs at their inaugural meeting on 1 March 1997 in Phuket. The agreement, which apart from enhancing ASEAN cooperation in customs activities and expediting the early realization of AFTA, aims to strengthen cooperation in combating trafficking in narcotics and psychotropic substances, and will facilitate joint efforts in anti-smuggling and customs control.

### **(b) Other Significant Developments**

Recognizing the urgency to tackle transnational crime from the regional dimension, the Philippines hosted the inaugural Meeting of the ASEAN Ministers of Interior/Home Affairs on Transnational Crime on 20 December 1997 in Manila. Apart from presenting an opportunity for the Interior and Home Ministers to exchange views on the transnational crime situation in ASEAN, the meeting also reflected on the detrimental impact of such on the Member Countries and the need for enhanced regional cooperation in fighting the crime. The highlight of the meeting was the signing of the ASEAN Declaration on Transnational Crime by the Ministers. The document reflected ASEAN’s resolve in dealing with transnational crime and its intention to work together with the international community in combating transnational crime.

The Declaration also established the basic framework for regional cooperation on fighting transnational crime. Accordingly, the ASEAN Ministers Meeting on Transnational Crime was to convene once every two 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). The Senior Officials Meeting Transnational Crime was to meet at least once in a year to assist the Ministers in accomplishing their task. The Declaration also outlined the following initiatives for regional cooperation on tackling transnational crime:

1. Hold discussions with a view to signing mutual legal assistance agreements, bilateral treaties, memorandum of understanding or other arrangements among Member Countries;
2. Consider the establishment of an ASEAN Centre on Combating Transnational Crime (ACTC), which will coordinate regional efforts against transnational crime through intelligence sharing, harmonization of policies and coordination of operations;
3. Convene a high-level ad-hoc Experts Group within one year to accomplish the following with the assistance of the ASEAN Secretariat:
  - a. ASEAN Plan of Action on Transnational Crime,
  - b. Institutional Framework for ASEAN Cooperation on Transnational Crime; and,
  - c. Feasibility study on the establishment of ACTC
4. Encourage Member Countries to consider assigning Police Attaches and/or Police Liaison Officers in each other’s capital in order to facilitate cooperation for tackling transnational crime;
5. Encourage networking of the relevant national agencies or organizations in Member Countries dealing with transnational crime to further enhance information exchange and dissemination;
6. Expand the scope of Member Countries’ efforts against transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in person and piracy, and to request the ASEAN Secretary General to include these areas in the work programme of the ASEAN Secretariat.
7. Explore ways by which the Member Countries can work closer with relevant agencies and

organizations in Dialogue Partner countries, other countries and international organizations, including the United Nations and its specialized agencies, Colombo Plan Bureau, INTERPOL and such other agencies, to combat transnational crime;

8. Cooperate and coordinate more closely with other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs in the investigations, prosecution and rehabilitation of perpetrators of such crimes.

The ASEAN Member Countries also participated in the first Asian Regional Ministerial Meeting on Transnational Crime held on 23-25 March 1998 in Manila. The meeting was a follow-up to the Naples Political Declaration and Global Plan of Action Against Transnational Crime adopted at the World Ministerial Conference on Organized Transnational Crime held in Italy in November 1994.

The meeting culminated with the adoption of a Manila Declaration on the Prevention and Control of Transnational Crime. The declaration reflects the concerns of the participating countries, including ASEAN, on the increase and expansion of transnational crimes and outlines the approaches to be undertaken, both at the national and regional levels, in fighting transnational crime.

## **B. OBJECTIVES**

### **(a) General Objectives**

The general objective of the Action Plan is to encourage ASEAN Member Countries to expand their efforts in combating transnational crime at the national and bilateral levels to the regional level. As espoused in the ASEAN Declaration on Transnational Crime, the overall focus of ASEAN collaboration will be to strengthen regional commitment and capacity to combat transnational crimes which include terrorism, drug trafficking, arms smuggling, money laundering, trafficking in persons and piracy. This is in recognition of the fact that tackling transnational crime requires a concerted regional effort in view of its global dimension and pervasive nature. Besides, such efforts will assist in complementing and contributing to the national and bilateral efforts undertaken by Member Countries in combating such crime.

### **(b) Specific Objectives**

1. The specific objectives of the Plan of Action are to urge the ASEAN Member Countries to:
2. Develop a more cohesive, regional strategy aimed at preventing, controlling and neutralizing transnational crime;
3. Foster regional cooperation at the investigative, prosecutorial, and judicial level as well as the rehabilitation of perpetrators;
4. Enhance coordination among ASEAN bodies dealing with transnational crime;
5. Strengthen regional capacities and capabilities to deal with sophisticated nature of transnational crime; and
6. Develop sub-regional and regional treaties on cooperation in criminal justice, including mutual legal assistance and extradition.

## C. PROGRAMME OF ACTION/PRIORITIES

In order to achieve the general and specific objectives, ASEAN Member Countries are encouraged to:

### **Information Exchange**

1. Improve the ASEANAPOL regional database so as to further facilitate sharing and analysis of critical intelligence information, such as wanted and arrested persons, “modus operandi”, syndicates, and maritime offences;
2. Establish a regional repository to compile summaries of national laws of ASEAN Member Countries pertaining to transnational crime;
3. Conduct typology studies to determine trends and “modus operandi” of transnational crime in the ASEAN region;
4. Maximize the use of modern telecommunications technology in facilitating the exchange of data on, among others, criminals, methodologies, arrests, legal documents, requests for assistance, and ensure its restricted transmission;
5. Identify relevant contact persons in the policy, legal, law enforcement, and academic institutions of ASEAN Member Countries, and facilitate networking and lateral coordination among persons and agencies with similar functions;

### **Legal Matters**

6. Work for the criminalization in ASEAN Member Countries of specific transnational crimes, such as illicit drug trafficking, money laundering, terrorism, piracy, arms smuggling and trafficking in persons;
7. Ensure the harmonization of relevant national policies among ASEAN Member Countries;
8. Develop multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries;
9. Study the possibility of creating a regional programme on witness protection;
10. Coordinate with the ASEAN Senior Law Officials Meeting on the implementation of the ASEAN Legal Information Network System;
11. Strengthen the mechanisms for effective protection of the integrity of travel documents and government control of the ingress/egress of transnational criminal personalities;
12. Seek to ratify and support existing international treaties or agreements designed to combat transnational crime.

### **Law Enforcement Matters**

13. Appoint Police Attaché or Police Liaison Officers, whenever feasible, in the capitals of ASEAN Member Countries;
14. Develop programmes for joint tactical exercises and simulations;
15. Develop an exchange programme among ASEAN officials in the policy, legal, law enforcement and academic fields;
16. Implement measures to ensure the protection of judges, prosecutors, witnesses, and law enforcement officials and personnel from retaliation by transnational criminal organizations;
17. Enhance cooperation and coordination in law enforcement, intelligence sharing, and in preventing the illegal trafficking and use of explosives, firearms, and other deadly weapons, as well as nuclear, chemical and biological materials.

### **Training**

18. Develop regional training programmes, and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring, and reporting.
19. Exchange “best practices” of relevant institutions in ASEAN Member Countries involved in the combat against transnational crime, including transfer of technologies.

### **Institutional Capacity-Building**

20. Establish the ASEAN Centre for Combating Transnational Crime (ACTC).
21. Rationalize the institutional framework on ASEAN cooperation in transnational crime by making the ASEAN Ministerial Meeting on Transnational Crime the highest policy-making body, with a supervisory role and consultative relations with relevant ASEAN institutions involved in the combat against transnational crime;
22. Promote the efficient networking of relevant national agencies/organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination;
23. Strengthen institutional linkages with the various ASEAN mechanisms involved in combating transnational crime particularly the ASEAN Finance Ministers Meeting, ASEAN Finance Officials Meeting, ASEAN Senior Officials on Drug Matters, ASEAN Directors General of Customs, ASEAN Directors General for Immigration and ASEAN Chiefs of National Police.

### **Extra-Regional Cooperation**

24. Seek technical assistance from ASEAN Dialogue Partners and relevant specialized agencies of the United Nations and other international organizations, particularly with regard to training and acquisition of equipment.
25. Enhance information exchange with ASEAN Dialogue Partner, regional organizations, relevant specialized agencies of the United Nations and other international organizations, particularly towards the sharing of critical information on the identities, movements and activities of known transnational criminal organizations.
26. Urge ASEAN Dialogue Partners not yet party to existing international treaties against organized transnational crime, in its various forms, to accede to such agreements.
27. Promote interest and support in the international community for ASEAN initiatives against transnational crime through the participation of ASEAN Member Countries and the ASEAN Secretariat in relevant international conferences.

## **D. INSTITUTIONAL FRAMEWORK FOR ASEAN COOPERATION ON COMBATING TRANSNATIONAL CRIME**

To strengthen and coordinate ASEAN collaboration in combating transnational crime and implement the Plan of Action, ASEAN Member Countries agree to the establishment of the following framework:

### **(a) ASEAN Ministerial Meeting on Transnational Crime (AMMTC)**

1. The ASEAN Ministerial Meeting on Transnational Crime shall be the highest policy making body on ASEAN cooperation in combating transnational crime. It shall also coordinate activities of the relevant bodies such as the ASOD, ASEANAPOL, ASEAN Directors-General of Customs, ASEAN Directors General of immigration and the Heads of Consular Affairs of the Ministries of Foreign Affairs;
2. It shall comprise ministerial level representatives of ASEAN Member Countries responsible for combating transnational crime and meet at least once in two years and informally in between when necessary



3. The Chairmanship of the AMMTC shall be rotated in alphabetical order among the ASEAN Member Countries;
4. The AMMTC shall approve the reports of the Senior Officials Meeting on Transnational Crime (SOMTC), and the reports of ASOD, ASEANAPOL, ASEAN Directors-General of Customs, and ASEAN Directors-General of Immigration on matters pertaining to transnational crime and the Heads of Consular Affairs of the ministries of Foreign Affairs; and
5. The AMMTC shall report to the ASEAN Summit through the ASEAN Ministerial Meeting (AMM).

**(b) Senior Officials Meeting on Transnational Crime (SOMTC)**

1. The Meeting of ASEAN Senior Officials on Transnational Crime shall be convened at least once a year and before the AMMTC, with the chairmanship of the SOMTC coinciding with the chairmanship of the AMMTC;
2. It shall implement policies and plans adopted by the ASEAN Ministerial Meeting on transnational Crime (AMMTC);
3. It shall develop five-year work programmes to implement the ASEAN Plan of Action on Transnational Crime;
4. It shall convene, as and when appropriate, ad-hoc working groups or task forces comprising experts to assist the SOMTC in carrying out its functions;
5. It shall promote cooperation and coordination with other ASEAN bodies dealing with transnational crime such as the ASEAN Senior Officials on Drug Matters (ASOD), the ASEAN Chiefs of National Police (ASEANAPOL), the ASEAN Directors-General of Customs and the ASEAN Directors-General of Immigration and the Heads of Consular Affairs of the Ministries of Foreign Affairs;
6. It shall seek measures to promote cooperation with international agencies dealing with transnational crime, including those of the ASEAN Dialogue Partners; and,
7. It shall designate a national focal point/agency who is able to coordinate cooperation on transnational crime at the regional level as well as nationally

**(c) ASEAN Secretariat**

1. It shall assist the SOMTC in initiating, planning and coordinating activities, strategies, programmes and projects to facilitate regional cooperation in combating transnational crime;
2. It shall assist SOMTC in formulating the Work Programme;
3. It shall assist in exploring ways by which SOMTC can work closer with relevant agencies and organizations in Dialogue Partner Countries, other countries and international organizations, including the LJM and its specialized agencies, Colombo Plan Bureau, Interpol and such agencies, to combat transnational crime; And
4. It shall assist in mobilizing resources and seeking technical assistance from international agencies and ASEAN's Dialogue Partners.

**E. FUNDING STRATEGIES**

To implement priority projects under the ASEAN Plan of Action to Combat Transnational Crime, the SOMTC with the assistance of the ASEAN Secretariat shall:

1. Secure funding support for ASEAN programmes and projects to be implemented on a cost-sharing basis; and
2. Develop resource mobilization plans in order to obtain funding from the ASEAN Dialogue Partners, international funding agencies and other sources.





# COUNTER-TERRORISM



# 2001 ASEAN Declaration on Joint Action to Counter Terrorism

**Bandar Seri Begawan, Brunei Darussalam, 5 November 2001**

We, the Heads of State/Government of the Association of Southeast Asian Nations (ASEAN) gathered in Bandar Seri Begawan for the Seventh ASEAN Summit,

Recalling the agreement among Heads of State/Government during the Second Informal Summit in December 1997 in Kuala Lumpur to take firm and stern measures to combat transnational crime,

Reaffirming our primary responsibility in ensuring the peaceful and progressive development of our respective countries and our region,

Deeply concerned over the formidable challenge posed by terrorism to regional and international peace and stability as well as to economic development,

Underlining the importance of strengthening regional and international cooperation in meeting the challenges confronting us,

Do hereby,

*Unequivocally* condemn in the strongest terms the horrifying terrorist attacks in New York City, Washington DC and Pennsylvania on 11 September 2001 and consider such acts as an attack against humanity and an assault on all of us;

*Extend* our deepest sympathy and condolences to the people and Government of the United States of America and the families of the victims from nations all around the world, including those of our nationals;

*View* acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security which require concerted action to protect and defend all peoples and the peace and security of the world;

*Reject* any attempt to link terrorism with any religion or race;

*Believe* terrorism to be a direct challenge to the attainment of peace, progress and prosperity of ASEAN and the realisation of ASEAN Vision 2020;

*Commit* to counter, prevent and suppress all forms of terrorist acts in accordance with the Charter of the United Nations and other international law, especially taking into account the importance of all relevant UN resolutions;

*Ensure* that, in observing the above, all cooperative efforts to combat terrorism at the regional level shall consider joint practical counter-terrorism measures in line with specific circumstances in the region and in each member country;

*Recommit* ourselves to pursue effective policies and strategies aimed at enhancing the well-being of our people, which will be our national contribution in the fight against terrorism;

*Note* that, towards this end, ASEAN had established a regional framework for fighting transnational crime and adopted an ASEAN Plan of Action that outlines a cohesive regional strategy to prevent, control and neutralise transnational crime;

*Approve* fully the initiatives of the Third ASEAN Ministers Meeting on Transnational Crime (AMMTC) held in October 2001 to focus on terrorism and deal effectively with the issue at all levels and endorse the convening of an Ad Hoc Experts Group Meeting and special sessions of the SOMTC and AMMTC that will focus on terrorism;

*Warmly* welcome Malaysia's offer to host the Special AMMTC on issues of terrorism in April 2002. This meeting would represent a significant step by ASEAN to the United Nations' call to enhance coordination of national, sub-regional and international efforts to strengthen a global response to this serious challenge and threat to international security;

*In strengthening* further ASEAN's counter-terrorism efforts, we task our Ministers concerned to follow-up on the implementation of this declaration to advance ASEAN's efforts to fight terrorism by undertaking the following additional practical measures.

1. Review and strengthen our national mechanisms to combat terrorism;
2. Call for the early signing/ratification of or accession to all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism;
3. Deepen cooperation among our front-line law enforcement agencies in combatting terrorism and sharing "best practices";
4. Study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism;
5. Enhance information/intelligence exchange to facilitate the flow of information, in particular, on terrorists and terrorist organisations, their movement and funding, and any other information needed to protect lives, property and the security of all modes of travel;
6. Strengthen existing cooperation and coordination between the AMMTC and other relevant ASEAN bodies in countering, preventing and suppressing all forms of terrorists acts. Particular attention would be paid to finding ways to combat terrorist organisations, support infrastructure and funding and bringing the perpetrators to justice;
7. Develop regional capacity building programmes to enhance existing capabilities of ASEAN member countries to investigate, detect, monitor and report on terrorist acts;
8. Discuss and explore practical ideas and initiatives to increase ASEAN's role in and involvement with the international community including extra-regional partners within existing frameworks such as the ASEAN + 3, the ASEAN Dialogue Partners and the ASEAN Regional Forum (ARF), to make the fight against terrorism a truly regional and global endeavour;
9. Strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirm that at the international level the United Nations should play a major role in this regard.

We, the Leaders of ASEAN, pledge to remain seized with the matter, and call on other regions and countries to work with ASEAN in the global struggle against terrorism.

Adopted this Fifth Day of November 2001 in Bandar Seri Begawan, Brunei Darussalam

# ASEAN - United States of America Joint Declaration for Cooperation to Combat International Terrorism

## Bandar Seri Begawan, Brunei Darussalam, 1 August 2002

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, member countries of the Association of Southeast Asian Nations (ASEAN), and the United States of America (hereinafter referred to collectively as "the participants");

Mindful of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirms that at the international level the United Nations should play a major role in this regard;

Reaffirming their commitment to counter, prevent and suppress all forms of terrorist acts in accordance with the Charter of the United Nations, international law and all the relevant United Nations resolutions or declarations on international terrorism, in particular the principles outlined in United Nations Security Council Resolutions 1373, 1267 and 1390;

Viewing acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security, which require concerted action to protect and defend all peoples and the peace and security of the world;

Recognising the principles of sovereign equality, territorial integrity and non- intervention in the domestic affairs of other States;

Acknowledging the value of existing cooperation on security, intelligence and law enforcement matters, and desiring to strengthen and expand this cooperation to combat international terrorism through the ASEAN Ministerial Meeting on Transnational Crime, as a leading ASEAN body for combating terrorism, and other mechanisms;

Recognising the transnational nature of terrorist activities and the need to strengthen international cooperation at all levels in combating terrorism in a comprehensive manner;

Desiring to enhance counter-terrorism cooperation between the relevant agencies of the participants' governments;

Solemnly declare as follows:

### **Objectives**

1. The participants reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence and capacity-building.
2. The participants emphasize that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

### **Scope and Areas of Cooperation**

3. The participants stress their commitment to seek to implement the principles laid out in this Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities:

- I. Continue and improve intelligence and terrorist financing information sharing on counter-terrorism measures, including the development of more effective counter-terrorism policies and legal, regulatory and administrative counter-terrorism regimes.
- II. Enhance liaison relationships amongst their law enforcement agencies to engender practical counter-terrorism regimes.
- III. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; and seminars, conferences and joint operations as appropriate.
- IV. Provide assistance on transportation, border and immigration control challenges, including document and identity fraud to stem effectively the flow of terrorist-related material, money and people.
- V. Comply with United Nations Security Council Resolutions 1373, 1267, 1390 and other United Nations resolutions or declarations on international terrorism.
- VI. Explore on a mutual basis additional areas of cooperation.

### **Participation**

4. Participants are called upon to become parties to all 12 of the United Nations conventions and protocols relating to terrorism.
5. The participants are each called upon to designate an agency to coordinate with law enforcement agencies, authorities dealing with countering terrorism financing and other concerned government agencies, and to act as the central point of contact for the purposes of implementing this Declaration.

### **Disclosure of Information:**

6. The participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.
7. All the participants are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects.

Signed at Bandar Seri Begawan this first day of August, Two Thousand and Two.

### **For ASEAN**

Mohamed Bolkiah  
Minister of Foreign Affairs  
Brunei Darussalam

### **For the United States of America**

Colin L. Powell  
Secretary of State



# Declaration on Terrorism by the 8<sup>th</sup> ASEAN Summit

Phnom Penh, Cambodia, 3 November 2002

1. We, the Heads of State and Government of the Association of Southeast Asian Nations, condemn the heinous terrorist attacks in Bali, Indonesia, and in the Philippine cities of Zamboanga and Quezon. We extend our deepest sympathies to the families of those who died and to those who were injured. We express the solidarity of our countries with Indonesia and the Philippines and ASEAN's full support for their determined pursuit of the terrorist elements responsible for the attacks. We commend Indonesia and the Philippines for their efforts to curtail terrorism within their borders and for their determination to step up those efforts.
2. We denounce once again the use of terror, with its toll on human life and society, in many places around the world for whatever cause and in the name of whatever religious or ethnic aspiration. We deplore the tendency in some quarters to identify terrorism with particular religions or ethnic groups.
3. We are determined to carry out and build on the specific measures outlined in the ASEAN Declaration on Joint Action to Counter Terrorism, which we adopted in Brunei Darussalam in November 2001. We resolve to intensify our efforts, collectively and individually, to prevent, counter and suppress the activities of terrorist groups in the region. The ASEAN countries shall continue with practical cooperative measures among ourselves and with the international community.
4. We welcome Thailand's accession to the Agreement on Information Exchange and Exchange of Communication Procedures. We commend our law-enforcement authorities for the cooperative work that has resulted in the arrest of persons plotting to commit acts of terrorism and in otherwise preventing such acts. We direct them to continue to intensify their cooperation in combating terrorism and, in particular, in expeditiously carrying out the Work Plan adopted by the Special ASEAN Ministerial Meeting on Terrorism in Kuala Lumpur in May 2002, raising the level of cooperation, coordination and the sharing of information in the fight against terrorism.
5. We look forward to the following activities:
  - the International Conference on Anti-Terrorism and Tourism Recovery in Manila next week;
  - the Regional Conference on Combating Money-Laundering and Terrorist Financing in Bali in December 2002;
  - the Intersessional Meeting on Terrorism of the ASEAN Regional Forum in Kota Kinabalu, Sabah, Malaysia, in March 2003;
  - the ASEAN Ministerial Meeting on Transnational Crime with ministerial counterparts from China, Japan and the Republic of Korea in Bangkok in October 2003; and
  - the establishment of the Regional Counter-terrorism Center in November 2002 in Kuala Lumpur.
6. We call on the international community to avoid indiscriminately advising their citizens to refrain from visiting or otherwise dealing with our countries, in the absence of established evidence to substantiate rumors of possible terrorist attacks, as such measures could help achieve the objectives of the terrorists.
7. We urge the international community to support ASEAN's efforts to combat terrorism and restore business confidence in the region. We are determined to cooperate actively in mitigating the adverse impact of terrorist attacks on ASEAN countries and urge the international community to assist us in these efforts.
8. We resolve to ensure the security and harmony of our societies and the safety of our peoples and also of others who are in our countries and in the region.

# Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues 6<sup>th</sup> ASEAN - China Summit

Phnom Penh, Cambodia, 4 November 2002

**We** the Heads of State/Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam and the People's Republic of China, gathered in Phnom Penh, Cambodia for the Sixth ASEAN-China Summit,

**Recalling** the Joint Statement of the Meeting of the Heads of State/Government of the Member States of ASEAN and of the People's Republic of China in 1997 which contains the commitment to strengthening dialogue and cooperation in all fields with the aim to enhance mutual understanding, expand mutual benefit and consolidate and substantiate the partnership of good neighbourliness and mutual trust;

**Deeply** concerned over the increasingly serious nature of non-traditional security issues such as trafficking in illegal drugs, people-smuggling including trafficking in women and children, sea piracy, terrorism, arms-smuggling, money-laundering, international economic crime and cyber crime, which have become important factors of uncertainty affecting regional and international security and are posing new challenges to regional and international peace and stability;

**Recognizing** the complexity and deep-rooted background of the non-traditional security issues and the need to address them with an integrated approach that combines political, economic, diplomatic, legal, scientific and technological and other means;

**Believing** that regional and international cooperation needs to be strengthened to address non-traditional security issues and that ASEAN and China are close neighbours and share extensive common interests in coping with these issues;

**Noting** with satisfaction the cooperation conducted between ASEAN and China and results achieved in the non-traditional security field, including the Plan of ASEAN and China Cooperative Operations in Response to Dangerous Drugs in 2000, the four-nation ministerial conference on drug control cooperation held by China, Laos, Myanmar and Thailand in 2001 and the resultant Beijing Declaration and the bilateral cooperation between ASEAN member states and China;

**Welcoming** the Statement of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in 1997, the 2001 ASEAN Declaration on Joint Action to Counter Terrorism adopted by ASEAN Leaders, the Joint Communique of Special ASEAN Ministerial Meeting on Terrorism, the Agreement on Information Exchange and Establishment of Communication Procedures by Cambodia, Indonesia, Malaysia and the Philippines in 2002;

**Confirming** that cooperation should be conducted on the basis of observing the Five Principles of Peaceful Coexistence and other universally recognized norms of international law, which are embodied in the Charter of the United Nations and the Treaty of Amity and Cooperation in Southeast Asia, and respecting the legal systems of all countries;

**Determined** to further strengthen and deepen cooperation in the field of non-traditional security issues, we task our Ministers concerned to follow up on the implementation of this Declaration by understanding the following:

## I. Objectives

In light of the shared needs of all sides, measures and modalities for cooperation in the field of non-traditional security issues will be formulated to enhance their capacity in dealing with non-traditional security issues, promote their stability and development and safeguard regional peace and security;

## II. Priority and Form of Cooperation

1. The priorities at the current stage of cooperation are combating trafficking in illegal drugs, people-smuggling including trafficking in women and children, sea piracy, terrorism, arms-smuggling, money-laundering, international economic crime and cyber crime;
2. On the basis of deepening the existing multilateral and bilateral cooperation,
  - a) To strengthen information exchange,
  - b) To strengthen personnel exchange and training and enhance capacity-building,
  - c) To strengthen practical cooperation on non-traditional security issues,
  - d) To strengthen joint research on non-traditional security issues, and
  - e) To explore other areas and modalities of cooperation.

## III. Participation and Organization

1. ASEAN and China will use existing mechanisms, as far as possible, such as the ASEAN Ministerial Meeting on Transnational Crime and Senior Officials Meeting on Transnational Crime to pursue the cooperation. Long-term and mid-term cooperation plans will be formulated based on the purposes and principles of the Joint Declaration to serve as guidance for cooperation;
2. Ad-ho working groups will be established for cooperation in relevant fields to implement the plans of action through the above-mentioned mechanism supported by the competent authorities in ASEAN member countries and China.

## IV. Others

To implement this Joint Declaration, action plans may be formulated in accordance with the purposes and principles of the Joint Declaration.

**We**, the Leaders of ASEAN member countries and the People's Republic of China, pledge to remain seized with the matter and call on other regions and countries to work with us in strengthening the cooperation in the field of non-traditional security issues.

# Joint Declaration on Cooperation to Combat Terrorism

## 14<sup>th</sup> ASEAN - EU Ministerial Meeting

### Brussels, Belgium, 27-28 January 2003v

1. We the Foreign Ministers of the European Union (EU) and the Association of South East Asian Nations (ASEAN), at our meeting in Brussels 27-28 January 2003, reaffirm our commitment to combat terrorism, which constitute a profound threat to stability, peace and security in our regions and beyond.
2. We stress the leading role of the UN in the fight against terrorism and reaffirm our strong commitment to the universal implementation of all the UN anti-terrorism resolutions and conventions and remain fully committed to supporting the work of the UN Counter Terrorism Committee and other pertinent UN bodies. We acknowledge that the fight against terrorism must be conducted in accordance with international obligations, the UN Charter and general norms of international law, including respect for human rights and humanitarian law.
3. We reject any attempt to associate terrorism with any religion, race or nationality, and stress that in the aftermath of the attacks of 11 September 2001 and in other parts of the world, the need to strengthen dialogue and promote mutual understanding between cultures and civilisations is greater than ever before.
4. We acknowledge that terrorism, including its links with trans-national organised crime, such as money laundering, arms-trafficking and the production of and trafficking in illicit drugs, as well as illegal movements of nuclear, chemical, biological and other potentially deadly materials, forms part of a complex set of new security challenges, which have to be addressed urgently in all aspects and in all fora, including the ASEAN Regional Forum (ARF).
5. The trans-boundary character of terrorism calls for an international response. The fight against terrorism requires a comprehensive approach by the international community comprising political, economic, diplomatic, military, and legal means in accordance with our respective domestic laws, duly taking into account root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities. We are determined to develop further EU-ASEAN regional co-operation. Furthermore, we note the progress made towards implementation of the series of activities agreed in the ASEM Copenhagen Co-operation Programme on Fighting Terrorism of September 2002 and agree to take further urgent steps in this process, with a view to the full implementation of these measures.
6. We are determined to enhance our co-operation to fight terrorism, most notably in the following areas:
  - Universal implementation of all existing United Nations Security Council Resolutions related to terrorism, in particular resolution 1373 (2001), 1377 (2001) and 1390 (2002);
  - Universal implementation of all existing United Nations Conventions and Protocols against terrorism and encouraging the States to comply with them and to take effective measures to prevent and combat terrorism, and in particular to prevent and combat the financing of terrorism.
  - Early conclusion and adoption of the Comprehensive Convention on International Terrorism and the International Convention for the Suppression of Acts of Nuclear Terrorism.
  - Early entry into force of the United Nations Convention against Trans-national Organised Crime and its protocols.
  - Exchange of information on measures in the fight against terrorism, including on the development of more effective policies and legal, regulatory and administrative frameworks for the fight against terrorism.
  - Strengthening links between Law Enforcement agencies of EU and ASEAN member states, as well as with EUROPOL and ASEANAPOL, to promote practical co-operation on counter terrorism and organised crime.

- Co-operation to build capacity to assist ASEAN members to implement UNSCR 1373, and to address the impact of terrorist activities.
7. In this regard, we welcome the recent establishment of the South-East Asia Regional Centre for Counter Terrorism in Kuala Lumpur, Malaysia.
  8. We agree that our progress in this field will be assessed at the next EU-ASEAN Ministerial Meeting on the basis of a joint report.

# ASEAN - India Joint Declaration for Cooperation to Combat International Terrorism

Bali, Indonesia, 8 October 2003

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations (ASEAN), and the Republic of India, hereinafter referred to collectively as "the participants";

**MINDFUL** of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirms that at the international level the United Nations should play a major role in this regard;

**REAFFIRMING** their commitment to counter, prevent and suppress all forms of terrorist acts in accordance with the Charter of the United Nations, international law and all the relevant United Nations resolutions or declarations on international terrorism, in particular the principles outlined in United Nations Security Council Resolutions 1373, 1267 and 1390;

**VIEWING** acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security, which require concerted action to protect and defend all peoples and the peace and security of the world;

**REJECTING** any attempt to associate terrorism with any religion, race or nationality;

**RECOGNISING** the principles of sovereign equality, territorial integrity and non-intervention in the domestic affairs of other States;

**ACKNOWLEDGING** the value of cooperation on security, intelligence and law enforcement matters, and desiring to enter into such a cooperation to combat international terrorism through the ASEAN Ministerial Meeting on Transnational Crime, as a leading ASEAN body for combating terrorism, and other mechanisms;

**RECOGNISING** the transnational nature of terrorist activities and the need to strengthen international cooperation at all levels in combating terrorism in a comprehensive manner;

**DESIRING** to enhance counter-terrorism cooperation between the relevant agencies of the participants' governments;

**Solemnly declare as follows:**

**Objectives:**

1. The participants reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence and capacity-building.
2. The participants emphasize that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

**Scope and Areas of Cooperation:**

3. The participants stress their commitment to seek to implement the principles laid out in this Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities:
  - i. Continue and improve intelligence and terrorist financing information sharing on counter-terrorism measures, including the development of more effective counter-terrorism policies and legal, regulatory and administrative counter-terrorism regimes.
  - ii. Enhance liaison relationships amongst their law enforcement agencies to engender practical counter-terrorism regimes.
  - iii. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; and seminars, conferences and joint operations as appropriate.
  - iv. Provide assistance on transportation, border and immigration control challenges, including document and identity fraud to stem effectively the flow of terrorist-related material, money and people.
  - v. Comply with United Nations Security Council Resolutions 1373, 1267, 1390 and other United Nations resolutions or declarations on international terrorism.
  - vi. Explore on a mutual basis additional areas of cooperation.

**Participation:**

4. Participants are called upon to become parties to all 12 of the United Nations conventions and protocols relating to terrorism.
5. The participants are each called upon to designate an agency to coordinate with law enforcement agencies, authorities dealing with countering terrorism financing and other concerned government agencies, and to act as the central point of contact for the purposes of implementing this Declaration.

**Disclosure of Information:**

6. The participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.

**Implementation:**

7. All the participants are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects.

ADOPTED by the Heads of State/Government of ASEAN Member States and the Republic of India on this Eighth Day of October 2003 in Bali, Indonesia.

# Memorandum of Understanding between the Governments of the Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of the People's Republic of China on Cooperation in the Field of Non-traditional Security Issues

Bangkok, Thailand, 10 January 2004

The Governments of the Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of the People's Republic of China, (hereinafter referred to as "the Parties");

**DESIRING** to strengthen the friendly cooperation among the Parties;

**PURSUANT** to the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-traditional Security Issues adopted on 4th November 2002;

**DETERMINED** to deepen cooperation in the field of non-traditional security issues among the Parties;

Have agreed as follows:

## Article 1 Objectives

The Parties shall develop practical strategies in accordance with their national laws and regulations to enhance the capacity of each individual country and the region as a whole in dealing with such non-traditional security issues as trafficking in illegal drugs, people smuggling including trafficking in women and children, sea piracy, terrorism, arms smuggling, money laundering, international economic crime and cyber crime.

## Article 2 Areas of Cooperation

The Parties have identified the following fields of common interest for mid and long-term cooperation:

1. Information Exchange
  - a. The Parties shall establish a compilation of their national laws and regulations pertaining to such fields as mentioned in Article 1;
  - b. The Parties shall establish a collection of international conventions pertaining to such fields as mentioned in Article 1, to which they are parties, and a collection of bilateral agreements signed among them where appropriate;
  - c. The Parties shall, subject to their respective national laws and policies, exchange intelligence on the non-traditional security issues referred to in Article 1; and
  - d. The Parties shall, subject to their respective national laws and policies, exchange information on special equipment and techniques applied in the prevention and investigation of the non-traditional security issues referred to in Article 1.
2. Personnel Exchange and Training
  - a. The Parties shall promote personnel contact and exchange among their law enforcement officers and experts;



- b. China shall organize workshops to promote exchange of law enforcement experiences among the Parties in combating terrorism, trafficking in illegal drugs, sea piracy and international economic crime;
  - c. China shall hold training courses to upgrade the level of capacity of each Party and the region as a whole in drug control, forensic sciences, immigration administration, road traffic control and the investigation of cyber crime. To ensure the quality of the training courses, China shall invite regional and international experts to give lectures; and
  - d. The Parties shall promote exchange and cooperation among institutions.
3. Law Enforcement Cooperation
- a. The Parties shall encourage and offer each other the fullest law enforcement cooperation possible in accordance with their respective national laws and on the basis of mutual respect for sovereignty, equality and mutual benefit; and
  - b. The Parties shall promote cooperation in accordance with their national laws in such fields as evidence gathering, tracing of crime proceeds, apprehension and repatriation of criminal fugitives and return of crime proceeds; and encourage each other to enter into bilateral legal arrangements therein.
4. Joint Research
- a. The Parties shall support the joint research by their experts and scholars in the field of non-traditional security issues, and share the results of research between them; and
  - b. The Parties shall organize experts in relevant fields to provide short-term technical services and to make study tours.

### **Article 3 Implementation**

1. The Parties agree that the implementing agencies for this Memorandum of Understanding are:
  - a. The ASEAN Secretariat in coordination with the relevant national agencies of the ASEAN Member Countries; and
  - b. The Ministry of Public Security for the People's Republic of China.

The implementing agencies of the Parties shall determine through consultation the details, schedule and arrangements for the implementation of the cooperation provided in this Memorandum of Understanding, and shall serve as coordinators for such cooperation.
2. ASEAN welcomes China's participation in the existing ASEAN cooperation pertaining to the fight against transnational crime, including the ASEAN Action Plan on the Fight against Transnational Crime and its Work Program.
3. The Parties shall hold meetings at working level once every year to exchange information on implementation of this Memorandum of Understanding, to brief each other on the progress of cooperation under various mechanisms, and to discuss the plans for future cooperation.

### **Article 4 Financial Arrangements**

1. Expenses of workshops and training courses organized by China in accordance with this Memorandum of Understanding shall be covered by the Chinese side, including meals, accommodation and local transportation for the participants sent by ASEAN Member Countries during their stay in China and fees for inviting experts, while the expenses of international travel shall be covered by the sending Countries, except when it is agreed otherwise.

2. Expenses incurred in the implementation of other cooperative activities in accordance with this Memorandum of Understanding shall be covered by the Parties through consultation.
3. The activities mentioned in this Memorandum of Understanding shall be conducted subject to the availability of funds and personnel of the Parties.

#### **Article 5 Confidentiality**

1. Information, document, data, equipment or technology received in accordance with this Memorandum of Understanding shall not be disclosed or distributed to any third party except to the extent as authorized in written form to do so by the country providing it.
2. In the event of termination of this Memorandum of Understanding, the Parties have agreed that the provisions of this Article shall continue to apply.

#### **Article 6 Suspension**

Each Party reserves the right for reasons of security, public order or public health to suspend temporarily, either in whole or in part the implementation of this Memorandum of Understanding, which suspension shall take effect immediately after notification has been given to the other Party through diplomatic channels.

#### **Article 7 Revision and Amendment**

The Parties may request in writing a revision, amendment or modification of all or any part of this Memorandum of Understanding. Any revision, amendment or modification shall be mutually agreed upon in written form by the Parties and shall form part of this Memorandum of Understanding. Such revision, amendment or modification shall come into force on such date as may be determined by the Parties.

#### **Article 8 Settlement of Dispute**

Any dispute or differences arising out of the interpretation/ implementation/application of the provisions of this Memorandum of Understanding shall be settled amicably through consultation/ negotiation between the Parties without reference to any third party.

#### **Article 9 Entry Into Force, Duration and Termination**

1. This Memorandum of Understanding shall come into effect on the date of its signing and shall remain in force for a period of 5 years. Thereafter, it may be extended for additional periods subject to availability of funds and agreements of the Parties expressed by way of exchange of letters.
2. Each Party may give written notice to the other of its desire to terminate this Memorandum of Understanding, of which termination shall be effective thirty (30) days after written notification has been given to the other Party. The termination of this Memorandum of Understanding shall not affect the implementation of ongoing activities/programs.

**IN WITNESS WHEREOF**, the undersigned, duly authorized by the respective Governments of the ASEAN Member Countries and the People's Republic of China, have signed this Memorandum of Understanding.

This Memorandum of Understanding is signed in Bangkok, Thailand, on the 10<sup>th</sup> day of January of the year Two Thousand and Four in two original copies in the English language.

For ASEAN

For the Government of the  
People's Republic of China

**ONG KENG YONG**

Secretary-General of ASEAN

**TIAN QIYU**

Executive Vice-Minister,  
Minister of Public Security

# ASEAN - Australia Joint Declaration for Cooperation to Combat International Terrorism

Jakarta, Indonesia, 1 July 2004

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations (ASEAN), and the Government of Australia (hereinafter referred to collectively as "the participants");

*Mindful* of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner;

*Reaffirming* their determination to prevent, suppress and eliminate international terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations and international law and having regard to all relevant United Nations resolutions or declarations on international terrorism and affirming that the United Nations should play a major role in combating terrorism;

*Recognizing* the principles of sovereign equality, territorial integrity and non-interference in the internal affairs of other States;

*Rejecting* any attempt to associate terrorism with any religion, race or nationality;

*Welcoming* the resolutions adopted by the 23<sup>rd</sup> ASEANAPOL Conference held in Manila to strengthen the campaign against terrorism by working for the criminalization of terrorism and to build capacity to combat terrorism;

*Noting* the resolve of the Co-Chair's Statement from the 2004 Bali Regional Ministerial Meeting on Counter-Terrorism to enhance regional cooperation on counter-terrorism;

*Supporting* the ASEAN Regional Forum's (ARF) continuing commitment to strengthen regional cooperation in the fight against terrorism;

*Noting* also the strong re-affirmation of commitment to enhancing regional counter-terrorism cooperation contained in the 2003 APEC Economic Leaders' statement;

*Realising* that terrorism constitutes a serious threat to ASEAN and Australia's peace, security and economic prosperity, and contravenes the laws, religious beliefs and fundamental values of all countries concerned;

*Recognising* that the trans-national nature of terrorism calls for a comprehensive approach that embraces action on many fronts;

*Encouraged by* the strong co-operation between the Member Countries of ASEAN and Australia on security, intelligence and law enforcement matters, and desiring to strengthen and expand this co-operation to fight international terrorism through the ASEAN Ministerial Meeting on Transnational Crime, as a leading ASEAN body for combating terrorism, and other mechanisms;

**Declare as follows:****Objectives**

1. The participants reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through exchange and flow of information and intelligence, and capacity-building.
2. The participants emphasize that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

**Scope and Areas of Cooperation**

3. The participants stress their commitment to seek to implement the principles laid out in this Declaration, in conformity with their obligations under international law and in accordance with their respective domestic laws and their specific circumstances, in any or all of the following areas:
  - i. Enhance cooperation and liaison among their law enforcement and security agencies to strengthen counter-terrorism regimes and engender practical and effective responses to the terrorist threat.
  - ii. Continue and improve intelligence and information-sharing, including on terrorist financing, crime related to money laundering, and other counter-terrorism measures including the development of more effective policies and legal, regulatory and administrative counter-terrorism regimes.
  - iii. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; and seminars, conferences and joint exercises as appropriate.
  - iv. Provide assistance on transport security and border and immigration control challenges, including document and identity fraud, to stem effectively the flow of terrorist-related material, money and people.
  - v. Implement the measures contained in the ARF's Statement on Cooperative Counter-Terrorism Action on Border Security, the ARF Statement on Cooperation Against Piracy and Other Threats to Maritime Security, and other relevant ARF Statements where appropriate.
  - vi. Implement the measures set out in the Co-Chairs' Statement on the Bali Regional Ministerial Meeting on Counter-Terrorism, and contribute to follow-up activities including the two officials' level ad hoc working groups on law enforcement and legal issues among others by exploring best practice on law enforcement and cooperation in the area of legal assistance.
  - vii. Comply with all binding United Nations resolutions and declarations on international terrorism, particularly United Nations Security Council Resolutions 1267, 1269, 1373, 1390, 1455, 1456, and other United Nations resolutions or declarations on international terrorism where applicable.
  - viii. Explore on a mutual basis additional areas of cooperation.

**Participation**

4. The participants are encouraged to become parties to all 12 of the United Nations conventions and protocols relating to terrorism.
5. The participants are each called upon to designate an agency to coordinate with law enforcement and security agencies, authorities dealing with countering terrorist financing and other concerned government agencies, and to act as the central point of contact for the purposes of implementing the Declaration.

**Disclosure of Information**

6. The participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.

For ASEAN

**H. E. Dr. N. Hassan Wirajuda**  
Minister for Foreign Affairs  
Republic of Indonesia,  
Chairman of the 37<sup>th</sup> ASEAN Standing Committee

For Australia

**The Hon. Alexander Downer, MP**  
Minister for Foreign Affairs of Australia

# ASEAN - Russia Joint Declaration for Cooperation to Combat International Terrorism

Jakarta, Indonesia, 2 July 2004

We, the Foreign Ministers of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Foreign Minister of the Russian Federation:

**MINDFUL** of the Declaration on Terrorism by the 8<sup>th</sup> ASEAN Summit and the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertake to strengthen cooperation at bilateral, regional and international levels in combating terrorism;

**RECALLING** the Joint Declaration of the Foreign Ministers of the Russian Federation and the Association of Southeast Asian Nations on Partnership for Peace and Security, and Prosperity and Development in the Asia-Pacific Region, signed on 19 June 2003 in Phnom Penh, in which the parties resolutely reject all acts, methods and practices of international terrorism and express their readiness to enhance cooperation in combating this global menace;

**WELCOMING** Russia's efforts to combat international terrorism at the national, regional and global levels, in particular, within the framework of the United Nations, G-8, the Commonwealth of Independent States (CIS), the Collective Security Treaty Organization (CST) and the Shanghai Cooperation Organization (SCO);

**NOTING** the CIS' 1999 Treaty on Cooperation in Combating Terrorism and the SCO's 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism;

**STRESSING** the central coordinating role of the United Nations in the fight against terrorism;

**REAFFIRMING** their commitment to counter, prevent and suppress all forms of terrorist acts in accordance with the Charter of the United Nations, relevant international conventions on international terrorism and other international instruments, in particular the principles outlined in United Nations Security Council Resolutions 1267, 1373, 1390, 1455 and 1456;

**SUPPORTING** the work of the UN Counter-Terrorism Committee, aimed at enhancing effectiveness of the international efforts in the fight against terrorism;

**VIEWING** acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever as a profound threat to international peace and security, which require concerted action to protect and defend all peoples and the peace and security of the world;

**REJECTING** any attempt to associate terrorism with any religion, race, culture and nationality; stressing the need to strengthen dialogue and promote mutual understanding within and among countries, cultures and civilizations in order, inter alia, to help address the underlying causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities;

**RECOGNISING** the importance and need to respect each other's independence, sovereign equality and territorial integrity, the principles of non-interference in the internal affairs of other States and the non-use or threat of force;

**ACKNOWLEDGING** the value of cooperation on security, intelligence and law enforcement matters, and desiring to strengthen and expand this cooperation to combat international terrorism through the ASEAN Ministerial

Meeting on Transnational Crime (AMMTC), as a leading ASEAN body for cooperation in combating terrorism, and relevant ASEAN-Russia mechanisms and welcoming the Agreement on Information Exchange and Establishment of Communication Procedures;

**RECOGNISING** the transnational nature of terrorist activities and the need to strengthen international cooperation at all levels in combating terrorism in a comprehensive manner.

Solemnly declare as follows:

**Objectives:**

1. ASEAN and Russia (hereinafter collectively referred to as “the participants”) reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence and capacity-building and welcome effective legal cooperation through the arrangement of mutual legal assistance and extradition agreements.
2. The participants emphasize that the purpose of this cooperation as stated in this Declaration is to enhance the efficacy of the efforts to combat terrorism.

**Scope and Areas of Cooperation:**

3. The participants stress their commitment to implement in good faith the principles and provisions of this Declaration, in conformity with their obligations under international law and in accordance with their respective domestic laws, in any or all of the following activities:
  - i. Strengthen and expand interaction through the AMMTC as a leading ASEAN body for cooperation in combating terrorism, ASEAN Senior Officials’ Meeting on Transnational Crime (SOMTC), ASEAN Regional Forum (ARF), ASEAN-Russia Post-Ministerial Conferences, ASEAN-Russia Senior Officials’ Meeting, ASEAN-Russia Joint Cooperation Committee and other regional and dialogue mechanisms including relevant bodies that may be established in future. In this regard, the participants have agreed to explore the possibility to establish the ASEAN-Russia Working Group on Counter-Terrorism.
  - ii. Take steps to enhance practical cooperation on counter-terrorism between their agencies concerned including law enforcement agencies, research institutions and “think tanks”, as well as strengthen links with INTERPOL, EUROPOL, ASEANAPOL, the CIS’ Anti-Terrorist Center and Regional Anti-Terrorist Structure (RATS) of the Shanghai Cooperation Organization.
  - iii. Continue and improve intelligence and terrorist financing information sharing on counter-terrorism measures, including the development of more effective counter-terrorism policies and legal, regulatory and administrative counter-terrorism regimes.
  - iv. Enhance liaison relationships amongst their law enforcement agencies to engender practical counter-terrorism regimes.
  - v. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; seminars, conferences and joint operations as agreed on a case-by-case basis.
  - vi. Provide assistance on transportation, border and immigration control challenges, including document and identity fraud to stem effectively the flow of terrorist-related material, money and people
  - vii. Comply with United Nations Security Council Resolutions 1267, 1373, 1390, 1455, 1456 and other United Nations resolutions or declarations on international terrorism.
  - viii. Explore additional areas of cooperation.

**Participation:**

4. The participants are called upon to become parties to all 12 United Nations conventions and protocols relating to terrorism.



5. The participants are each called upon to designate an agency to coordinate with law enforcement agencies, authorities dealing with countering terrorism financing and other concerned government agencies, and to act as the central point of contact for the purposes of implementing this Declaration.

**Disclosure of Information:**

6. The participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party at any time, except to the extent agreed in writing by the participant that provided the information.

**Implementation:**

7. All the participants are urged to promote and implement in good faith and effectively the principles and provisions of the present Declaration in all its aspects.

Done in duplicate on the Second Day of July in the Year Two Thousand and Four in Jakarta, both texts being equally authentic.

For ASEAN

**Dr. N. Hassan Wirajuda**  
Minister for Foreign Affairs Republic of Indonesia,  
Chairman of the 37<sup>th</sup> ASEAN Standing Committee

For Russian Federation

**Sergey Lavrov**  
Minister of Foreign Affairs  
Russian Federation

# ASEAN - Japan Joint Declaration for Cooperation to Combat International Terrorism

Vientiane, Lao PDR, 30 November 2004

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, member countries of the Association of Southeast Asian Nations (ASEAN) and Japan (hereinafter referred to collectively as "the participants");

**MINDFUL** of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirms that at the international level the United Nations should play a major role in this regard;

**REAFFIRMING** their determination to prevent, suppress and eliminate all forms of international terrorism in accordance with the Charter of the United Nations, international law and all the relevant United Nations resolutions or declarations on international terrorism, and reaffirming that the United Nations should play a major role in combating terrorism;

**REAFFIRMING** their unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, as criminal and unjustifiable;

**RECOGNISING** that the threat of terrorism remains a global security concern and determined to address the threat posed by terrorists to the peace, security, stability and prosperity in the region;

**REJECTING** any attempt to associate terrorism with any religion, race or nationality;

**RECALLING** the Tokyo Declaration for the Dynamic and Enduring ASEAN-Japan Partnership in the New Millennium signed on 12 December 2003 in Tokyo, in which the parties reaffirmed the spirit of cooperation in the fight against terrorism and the shared recognition of the importance of counter terrorism cooperation;

**SHARING** the view that successfully eliminating terrorism requires a comprehensive approach that includes addressing its underlying causes;

**ACKNOWLEDGING** the remarkable achievements made by the ASEAN member countries in the fight against terrorism and welcoming the enhanced counter-terrorism measures taken by the ASEAN member countries in preventing the recurrence of terrorist attacks;

**RECOGNISING** the principles of sovereign equality, territorial integrity and non-intervention in the domestic affairs of other states; and

**ENCOURAGED** by the strong cooperation between the Member Countries of ASEAN and Japan on security, intelligence and law enforcement matters, and desiring to strengthen and expand this cooperation to fight international terrorism through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), as the leading ASEAN body for combating terrorism, and other mechanisms;

Solemnly declare as follows:

**Objectives:**

1. ASEAN and Japan reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through information exchange, intelligence sharing and capacity-building.
2. The participants emphasise that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

**Scope and Areas of Cooperation**

3. The participants stress their commitment to implement the principles laid out in this Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities and to review them at an appropriate existing meeting;
  - i) Strengthen exchange of information and law enforcement cooperation on the activities of terrorists and terrorist organisations; including through extradition and mutual assistance in criminal matters to bring terrorists to justice;
  - ii) Ensure the early conclusion and implementation of all relevant counter-terrorism conventions and protocols and the full compliance of all the relevant United Nations Resolutions on international terrorism, including Security Council Resolutions 1267, 1269, 1373, 1390, 1455, 1456 and 1540 in accordance with article 25 of the United Nations Charter;
  - iii) Strengthen necessary measures to counter and prevent the financing of terrorists and terrorist organisations and the use of alternative means of remittance such as illegal money transfer;
  - iv) Implement appropriate measures so that terrorists will not use charitable organisations and groups to cover their activities;
  - v) Strengthen immigration controls to prevent the movement of terrorist and provide assistance to address border and immigration control challenges;
  - vi) Develop cooperation to enhance national transport security, including aviation security, maritime security and container security as agreed in the framework of ARF, ASEAN+3 and the ASEAN and Japan Transport Ministers Meeting;
  - vii) Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; dispatch of experts, seminars, and conferences, and joint projects as appropriate;
  - viii) Continue to develop cooperative projects with the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Malaysia and explore cooperation with the International Law Enforcement Academy (ILEA) in Thailand and the Jakarta Center for Law Enforcement Cooperation (JCLEC) in Indonesia;
  - ix) Develop multilateral cooperation on fighting against terrorism in the international fora;
  - x) Develop detailed cooperative measures in the areas identified above; and
  - xi) Continue to support development projects that aim at reducing poverty and socio-economic disparity and injustices, as well as promoting the elevation of standard of living, in particular of underprivileged groups and people in underdeveloped areas;

**Participation**

4. The ASEAN member countries are called upon to become as a matter of urgency parties to all 12 United Nations conventions and protocols relating to terrorism.
5. The participants are called upon to designate their respective agency to coordinate with law enforcement agencies, authorities dealing with countering terrorist financing and other concerned government agencies, and to act as the National Focal Point for the purposes of implementing this Declaration.

### **Disclosure of Information**

6. The participants expect that no confidential information, documents or data received in connection with this Declaration shall be disclosed or distributed to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.

### **Implementation**

7. All the participants are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects.

ADOPTED by the Heads of State/Government of ASEAN Member Countries and Japan on this Thirtieth Day of November 2004 in Vientiane, Lao People's Democratic Republic.

# ASEAN - Republic of Korea Joint Declaration for Cooperation to Combat International Terrorism

Vientiane, Lao PDR, 27 July 2005

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Vietnam, Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Republic of Korea (hereinafter referred to collectively as "the Participants");

**MINDFUL** of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels to prevent, disrupt, and combat terrorism in a comprehensive manner;

**REAFFIRMING** their determination to prevent, suppress and eliminate international terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations (UN), international law and all the relevant UN resolutions or declarations on international terrorism, and reaffirming that the UN should play a major role in combating terrorism;

**REAFFIRMING** the principles of sovereign equality, territorial integrity and non-interference in the domestic affairs of other States;

**REJECTING** any attempt to associate terrorism with any religion, race or nationality;

**RECOGNISING** that successfully eliminating terrorism requires a comprehensive approach that includes addressing its root causes;

**REAFFIRMING** their unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, as criminal and unjustifiable;

**RECOGNISING** that the threat of terrorism remains a global security concern and determined to address the threat posed by terrorists to peace, security, stability and prosperity in the region;

**RECALLING** the Joint Declaration on Comprehensive Cooperation Partnership between the Association of Southeast Asian Nations and the Republic of Korea signed on 30 November 2004 in Vientiane, Lao PDR, in which the parties reaffirmed the spirit of cooperation in the fight against terrorism and the shared recognition of the importance of counter terrorism cooperation;

**ACKNOWLEDGING** the efforts and remarkable achievements made by the ASEAN Member Countries and the Republic of Korea in the fight against terrorism and welcoming the enhanced counter-terrorism measures taken by the Participants in preventing the recurrence of terrorist attacks;

**DESIRING** to strengthen and expand cooperation to fight international terrorism through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), being the leading body for combating terrorism in ASEAN, the AMMTC+3 process, and other mechanisms as appropriate;

**ENCOURAGED** by the strong cooperation between the Member Countries of ASEAN and the Republic of Korea on security, intelligence and law enforcement matters, and desiring to strengthen and expand this cooperation to fight international terrorism through the AMMTC and other mechanisms;

## SOLEMNLY DECLARE AS FOLLOWS:

### Objectives

1. This Declaration defines an effective framework for cooperation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence, technical assistance in the area of law enforcement, capacity building and sharing of best practices as well as to enhance the effectiveness of efforts to combat terrorism.
2. The Participants emphasise that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

### Scope and Areas of Cooperation

3. The Participants stress their commitment to abide by the principles laid out in this Joint Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities, and to review them at an appropriate time through existing ASEAN-ROK mechanisms:
  - i. Strengthen exchange of information and law enforcement cooperation on the activities of terrorists and terrorist organisations, especially through extradition and mutual legal assistance in criminal matters to bring terrorists to justice;
  - ii. Ensure the early conclusion and implementation of all relevant international counter-terrorism conventions and protocols and the full compliance of all the relevant UN resolutions on international terrorism, including UN Security Council Resolutions 1267, 1269, 1373, 1390, 1455, 1456, 1540, and 1566;
  - iii. Strengthen necessary measures to counter and prevent the financing of terrorists and terrorist organisations and the use of alternative means of remittance such as illegal money transfer;
  - iv. Strengthen cooperation in immigration controls to prevent the movement of terrorists and provide assistance to address border management and immigration control challenges, including document and identity fraud, and to effectively stem the flow of terrorist-related material, money and people;
  - v. Develop cooperation to enhance national transport security, including aviation, container and maritime security, as agreed in the framework of the ASEAN Regional Forum and ASEAN+3 process;
  - vi. Strengthen capacity-building efforts through training and education, consultations between officials, analysts and field operators, convening of seminars/conferences and joint projects as appropriate;
  - vii. Develop cooperative projects with the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Malaysia, the International Law Enforcement Academy (ILEA) in Thailand and the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Indonesia;
  - viii. Develop cooperation programmes and projects in the areas identified above; and
  - ix. Continue to support development projects that aim at reducing poverty and socio-economic disparity and injustices, as well as promoting the elevation of standard of living, in particular of underprivileged groups and people in underdeveloped areas.
4. The Participants, who have not done so, are encouraged to become parties to all the 13 United Nations conventions and protocols relating to counter-terrorism as soon as possible.
5. The participants are encouraged to promote cooperation in the areas identified above through existing ASEAN-ROK mechanisms.
6. Each Participant is called upon to designate a contact point for the purposes of implementing this Joint Declaration.

### Disclosure of Information

7. The Participants expect that confidential information, documents or data received in connection with this Joint Declaration shall not be disclosed or distributed to any third party, at any time, except to the extent agreed in writing by the Participant that provided the information and the requesting Participant.

## Implementation

8. All the Participants are urged to promote and implement, effectively and in good faith, the provisions of this Joint Declaration in all its aspects.

DONE in Vientiane, Lao PDR, on the Twenty-Seventh of July in the Year Two Thousand and Five, in two original copies in the English Language.

For ASEAN:

**H.E. SOMSAVAT LENGSAVAD**  
Deputy Prime Minister and  
Minister of Foreign Affairs  
Lao People's Democratic Republic  
Chairman of the 38<sup>th</sup> ASEAN  
Standing Committee

For the Republic of Korea:

**H.E BAN KI-MOON**  
Minister of Foreign Affairs  
and Trade  
Republic of Korea

# ASEAN - New Zealand Joint Declaration for Cooperation to Combat International Terrorism

Vientiane, Lao PDR, 29 July 2005

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Vietnam, who are the Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of New Zealand, (hereinafter referred to collectively as "the Participants");

**MINDFUL of recent ASEAN** declarations on terrorism, which, inter alia, undertake to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner;

**UNDERSTANDING** the serious danger that international terrorism and terrorist networks pose to global and regional peace, security and prosperity and to the safety of their citizens, and which require concerted action to protect and defend all peoples;

**REAFFIRMING** their determination to prevent, suppress and eliminate international terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations, international law and all relevant United Nations Security Council resolutions;

**CONFIRMING** that the United Nations should play a major role in combating terrorism;

**RECOGNISING** the principles of sovereign equality, territorial integrity and non-intervention in the internal affairs of other States;

**ACKNOWLEDGING** the importance of effective international and regional cooperation to combat and prevent international terrorism;

**REALISING** that the complexity and transnational nature of terrorism, and its linkages with transnational organized crimes, call for a comprehensive and concerted approach that embraces concrete action on many fronts;

**AWARE** of the importance of addressing the root causes of terrorism, without acknowledging these as justifications for violence and welcoming recent regional cooperation to strengthen dialogue and promote mutual understanding within and among countries, cultures and civilizations;

**NOTING** that the Co-Chairs' Statement from the 2004 Bali Regional Ministerial Meeting on Counter-Terrorism resolved to enhance regional cooperation on counter-terrorism;

**SUPPORTING** the continuing commitment of the ASEAN Regional Forum (ARF) to strengthen regional and international cooperation in the fight against terrorism;

**NOTING** also the strong affirmation in the 2003 and 2004 APEC Economic Leaders' Statement of the importance of regional counter-terrorism cooperation;

**CONSCIOUS** that terrorism, as an international phenomenon must not be identified with any religion, race, or nationality;

**ENCOURAGED** by the cooperation between the Member Countries of ASEAN and New Zealand that already exists on regional security and law enforcement matters;

**DESIRING** to strengthen and expand this cooperation to fight international terrorism through the ASEAN Ministerial Meeting on Transnational Crime as a leading ASEAN body for combating terrorism and other mechanisms;



**Declare as follows:****Objective:**

1. The Participants reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through the exchange of information, intelligence and capacity building.

**Scope and Areas of Cooperation:**

2. The Participants stress their commitment to seek to implement the principles laid out in this declaration, in conformity with their obligations under international law and in accordance with their respective domestic laws and their specific circumstances, in any or all of the following areas and to review them at an appropriate time.
3. Enhanced cooperation in accordance with this Declaration includes:
  - i. Exchange of information on the organization, activities, and financing of terrorists and counter terrorism measures including on the development of more effective policies and legal, regulatory and administrative counter terrorism regimes, in accordance with relevant United Nations Security Council Resolutions, and having regard to other declarations on international terrorism where applicable;
  - ii. Greater cooperation on law enforcement measures, including those aimed at prevention and investigation of terrorist activities;
  - iii. Enhanced capacity-building, including through training and education; consultations between officials and analysts; seminars and conferences; and related contingency responses, as appropriate;
  - iv. Improved border-control, customs, and immigration and transport security procedures, to ensure the integrity of travel documents, to prevent identity fraud, and to stem the flow of terrorist-related material, money and people;
  - v. Enhanced legal cooperation in criminal matters to bring terrorists to justice, including streamlining the procedures for seeking and granting mutual legal assistance and extradition, via regional initiatives such as the Legal Experts Working Group established by the Bali Regional Ministerial Meeting on Counter-Terrorism;
  - vi. Strengthened measures to prevent illegal manufacture, possession or trafficking of weapons, ammunition, explosives and other destructive materials or substances;
  - vii. Wider exchange of information on best practices and on measures and procedures to strengthen counter-terrorism capability and cooperation as well as practical cooperation on measures to suppress the financing of international terrorism and combat money-laundering;
  - viii. Identifying and addressing the root causes of terrorism and transnational crimes; and
  - ix. Continuing to support development projects aimed at eradicating poverty and socio-economic disparity and injustices as well as promoting the elevation of standard of living, in particular underprivileged groups and people and underdeveloped areas.

**Mechanisms:**

4. The Participants will take advantage of all appropriate opportunities, including visits and meetings of Ministers, officials and experts, as well as the judiciary, and of conferences, workshops or seminars, to pursue enhanced cooperation on counter-terrorism.
5. The Participants will work towards closer and interactive dialogue with civil society, including academia, to foster greater understanding and cooperation aimed at eliminating terrorism.
6. The Participants recognise the ongoing need for consistency between counter-terrorism frameworks and fundamental human rights standards and may explore appropriate opportunities to enhance awareness and understanding of this.

**Participation:**

7. The Participants are encouraged to become parties to all 13 of the United Nations conventions and protocols relating to terrorism.
8. The Participants are called upon to designate a contact point to coordinate their respective law enforcement and security agencies, authorities dealing with countering terrorist financing and other relevant government agencies for the purposes of implementing the Declaration.

**Disclosure of Information:**

9. The Participants would not disclose or distribute any confidential information, documents or data received in connection with this declaration to any third party, at any time, except to the extent agreed in writing by the Participant that provided the information.

Done at Vientiane, Lao PDR, this Twenty-Ninth Day of July in the Year Two Thousand and Five, in two original copies in the English Language.

For ASEAN:

**SOMSAVAT LENGSAVAD**  
Deputy Prime Minister and  
Minister of Foreign Affairs  
Lao People's Democratic Republic  
Chairman of the 38<sup>th</sup> ASEAN Standing Committee

For New Zealand:

**HON. PHIL GOFF**  
Minister of Foreign Affairs  
and Trade  
New Zealand

# ASEAN - Pakistan Joint Declaration for Cooperation to Combat Terrorism

Vientiane, Lao PDR, 29 July 2005

**We**, The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Islamic Republic of Pakistan (hereinafter referred to collectively as the "Participants");

**RECOGNISING** that terrorism constitutes a serious threat to the peace, security and economic prosperity of the world in general and to ASEAN and Pakistan in particular;

**MINDFUL** of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen cooperation at bilateral, regional and international levels;

**REAFFIRMING** their determination to prevent, suppress, combat and eliminate international Terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations and International law and having regard to all relevant United Nations resolutions or declarations on international terrorism and affirming that the United Nations should play a major role in combating terrorism;

**RECOGNISING** the principles of sovereign equality, territorial integrity and non-interference in the internal affairs of other States;

**REJECTING** any attempt to associate terrorism with any religion, race or nationality;

**ACKNOWLEDGING** the achievements made by the ASEAN Member Countries and their partners in the fight against terrorism and the continuing commitment of the ASEAN Regional Forum (ARF) to strengthen regional cooperation in the fight against terrorism;

**RECOGNISING** that the transboundary character of terrorism calls for an international response, the fight against terrorism requires a comprehensive approach by the international community comprising political, economic, diplomatic, military and legal means in accordance with our respective domestic laws, duly taking into account root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities;

**ENCOURAGED** by the strong cooperation between the Member Countries of ASEAN and Pakistan on security, intelligence and law enforcement matters;

**DESIRING** to strengthen and expand this cooperation between relevant agencies concerned in ASEAN and Pakistan to fight international terrorism;

**Declare as follows:**

**Objectives:**

1. The Participants reaffirm the importance of having a framework for cooperation to prevent, suppress, disrupt and combat international terrorism through information exchange, intelligence sharing and capacity-building.

**Scope and Areas of Cooperation:**

2. The Participants stress their commitment to seek to implement the principles laid out in this Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following areas:
  - i. Enhance cooperation among their law enforcement and security agencies to strengthen counter-terrorism measures;
  - ii. Continue and improve intelligence and terrorist financing information sharing on counter-terrorism measures including the development of more effective policies and legal, regulatory and administrative counter-terrorism regimes;
  - iii. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; and seminars, conferences and other joint effort;
  - iv. Continue to explore cooperation with the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Malaysia, the International Law Enforcement Academy (ILEA) in Thailand and the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Indonesia;
  - v. Provide assistance on transportation security and border and immigration control, including document and identify fraud, to stem effectively the flow of terrorist-related material, money and people;
  - vi. Implement the measures contained in the ARF's Statement on Cooperative Counter-Terrorism Action on Border Security, the ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security, the ARF Statement on Transport Security Against International Terrorism and to other relevant ARF Statement where appropriate;
  - vii. Comply with United Nations resolutions and declarations on terrorism, particularly United Nations Security Council Resolutions 1267, 1269, 1373, 1455, 1456, and having regard to other United Nations resolutions or declarations on international terrorism, where applicable;
  - viii. Continue to support development projects that aim at reducing poverty and socio-economic disparity and injustices, as well as promoting the elevation of standards of living, in particular of underprivileged groups and people in underdeveloped areas; and
  - ix. Explore on a mutual basis additional areas of cooperation.
3. The Participants are called upon to become parties to all 13 United Nations conventions and protocols relating to terrorism.

**Participation:**

4. The Participants are called upon to designate a contact point for the purposes of implementing this Declaration.

**Disclosure of Information:**

5. The Participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.

**Implementation:**

6. All the Participants are urged to promote in good faith the provisions of the present Declaration in all its aspects.

Done at Vientiane, Lao PDR, this Twenty-Ninth Day of July in the Year Two Thousand and Five, in two original copies in the English Language.

For ASEAN:

For Pakistan:

**SOMSAVAT LENGSAVAD**

Deputy Prime Minister and  
Minister of Foreign Affairs  
Lao People's Democratic Republic  
Chairman of the 38<sup>th</sup> ASEAN Standing Committee

**KHURSHID M. KASURI**

Minister of Foreign Affairs  
Islamic Republic of Pakistan

## **ASEAN - Canada Joint Declaration for Cooperation to Combat International Terrorism**

**Kuala Lumpur, Malaysia, 28 July 2006**

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of Canada, (hereinafter referred to collectively as "the Participants");

**MINDFUL** of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism and Declaration on Terrorism by the 8th ASEAN Summit which, inter alia, undertake to strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner;

**REALISING** that terrorism constitutes a serious crime and is a threat to ASEAN and Canada's peace, security and economic prosperity;

**REAFFIRMING** their determination to prevent, suppress and eliminate international terrorism in all its forms and manifestations, in accordance with the Charter of the United Nations (UN), international law, including human rights, refugee and humanitarian law, UN Resolutions or Declarations and UN Conventions and Protocols related to Counterterrorism, where applicable, and affirming that the UN should play a major role in combating terrorism;

**RECOGNISING** the principles of sovereign equality, territorial integrity and non-intervention in the internal affairs of other States;

**REALISING** that the complexity and transnational nature of terrorism, and in certain circumstances, its linkages with transnational organised crime, call for the comprehensive and concerted approach that embraces concrete action on many fronts;

**ACKNOWLEDGING** the importance of effective international and regional cooperation to combat and prevent international terrorism;

**AWARE** of the importance of addressing the root causes of terrorism without acknowledging these as justifications for violence;

**MINDFUL of ASEAN** and Canada's efforts to enhance vertical and horizontal cooperation and noting the importance placed on counter-terrorism collaboration highlighted in the Co-Chairs' statement of the Second ASEAN-Canada Dialogue in Vancouver in 2005;

**NOTING** that the Co-Chairs' Statement from the 2004 Bali Regional Ministerial Meeting on Counter-Terrorism resolved to enhance regional cooperation on counter-terrorism;

**RECOGNISING** work of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) as a leading ASEAN body for combating terrorism, the ASEAN Regional Forum (ARF) and other ASEAN Mechanisms to strengthen regional and international cooperation in the fight against terrorism;

**WELCOMING** recent regional cooperation to strengthen dialogue and promote mutual understanding within and among countries, cultures, faiths and civilisations;

**NOTING** also the strong re-affirmation of commitment to enhancing regional counter-terrorism cooperation contained in the 2003, 2004 and 2005 APEC Economic Leaders Statements;

**CONSCIOUS** that terrorism, as an international phenomenon, must not be identified with any religion, culture, race or nationality;

**ENCOURAGED** by the strong cooperation between Member Countries of ASEAN and Canada on matters of regional security and law enforcement matters;

**DESIRING** to strengthen and expand this cooperation to fight international terrorism through the ARF Intersessional Meeting on Counter-Terrorism and Transnational Crime and recognising the leading role of the AMMTC and other ASEAN Mechanisms for combating terrorism.

1. The Participants acknowledge the United Nations as the primary forum for the development of the global legal framework to combat terrorism, and reaffirm the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through activities such as the exchange and flow of information, intelligence and capacity building.
2. The Participants emphasise that the purpose of this cooperation is to enhance the efficacy of those efforts to combat terrorism.

**Scope and Areas of Cooperation:**

3. The Participants stress their commitment to seek to implement the principles laid out in this Declaration, in conformity with their obligations under international law, and in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities and to review them at appropriate existing meetings.
4. Enhanced cooperation in accordance with this Declaration includes:
  - i. Exchange of information on the organisation, activities, methods, arms used, financing and movement of terrorists and counter-terrorism measures, including on the development of more effective policies and legal, regulatory and administrative counter-terrorism regimes, in accordance with relevant international and domestic law;
  - ii. Greater cooperation on law enforcement measures, including those aimed at prevention, investigation, apprehension and prosecution of terrorist activities via regional initiatives such as the Law Enforcement Working Group established by the Bali Regional Ministerial Meeting on Counter-Terrorism and other ASEAN Mechanisms;
  - iii. Strengthened capacity building efforts, including through training and technical assistance, seminars, workshops and the exchange of best practices, as appropriate;
  - iv. Improved border control, customs and immigration and transport security procedures, to ensure the integrity of travel documents, to prevent document and identity fraud, and to stem the flow of terrorist-related material, money and people;
  - v. Enhanced legal cooperation in criminal matters to bring terrorists to justice, including streamlining the procedures for seeking and granting mutual legal assistance and extradition, where necessary, via regional initiatives such as the Legal Issues Working Group under the framework of the Bali Regional Ministerial Meeting on Counter-Terrorism;
  - vi. Strengthened measures to prevent illegal manufacture, possession or trafficking in weapons, ammunition, explosives and other potentially destructive materials or substances;
  - vii. Wider exchange of information on best practices and on measures and procedures to strengthen counter-terrorism capability and cooperation as well as practical cooperation on measures to suppress the financing of international terrorism;
  - viii. Comply with all the relevant UN resolutions and declarations on international terrorism, including relevant UN Security Council Resolutions;
  - ix. Cooperate to support development initiatives aimed at enhancing quality of life, rule of law, good governance, and community awareness in order to reduce the conditions that terrorists seek to exploit;
  - x. Implement measures contained in the ARF's Statement on Cooperative Counter-Terrorism Action on border

security, the ARF Statement on Cooperation Against Piracy and other Threats to Maritime Security, the ARF Statement on Transport Security Against International Terrorism and other relevant ARF statements where appropriate; and

xi. Joint exploration, as appropriate, of additional areas of cooperation.

**Mechanisms:**

5. The Participants will take advantage of such opportunities as are considered in the circumstances to be appropriate and necessary to enhance cooperation to combat terrorism, including through diplomatic missions, visits and meetings of Ministers, officials and experts, as well as the judiciary, and conferences, workshops or seminars given available resources.
6. The Participants will work towards closer and interactive dialogue with civil society, including the academic community, to foster greater understanding and cooperation aimed at eliminating terrorism.
7. The Participants recognise the ongoing need for consistency of counter terrorism frameworks with fundamental human rights standards and will explore appropriate opportunities to enhance awareness and understanding of this.

**Participation:**

8. The Participants are encouraged to become parties to, and effectively implement, all 13 of the United Nations conventions and protocols relating to terrorism.
9. The Participants are called upon to designate a contact point to coordinate their respective law enforcement and security agencies, authorities dealing with countering terrorist financing and other relevant agencies for the purposes of implementing the declaration.

**Disclosure of Information:**

10. The Participants will not disclose or distribute any confidential information, documents or data received in connection with this declaration to any third party, at any time, except to the extent agreed in writing by the Participant that provided the information.

Done at Kuala Lumpur, Malaysia, this Twenty-Eighth Day of July in the Year Two Thousand and Six, in three original copies, two in the English Language and one in the French Language.

For ASEAN:

**DATO' SERI SYED HAMID ALBAR**  
Minister of Foreign Affairs Malaysia  
Chairman of the 39<sup>th</sup> ASEAN  
Standing Committee

For Canada:

**PETER GORDON MACKAY**  
Minister of Foreign Affairs  
Canada



# ASEAN Convention on Counter-Terrorism

Cebu, Philippines, 13 January 2007

Member Countries of the Association of Southeast Asian Nations (ASEAN) - Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, hereinafter referred to as "the Parties";

**RECALLING** the Charter of the United Nations and relevant principles of international law, the relevant international conventions and protocols relating to counter terrorism and relevant resolutions of the United Nations on measures aimed at countering international terrorism, and reaffirming our commitment to protect human rights, fair treatment, the rule of law, and due process as well as the principles enshrined in the Treaty of Amity and Cooperation in Southeast Asia done at Bali on 24 February 1976;

**REAFFIRMING** that terrorism cannot and should not be associated with any religion, nationality, civilisation or ethnic group;

**RECALLING** also the ASEAN Declaration on Joint Action to Counter Terrorism and the Declaration on Terrorism adopted at the ASEAN Summits in 2001 and 2002 respectively;

**REAFFIRMING** our commitment to the Vientiane Action Programme done at Vientiane on 29 November 2004, particularly its thrust on "shaping and sharing of norms" and the need, among others, to work towards the conclusion of an ASEAN Mutual Legal Assistance Agreement, and an ASEAN Convention on Counter Terrorism, and the establishment of an ASEAN Extradition Treaty as envisaged by the 1976 Declaration of ASEAN Concord;

**DEEPLY CONCERNED** over the grave danger posed by terrorism to innocent lives, infrastructure and the environment, regional and international peace and stability as well as to economic development;

**REALISING** the importance of identifying and effectively addressing the root causes of terrorism in the formulation of any counter terrorism measures;

**REITERATING** that terrorism, in all its forms and manifestations, committed wherever, whenever, and by whomsoever, is a profound threat to international peace and security and a direct challenge to the attainment of peace, progress and prosperity for ASEAN and the realisation of ASEAN Vision 2020;

**REAFFIRMING** our strong commitment to enhance cooperation in countering terrorism which covers the prevention and suppression of all forms of terrorist acts;

**REITERATING** the need to improve regional cooperation on counter terrorism and undertake effective measures through deepening cooperation among ASEAN law enforcement agencies and relevant authorities in countering terrorism;

**ENCOURAGING** the Parties to become parties as soon as possible to the relevant international conventions and protocols relating to counter terrorism;

Have agreed as follows:

**Article I  
Objective**

This Convention shall provide for the framework for regional cooperation to counter, prevent and suppress terrorism in all its forms and manifestations and to deepen cooperation among law enforcement agencies and relevant authorities of the Parties in countering terrorism.

**Article II  
Criminal Acts of Terrorism**

1. For the purposes of this Convention, “offence” means any of the offences within the scope of and as defined in any of the treaties listed as follows:
  - a. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
  - b. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971;
  - c. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, adopted in New York on 14 December 1973;
  - d. International Convention Against the Taking of Hostages, adopted in New York on 17 December 1979;
  - e. Convention on the Physical Protection of Nuclear Material, adopted in Vienna on 26 October 1979;
  - f. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 24 February 1988;
  - g. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10 March 1988;
  - h. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;
  - i. International Convention for the Suppression of Terrorist Bombings, adopted in New York on 15 December 1997;
  - j. International Convention for the Suppression of the Financing of Terrorism, adopted in New York on 9 December 1999;
  - k. International Convention for the Suppression of Acts of Nuclear Terrorism, adopted in New York on 13 April 2005;
  - l. Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July 2005;
  - m. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at London on 14 October 2005; and
  - n. Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at London on 14 October 2005.
2. On depositing its instrument of ratification or approval, a Party which is not a Party to a treaty listed in paragraph 1 of this Article may declare that, in the application of this Convention to that Party, that treaty shall be deemed not to be included in paragraph 1 of this Article. This declaration shall cease to have an effect as soon as the treaty enters into force for the Party having made such a declaration, which shall notify the depositary as stated in paragraph 2 of Article XX of this entry into force.
3. When a Party ceases to be a party to a treaty listed in paragraph 1 of this Article, it may make a declaration as provided for in this Article, with respect to that treaty.

**Article III**  
**Sovereign Equality, Territorial Integrity and Non-Interference**

The Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-interference in the internal affairs of other Parties.

**Article IV**  
**Preservation of Sovereignty**

Nothing in this Convention entitles a Party to undertake, in the territory of another Party, the exercise of jurisdiction or performance of functions which are exclusively reserved for the authorities of that other Party by its domestic laws.

**Article V**  
**Non-Application**

This Convention shall not apply where the offence is committed within a single Party, the alleged offender and the victims are nationals of that Party, the alleged offender is found in the territory of that Party and no other Party has a basis under this Convention to exercise jurisdiction.

**Article VI**  
**Areas of Cooperation**

1. The areas of cooperation under this Convention may, in conformity with the domestic laws of the respective Parties, include appropriate measures, among others, to:
  - a. Take the necessary steps to prevent the commission of terrorist acts, including by the provision of early warning to the other Parties through the exchange of information;
  - b. Prevent those who finance, plan, facilitate, or commit terrorist acts from using their respective territories for those purposes against the other Parties and/or the citizens of the other Parties;
  - c. Prevent and suppress the financing of terrorist acts;
  - d. Prevent the movement of terrorists or terrorist groups by effective border control and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;
  - e. Promote capacity-building including trainings and technical cooperation and the holding of regional meetings;
  - f. Promote public awareness and participation in efforts to counter terrorism, as well as enhance inter-faith and intra-faith dialogue and dialogue among civilisations;
  - g. Enhance cross-border cooperation;
  - h. Enhance intelligence exchange and sharing of information;
  - i. Enhance existing cooperation towards developing regional databases under the purview of the relevant ASEAN bodies;
  - j. Strengthen capability and readiness to deal with chemical, biological, radiological, nuclear (CBRN) terrorism, cyber terrorism and any new forms of terrorism;
  - k. Undertake research and development on measures to counter terrorism;
  - l. Encourage the use of video conference or teleconference facilities for court proceedings, where appropriate; and
  - m. Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice.

2. Subject to the consent of the Parties concerned, Parties shall cooperate to address the root causes of terrorism and conditions conducive to the spread of terrorism to prevent the perpetration of terrorist acts and the propagation of terrorist cells.

### **Article VII State Jurisdiction**

1. A Party shall take such measures as may be necessary to establish its jurisdiction over the offences covered in Article II of this Convention when:
  - a. The offence is committed in the territory of that Party; or
  - b. The offence is committed on board a vessel flying the flag of that Party or an aircraft which is registered under the laws of that Party at the time the offence is committed; or
  - c. The offence is committed by a national of that Party.
2. A Party may also establish its jurisdiction over any such offence when:
  - a. The offence is committed against a national of that Party; or
  - b. The offence is committed against a state or government facility of that Party abroad, including its embassy or other diplomatic or consular premises; or
  - c. The offence is committed in an attempt to compel that Party to do or to abstain from doing any act; or
  - d. The offence is committed by a stateless person with habitual residence in the territory of that Party.
3. A Party shall likewise establish its jurisdiction over the offences covered in Article II of this Convention in cases where the alleged offender is present in its territory and it does not extradite that person to any of the Parties that have established their jurisdiction in accordance with paragraph 1 or 2 of this Article.
4. This Convention does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic laws.

### **Article VIII Fair Treatment**

1. Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the laws of the Party in the territory of which that person is present and applicable provisions of international law, including international human rights law.
2. Upon receiving information that a person who has committed or who is alleged to have committed an offence covered in Article II of this Convention may be present in its territory, the Party concerned shall take such measures as may be necessary under its domestic laws to investigate the facts contained in the information.
3. Upon being satisfied that the circumstances so warrant, the Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic laws so as to ensure that person's presence for the purpose of prosecution or extradition.
4. Any person regarding whom measures referred to in paragraph 3 of this Article are being taken shall be entitled:
  - a. To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights;
  - b. To be visited by a representative of that State;
  - c. To be informed of that person's rights under subparagraphs (a) and (b) of paragraph 4 of this Article.
5. The rights referred to in paragraph 4 of this Article shall be exercised in conformity with the laws and regulations of the Party in the territory of which the offender or alleged offender is present, subject to the provision that

the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 4 of this Article are intended.

6. When a Party, pursuant to the present Article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of ASEAN, the Parties which have established jurisdiction in accordance with paragraph 1 or 2 of Article VII, and, if it considers it advisable, any other interested Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The Party which is carrying out the investigation referred to in paragraph 2 of this Article shall promptly inform the said Parties of its findings and shall indicate whether it intends to exercise jurisdiction over the said person.

### **Article IX General Provisions**

1. The Parties shall adopt such measures as may be necessary, including, where appropriate, national legislation, to ensure that offences covered in Article II of this Convention, especially when it is intended to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.
2. Pursuant to Article VI of this Convention, the Parties shall, where possible, establish channels of communication between their competent agencies to facilitate the exchange of information to prevent the commission of offences covered in Article II of this Convention.
3. The Party where the alleged offender is prosecuted shall, upon the request of the other Parties claiming jurisdiction over the same, communicate the status of the case at any stage of the proceedings to those other Parties.

### **Article X Status of Refugees**

The Parties shall take appropriate measures, in conformity with the relevant provisions of their respective domestic laws and applicable international law, including international standards of human rights, before granting refugee status, where the Parties recognise and grant such status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts.

### **Article XI Rehabilitative Programmes**

The Parties shall endeavour to promote the sharing of best practices on rehabilitative programmes including, where appropriate, social reintegration of persons involved in the commission of any of the offences covered in Article II of this Convention with the objective of preventing the perpetration of terrorist acts.

### **Article XII Mutual Legal Assistance in Criminal Matters**

1. The Parties shall, in conformity with their respective domestic laws, afford the widest measure of assistance in connection with investigations or criminal proceedings brought in respect of the offences covered in Article II of this Convention.
2. The Parties shall, where they are parties to the Treaty on Mutual Legal Assistance in Criminal Matters done in Kuala Lumpur on 29 November 2004, carry out their obligations under paragraph 1 of this Article in conformity with that Treaty.

### **Article XIII Extradition**

1. The Party in the territory of which the alleged offender is present shall, in cases to which Article VII of this Convention applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the domestic laws of that Party. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the domestic laws of that Party.
2. The offences covered in Article II of this Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Convention. The Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.
3. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, at its option, and in conformity with its domestic laws, consider this Convention as a legal basis for extradition in respect of the offences covered in Article II of this Convention.

### **Article XIV Political Offences Exception**

None of the offences covered in Article II of this Convention shall be regarded for the purposes of extradition under Article XIII of this Convention or mutual legal assistance in criminal matters under Article XII of this Convention as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance in criminal matters based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

### **Article XV Designation of Central Authorities or Coordinating Structures**

Each Party shall designate, as appropriate, a central authority or coordinating structure to enhance cooperation under this Convention.

### **Article XVI Implementation, Monitoring and Review**

The relevant ASEAN sectoral bodies involved in ASEAN cooperation on countering terrorism shall be responsible for monitoring and reviewing the implementation of this Convention.

### **Article XVII Confidentiality**

1. Each Party shall preserve the confidentiality and secrecy of documents, records and other information received from any other Party, including the source thereof.
2. No document, record or other information obtained pursuant to this Convention shall be disclosed to or shared with any other Party, State or person except with the prior written consent of the Party which provided such document, record or information.

**Article XVIII**  
**Relationship with Other International Instruments**

This Convention shall not derogate from obligations subsisting between the Parties pursuant to other international agreements nor, where the Parties agree, shall it prevent the Parties from providing assistance to each other pursuant to other international agreements or the provisions of their respective domestic laws.

**Article XIX**  
**Settlement of Disputes**

Any difference or dispute between the Parties arising from the interpretation or application of the provisions of this Convention shall be settled amicably through consultation and negotiation between the Parties through diplomatic channels or any other peaceful means for the settlement of disputes as agreed upon between the Parties.

**Article XX**  
**Ratification, Approval and Depositary**

1. This Convention shall be subject to ratification or approval in accordance with the internal procedures of the Parties.
2. The instruments of ratification or approval shall be deposited with the Secretary-General of ASEAN who shall promptly inform the other Parties of such deposit.

**Article XXI**  
**Entry into Force and Amendment**

1. This Convention shall enter into force on the 30th (thirtieth) day following the date of the deposit of the 6th (sixth) instrument of ratification or approval with the Secretary-General of ASEAN in respect of those Parties that have submitted their instruments of ratification or approval.
2. For any Party ratifying or approving this Convention after the deposit of the 6th (sixth) instrument of ratification or approval, but before the day the Convention enters into force, the Convention shall also apply to that Party on the date the Convention enters into force.
3. In respect of a Party ratifying or approving this Convention subsequent to its entry into force pursuant to paragraph 1, it shall enter into force for that Party on the date its instrument of ratification or approval is deposited.
4. This Convention may be modified or amended at any time by mutual written consent of the Parties. Such modification or amendment shall enter into force on such date as shall be mutually agreed upon by Parties and shall form part of this Convention.
5. Any modification or amendment shall not affect the rights and obligations of the Parties arising from or based on the provisions of this Convention before the entry into force of such modification or amendment.

**Article XXII**  
**Withdrawal**

1. Any Party may withdraw from this Convention at any time after the date of the entry into force of this Convention for that Party.
2. The withdrawal shall be notified by an instrument of withdrawal to the Secretary-General of ASEAN.

3. The withdrawal shall take effect 180 (one hundred and eighty) days after the receipt of the instrument of withdrawal by the Secretary-General of ASEAN.
4. The Secretary-General of ASEAN shall promptly notify all the other Parties of any withdrawal.

### **Article XXIII Registration**

This Convention shall be registered by the Secretary-General of ASEAN to the United Nations Secretariat pursuant to Article 102 of the Charter of the United Nations.

DONE at Cebu, Philippines, this Thirteenth Day of January in the Year Two Thousand and Seven, in a single original copy in the English language.

For Brunei Darussalam:  
**HAJI HASSANAL BOLKIAH**  
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:  
**SAMDECH HUN SEN**  
Prime Minister

For the Republic of Indonesia:  
**DR. SUSILO BAMBANG YUDHOYONO**  
President

For the Lao People's Democratic Republic:  
**BOUASONE BOUPHAVANH**  
Prime Minister

For Malaysia:  
**DATO' SERI ABDULLAH AHMAD BADAWI**  
Prime Minister

For the Union of Myanmar:  
**GENERAL SOE WIN**  
Prime Minister

For the Republic of the Philippines:  
**GLORIA MACAPAGAL-ARROYO**  
President

For the Republic of Singapore:  
**LEE HSIEN LOONG**  
Prime Minister

For the Kingdom of Thailand:  
**GENERAL SURAYUD CHULANONT (RET.)**  
Prime Minister

For the Socialist Republic of Viet Nam:  
**NGUYEN TAN DUNG**  
Prime Minister



# ASEAN Comprehensive Plan of Action on Counter Terrorism

Nay Pyi Taw, Myanmar, 30 June 2009

## I. General / Introduction

1. Pursuant to the ACCT and in accordance with the mandate of the 7<sup>th</sup> SOM-TC, the SOM-TC WG is mandated to develop the ASEAN CPOA on CT that will elaborate the ASEAN Action Plan on Counter terrorism. The 1<sup>st</sup> SOM-TC WG meeting was held in Jakarta on June 5, 2008. In accordance with the key principles of the ASEAN Convention on Counter Terrorism, the Plan of Action aims, among others, to:
  - 1.1. Enhance cooperation among the law enforcement and intelligence agencies, and other relevant authorities of ASEAN Member States to counter, prevent and suppress terrorism, terrorist organisations and their associations, to disrupt their support networks and impede their plan of terror acts, and to bring them to justice.
  - 1.2. Prevent the acts of terrorism by addressing its root causes and the conditions conducive to its spread.
  - 1.3. Protect the peoples of ASEAN and reduce the vulnerability of critical infrastructures of ASEAN Member States against terrorist attacks.
  
2. As the primary responsibility for combating terrorism rests with the ASEAN Member States, the Plan of Action shall complement their national efforts, by adding values towards the common objectives through the following:
  - 2.1. Strengthening national capabilities of ASEAN Member States to counter terrorism, by sharing best practices, exchange of knowledge, expertise, technology and information on how to prevent, protect people against, disrupt and respond to terrorism.
  - 2.2. Enhancing ASEAN cooperation on counter terrorism, by establishing effective mechanisms to facilitate cooperation among the relevant law enforcement agencies and relevant authorities of ASEAN Member States involved in counterterrorism.
  - 2.3. Developing collective capability at the regional level to prevent, protect against, disrupt and respond to terrorism, by making best use of the capability of the existing ASEAN bodies involve in combating terrorism, including AMMTC and SOMTC.
  - 2.4. Promoting international cooperation, through close cooperation with ASEAN Dialogue and Sectoral Partners as well as relevant international organisations in implementing the Joint Declaration on Combating International Terrorism. Utilize the existing training centers facilities for law enforcement in ASEAN member states such as Jakarta Centre for Law Enforcement and Cooperation (JCLEC), Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) and International Law Enforcement Academy (ILEA) in implementing the relevant activities of the ACPOA.

## II. Areas of Cooperation

3. Adherence to Relevant United Nations (UN) Security Council Resolutions and relevant international instruments pertaining to terrorism
  - 3.1. Introduce appropriate legislation to implement the obligations and to enable ratification of international instruments pertaining to terrorism to which ASEAN Member States are parties to.
  - 3.2. Ensure that all counter terrorism measures should respect and promote applicable provisions of

international law, in particular international human rights, and humanitarian law.

- 3.3. Implement appropriate Security Council Resolutions related to international terrorism and to cooperate with the counterterrorism subsidiary bodies of the Security Council in fulfilment of their tasks in accordance with the principles as enshrined in the ASEAN Charter and ASEAN Political Security Community Blueprint.

#### **4. Implementation of the existing regional legal frameworks, instruments and agreements pertaining to terrorism.**

- 4.1. Establish appropriate jurisdiction by among others prosecution or extradition, as stipulated in article VII of the ASEAN Convention on Counter Terrorism, in order to bring terrorists to justice and deny them safe haven.
- 4.2. Enhance the activities of the existing ASEAN bodies engaged in counter terrorism, such as AMMTC and SOMTC and other relevant stakeholders.
- 4.3. Exchange experiences in introducing the appropriate legislation to implement the obligations under international counterterrorism conventions and protocols, and assist Member States that are not yet parties to those instruments.
- 4.4. Enhance the terrorism-related legislative archives of ASEAN Member States, with a view to sharing legislative information, by utilizing the ASEAN Legal Information Network System.
- 4.5. Continue to work towards an ASEAN Model Treaty on Extradition.
- 4.6. Promote the sharing of best practices and exchange of lessons learnt on witness protection, including protection of justice and criminal justice officials involved in terrorism cases, with the objective of establishing an appropriate mechanism in ASEAN.
- 4.7. Enhance the cooperation on mutual legal assistance in accordance with the Treaty on Mutual Legal Assistance in Criminal Matters.

#### **5. Addressing the root causes of terrorism and conditions conducive to its spread**

- 5.1. Promote the objectives of the UN Millennium Development Goals on the eradication of poverty and sustain economic development in the region.
- 5.2. Develop programmes aimed at improving the quality of life of the people, through adequate provision of basic needs, equal opportunities and proper education, so as to prevent them from being manipulated by terrorist groups to further their ends.
- 5.3. Promote international and regional initiatives that encourage tolerance, moderation, inter-faith and intra-faith dialogues in the region through, among others, ASEAN-COCI and to take part in the UN initiative on the Alliance of Civilisations.
- 5.4. Develop programmes aimed at promoting greater tolerance and understanding through, among others, inter-faith, intra-faith and Inter-cultural dialogues, which will involve all levels of society including the religious leaders, the private sector, the academia, media, non-governmental organisations, community groups and other relevant institutions.
- 5.5. Study the conditions conducive to the spread of terrorism and explore ways to address such conditions, involving all levels of society, including religious leaders, the private sector, academics, the media, non-governmental organisations, community groups and other relevant institutions.
- 5.6. Share analysis of the radicalization process, including the motivation of terrorism, and share good practices in de-radicalization activities.
- 5.7. Exchange ASEAN Member States' success stories and best practices on rehabilitation and re-education programmes to prevent the perpetration of terrorist acts and the propagation of terrorist cells.
- 5.8. Develop programmes aimed at supporting victims of terrorism.
- 5.9. Develop programme to promote and empower public participation on counter terrorism measures.

- 5.10. Encourage the private sector to adopt business approaches that will facilitate counter terrorism measures, e.g. development of “security-oriented” design of industrial facilities, public transport facilities, etc.
- 5.11. Promote public and media awareness on terrorist threats and terrorism activities including through, public education on counter terrorism measures.

**6. Exchange of best practices on how to protect critical infrastructures, including telecommunications facilities, power stations, water supply facilities, air and sea ports, rail and road transportation facilities, key government and business buildings, etc. against terrorist attacks.**

- 6.1. Enhance cooperation to improve the security and protection of particularly vulnerable targets such as critical infrastructures and public facilities.
- 6.2. Promote exchange of experience to classify the risk levels of security of critical infrastructures and soft targets, such as telecommunications facilities, power stations, water supply facilities, military facilities, air/seaports, public transportation, government buildings, historic buildings and public places.

**7. Improvement of the security of passports, other travel documents and other documents issued by ASEAN Member States**

- 7.1. Intensify efforts and co-operation at every level, as appropriate, to improve the security measures in the manufacture and issuance of identity and travel documents and to detect and prevent the use of fraudulent passports and other travel documents.
- 7.2. Promote harmonisation of the security features of travel documents with international standards to facilitate the detection of fraudulent travel documents and deter the movement of terrorists in the region.

**8. Improvement of information sharing on lost and stolen passports, lost and stolen vehicles, fingerprints, wanted persons, etc, in close cooperation with ASEANAPOL**

- 8.1. Provide data and updates for the INTERPOL I-24/7 databases, including its Stolen and Lost Travel Documents (SLTD) database, the INTERPOL-United Nations Security Council Special Notices, Orange Notices, fingerprints, and DNA and other terrorism-related data, as appropriate.
- 8.2. Provide terrorism-related updates to ASEANAPOL, as appropriate, in order to enhance regional cooperation on counter terrorism.
- 8.3. Enhance capacity and mechanisms for the dissemination of terrorism-related information - especially information obtained through ASEANAPOL and INTERPOL - to front-line law enforcement officers involved in counter terrorism activities.
- 8.4. Develop at the national and regional level to the extent possible, a linked migration database system that will improve border security without impinging upon legitimate migration flows.

**9. Development of integrated surveillance and movement control methods at vulnerable areas along common borders in ASEAN Member States and the commencement of coordinated patrols to prevent terrorist infiltration.**

- 9.1. Enhance bilateral, sub-regional, regional and international co-operation, as appropriate, to improve border and customs controls, in order to prevent and detect the cross-border movement of terrorists and to prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological, radiological, and nuclear weapons and dual-use goods as well as materials that may be used in terrorist acts.
- 9.2. Ensure that border officials have direct and timely access to national, regional and international databases containing notices and lookout information for the screening/inspection of travel documents.

- 9.3. Enhance the effectiveness of efforts to detect forged/falsified/counterfeit travel documents and to process data from INTERPOL, ASEANAPOL and other sources, by providing training to officers with immigration duties.
- 9.4. Carry out studies and research on specific issues such as movements of terrorists and terrorist networks; forged/falsified/counterfeit travel documents; trafficking of arms, explosives or other hazardous materials; use of communications technologies by terrorist groups; and the threats posed by the possession of weapons of mass destruction by terrorist groups.
- 9.5. Conduct training and seminars for immigration officers of ASEAN Member States in order to disseminate specialized knowledge about all aspects of ASEAN Member States' travel documents and enhance the detection of fraudulent travel documents.
- 9.6. Organize thematic regional committees for the exchange of information, best practices and approaches in order to address the relevant challenges.
- 9.7. Involve immigration officers, customs officers, police officers and other officers engaged in counter terrorism activities where necessary at border points in order to encourage the mutual exchange of practices.
- 9.8. Develop programmes for joint tactical exercises and simulations in the area of national border security; implement and/or enhance coordinated patrols and surveillance at vulnerable national borders in order to prevent terrorist infiltration and the smuggling of weapons.
- 9.9. Introduce early-warning mechanisms to notify countries in the region of the movement of terrorists, explosive materials, CBRN weapons and cash and other negotiable instruments suspected to be intended for terrorists financing.
- 9.10. Exchange of best practices and development of standard operating procedures on how to secure potential targets other than the critical infrastructure, i.e. "soft targets" such as public places, religious facilities, etc. against terrorist attacks.

**10. Establishment of institutionalised mechanisms for the exchange of information and intelligence on the surveillance and tracking of suspected terrorist organisations including their associated organisations and their activities with a view to preventing their acts of terror**

- 10.1. Strengthen coordination and cooperation among Member States and establish focal points for national, regional and international information exchange and early warning on suspicious terrorist activities.
- 10.2. Introduce a system for the designation/proscription of terrorists/terrorist groups, without prejudice to domestic law and in accordance with international standards, and share such information with other ASEAN Member States in order that they may take the appropriate action, including, *inter alia*, monitoring and deterring terrorist movement, freezing assets/property, and preventing recruitment.
- 10.3. Exchange experiences and learn best practices to suppress recruitment of members of terrorist groups, including preventive measures and take appropriate actions.
- 10.4. Establish mechanisms (including periodic meetings, secure communications and joint activities) to enable focal points to share analyses and risk assessments, exchange information, and share experiences and good practices, in order to strengthen regional and national counter terrorism efforts.
- 10.5. Intensify contacts among the counter terrorism agencies with a view to discuss, *inter alia*, individual measures and initiatives, strategies and approaches, and the provision of assistance.
- 10.6. Enhance information-sharing through the ASEANAPOL and INTERPOL databases, including, *inter alia*, the databases on Stolen and Lost Travel Documents (SLTD), stolen vehicles, fingerprints, DNA, wanted persons, terrorists' movements and weapon movements.
- 10.7. Study the principal active terrorist groups in the ASEAN region in order to understand typologies, ideologies, modus operandi, links to other groups within and outside the region, share outputs and results and establish databases on terrorist organizations and their associations in order to share information and take collective actions.
- 10.8. Taking into consideration, regional vulnerabilities, ASEAN Member States may plan seminars/training,

in cooperation with the existing regional training centres with a view to taking regional collective measures.

- 10.9. Promote mutual exchange of information, on the possible existence of terrorists' training camps.
- 10.10. Coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet, and; use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard.
- 10.11. Encourage the use of video conference or teleconference facilities for court proceedings.

**11. Establishment of computerised shared databases on terrorist organisations and their associations as well as transnational organised crime groups with possible links to terrorist organisations with a view to developing a joint risk and threat assessment.**

- 11.1. Consider a study on existing regional databases to capture terrorist activities that currently are not included, with the objective of enhancing existing cooperation toward strengthening regional databases.
- 11.2. Enhance information-sharing through the ASEANAPOL and INTERPOL databases, including, inter alia, the databases on Stolen and Lost Travel Documents (SLTD), stolen vehicles, fingerprints, DNA, wanted persons related to terrorism, as well as terrorists' movements and illicit arms trafficking.

**12. Enhancement of the capabilities of and the cooperation among Financial Intelligence Units (FIUs) of ASEAN Member States, particularly on matters related to combating terrorist financing**

- 12.1. Encourage ASEAN Member States to implement anti-money-laundering/counter-financing of terrorism measures in accordance with the framework of membership of the Asia-Pacific Group on Money Laundering (APG).
- 12.2. Encourage Member States to implement the comprehensive international standards embodied in the Financial Action Task Force Forty Recommendations on Money Laundering plus Nine Special Recommendations on Terrorist Financing. Possibly seeking assistance from dialogue partners in capacity building in implementing these standards and recommendations.

**13. Enhancement of cooperation among the intelligence community, law enforcement agencies and financial supervisory authorities of ASEAN Member States on matters related to combating terrorist financing**

- 13.1. Establish a national financial intelligence unit with effective operational links to all reporting entities, relevant domestic agencies as well as regional and international counterparts.
- 13.2. Participate, to the fullest extent possible, in regional efforts to prevent transnational organized crime and terrorism in the ASEAN region through the adoption, effective implementation and enforcement of internationally accepted norms and standards against money-laundering and the financing of terrorism.
- 13.3. Exchange information on money-laundering and the financing of terrorism among ASEAN Member States with the objective of promoting an early-warning system.

**14. Enhancement of the existing regulations/procedures in the control of illicit trade of arms and explosives, including CBRN materials, with a view to improving their effectiveness. ASEAN Member States who have yet to establish such regulations are encouraged to do so.**

- 14.1. Criminalize acts relating to illegal manufacturing of, and trafficking in, firearms, taking into account the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.
- 14.2. Enhance legislation to control arms and explosives, including in relation to their manufacture, possession, stockpile, brokerage, transfer, export and import, pursuant to the United Nations Programme of Action

on Small Arms and Light Weapons (SALW).

14.3. Identify ASEAN Member States' legal and administrative measures and programmes on how to combat trafficking in small arms and light weapons, and take cooperative measures.

**15. Enhancement of cooperation among the Bomb Data Centres of ASEAN Member States, with a view to developing standard operating procedures on the handling of explosives, detonators, fire-arms and CBRN materials. ASEAN Member States who possess more advanced knowledge on the matter are encouraged to extend assistance to other Member States who have yet to acquire such capability.**

15.1. Enhance cooperation among the Bomb Data Centres of ASEAN Member States with a view to developing standards for operating procedures on the handling of explosives, detonators, firearms and CBRN materials, and extend assistance to ASEAN Member States, as may be necessary.

15.2. Promote cooperation to strengthen the anti-CBRN Units in the ASEAN Member States.

**16. Development and adoption of procedures, which would enable the commencement of joint exercises on counter terrorism among law enforcement agencies of ASEAN Member States and, where possible, coordinated law enforcement operations, particularly in border areas.**

16.1. Exchange best practices in counter terrorism efforts in order to enhance mutual understanding.

16.2. Where relevant and permitted by domestic laws, Conduct joint cross-border investigation of terrorist cases.

**17. Development and adoption of procedures, in accordance with the existing agreements and/or legal instruments including the Treaty on Mutual Legal Assistance in Criminal Matters, which would enable cross-border investigation and prosecution of terrorist activities.**

17.1. Promote the early ratification of the Treaty on Mutual Legal Assistance in Criminal Matters, by the remaining signatory states.

17.2. Provide adequate safeguards to ensure that no person is returned or extradited to another State where there are substantial grounds for believing that there is a danger of torture.

17.3. Study differences and gaps in criminal procedures, including admissibility of evidence, among ASEAN Member States, and find solutions aimed at rendering the widest possible mutual legal assistance in criminal matters (MLA).

17.4. Study difficulties in rendering expeditious extradition among ASEAN Member States, and find solutions.

17.5. Introduce comprehensive provisions on laws relating to extradition and mutual legal assistance in criminal matters, ensuring that terrorism is not recognized as a political offence for the purpose of refusing requests.

**18. Development and adoption of standard operating procedures for protection of civilian population in the event of a terrorist attack, such as Civil Protection Modules/Civil Protection Mechanism.**

18.1. Make full use of the existing regional agreements and mechanisms on disaster management.

18.2. Exchange of best practices on how to engage the public in the aftermath of a terrorist attack, including provision of first aid to the victims.

**III. Cooperation with Dialogue and Sectoral Partners as well as relevant International Organisations and other external parties**

**20. Enhance cooperation on counter terrorism with ASEAN Dialogue and Sectoral Partners and external parties.**

- 20.1. Elaborate cooperation with ASEAN Dialogue Partners in implementing the Joint Declaration on Combating International Terrorism and with other relevant regional and international organizations engaged in counter terrorism.
- 20.2. Promote sharing of best practices and lessons learnt in countering terrorism.
- 20.3. Enhance cooperation on capacity building and technical cooperation in areas covered by the ACPOA.

#### **IV. Means of Implementation, Monitoring and Review**

##### **21. IMPLEMENTATION**

- 21.1. Relevant units or agencies of ASEAN Member States may as appropriate integrate the Plan of Action into their national strategy / policy in order to ensure that the ACPOA on CT is reflected in their programs and activities.
- 21.2. Line agencies shall, in accordance with domestic policies, be provided with adequate resources and funding including where necessary through appropriate mechanism.
- 21.3. To improve the flows of communication and coordination among agencies or units related to counter terrorism, each ASEAN Member State shall assign contact person in each respective agency or units. Other existing lines of communication within ASEAN law enforcement agencies including in ASEANAPOL or other relevant units may be used to further complement communication and coordination mechanisms of the ASEAN Member States.
- 21.4. SOMTC may cooperate with other relevant ASEAN sectoral bodies to ensure the implementation of the ACPoA on CT as well as to collect information needed in completing the report of ACPoA on CT.
- 21.5. Lead Shepherd after consultation with ASEAN Member States may propose appropriate project activities in line with recommendations set out in the ACPoA on CT, to be implemented under the counter terrorism component of SOMTC Work Programme.

##### **22. MONITORING**

ASEAN Member States should prepare an annual report as well as other reports, where necessary, on the implementation of measures under the Plan of Action and shall submit the report to SOMTC and the AMMTC. The Lead Shepherd on counter terrorism with the assistance of ASEAN Secretariat should formulate an annual report on the implementation of ACPoA on CT.

##### **23. REVIEW**

- 23.1. SOMTC WG on CT shall meet at least twice a year or whenever it deems necessary to examine progress made in the implementation of the ACPoA on CT, and to consider updating it to respond to dynamic or unpredictable situation pertaining to terrorism.
- 23.2. The ACPoA on CT shall be reviewed and evaluated every three years after the adoption of the ACPoA on CT by SOMTC and AMMTC, to ensure that all activities are responsive to the needs and priorities of ASEAN, taking into account the changing dynamics of the region and the global environment.







**DRUGS**



# Joint Declaration for a Drug-Free ASEAN

Manila, Philippines, 25 July 1998

**WE**, the Foreign Ministers of the ASEAN Member Countries representing Brunei Darussalam, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Vietnam;

**RECOGNIZING** that the alarming growth of the illicit global drug trade, which includes narcotics and psychotropic substances, continues to adversely affect the welfare of nations and their peoples including those of the ASEAN;

**CONCERNED** that illicit drug abuse and trafficking seriously endangers the development programmes of ASEAN Member Countries, especially in relation to the region's youth;

**APPREHENSIVE** that unabated drug abuse continues to endanger the moral fabric of the family which is the basic unit of our societies;

**FULLY AWARE** that the illicit drug trade, which is inextricably linked to other transnational crimes including money laundering and arms smuggling, could escalate to such a level where perpetrators can pose serious political and security threats to the region;

**ENCOURAGED** by the growing resolve in the international community to prevail over the deleterious nature of illicit drugs in light of the United Nations Decade on Drug Abuse (1991-2000), as well as the continuing interest of ASEAN Dialogue Partners in providing assistance to the Southeast Asian region in solving this menace;

**REALIZING** the necessity of continually assessing and strengthening ASEAN's thrusts against illicit drug abuse and trafficking;

**MINDFUL** of the importance of strengthening institutional linkage between the various ASEAN mechanisms involved in the fight against illicit drug trafficking and other transnational crimes, particularly the ASEAN Ministerial Meeting on Transnational Crime, the ASEAN Finance Ministers' Meeting, the ASEAN Finance Officials Meeting, the ASEAN Senior Law Officials Meeting, the ASEAN Chiefs of National Police, the ASEAN Directors-General of Customs, the ASEAN Directors-General for Immigration and the ASEAN Secretariat;

**RECOGNIZING** the extensive work of the ASEAN Senior Officials on Drug Matters (ASOD), particularly in their effort to implement the ASEAN Three Year Action Plan on Drug Abuse control and the Work Programme to Operationalise the aforesaid Plan in the priority areas of drug education, drug information, prevention within the community, the treatment rehabilitation and law enforcement;

**RECALLING** the decision of the Fifth ASEAN Summit in Bangkok in December 1995 to further enhance cooperative efforts against drug abuse and illicit trafficking, with special emphasis being given to demand reduction programmes and information exchange and dissemination, with the aim of creating a drug-free ASEAN;

**RECALLING FURTHER** that the ASEAN Vision 2020 adopted by the ASEAN Heads of State/Government at the Second Informal Summit held in December 1997 in Kuala Lumpur envisioned a Southeast Asia free of illicit drugs, free of their production, processing, trafficking and use, well before 2020;

**RECALLING FURTHER** the ASEAN Declaration on Transnational crime, signed on 20 December 1997 in Manila, Philippines, which aimed, among others, to expand the scope of Member Countries' efforts against transnational crimes including illicit drug trafficking;

**SUPPORTIVE** of the major decisions of the Special Session of the United Nations General Assembly, devoted to the fight against the illicit production, sale, demand, traffic and distribution of narcotic drugs and psychotropic substances and related activities, held in New York in June 1998;

**KEEPING IN MIND** the substantive declarations previously adopted by the ASEAN Foreign Ministers on the problem of illicit drug trafficking and abuse, particularly the ASEAN Declaration of Principles to Combat the Abuse of Narcotic Drugs, signed in Manila on 26 June 1976, and the ASEAN Foreign Ministers Joint Statement on the International Problem of Drug Abuse and Trafficking adopted in Kuala Lumpur, 9 July 1985;

**CONVINCED** that a drug-free ASEAN is attainable through enhanced and concerted regional cooperation in the political, social and institutional domains;

**HAVE RESOLVED, IN A SPIRIT OF AMITY AND COOPERATION, TO ACHIEVE A DRUG-FREE ASEAN THROUGH THE FOLLOWING MEASURES:**

1. Seek all modalities to eradicate illicit drug production, processing, trafficking and use in ASEAN by the year 2020.
2. Strengthen and promote linkage among existing regional institutional mechanism involved in the fight against drug abuse and trafficking, such as the ASEAN Senior Officials on Drug Matters (ASOD), ASEAN Chiefs of National Police (ASEANAPOL), the ASEAN Senior Law Officials Meeting (ASLOM), the ASEAN Sub-Committee on Youth (ASY) and the ASEAN Ministerial Meeting on Transnational Crime, the 1993 MOU countries on Drug Control, and the ASEAN Secretariat.
3. Enter into collaborative undertakings, in the interest of continued development and upgrading of human resources, with ASEAN Dialogue Partners to help curb illicit drug abuse, production, and trafficking in the region, particularly in the areas of law enforcement, intelligence, rehabilitation and treatment, alternative development, preventive education, preventive information, community participation, research and human-resource development.
4. Seek the review of jurisprudence related to illicit drug abuse and trafficking and move for the passage of stricter laws on these crimes against society.
5. Upgrade and expand regional and national data banks on illicit drugs, to include more information on illicit drug production and trafficking, existing drug control activities, programmes and legislation, evaluation methodologies and resource experts.
6. Expand awareness, education and rehabilitation programs among the region's youth, including the work program on Skills Training for Out-of-School Youth, to eliminate the demand for illicit drugs by the year 2020.
7. Establish programmes to tackle the growing problem of Amphetamine-Type, Stimulants (ATS), with the view to strengthen the national regulatory, legal and administrative controls over the importation, exportation, distribution, manufacture and use of ATS.
8. Intensify partnerships with relevant international agencies and organizations such as the United Nations International Drug Control Programme (UNDCP), the World Health Organization, World Customs Council, the Commission on Narcotic Drugs, the Colombo Plan Secretariat, and Interpol.
9. Strengthen the existing ASEAN Training Centers for human-resource Development in related fields on narcotics law enforcement, preventive education, treatment and rehabilitation, and research.
10. Intensify the exchange of information among ASEAN countries.
11. Continue to expand and enhance the role of non-governmental organization (NGOs), as well as the private sector in collaborative alliances in the development and implementation of drug abuse prevention and control programs and activities.
12. Work for the immediate ratification by all ASEAN Member Countries of relevant international treaties and agreements on illicit drug abuse and trafficking.
13. Reinforce cooperation and coordination among ASEAN Member Countries, especially in the areas of

investigation, prosecution, mutual legal assistance, inquiry, forfeiture of property, rehabilitation and treatment, preventive education, and research to help combat illicit drug abuse and trafficking.

14. Identification and promotion of alternative sources of livelihood for people who are expected to be adversely affected by the curtailment, and eventually, stoppage of drug production.

**SIGNED** this 25<sup>th</sup> of July 1998 in Manila, Philippines

For Brunei Darussalam:

**PRINCE MOHAMED BOLKIAH**

Minister of Foreign Affairs

For the Republic of Indonesia:

**ALI ALATAS**

Minister for Foreign Affairs

For the Lao People's Democratic Republic:

**SOMSAVAT LENGSAVAD**

Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:

**DATO SERI ABDULLAH BIN HAJI AHMAD BADAWI**

Minister for Foreign Affairs

For the Union of Myanmar:

**U OHN GYAW**

Minister for Foreign Affairs

For the Republic of the Philippines:

**DOMINGGO L. SIAZON, JR.**

Secretary of Foreign Affairs

For the Republic of Singapore:

**S. JAYAKUMAR**

Minister for Foreign Affairs

For the Kingdom of Thailand:

**SURIN PITSUWAN**

Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:

**NGUYEN MANH CAM**

Deputy Prime Minister and Minister for Foreign Affairs

# Joint Communiqué of the 33<sup>rd</sup> ASEAN Ministerial Meeting

Bangkok, Thailand, 24-25 July 2000

1. The Foreign Ministers of the Association of Southeast Asian Nations convened at the 33rd ASEAN Ministerial Meeting in Bangkok on 24-25 July 2000 under the chairmanship of His Excellency Dr. Surin Pitsuwan, Foreign Minister of Thailand.
2. The Meeting was attended by all the Foreign Ministers of the ten ASEAN Member Countries and Papua New Guinea. The Secretary-General of ASEAN was also in attendance. The representatives of the Southern African Development Community and the United Nations Transitional Administration in East Timor were also invited as guest of the host country. His Excellency Mr. Chuan Leekpai, Prime Minister of Thailand, addressed the Ministers at the opening of the meeting.
3. The Foreign Ministers, at their meeting and at a Retreat among themselves, reviewed the situation in Southeast Asia. They concluded that ASEAN had emerged from the global and financial difficulties of 1997 and 1998 stronger and more cohesive than before. ASEAN continued to be an effective force for regional peace and stability. At the same time, the Ministers acknowledged that the regional and national measures being undertaken to make the region's economic recovery possible needed to be sustained if the recovery was to endure.

## A COMPREHENSIVE DEVELOPMENT AGENDA

4. The Foreign Ministers recalled that the ASEAN Declaration was signed in Bangkok almost 33 years ago on 8 August 1967, and that the organisation had grown from the five original members to now include all the ten countries in the region.
5. The Foreign Ministers reviewed some of the issues discussed at last year's Retreat in Singapore, including the need to maintain a united and relevant ASEAN, the future of the ARF and PMC, and the emerging issues affecting regional peace and stability.
6. The Foreign Ministers discussed the challenges affecting the Association, in particular the region's geo-economic realities and the effects of globalisation. The Foreign Ministers exchanged views on how a more comprehensive development agenda in strengthening national resilience could better prepare the region for the complexities and magnitude of globalisation, enhance the region's economic competitiveness and advance the creation of caring societies called for in the ASEAN Vision 2020.
7. The Foreign Ministers discussed the main elements of a more comprehensive development agenda, including augmenting the process of greater outreach to the people, enhancing ASEAN's economic integration; advancing the development of ASEAN as a concert of nations; and building a community of peace.
8. The Foreign Ministers noted the importance of poverty eradication, heightening social and human resources development, promoting equitable growth, facilitating the participation of all sectors of society in community and national activities in realizing the objective of total human development. They agreed to propose that a portion of the Solidarity Fund in the ASEAN Foundation be used for human resources development. They agreed that promoting a strong sense of ASEAN identity would enable ASEAN to maintain its rich cultural heritage and promote ASEAN to the outside world.
9. The Foreign Ministers expressed support for the efforts to promote the development of information technology

(IT) as a tool to foster 'knowledge-based' societies in ASEAN in such areas as e-literacy, e-education, e-health and e-development.

10. The foreign Ministers underscored the need to strengthen cooperation on transnational issues affecting the region, especially those related to environment, trafficking in persons, trafficking of illicit drugs, transnational crime and HIV/AIDS.
11. While economic recovery was taking place, the Foreign Ministers noted that the situation remained volatile and stressed the need to continue the reform process, in public and private sectors, at national and international levels. While noting that existing economic co-operation programmes had achieved tangible results in integrating ASEAN economies into a unified market, the Foreign Ministers reiterated the importance of maintaining the pace of ASEAN's economic integration.
12. In order to advance the goal of ASEAN as a concert of Southeast Asian nations, and as an effective force of peace and stability in the region, the Foreign Ministers believed that it was essential to strengthen ASEAN's cohesiveness and capacity to respond effectively to developments within and outside the region. ASEAN must participate in the globalization debate in order to have a role in shaping the process. Heightened efforts would also have to be exerted to promote constructive bilateral relations and elevate ASEAN's interaction to a higher plane in the light of the increasing interdependence.
13. The Foreign Ministers noted with satisfaction, in the context of a more Comprehensive Development Agenda, the progress made by the ASEAN committees and other bodies, including the ASEAN Secretariat, in the realization of the Ha Noi Plan of Action (HPA) to implement the ASEAN Vision 2020. They expressed appreciation for the support made by Dialogue Partners, international financial and development institutions, and others in the international community to realize the HPA, and looked forward to further productive discussions.

#### **POLITICAL AND SECURITY COOPERATION**

14. The Foreign Ministers reviewed the progress of ASEAN's political and security cooperation and noted the efforts made in further strengthening intra-ASEAN relations. They shared the view that the overall security environment in the Southeast Asian region remains stable and peaceful despite the existence of certain challenges. They re-affirmed their commitment to ensuring that ASEAN continues to play a prominent role in the promotion of peace and stability in Southeast Asia and in the wider Asia-Pacific region.
15. The Foreign Ministers reiterated the importance of the Treaty of Amity and Cooperation in Southeast Asia (TAC) as a code of conduct governing relations among states in the region. They welcomed the announcement made by the Minister of Foreign Affairs of Papua New Guinea at the AMM that Papua New Guinea has now ratified the Second Protocol amending the TAC. With all signatory, states having now ratified the Second Protocol, the Protocol has now entered into force. In the light of this, they encouraged non-Southeast Asian states, particularly the Dialogue Partners, to accede to the TAC as an expression of their commitment to the Treaty's purposes and principles in the promotion of peace and stability. They also noted the progress being made to finalise the Draft Rules of Procedure for the High Council under the TAC, and agreed to expedite efforts in this regard.
16. The Foreign Ministers welcomed the Progress made in implementing the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ). They noted with satisfaction the establishment of all the various organs under the Treaty and the work undertaken by these organs, including consultations with the International Atomic Energy Agency (IAEA).
17. The Foreign Ministers urged the Nuclear Weapon States to accede to the Protocol to the SEAWFZ Treaty at an early date. They welcomed the announcement made by China at the PMC 10+1 in Singapore in July 1999 of its readiness to accede to the Protocol, and called on the other Nuclear Weapon States to exercise greater flexibility in the consultations on the Protocol.

18. The Foreign Ministers noted the positive development in the ASEAN Regional Forum (ARF) process, including the Intersessional Support Group on Confidence Building Measures, The Intersessional Meeting on Disaster Relief and other activities which contributed to enhancing mutual confidence and cooperation among countries in the ARF. They noted that while confidence-building measures (CBMs) remain the primary focus of the ARF process, the ARF could advance in the development of the overlap between CBMs and preventive diplomacy (PD) as well as the concepts and principles of PD. In this regard, they stressed the importance of continued participation of defence and military officials in the ARF process. They also reaffirmed ASEAN's determination to continue to be the driving force of the ARF, and its resolve to intensify consultations and promote further progress of the ARF as an effective and relevant forum for political and security dialogue and cooperation in the Asia-Pacific region. The Foreign Ministers also noted with appreciation the efforts being undertaken in Track II to generate ideas to move the ARF forward, and encouraged greater interaction between the ARF and Track II fora.
19. Pursuant to the decision of the Third ASEAN Informal Summit, convened in Manila on 28 November 1999, on the proposal to set up an ASEAN Troika at the ministerial level, the Foreign Ministers approved the Paper which sets out the principles and purposes, and the procedures for the constitution of the ASEAN Troika.

## REGIONAL AND INTERNATIONAL ISSUES

20. The Foreign Ministers had a wide-ranging exchange of views on current regional and international developments. They noted that the overall security environment was marked by a number of positive developments, including continued economic recovery and greater interactions and exchange between and among regional countries. They were of the view that stable relations among the major powers had been a factor contributing to these positive developments. They stressed that it was particularly important for the major powers to work together with countries of the Asia-Pacific to further enhance peace, stability and prosperity of the region.
21. The Foreign Ministers commended Indonesia for all its efforts in resolving the East Timor issue, and noted the key role of the United Nations Transitional Administration in East Timor (UNTAET) in ensuring the territory's smooth transition to full independence. They reaffirmed ASEAN's support for and encouraged the international community to remain engaged in, the process of reconciliation, rehabilitation and reconstruction that is essential for a peaceful and stable East Timor.
22. The Foreign Ministers reiterated their continuing support for the sovereignty, territorial integrity and national unity of Indonesia, which includes the Provinces of Aceh and Irian Jaya (Papua). The Foreign Ministers commended the efforts and measures taken by the Indonesian Government to restore peace and order. The Foreign Ministers reaffirmed that the stability and prosperity of Indonesia would positively contribute to the peace, stability and prosperity of the Asian region as a whole.
23. The Foreign Ministers reaffirmed their "One China" policy. On the matter of Cross-Straits relations, they expressed the hope to see positive developments.
24. The Foreign Ministers welcomed progress being made towards the adoption of a Code of Conduct in the South China Sea which would be an important contribution to confidence-building and enhancing dialogue and understanding between ASEAN and China. They noted ongoing efforts by ASEAN and China, particularly the informal consultations between both sides in Hua Hin, Thailand, on 15 March 2000 and the First Meeting of the Working Group of the ASEAN-China Senior Officials Consultations on the Code of Conduct in Kuala Lumpur on 26 May 2000. They were encouraged that the Meeting in Kuala Lumpur agreed to a consolidated working draft of the Code of Conduct in the South China Sea which would provide the basis for achieving further progress in the discussions by the Working Group.
25. The Foreign Ministers, welcomed the commitment of all parties concerned to resolving disputes in the South China Sea by peaceful means in accordance with the recognized principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS), as well as to ensuring the freedom of navigation in the area. They encouraged all parties concerned to continue to exercise self-restraint in the conduct of



their activities and refrain from taking any action that may disturb the peace and stability in the area. They recognized the positive contribution of the bilateral and multilateral consultations among the parties concerned at the intergovernmental level, the extensive consultations at the ASEAN-China Dialogue and the regular exchange of views in the ARF, and the ongoing Informal Workshops on Managing Potential Conflicts in the South China Sea and encouraged their continuance.

26. The Foreign Ministers reaffirmed that peace and stability in the Korean Peninsula was crucial to the security of the region as a whole. They welcomed the Summit between the leaders of the Democratic People's Republic of Korea (DPRK) and the Republic of Korea (ROK) in Pyongyang on 13-15 June 2000, and hoped that the momentum would be carried forward with a view to achieving enduring peace and stability in the Korean Peninsula and reunification of the two countries. They noted with satisfaction the efforts by the DPRK to improve relations with its neighbours, as well as ASEAN member countries, and to enhance its interaction with the wider international community. In this regard, they looked forward to the participation of the DPRK at the 7th ARF in Bangkok on 26-27 July 2000. Further, they continued to express support for the Four-Party Talks and the Korean Peninsula Energy Development Organization (KEDO).
27. The Foreign Ministers reaffirmed their support for the Middle East Peace Process. They welcomed the decision by all parties concerned to continue negotiations at Camp David Middle East Summit, and hoped for a positive outcome. They reiterated the importance of ensuring full implementation of the pledges and commitments made at the Madrid Conference by all parties concerned. Welcoming the Sharm El Sheik Agreement and relevant positive developments regarding the resolution of final status issues by September 2000, they also called for full implementation of all relevant United Nations Resolutions.
28. The Foreign Ministers stressed the importance of strengthening the Non-Aligned Movement in order to enable it to effectively reinforce its ability to represent the interests and aspirations of the developing world. They noted with satisfaction the successful outcome of the 13th Ministerial Conference of the Non-Aligned Movement held in Cartagena on 8-9 April 2000 and the First South Summit held in Havana on 12-14 April 2000 which, inter alia, reaffirms South-South Cooperation as an essential mechanism for promoting the sustainable economic self-support among developing countries.
29. The Foreign Ministers noted that discussions on the reform of the United Nations were still continuing. They reiterated the view that reform and expansion of the UN Security Council should be considered in tandem, with a view to enhancing the representativeness, effectiveness, transparency and accountability of the UN Security Council. They looked forward to the convening of the Millennium Summit of the United Nations on 6-8 September 2000.
30. The Foreign Ministers reiterated the importance of achieving universal adherence to the Comprehensive Nuclear Test Ban Treaty (CTBT) and the Nuclear Non-Proliferation Treaty (NPT). They welcomed the convening of the NPT Review Conference 2000 in New York on 24 April-19 May 2000 and hoped that it would create a momentum towards the implementation of concrete measures on nuclear disarmament by the Nuclear Weapon States. In this regard, the Foreign Ministers affirmed the unanimous conclusion of the Advisory Opinion of the International Court of Justice of 8 July 1996 that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."
31. The Foreign Ministers stressed the importance for all states which had not ratified acceded to the Chemical Weapons Convention (CWC) to consider doing so at the earliest opportunity and noted the progress in negotiating a verification Protocol to strengthen the Biological Weapons Convention (BWC) by the Ad Hoc Group of the State Parties to the BWC.
32. The Foreign Ministers emphasized the importance of greater regional and international cooperation in dealing with the rise of transnational crime, which threatens the economic prosperity and stability of the region. They welcomed the efforts of the ASEAN Ministerial Meeting on Transnational Crime to strengthen the regional capabilities to deal with this problem and expedite the process leading to the establishment of the ASEAN

Centre for Combating Transnational Crime. In this regard, they noted the progress being made towards the completion of the elaboration of the United Nations Convention against Transnational Organized Crime and its 3 additional Protocols. They also welcomed the contribution of the Asia-Pacific Ministerial Seminar on “Building Capacities for Fighting Transnational Organized Crime” held in Bangkok on 20-21 March 2000 in promoting regional cooperation on this issue.

33. In recalling the decision of the 26th ASEAN Ministerial Meeting held in Singapore on 23-24 July 1993 to consider the establishment of an appropriate regional mechanism on human rights, the Foreign Ministers noted with appreciation the consultations between the ASEAN Senior Officials and the Working Group for an ASEAN Human Rights Mechanism. They also noted the establishment of a national mechanism on human rights in some ASEAN countries.

#### **EAST ASIA COOPERATION**

34. The Foreign Ministers were gratified by the steady momentum of East Asian cooperation within the context of the ASEAN+3 forum with China, Japan and the Republic of Korea and in accordance with the Joint Statement on East Asia Cooperation, which the ASEAN+3 Leaders issued in Manila last November. They considered this process, which now includes annual summits and cooperation at various levels and in several sectors, as contributing significantly to the political and economic stability of East Asia. They noted with satisfaction the rapid growth of cooperation activities under the ASEAN+3 Framework for East Asia Cooperation, especially in trade, economic and financial cooperation.
35. The Foreign Ministers looked forward to their own meeting with the Foreign Ministers of China, Japan and the Republic of Korea on 26 July. They hoped to intensify cooperation in such areas as human resources development, science and technology, culture and information, health and transnational issues. They looked forward to exploring mechanisms and modalities for strengthening cooperation in the implementation of the Joint Statement on East Asia Cooperation as well as promoting peace and stability in East Asia.

#### **SUSTAINABLE RECOVERY THROUGH RESILIENCE AND INTEGRATION**

36. The Foreign Ministers welcomed the continued strengthening of economic recovery in the region, noting that ASEAN's economy grew by 4.6% in 1999, compared to a contraction of 4.4% a year earlier, and is projected to grow by 4.5-5% this year. ASEAN's exports also recovered, growing by 6.4% from US\$322.8 billion in 1998 to US\$343.4 billion in 1999. They acknowledged that much of the improvement in ASEAN's economic performance can be attributed to on-going reforms, increased exports, return of private sector's confidence, domestic demand stimulation as well as progress made towards regional economic integration which has created an environment conducive to greater trade and investment in the region. They expressed confidence that continuation of such efforts and stable conditions would enhance regional resilience and ensure sustainable recovery.
37. The Foreign Ministers noted that advancement of ASEAN's economic integration was one of the key topics raised during the Third ASEAN Informal Summit in Manila last November, addressing such issues as acceleration of the ASEAN Free Trade Area (AFTA) and trade in services, implementation of the ASEAN Investment Area (AIA) and the ASEAN Industrial Cooperation (AICO) Scheme as well as the new “e-ASEAN initiative.” Progress on financial cooperation, energy interconnections and transportation linkages were also highlighted. These and other cooperation activities being carried out serve to underline the comprehensive and steady integration of the ASEAN economies into a combined market of over 500 million people.
38. In this connection, the Foreign Ministers welcomed the idea by Prime Minister Chuan Leekpai to hold the ASEAN Trade Fair, which would help to attract increased trade into the region. The proposed ASEAN Trade Fair would be rotated among the ASEAN capitals every three years. They agreed to commend it to the relevant Ministers for consideration.

39. The Foreign Ministers recalled the decision of the ASEAN Leaders at the Third ASEAN Informal Summit to eliminate all import duties on intra-ASEAN trade by 2010 for the six original signatories to the AFTA Agreement and by 2015 for the four new signatories with some flexibility. They noted that the sensitive unprocessed agricultural products will be phased into the tariff reduction scheme beginning in 2001. The Foreign Ministers noted that a modality is being worked out to deal with countries experiencing real difficulties in meeting their obligations under the CEPT Scheme for AFTA in a manner that is consistent with AFTA and GATT rules and principles, while upholding the fundamental goal of achieving an ASEAN free trade area.
40. The Foreign Ministers welcomed the efforts made to enhance ASEAN's industrial cooperation. They recognized the key role played by SMEs in ASEAN's recovery and economic growth, and were pleased that regional cooperation in the development of SMEs sector is being actively pursued in such areas as ASEAN SMEs database and SMEs skills development and training.
41. The Foreign Ministers were encouraged by the progress of the discussions on the liberalisation of intra-regional trade in services. They also welcomed the intensification of joint efforts to promote investments in the ASEAN Investment Area, in particular the successful conclusion of the ASEAN joint promotion missions to Japan in February 2000, and to the US and Europe in May 2000, which attracted participants from a large number of companies in various sectors, including finance and banking.
42. The Foreign Ministers were pleased to note that the Third ASEAN Informal Summit had endorsed the "e-ASEAN initiative" aimed at developing competencies among ASEAN countries in information and communications technology in order to enhance their competitiveness in the global economy. They noted the work done by the e-ASEAN Task Force in formulating the broad-based and comprehensive action plan, which includes measures to narrow the digital divide within the region. They also noted the effort to establish a free trade area for goods, services and investment for information and communications industries under a new e-ASEAN Agreement.
43. The Foreign Ministers welcomed the progress made to develop a region-wide transportation network, which will comprise 23 ASEAN highway routes, 46 shipping ports and some 30 customs airports. They also noted the progress made in the work on all the remaining implementing protocols for the ASEAN Framework Agreement on the Facilitation of Goods in Transit, as well as the draft Framework Agreement on the Facilitation of Interstate Transport and the draft Framework Agreement on Multimodal Transport,
44. The Foreign Ministers noted with satisfaction the significant progress made in the operation of the ASEAN Surveillance Process and the strengthening of monetary and financial cooperation in East Asia, which have contributed to the region's economic and financial stability. They welcomed the Chiang Mai Initiative launched by ASEAN+3 Finance Ministers in May 2000, as a start to establishing a regional financing arrangement to supplement the existing international facilities. This Initiative involves an expanded ASEAN Swap Arrangement and networks of bilateral swap and repurchase agreement facilities among ASEAN+3 countries. They looked forward to the study by the ASEAN Secretariat on other appropriate mechanisms that could enhance ability to provide sufficient and timely financial support to ensure financial stability in East Asia.
45. The Foreign Ministers noted with appreciation the efforts being undertaken to support and assist new Member Countries in their integration into the regional and global trading system, including through the promotion and development of the Mekong Basin including the West-East Corridor (WEC). In this regard, they welcomed the proclamation by ESCAP in June this year of the "Decade of the Greater Mekong Sub-region Development, 2000-2009" as a means to mobilise international support and cooperation for the development of the region in a coherent and comprehensive manner. They were also pleased that the Second ASEAN-Mekong Basin Development Co-operation (AMBDC) Ministerial Meeting held in Ha Noi on 4 - 5 July 2000 was able to revitalize interest in the AMBDC projects, including the Singapore-Kunming Railway Link.

## **INTERNATIONAL ECONOMIC ISSUES**

46. The Foreign Ministers agreed that in moving the WTO process forward, the existing Uruguay Round Agreements must be implemented, particularly those related to the use of anti-dumping and sanitary and phytosanitary measures for protectionist purposes. They called on the WTO to simplify and accelerate the accession process for Cambodia, Lao PDR and Viet Nam.
47. The Foreign Ministers renewed the ASEAN call for a wider participation of developing countries in the reform of the international financial architecture as well as the urgency in the implementation of the reform. They emphasized the need to review the rules of the international financial institutions as well as the international regulatory bodies and, if necessary, to further strengthen their capacity and capability to contain and resolve future financial crises.

## **ASIA PACIFIC ECONOMIC COOPERATION**

48. The Foreign Ministers reiterated their support for Brunei Darussalam in preparing for and hosting the Asia Pacific Economic Cooperation (APEC) Meetings in November under the theme “Delivering to the Community”. They joined Brunei Darussalam in placing particular emphasis on building capacity to both underpin the region’s economic recovery and to enable all economies to take up the new opportunities arising from the information and communication technology development.

## **ASIA-EUROPE MEETING**

49. The Foreign Ministers looked forward to a successful Third Asia-Europe Meeting (ASEM 3) to be held in Seoul on 19-21 October 2000. They expressed the hope that ASEM 3 would lay the foundation for the reinvigoration of the comprehensive Asia-Europe Partnership in the post-crisis era in order for Asia and Europe to meet new challenges more effectively. They looked forward to achieving a substantive outcome at the Meeting with a long-term vision to promote a closer relationship between the two regions.

## **PEOPLE ORIENTED APPROACH**

50. The Foreign Ministers expressed support for the “Healthy ASEAN 2020” Vision Statement issued by the 5th ASEAN Health Ministers Meeting to strengthen ASEAN collaboration for a healthier and stronger ASEAN in the year 2020. They agreed to work towards realizing the recommendations made by the ASEAN Health Ministers at their meeting in Yogyakarta in April 2000 that the HIV/AIDS issues be included for discussion at the 4th ASEAN Informal Summit in November 2000 and that an ASEAN HIV/AIDS Summit be convened in conjunction with the 7th ASEAN Summit to be held in 2001.
51. In protecting the interest and welfare of workers facing the rapid changes brought about by globalisation, the Foreign Ministers noted with satisfaction the Vision and Mission Statement issued by the 14th ASEAN Labour Ministers’ Meeting in Manila in May 2000 to forge closer regional integration for a more progressive ASEAN in the 21st Century, and to address the labour and employment priorities arising from ASEAN’s recovery process. They also noted that the emphasis on training and retraining, manpower planning, strengthened tripartite consultation and greater social protection for workers will provide an enabling environment conducive to employment generation, and would greatly assist the overall regional effort to build a firmer and more balanced foundation for processing sustainable social and economic progress.
52. The Foreign Ministers noted the commitment of the ASEAN Ministers on Rural Development and Poverty Eradication to ensure that mutual learning and sharing of best practices and lesson learnt as well as delivering of social safety net measures and other measures promoting social resilience and cohesion in Member Countries would contribute to developing ASEAN into a community of caring societies, thus fostering greater ASEAN solidarity and advancing the goals of regional integration. They were also encouraged by its decision to promote meaningful participation of the poor and marginalised in the new global economy, especially through improved access to social services and to information technology.

53. The Foreign Ministers took note of the decision by the ASEAN Ministers for Science and Technology to augment the ASEAN Science Fund, as manifesting ASEAN's earnest commitment to support regional science and technology development and propel ASEAN as a world player into the knowledge economy of the 21st century.
54. The Foreign Ministers reaffirmed their full support for the ongoing cooperation being undertaken by the ASEAN Ministers on the Environment to strengthen regional efforts to effectively address environmental protection and sustainable development issues. They hailed the launching of the ASEAN Environment Year 2000 campaign under the theme "Our Heritage, Our Future". They noted the progress and achievements of the ASEAN Regional Centre for Bio-Diversity Conservation (ARCBC). They expressed support for the preparation of the ASEAN Framework Agreement on Access to Genetic and Biological Resources to help regulate and facilitate proper bio-prospecting endeavours in ASEAN for mutual and equitable benefits between the concerned parties.
55. The Foreign Ministers noted the efforts made in implementing the Regional Haze Action Plan, and underlined the importance of strong commitments and concerted efforts of the Haze Technical Task Force of the ASEAN Senior Officials on the Environment in dealing with the regional haze problem, including formulation of an ASEAN Agreement on Transboundary Haze Pollution, establishment of the coordination and support unit for the Regional Haze Action Plan and strengthening of the capacity of ASEAN specialized Meteorological Centre in Singapore. They also expressed appreciation for the active support of the Asian Development Bank and some Dialogue Countries.
56. The Foreign Ministers took note of the threat from drug abuse and drug trafficking on the security and stability of the ASEAN region, particularly its relations with transnational crime. They urged Member Countries to enhance joint efforts among all affected states in combating the drug menace, especially the newly emerging drugs like Methamphetamine or Amphetamine - Type Stimulants (ATS). In this regard, they agreed to advance the target year for realising a drug-free ASEAN from 2020 to 2015.
57. The Foreign Ministers signed the Joint Declaration for a Socially Cohesive and Caring ASEAN, which embodies ASEAN's resolve to cooperate in ensuring that the people of ASEAN of all ages and groups, including the disadvantaged and the specially vulnerable, have access to opportunities to create for themselves a decent and productive life.
58. In acknowledging that the conservation and cultivation of Southeast Asia's cultural heritage are vital for binding ASEAN together and for developing among ASEAN's people a sense of their common destiny, the Foreign Ministers signed the ASEAN Declaration on Cultural Heritage.

## EXTERNAL RELATIONS

59. The Foreign Ministers commended the work of the Special ASEAN Directors-General Working Group on Dialogue Relationships and endorsed their recommendations to strengthen ASEAN dialogue relations and mechanisms including the PMC process. The Foreign Ministers agreed to extend the moratorium on new dialogue partnerships to allow ASEAN to consolidate its existing dialogue relationships. Recognising the interest of other countries in establishing ties with ASEAN and in line with its outward-looking orientation, the Foreign Ministers requested the ASEAN Standing Committee to develop new modalities for cooperation.
60. The Foreign Ministers reiterated their support for Lao PDR in preparing for and hosting the 13th ASEAN-European Union Ministerial Meeting to be held later this year in Vientiane. They expressed the hope that the Meeting would help reinvigorate ASEAN-EU relations.
61. Following the first-ever ASEAN-UN Summit in Bangkok in February 2000, the foreign Ministers called for greater collaboration with the UN and other international organizations, to address global issues and tap global expertise for the realisation of ASEAN goals. They also agreed on the need to further strengthen cooperation between ASEAN and ESCAP.

62. The Foreign Ministers noted the outcome of the G-8 Summit held in Okinawa, Japan on 21-22 July 2000. They welcomed the initiative taken by the late Prime Minister Keizo Obuchi and further pursued by Prime Minister Yoshiro Mori of Japan to invite representatives from developing countries as well as international and regional organizations to meet with G-8 leaders, as a means to strengthen North-South cooperation. They noted with appreciation that Prime Minister Chuan Leekpai of Thailand was invited to a briefing session with G-8 leaders in Tokyo on 20 July 2000 prior to the Summit, as Thailand currently held the chairmanship of the ASC and UNCTAD X.
63. The Foreign Ministers acknowledged the continued support of the Dialogue Partners, international financial institutions, United Nations agencies, foundations and non-governmental organizations in the implementation of the HPA. They pointed out that ASEAN would still require a great deal more of resources and technical expertise to carry out the remaining HPA activities, including the new Member Countries economic integration in ASEAN and the development of the Mekong Sub-region.
64. The Foreign Ministers expressed hope that the Dialogue Partners would accord a high priority to supporting the recovery and growth of ASEAN by cooperating with ASEAN in trade, investment, market access, human resources development, science and technology, information technology, the environment and social and cultural development. They emphasized the importance of international and multilateral cooperation in combating transnational crimes.

# Bangkok Political Declaration in Pursuit of A Drug-Free ASEAN 2015

**Bangkok, Thailand, 11-13 October 2000**

“Drugs destroy lives and communities, undermine sustainable human development and generate crime. Drugs affect all sectors of society in all countries; in particular, drug abuse affects the freedom and development of young people, the world’s most valuable asset. Drugs are a grave threat to the health and well-being of all mankind, the independence of States, democracy, the stability of nations, the structure of all societies and the dignity and hope of millions of people and their families;” <sup>1)</sup>

1. Guided by the purposes and principles of the Charter of the United Nations and the political declaration of the United Nations General Assembly Special Session (1998);
2. Solicited by the Joint Communiqué of the 33rd ASEAN Ministerial Meeting held in Bangkok on 24-25 July 2000, and the Resolution of the UNDCP Conference on Amphetamine-Type Stimulants (ATS) in East and South-East Asia held in Tokyo on 24-27 January 2000;
3. We, the Participating States <sup>2)</sup> in the International Congress “In Pursuit of a Drug-Free ASEAN 2015: Sharing the Vision, Leading the Change” held in Bangkok on 11 - 13 October 2000, deeply concerned about the growing threat of the drug problem <sup>3)</sup>, in particular the new and dangerous phenomenon of ATS, and its related menace, hereby declare our continued political will and commitment in the full realization of the following:
  - a. Stress the urgent need for collective and shared responsibility of the international community in addressing root causes of drug problems and their related menace in a comprehensive manner through an intersectoral approach and integrated coordination at national, regional and international levels;
  - b. Also stress the prime responsibility of concerned countries to employ all possible means to overcome drug problems by intensifying measures to reduce both the illicit supply of and demand for drugs, including raising public awareness of drug problems;
  - c. Emphasize the immediate need for all countries to place drug issues as one of the high priorities on their national development agendas;
  - d. Affirm the need for an intersectoral plan of action with clear objectives, measurable targets, collectively owned by the international community, that will enable us to execute the necessary actions towards the achievement of our common goal of a drug-free ASEAN 2015 and of the implementation of the ACCORD Plan of Action <sup>4)</sup> ;
  - e. Endorse the ACCORD Plan of Action and its four pillars namely, to proactively advocate civic awareness on dangers of drugs and social response; to build consensus and share best practices on demand reduction; to strengthen the rule of law by an enhanced network of control measures and improved law enforcement cooperation and legislative review; to eliminate the supply of illicit drugs by boosting alternative development programmes and community participation in the eradication of illicit crops;
  - f. Commit ourselves to consider contributing financial resources in the full implementation of the Bangkok Political Declaration: In Pursuit of a Drug-Free ASEAN 2015 and the ACCORD Plan of Action through the existing mechanisms of grants to the Organizations of the United Nations System and ASEAN;
  - g. Call upon the G8 countries to take appropriate actions to support regional initiatives to end narcotics production and trafficking as mentioned in their G8 Communiqué, Okinawa, 23 July 2000.
  - h. Call upon the United Nations System and invite the European Union, international financial institutions, the Asian Development Bank and other best institutions of mankind to join us in our collaborative efforts in pursuit of a drug-free ASEAN 2015 and the ACCORD Plan of Action;
  - i. Urge UNDCP and ASEAN to raise funds from funding sources for financing the ASEAN Three Year Plan

of Action on Drug Abuse Control and the ACCORD Plan of Action and for assisting the countries in the execution of these plans of action and to report to their respective responsible bodies through their annual reports.

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- 1) Resolution adopted by the General Assembly, S-20/2 Political Declaration, UNGASS, 10 June 1998.
  - 2) Australia, Austria, Belgium, Brunei, Cambodia, Canada, China, Denmark, Finland, France, Germany, Greece, India, Indonesia, Ireland, Italy, Japan, Republic of Korea, Laos, Luxembourg, Malaysia, Myanmar, Netherlands, New Zealand, Norway, Philippines, Portugal, Singapore, Spain, Sweden, Thailand, United Kingdom, United States of America and Viet Nam.
  - 3) Illicit cultivation, production, manufacturing, sale, demand, trafficking and distribution of narcotic drugs and psychotropic substances, including amphetamine-type stimulants, the diversion of precursors and related criminal activities.
  - 4) ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD).



# ACCORD Plan of Action 2005-2010

Beijing, China, 20 October 2005

## Pillar I Civic Awareness

**Promoting civic awareness and social response by proactively advocating on the dangers of drugs**

### The Goals

#### 1.1. Enhance public awareness and understanding of the drug problem (goal)

- Develop a national public awareness strategy and implementation plan which includes an ongoing national social mobilization program (target)  
Timeline: 2006
- Design and conduct communications campaigns (which utilize social marketing and other proven strategies) to create a set of societal norms that discourage the use of drugs and are supportive of drug prevention and treatment efforts (target)  
Timeline: 2007
- Increase the number of articles regularly contributed by all ACCORD countries to a variety of relevant regional publications (target)  
Timeline: Ongoing

#### 1.2. Prioritize areas for social partnerships in response to the dangers of drugs, including new drugs (goal)

- Include NGOs as active partners in the planning, execution and monitoring of civic awareness initiatives on local and/or national levels (target)  
Timeline: 2007
- Establish partnerships with academic and research institutions for the development of effective and research-based communication campaigns and for monitoring of behavioral effects (target)  
Timeline: Ongoing
- Actively engage the support of religious-based organizations and community-based organizations to implement civic awareness activities for specific target groups (target)  
Timeline: Ongoing

#### 1.3. Private sector advocacy will be raised (goal)

- Establish workplace prevention programmes that provide information to employees and skills training for supervisors. Programmes must also provide working parents and their families with information and support in regard to protecting children against the dangers of drugs (target)  
Timeline: 2007
- Develop national guidelines for the involvement of the private sector in civic awareness initiatives (target)  
Timeline: 2007
- Institutionalize mechanisms for the involvement of the private sector to support the development of effective public awareness campaigns (target)  
Timeline: 2008
- Institutionalize an annual national civic awareness award for civil society and the private sector (target)  
Timeline: 2007

#### 1.4. Engage the media in drug awareness building (goal)

- Actively engage media organizations in the implementation of the national civic awareness strategy and implementation plan (target)  
Timeline: Ongoing
- Maintain significant media coverage on drug-related issues (target)  
Timeline: Ongoing
- Establish active relationship with journalists and enhance the capacity of a cadre of media advocates for drug prevention (target)  
Timeline: Ongoing
- Institutionalize an annual national media award for drug awareness (target)  
Timeline: 2007

### Pillar II Demand Reduction

#### Reducing illicit consumption of drugs by building consensus and sharing best practices in demand reduction

##### The Goals

#### 2.1. Increase primary prevention activities for ATS and other drug use in schools and general society (goal)

- Promote a set of guiding principles for effective prevention programs so that existing and new initiatives are based on an accurate understanding of the literature on effective practice (target)  
Timeline: 2006
- Promote the need for programs to develop strategic plans that state clear outputs, a set of activities which support these outputs and methods to measure program effectiveness (target)  
Timeline: 2007
- Consider the development of comprehensive school-based prevention programs that feature life-skills curriculum, promote teacher, student and parent involvement, offer alternative activities and create school climate that is supportive of healthy and appropriate behaviors (target)  
Timeline: 2007

#### 2.2. Strengthen national ATS policies to effectively reduce demand (goal)

- Incorporate ATS demand reduction policies and programs into national drug control policies (target)  
Timeline: 2006
- Review the degree to which ATS continues to be addressed as a national priority at regional drug control forums and at national policy reviews (target)  
Timeline: Ongoing

#### 2.3. Increase quality and coverage of treatment and rehabilitation for recovering addicts with attention given to the special considerations regarding the treatment of ATS abuse (goal)

- Develop systems for early identification (including peer outreach, school/workplace/health center screening and drug courts if appropriate), assessment and referral that determine each individual user's level of addiction and match appropriate treatment services accordingly (target)  
Timeline: 2008
- Establish a comprehensive treatment service delivery system that provides a variety of age-appropriate modality options ranging from short-term counseling to in-patient rehabilitation (target)  
Timeline: 2008
- Develop systems for community based aftercare which feature strong family involvement (target)  
Timeline: 2008

- Give special consideration to how treatment programs can be integrated into prisons and other custodial settings as well as settings for compulsory treatment and juvenile detention (target)  
Timeline: 2007
- Create linkages with relevant government and nongovernmental organizations to establish comprehensive systems to provide related support in the areas of health, social rehabilitation and employment training and placement (target)  
Timeline: 2008
- Offer professional development opportunities for those individuals who work in drug treatment and related service delivery programs (target)  
Timeline: Ongoing
- Develop management information systems for intake, tracking treatment, discharge and follow-up so that each individual's progress can be monitored, program effectiveness can be measured, and lessons learnt can be used to refine and improve program operation (target)  
Timeline: 2008

#### **2.4. Build capacity and support activities of non-governmental organizations (NGOs) and community based organizations (CBOs) for drug prevention and treatment (goal)**

- Institutionalize processes and provisions to build NGO and CBO capacity (target)  
Timeline: 2007
- Build the capacity of NGOs and CBOs by supporting professional development training for practitioners throughout the region (target)  
Timeline: Ongoing

#### **2.5. Reduce HIV vulnerability from drug abuse (goal)**

- Promote an accurate understanding of the relationship between drug use and HIV/AIDS as well as specific methods for protection from infection among both the general population (especially young people) and drug users, using a variety of school and community settings (target)  
Timeline: Ongoing
- Ensure that both drug prevention and HIV/AIDS education programs address the relationship between drug use (including injecting drug use) and the transmission of HIV (target)  
Timeline: Ongoing
- Reduce the stigma and discrimination associated with the use of drugs and HIV/AIDS with the aim of increasing public support for services (target)  
Timeline: Ongoing
- Review and adjust existing laws, policies and practices which inhibit programs from providing and individuals from accessing services (target)  
Timeline: 2008
- Review and adopt a comprehensive approach comprising of appropriate strategies (such as voluntary testing, counseling, care and support, condom distribution, substitution therapy, needle exchange and needle distribution) designed to contain the spread of HIV due to drug use (target)  
Timeline: 2007
- Develop protocols and procedures for identification and outreach (including peer-to-peer) to provide appropriate interventions for reducing HIV/AIDS among drug users (target)  
Timeline: 2007
- Give special consideration to how drug use-related HIV/AIDS programs can be integrated into prisons and other custodial settings such as compulsory treatment centers and juvenile detention programs (target)  
Timeline: 2006

## Pillar III Law Enforcement

**Strengthening the rule of law by an enhanced network of control measures and improved law enforcement cooperation and legislative review.**

### The Goals

#### **3.1 Suppress the manufacture of illicit drugs and prevent the availability of precursor chemicals, including those in the form of pharmaceutical preparations, and equipment for that purpose (goal)**

- Support the chemical and pharmaceutical industries in their efforts to prevent diversion of precursor chemicals (target)  
Timeline: 2007
- Governments to develop partnerships with a wide range of stakeholders in order to prevent diversion.
  - Engage the chemical/pharmaceutical industries to raise awareness;
  - Encourage voluntary measures by the industry;
  - Encourage adoption of a Code of Conduct for the industry;
  - Formulate guidelines for preventive measures;
  - Develop mechanisms and materials to promote partnerships with NGOs, financial intelligence units, food and drug administrations, border control and law enforcement agencies and oth relevant stakeholders.
- Share experiences and best practices, exchange information and take joint actions at the operational level (target)  
Timeline: 2006
- Countries with common problems to cooperate by sharing experiences, exchanging information and taking joint actions regarding:
  - Trafficking in precursor chemicals and equipment used in illicit drug manufacture, including back tracking investigations;
  - Manufacturing of illicit drugs;
  - Production of, smuggling and trade in precursor chemicals and essential oils used in the illicit manufacture of ATS.
- Develop and strengthen national legislation, control procedures and compliance mechanisms to prevent diversion of precursor chemicals from licit trade (target) Timeline: 2008
- Countries to develop the above regulatory measures by:
  - Obtaining assistance from legal experts;
  - Holding national workshops to prepare regulations or draft legislation;
  - Learning from the experience of countries with operating procedures and working mechanisms already in place and exchanging best practices on national legislation through a regional expert group meeting (target)  
Timeline: 2006
- Train personnel to carry out effective control of precursor chemicals and clandestine laboratory investigations (target)  
Timeline: 2007
- Develop national capacities and resources for training personnel in areas including:
  - The investigation of precursor and diversion and trafficking;
  - The investigation of clandestine drug laboratory operations;
  - Safe handling and preliminary identification of precursor chemicals;
  - Regulatory and law enforcement control of precursor chemicals.

### 3.2. Increase national, regional and international cooperation between governments and law enforcement agencies (goal)

- Increase cross-border cooperation by strengthening liaison structures and regular operational cooperation at the local, national and regional levels (target)  
Timeline: Ongoing
- Expand, consolidate and enhance existing Border Liaison Office structures (target)  
Timeline: Ongoing
- Increase joint investigative operations between countries in the region (target)  
Timeline: Ongoing
- Explore possibilities for increased joint cooperation to combat drug trafficking via waterways through a regional expert working group meeting (target)  
Timeline: 2006
- Promote and increase the exchange of experience on national legislation, judicature and law enforcement in connection to drug related crimes, particularly ATS, among governments and relevant institutions (target)  
Timeline: Ongoing
- Develop and implement Mutual Legal Assistance (MLA) frameworks, including extradition and exchange of evidence, amongst all ACCORD countries and beyond through the ASEAN Senior Law Officials Meeting (ASLOM) (target)  
Timeline: 2006

### 3.3. Enhance training capacity of law enforcement agencies (goal)

- National drug control agencies will undertake an analysis to identify training needs, paying particular attention to the topics below (target)  
Timeline: 2006
  - Training in drug interdiction (air, sea and land);
  - Training in investigations;
  - Training in intelligence;
  - Training in anti-money laundering
- A comprehensive training plan will be drawn up by each ACCORD national drug control agency (including topics, audience, locations, specifications, aims and objectives, costs, time scale and methodologies).
- National drug control agencies should also identify appropriate resources necessary for providing the required training (target)  
Timeline: 2006
- Law enforcement capacity building initiatives are integrated into national training programmes (target)  
Timeline: 2007
- ACCORD countries share best practices with one another as relevant (target)  
Timeline: Ongoing

### 3.4. Address the proceeds from drug trafficking (goal)

- Institute appropriate legislation: (target)
  - Criminalizing the crime of money laundering with the widest possible range of most serious predicate offenses (in accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the Convention against Transnational Organized Crime, and the FATF Forty Recommendations);  
Timeline: 2008
  - Enacting effective laws that allow for confiscation of direct and indirect proceeds of crime  
Timeline: 2008
- Establishment of Financial Intelligence Units: (target)
  - Establish a central authority responsible for collecting, analyzing and disseminating financial information

to competent authorities in order to combat potential money laundering (in accordance with the Convention against Transnational Organized Crime)  
Timeline: 2008

- Encourage and facilitate international cooperation: (target)
  - Facilitate mutual legal assistance in relation to money laundering investigations, arrest ratification and prosecutions;  
Timeline: 2007
- Develop efficient processes for the execution of mutual legal assistance requests. Timeline: 2007
- Recognize that money laundering is an extraditable offence.  
Timeline: 2007
- Support and develop competent authorities: (target)
- Provide the competent national authorities involved in combating money laundering with adequate training, including the law enforcement sector, prosecutors, financial regulators and relevant policy makers.  
Timeline: 2007
- Relevant financial information needs to be made readily available to the national FIUs. (target)  
Timeline: 2008

### 3.5. Achieve ratification and full implementation of the relevant international conventions (goal)

- Ratify the United Nations drug control Conventions of 1961 as amended, 1971 and 1988, and the Convention against Transnational Organized Crime (target)  
Timeline: 2006
  - Assistance and guidance to Member States in pre-accession/ratification action and submission to the national legislators;
  - Submit ratification instruments.
- Improve national legislation in line with the above Conventions (target)  
Timeline: 2008
- Draft and enact enabling legislation, as required by the Conventions, by drafting new or amending existing legislation on criminalization of offences as defined in the Conventions, sanctions and alternatives, treatment, extradition and mutual legal assistance.
- Strengthen the capacity of the criminal justice system – including judges, prosecutors and law enforcement officials – to apply drug control legislation (target)  
Timeline: 2007
- Create specialized investigative units and consider introduction of specialized prosecutors and drug treatment courts;
- Introduce drug treatment measures as an alternative to imprisonment;
- Provide general and specialist training, including through UNODC's Computer Based Training project, on drug law enforcement, mutual legal assistance, extradition, asset tracing and forfeiture and drug treatment
- Further strengthen mechanisms to facilitate international cooperation in drug related investigations and prosecutions (target)  
Timeline: 2007
- Establish centralized authorities and national focal points for international cooperation, including mutual legal assistance, extradition, asset tracing and forfeiture and maritime cooperation;
- Provide operational training at the national and international level on the above issues;
- Place liaison officers, facilitate the temporary exchange of expert staff, and participate in joint investigations, as appropriate and able;
  - Further strengthen the collection and exchange of information on cases of related transnational organized crime.

## Pillar IV Alternative Development

### Eliminating or significantly reducing the production of illicit narcotic crops by boosting alternative development programmes

#### The Goals

#### 4.1. Improve capacity to identify and measure illicit crop cultivation (goal)

- Improve local capacity to implement internationally accepted methodology for illicit crop (opium poppy and cannabis) monitoring and verification. Build capacity and share experiences on monitoring, assessment and information management systems. (target)  
Timeline: 2006 for cannabis; ongoing for opium poppy cultivation
- Continue implementation (as relevant) of annual opium poppy surveys to identify and measure illicit poppy cultivation and production. (target)  
Timeline: Ongoing
- Share experiences and report on monitoring results and utilization of findings for sustainable alternative development and illicit crop eradication efforts. (target)  
Timeline: Ongoing
- Survey and analyze socio-economic factors and root causes for the involvement of farmers in the cultivation of illicit crops (target)  
Timeline: 2006 relating to opium poppy cultivation; 2008 for cannabis
- Research existing coping mechanisms of farmers and their families who have given up cultivation of illicit crops (target)  
Timeline: 2006 relating to opium poppy cultivation; 2008 for cannabis

#### 4.2. Provide sustainable alternative livelihood and income generation to farmers cultivating illicit crops (goal)

- Strengthen bi-lateral, cross border and regional cooperation amongst concerned alternative development projects, institutions and organizations to promote networking and information exchange amongst professionals to share innovative practices on alternative development and foster collective efforts in the elimination of illicit crop cultivation (target)  
Timeline: Ongoing
- Create and facilitate operational partnerships to mobilize maximum resources to deal with the root socio-economic causes of illicit crop cultivation (target)  
Timeline: 2006 relating to opium poppy cultivation; 2008 for cannabis
- Strengthen capacities of managers, practitioners and policy makers through policy seminars, technical training, workshops and field studies (target)  
Timeline: Ongoing
- Raise the profile of alternative development amongst donors, development agencies, international media and the general public. (target)  
Timeline: Ongoing
- Provide for emergency relief (as required), basic human needs and the development of cash crops/export products and sustainable market strategies – including networking for alternative development products (target)  
Timeline: 2006

#### 4.3. Specifically address the protective issues related to the eradication of illicit crops for farmers and related communities (goal)

- Provide protection from exploitation to farmers and communities who have stopped cultivating illicit crops (target)

Timeline: 2006

- Mainstream sustainable alternative development with drug control efforts to address socio-economic root causes, including poverty and food insecurity (target)

Timeline: 2006





# ASEAN Work Plan on Combating Illicit Drug Production, Trafficking and Use (2009-2015)

Siem Reap, Cambodia, 17 November 2009

To realise the goal of “ASEAN Drug-Free 2015” the ASEAN Work Plan on combating illicit drug production, trafficking and use has been developed and will incorporate the following monitoring and evaluation mechanism:

- To establish a baseline through a standardised Country Report format utilising 2008 statistical data presented at the 30<sup>th</sup> ASOD meeting. The data shall be in percentage terms as applicable
- To conduct an annual review through Country Report during the ASOD Meeting
- ASOD to conduct a Mid-term Review in 2012
- ASOD to conduct a Final Assessment in 2015 and take stock of activities under the work plan

## **Part I: Actions would be taken to achieve Significant and sustainable reduction in illicit crops cultivation**

### **1. Insignificant cultivation of opium poppy, cannabis and other illicit crops by 2015.**

#### **Actions:**

- 1.1. To analyze the root causes, such as socio-economic factors, which motivate farmers to cultivate illicit crops and, through research, determine mechanisms that farmers who ceased cultivation of illicit crops have employed to cope successfully with the change in crop cultivation and by taking action on issues which impact the welfare of farmers who cease illicit crop production and cultivate alternative crops;
- 1.2. To allocate funds from the Government to provide support to farmers and communities that stop illicit opium poppy and cannabis cultivation and policies should be integrated into overall development plans to integrate communities into the economic mainstream;
- 1.3. To continue the implementation, if applicable, of annual opium and cannabis surveys to identify and measure illicit cultivation and production and, at the same time, build capacity by sharing experiences on monitoring and conducting assessments and by developing effective information management systems;
- 1.4. To improve bilateral and regional cooperation among concerned institutions to reduce illicit crops cultivation through alternative development, sharing of knowledge, experience and best practices on alternative development.
- 1.5. To promote partnership with relevant stakeholders, including local communities, non – governmental organisations and private enterprises, and strengthening cooperation with relevant United Nations and international organizations; and
- 1.6. To increase law enforcement to eradicate illicit opium poppy, cannabis and other cultivation used for the production of narcotics drugs and psychotropic substances.

### **2. Provision of sustainable alternative livelihood development to former illicit crops producing farmers.**

#### **Actions:**

- 2.1. To provide sustainable alternative livelihood development and income generation to farmers cultivating illicit crops through a combination of regional cooperation among alternative development projects and organizations to promote networking and sharing of innovative practices and by providing for emergency relief, basic needs, and the development of cash crops and export products and sustainable market

- strategies for the farmers and their families;
- 2.2. To address issues concerning potential poverty and food insecurity, as well as, safety from exploitation of farmers who have ceased cultivating illicit crops and issues concerning the shifting of illicit crop cultivation from eradicated areas to other areas;
  - 2.3. To promote wider access for alternative development products to the markets within the region consistent with national and international obligations and applicable multilateral trade rules; and
  - 2.4. To develop technical assistance that would help each other in identifying alternative crops as substitute to illicit drug crops and institute sustainable policy reforms by applying sustainable alternative development programmes.

**Part II: Actions would be taken to achieve Significant and sustainable reduction in illicit manufacturing and trafficking of drugs and drug-related crime**

**1. Elimination of diversion and smuggling of precursor chemicals and syndicates involved in the clandestine production of illicit drugs:**

**Actions:**

- 1.1. To support special initiatives under Project Prism and Project Cohesion and seek to contribute towards the standardization of precursor control methodologies for the ASEAN Region;
- 1.2. To collaborate with the customs authorities to integrate notification modalities into the free trade agreements and transport facilitation agreements under the ASEAN Single Window initiative;
- 1.3. To strengthen national capacity building for law enforcement and regulatory agency personnel in the field of precursor control;
- 1.4. To enhance scientific laboratory capacity in precursors identification, drug profiling and analysis for enforcement operation and intelligence;
- 1.5. To develop partnership with chemical and pharmaceutical industries and other stakeholders to prevent diversion of precursor chemicals;
- 1.6. To share experiences and best practices, exchange information and take joint actions at the operational level on chemical diversion, backtracking investigation, and illicit drug manufacture;
- 1.7. To conduct exchange of experiences and knowledge and expertise about the disposal of chemical and toxic drug by-products of clandestine laboratories;
- 1.8. To ensure all ASEAN Member States to fully implement the pre-export notification (PEN) procedure; and
- 1.9. To develop and strengthen national legislation, operating procedures and compliance mechanisms to prevent diversion of precursor chemicals from licit trade.

**2. Elimination of syndicates involved in trafficking of illicit drugs:**

**Actions:**

- 2.1. To implement or strengthen preventive, enforcement, and legislative measures such as asset forfeiture, anti-money laundering, and controlled delivery to combat all forms of drug-related crimes;
- 2.2. To provide adequate and targeted training to law enforcement, customs and border control authorities in combating trafficking in narcotic drugs and psychotropic substances;
- 2.3. To increase information-sharing among law enforcement authorities and judicial cooperation in order to identify and investigate criminal organizations involved in trafficking in narcotic drugs and psychotropic substances and their possible links with other criminal activities;
- 2.4. To enable law enforcement agencies adapt and adequately address the changing nature of the drug trafficking problems, particularly with regards to newly emerging technologies, routes and concealment methods used by traffickers;

- 2.5. To continue to give attention to the development of methods for gathering and using hard-to-reach intelligence and evidence, including judicially sanctioned evidence-gathering techniques such as electronic surveillance, structured informant programmes and controlled delivery;
- 2.6. To monitor, in collaboration with the international community, the nature, use, extent and impact of cybertechnology on trafficking in narcotic drugs and psychotropic substances as well as online pharmacies operating or delivering pharmaceutical preparations containing internationally controlled narcotic drugs and/or psychotropic substances within their respective jurisdictions and give consideration to the development and implementation of legislation and training opportunities in order to respond effectively to the emerging problem;
- 2.7. To expedite information and intelligence exchange on the profile of drug syndicate groups as well as watch list of their drug activities;
- 2.8. To strengthen the capacity of the pillars of the criminal justice system on drug control particularly judges, prosecutors, and law enforcement officials; and
- 2.9. To make use of ASEAN Mutual Legal Assistance Treaty and other existing bilateral Mutual Legal Assistance Treaties to provide assistance in investigations.

### **3. Enhance cross-border law enforcement collaboration and cooperation.**

#### **Actions:**

- 3.1. To consolidate, expand/establish drug control cross-border liaison structures and concerted operational cooperation at the local, national and regional levels, where applicable;
- 3.2. To intensify concerted drug control cross-border cooperation and joint investigation operations at local, national, and regional levels; and
- 3.3. To explore possibilities for increase joint cooperation to combat drug trafficking via waterways and air routes through a regional expert working group meeting and to establish direct communication among countries between concerned authorities at the international entry ports.

## **Part III. Significant and sustainable reduction of the prevalence of illicit drug use**

### **1. Reduce the prevalence of illicit drug use:**

#### **Actions:**

- 1.1. To intensify and strategise effective awareness and preventive education campaign against illicit drug use;
- 1.2. To develop, intensify, and effectively implement family, school, workplace and community –based drug prevention and drug abuse control programmes;
- 1.3. To develop and implement specific programmes for high-risk groups;
- 1.4. To enlist and foster public support in combating illicit drug use;
- 1.5. To intensify preventive education programmes on the relationship between illicit drug use and spread of HIV/AIDS among both the general population (especially young people) and illicit drug users;
- 1.6. To develop or make use of relevant existing training manuals for programme planners and implementers;
- 1.7. To document knowledge, experience, and expertise on demand and supply reduction and circulate the publication among the ASEAN Member States
- 1.8. To establish partnerships between the public and private sectors, including the media, non-governmental and community-based organizations, academic and research institutions, and religious-based organizations to plan, execute, and monitor civic awareness initiatives and to advocate drug abuse prevention programmes
- 1.9. To generate the sharing of experiences and lessons learnt on demand reduction; and

1. 10. To develop a pool of trainers and experts in the field of drug demand reduction and drug control programmes

**2. Increase access to treatment, rehabilitation and aftercare services to drug abusers with the purpose of ensuring full re-integration into society:**

**Actions:**

- 2.1. To provide and/or support a range of treatment modalities, for different categories of drug abuse to drug treatment services;
- 2.2. To expand community-based supervision and aftercare programmes;
- 2.3. To ensure strong family and community support and involvement in the recovery process;
- 2.4. To develop an effective management information systems for monitoring treatment progress, discharge status, and follow-up evaluation as a mechanism to refine programme operations and improve treatment service delivery effectiveness;
- 2.5. To scale up treatment coverage and widen the social net for drug dependence in order to facilitate accessibility to treatment services;
- 2.6. To establish treatment sites in accessible locations;
- 2.7. To provide capacity building and skills development of service providers with the possible cooperation with external partners; and
- 2.8. To provide assistance to the establishment and maintenance of treatment and rehabilitation centres.

**3. Increase and enhance partnerships between the public and private sectors and civil society organisations in response to the abuse of illicit drug use:**

**Actions:**

- 3.1. To synergise collaboration between Governments and Civil Society Organisations (CSOs) in the planning, execution and monitoring of civic awareness initiatives on local and/or national levels and in providing health and several rehabilitation, employment training and placement;
- 3.2. To establish partnerships with academic and research institutions for the development of effective and research-based communication campaigns;
- 3.3. To actively engage the support of religious-based organisations, Community-based Organisations (CBOs), and the private sector to implement civic awareness activities for specific target groups;
- 3.4. To establish workplace prevention programmes that provides information to employees and their families, and skills training to supervisors;
- 3.5. To develop national guidelines for the participation of the private sector, NGOs, and CBOs in civic awareness initiatives; and
- 3.6. To engage NGOs in formulating policies, planning, and implementing prevention and education programmes.



# CONSULAR AND IMMIGRATION



# ASEAN Framework Agreement on Visa Exemption

Kuala Lumpur, Malaysia, 25 July 2006

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member Countries of the Association of Southeast Asian Nations (ASEAN), hereinafter referred to individually as "Member Country" and collectively as "Member Countries";

**DESIRING** to maintain, strengthen and further develop the friendship and cooperation in ASEAN;

**RECALLING** the provisions of Article 2 of the ASEAN Tourism Agreement signed on 4 November 2002, in Cambodia on facilitation of intra-ASEAN travel;

**RECALLING** paragraph (b) of Article 11 of the ASEAN Framework Agreement for Integration of Priority Sectors signed on 29 November 2004, which commits ASEAN Member Countries to provide visa exemption for intra-ASEAN travel by ASEAN nationals; and

**INTENDING** to provide general principles and guidelines in establishing and/or renewing bilateral agreements among Member Countries on visa exemption for their respective citizens traveling within the ASEAN region;

**Have agreed as follows:**

## Article 1

1. Member Countries, where applicable, shall exempt citizens of any other Member Countries holding valid national passports from visa requirement for a period of stay of up to 14 (fourteen) days from the date of entry, provided that such stay shall not be used for purposes other than visit. Citizens of Member Countries who enter another Member Countries for other purposes or for a stay exceeding the days allowed under the laws and regulations of the host countries are required to apply for appropriate visas or passes.
2. Notwithstanding the above paragraph, Member Countries shall reserve the right to provide visa-free entry for citizens of other Member Countries for temporary visits for a period more than fourteen (14) days in accordance with their respective laws and regulations and/or bilateral protocols/arrangements.

## Article 2

The duration of passport validity of citizens of Member Countries shall be at least six (6) months from the date of entry.

## Article 3

1. The waiver of visa requirements under the foregoing articles shall not exempt citizens of Member Countries from the requirements of complying with the laws and regulations in force in the host country.
2. Each Member Country shall reserve the right to refuse admission or shorten the authorised duration of stay in its territory of citizens of other Member Countries who may be considered undesirable.

## Article 4

Member Countries shall exchange, through diplomatic channels, specimen of their current passports, and specimen of any new passports not later than thirty (30) days before their introduction.

#### **Article 5**

1. Member Countries shall reserve the right to temporarily suspend the implementation of this Agreement for reasons of national security, public order, and public health by giving other Member Countries immediate notice, through diplomatic channels.
2. The suspension shall be lifted immediately after the situation which has given rise to the suspension has ceased to exist.
3. Member Countries shall reserve the right to terminate the implementation of the Agreement by means of written notification, through diplomatic channels. The termination of the implementation of the agreement shall take effect ninety (90) days after the date of receipt of the notification.
4. Unless otherwise provided, the termination of implementation of this Agreement shall have effect only as regards the Member Country that has notified it. The Agreement shall remain in force for other Member Countries.

#### **Article 6**

1. This Agreement shall not affect the implementation of existing agreements on visa exemption between Member Countries as well as the rights and obligations of Member Countries under any existing agreements or international conventions of which they are parties.
2. If the provisions of the agreements on visa exemption stated in paragraph 1 of this Article are less preferential to those of this Agreement, the Member Countries concerned shall negotiate for amendments in compliance with the provisions of this Agreement.

#### **Article 7**

Member Countries, where applicable, shall negotiate and conclude separate bilateral protocols to implement this Agreement as soon as possible. The implementation of such bilateral protocols shall come into force on the date as mutually agreed by the respective Member Countries.

#### **Article 8**

3. This Agreement is subject to ratification or approval by all Member Countries in accordance with their respective domestic laws and regulations
4. The instruments of ratification or approval shall be deposited with the Secretary-General of ASEAN who shall promptly inform other Member Countries of such deposit.
5. This Agreement shall enter into force when instruments of ratification or approval of all Member Countries have been deposited.

#### **Article 9**

Member Countries may request through a diplomatic channel to amend or modify all or any part of this Agreement. The amendment or modification shall become effective upon consent in writing by all Member Countries and shall form part of this Agreement.

#### **Article 10**

Any differences or disputes arising out of the interpretation and implementation of this Agreement shall be settled amicably by consultation or negotiation among Member Countries without reference to any third party or international tribunal.

IN WITNESS WHEREOF, the undersigned, being duly authorised to sign by their respective Governments, have signed the ASEAN Framework Agreement on Visa Exemption.



DONE at Kuala Lumpur, this Twenty-Fifth Day of July in the Year Two Thousand and Six, in a single copy in the English Language.

For Brunei Darussalam:

**LIM JOCK SENG**

Second Minister of Foreign Affairs and Trade

For the Kingdom of Cambodia:

**HOR NAMHONG**

Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation

For the Republic of Indonesia:

**DR. N. HASSAN WIRAJUDA**

Minister for Foreign Affairs

For the Lao People's Democratic Republic:

**DR. THONGLOUN SISOULITH**

Deputy Prime Minister and Minister of Foreign Affairs

For Malaysia:

**DATO' SERI SYED HAMID ALBAR**

Minister of Foreign Affairs

For the Union of Myanmar:

**NYAN WIN**

Minister for Foreign Affairs

For the Republic of the Philippines:

**ALBERTO G. ROMULO**

Secretary of Foreign Affairs

For the Republic of Singapore:

**GEORGE YONG-BOON YEO**

Minister for Foreign Affairs

For the Kingdom of Thailand:

**DR. KANTATHI SUPHAMONGKHON**

Minister of Foreign Affairs

For the Socialist Republic of Viet Nam:

**PHAM GIA KHIEM**

Deputy Prime Minister and Minister for Foreign Affairs

# The Guidelines for the Provision of Emergency Assistance by ASEAN Missions in Third Countries to Nationals of ASEAN Member Countries in Crisis Situation

Manila, Philippines, 29-30 July 2007

## Preamble

Consistent with the vision of building a Caring and Sharing ASEAN Community and in accordance with the “Statement by the Foreign Ministers of ASEAN Member Countries on Assistance by ASEAN Missions in Third Countries to Nationals of ASEAN Member Countries in Crisis Situations” at the 39<sup>th</sup> ASEAN Ministerial Meeting in Kuala Lumpur on 25 July 2006, the ASEAN Member Countries have agreed to adopt the following Guidelines to extend assistance to nationals of ASEAN Member Countries who are caught in conflict or crisis situations in third countries.

## General Principles

1. The implementation and application of these Guidelines shall be subject to the applicable laws, rules, regulations and national policies from time to time in force in the respective ASEAN Member Countries.
2. Subject to the capacities and resources available in the circumstances of each situation, in conflict or crisis situations, Missions of ASEAN Member Countries agree to provide assistance to nationals of other ASEAN Member Countries who are not represented in the conflict or crisis areas in third countries.
3. A conflict or crisis situation is a situation wherein the general population of a given territory is placed at imminent risk because of military action, widespread violence and lawlessness, outbreak of highly contagious and dangerous diseases, massive destruction and devastation of physical infrastructure due to natural calamities and other similar situations as officially announced by the local/central authority as an emergency situation.
4. In the spirit of ASEAN cooperation and solidarity, the ASEAN Member Country requesting assistance shall endeavor to dispatch adequate personnel and resources to the Missions of ASEAN Member Countries in third countries in order to assist them in providing the necessary assistance to their own nationals in the conflict or crisis areas.
5. In extending assistance to nationals of other ASEAN Member Countries, the Member Country providing assistance shall, under no circumstances, be liable for any damage to property (including loss of use) and/or the injury or death suffered by the national which occurs as a result of or arising out of the assistance provided by the Member Country.
6. The ASEAN Member Countries requesting assistance from another Member Country shall be responsible for the safe return and repatriation of their nationals once they are handed over to them.
7. The Member Country requesting assistance will reimburse the Member Country providing assistance for expenses incurred in the conduct of such assistance.
8. The assistance provided under these Guidelines shall not be applied to nationals of ASEAN Member Countries who are known to be involved in criminal activities and other transnational crime including terrorism. The mechanism shall not be used in any way as a tool of protection from prosecution.
9. In providing assistance, priority shall be given to the nationals of the ASEAN Member Country extending such assistance.
10. The Government of the nationals of an ASEAN Member Country seeking assistance will closely coordinate with the ASEAN Member Country providing assistance in order to enable the latter to effectively and efficiently extend the necessary emergency assistance.

### **Courses of Action**

11. ASEAN Member Countries will identify emergency contact points within their Foreign Ministries, which would serve to coordinate the provision of emergency assistance as envisaged under these Guidelines.
12. To the extent practicable, ASEAN Member Countries requesting assistance will send a note verbale to the identified emergency contact point of the ASEAN Member Countries represented in the conflict or crisis area.
13. A national of an ASEAN Member Country may also directly seek assistance from the Missions of ASEAN Member Countries or go directly to shelters provided by ASEAN Member Countries.
14. However, a Member Country providing assistance cannot be obliged to place its agents at risk with a request to locate the nationals of another ASEAN Member Country.
15. Upon reaching the premises of Mission or safe area provided by a Member Country, the nationals of a Member Country shall be registered with that Mission and appropriate information relayed to the respective emergency contact points;
16. In all instances, the ASEAN Member Countries shall be notified that their nationals had sought assistance with the Missions of another ASEAN Member Country and shall verify the claim of citizenship of that person in the speediest possible manner;
17. In case the ASEAN national seeking assistance has no travel document, they shall be provided with necessary assistance to enable them to reach a third country where they can seek the assistance of their own countries' missions;
18. An ASEAN Member Country providing assistance to the nationals of other ASEAN Member Countries may seek the assistance of other ASEAN Member Countries and international organizations in seeking zones of safety, supplies and evacuation logistics.
19. In case of natural disasters, ASEAN Member-Countries will work with the ASEAN Coordinating Center for Humanitarian Assistance to Member Countries, as appropriate to the circumstances.

### **Review**

20. The ASEAN Directors General of Immigration and Heads of Consular Divisions of the Ministries of Foreign Affairs Meeting (DGICM) will review implementation, experiences and lessons learned when necessary, with a view to further improving implementation mechanisms.
21. The DGICM will consider the possibility of developing a common emergency travel document for ASEAN nationals who have lost their national travel documents and are seeking assistance from the Mission of another Member Country within the framework of these Guidelines.
22. The outcome of this review shall serve as inputs to any improvement for these Guidelines.

