ASEAN-JAPAN CONTRIBUTION TO REGIONAL SECURITY: CYBERSECURITY CAPACITY BUILDING (2014-2017)

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A Thesis Presented to the
Faculty of Humanities President University
In partial fulfillment of the requirements for
Bachelor Degree in International Relations
Major Concentration in Diplomacy Studies

March 2018
THESIS ADVISER RECOMMENDATION LETTER

This thesis entitled “ASEAN-JAPAN CONTRIBUTION TO REGIONAL SECURITY: CYBERSECURITY CAPACITY BUILDING (2014-2017)” prepared and submitted by Ajeng Intan Larasati in partial fulfillment of the requirements for the degree of Bachelor Degree in the Faculty of Humanities has been reviewed and found to have satisfied the requirements for a thesis fit to be examined. I therefore recommend this thesis for Oral Defense.

Cikarang, Indonesia, February 2018,

Recommended and Acknowledge by,

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DECLARATION OF ORIGINALITY

I declare that this thesis, entitled “ASEAN-JAPAN CONTRIBUTION TO REGIONAL SECURITY: CYBER SECURITY CAPACITY BUILDING (2014-2017)” is, to the best of my knowledge and belief, an original piece of work that has not been submitted, either in whole or in part, to another university to obtain a degree.

Cikarang, Indonesia, February 2018,

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The Panel of Examiners declare that the thesis entitled “ASEAN-JAPAN CONTRIBUTION TO REGIONAL SECURITY: CYBER SECURITY CAPACITY BUILDING (2014-2017)” that was submitted by Ajeng Intan Larasati majoring in International Relations from the Faculty of Humanities was assessed and approved to have passed the Oral Examination on February 27th, 2018.

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ABSTRACT

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The case of cybercrime as a part of a transnational crime and non-traditional security threat has become one of the important issues in International scope including in Southeast Asia region. This research discusses what efforts the ASEAN as the regional intergovernmental organization has done in addressing the problem of cybercrime and developing their cybersecurity by establishing the cooperation of strategic partnership with dialogue partner. The timeframe taken for this thesis research is from 2014 until 2017. This research is analytical and descriptive using qualitative research methods through multilateral relations between ASEAN member states and Japan. The result of this research indicates that Japan contribution in helping ASEAN countries to strengthen their cybersecurity in the number of cooperation as the same interest between both parties in strengthening the cybersecurity as well as creating the peace and stability in Southeast Asia region.

Keywords: Cybercrime, Strategic Partnership, Cybersecurity, Dialogue Partner, Cybersecurity Capacity Building
ABSTRAK

Penulis: Ajeng Intan Larasati


Kata Kunci: Kejahatan Siber, Kemitraan Strategis, Mitra Dialog, Keamanan Siber, Pembangunan Kapasitas Keamanan Siber
ACKNOWLEDGEMENT

All praise to Allah SWT for all grace and guidance during the hard times and for the answer to all the prayers, with the result the writer can complete writing the thesis in order to fulfillment the requirement for obtaining a bachelor degree. Hereby, the writer realizes that in the completion of this thesis still have many mistakes and errors, but hopefully all the efforts that have been done can be useful for educational purpose. The writer also aware that during the research, the preparation until the completion of this thesis cannot be separated from the support and assistance of people around. Therefore, the writer would like to express gratitude for:

1. The whole family member, my father Agus Indra Sampurno, my mother Endang Sri Redjeki, my older sister Damara Elok Rubynita and my youngest brother Dimas Tri Raharjo, for the support and pray that they always gave for me. For my parents that keep support financially and spiritually in every step I took also every little help they gave to make me strong and able to finish my education.

2. Mr. Endi Haryono as my thesis adviser for helping me to finish my thesis and for all advices that have given to me so this thesis can be completed.

3. Mr. Anak Agung Banyu Perwira as my academic advisers and my lecturer

4. All IR Lecturers that I cannot mention one by one for all the knowledge you have given to me these past three years.

5. All my closest friends in President University batch 2014, Dayuana Nilam, Ajeng Listya, Fitria Krisanti, Ranada Hamalia, Dian Y.P., and so many others that the writer cannot mention in this thesis. Thank you for the support and the motivation to keep me strong during my hard time and all the prayer.

6. All my new friends that I met during internship period that cannot be mention one by one.
7. Mrs. Sri Diana Kusumawati and all the employee in NCB-Interpol Indonesia that have help me to get the material and inspiration to complete this thesis.

Finally, my thanks go to everyone else who helped me in contributing their support and the prayer during the whole process in completing this thesis. From the very beginning until I could finally complete this thesis with my gratitude. Without all the support and pray, I could not finish this in the decided time. Therefore, I send my support and pray for all of you.

Cikarang, January 2018,

Ajeng Intan Larasati
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LIST OF ACRONYMS

ACCP     ASEAN Cyber Capacity Programme
AJCC     ASEAN-Japan Cybercrime
AMCC     ASEAN Ministerial Conference on Cybercrime
AMM      ASEAN Ministerial Meeting
AMMTC    ASEAN Ministerial Meeting on Transnational Crime
APSC     ASEAN Political Security Community
ARF      ASEAN Regional Forum
ASC      ASEAN Security Community
ASEAN    Association of Southeast Asian Nations
CBM      Confidence Building Measure
CCB      Cybersecurity Capacity Building
CENS     Centre of Excellence for National Security
CERT     Computer Emergency Response Team
CR       Conflict Resolution
CSA      Cyber Security Agency
e-ADS    electronic ASEAN Database System
FDI      Foreign Direct Investment
HADR     Humanitarian Assistance and Disaster Relief
ICT      Information and Communication Technology
IGCI     INTERPOL Global Complex for Innovation
ILEA     International Law Enforcement Academy
INTERPOL International Police
IT       Information Technology
JAIF     Japan-ASEAN Integration Fund
JICA     Japan International Cooperation Agency
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<tr>
<th>Acronym</th>
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<tr>
<td>JCLEC</td>
<td>Jakarta Center for Law Enforcement Cooperation</td>
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<td>JMT</td>
<td>JAIF Management Team</td>
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<td>LDP</td>
<td>Liberal Democrat Party</td>
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<td>MLA</td>
<td>Mutual Legal Assistance</td>
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<td>MNC</td>
<td>Multinational Company</td>
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<td>NDPG</td>
<td>National Defense Program Guidelines</td>
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<td>NIC</td>
<td>Newly Industrialized Country</td>
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<td>NTS</td>
<td>Non Traditional Security</td>
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<tr>
<td>ODA</td>
<td>Official Development Assistance</td>
</tr>
<tr>
<td>PD</td>
<td>Preventive Diplomacy</td>
</tr>
<tr>
<td>SCAP</td>
<td>Supreme Commander for the Allied Power</td>
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<tr>
<td>SICW</td>
<td>Singapore International Cyber Week</td>
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<tr>
<td>SME</td>
<td>Small Medium Enterprise</td>
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<td>SOMTC</td>
<td>Senior Officials Meeting on Transnational Crime</td>
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<tr>
<td>TPP</td>
<td>Trans Pacific Partnership</td>
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<tr>
<td>U.S.</td>
<td>United States</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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CHAPTER I
INTRODUCTION

I.1. Background of Study

The establishment of the Association of Southeast Asia Nations (ASEAN) on 8 August 1967 by the signed document that known as ASEAN Declaration, founding states which are Indonesia, Malaysia, Philippines, Singapore and Thailand in Bangkok, Thailand.¹ In the document it declared the establishment of an Association for Regional Cooperation among the Countries of Southeast Asia to be known as the Association of Southeast Asian Nations (ASEAN) and spelled out the aims and purposes of that Association.² These aims and purposes were about cooperation in the economic, social, cultural, technical, educational and other fields, and in the promotion of regional peace and stability through abiding respect for justice and the rule of law and adherence to the principles of the United Nations Charter.³ It stipulated that the Association would be open for participation by all States in the Southeast Asian region subscribing to its aims, principles and purposes.⁴

In achieving the aims and purposes of ASEAN, the ASEAN member states have established the ASEAN Charter in 13th ASEAN Summit, Singapore.⁵ The ASEAN Charter was establishing in order to facilitate the cooperation among the nations, could bring ASEAN step ahead through the ASEAN Community, reflects the foresight from aims of ASEAN, and for the fundamental laws.⁶ From these purposes, in ASEAN Charter Article 10 about ASEAN Sectoral Ministerial Bodies is supervise

² Ibid
³ Ibid
⁴ Ibid
⁶ Ibid
the functions of the Ministerial bodies, implement the agreements as decisions of the ASEAN Summit, strengthen cooperation as well support ASEAN integration and community building, then submit the reports to Community Council. Each ASEAN Sectoral Ministerial Body have the subsidiaries under its purview. For ASEAN Political-Security Community specifically in focus on combating transnational crime ASEAN have ASEAN Seniors Officials Meeting (ASEAN SOM) under ASEAN Foreign Ministers Meeting (AMM), Senior Officials Meeting on Transnational Crime (SOMTC) under ASEAN Ministerial Meeting on Transnational Crime (AMMTC), and ASEAN Regional Forum (ARF).

For Southeast Asian countries, security has always related to the issue of social, cultural, economic, political, and military fronts. ASEAN usually distinguished security in terms of traditional and non-traditional threats. Recently ASEAN countries tend to see non-traditional security issues solely as domestic problems of member states. Non-traditional security threats that will discussed in this study will focus on the transnational crime especially cybercrime issue and narrowed it to the cooperation between Japan and ASEAN in managing as well as combating the issue by developing its cybersecurity capacity building. ASEAN leaders affirmed on of the ASEAN Community which is ASEAN Political Security Community (APSC) that previously named ASEAN Security Community (ASC). In the agreement reflects that commitment to create a community of nation states at peace among its members and with the world. The community itself expected to strengthen ASEAN’s commitment to resolve conflicts and disputes through depoliticized means of legal instrument and mechanism, and through other peaceful means.

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8 Ibid
9 Ibid
11 Ibid
Retrieved from APSC Factsheet, preserving regional peace and stability, adopting a comprehensive approach to security challenges and developing friendly and mutually beneficial relations with external parties have been the underlying principles of ASEAN’s approach to political and security issues and developments. The APSC has the following key characteristics:

(i) A rules-based, people-oriented, people centered community bound by fundamental principles, shared values and norms, in which our peoples enjoy human rights, fundamental freedoms and social justice, embrace the values of tolerance and moderation, and share a strong sense of togetherness, common identity and destiny;

(ii) A resilient community in a peaceful, secure and stable region, with enhanced capacity to respond effectively and in a timely manner to challenges for the common good of ASEAN, in accordance with the principle of comprehensive security;

(iii) An outward-looking community that deepens cooperation with our external parties, upholds and strengthens ASEAN centrality in the evolving regional architecture, and plays a responsible and constructive role globally based on an ASEAN common platform on international issues; and

(iv) A community with strengthened institutional capacity through improved ASEAN works processes and coordination, increased effectiveness and efficiency in the work of all ASEAN Organs, including a strengthened ASEAN Secretariat, as well as with increased ASEAN institutional presence at the national, regional and international levels.  

With the member states of ASEAN that preferred a bilateral approach rather than multilateral, and through quite diplomacy, ASEAN strictly refrained themselves

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from interfering on each other’s domestic issue or internal situation.\textsuperscript{13} ASEAN cooperation progresses at a pace comfortable to all. Despite the need for greater cooperation, ASEAN leaders continued to adopt a gradual approach to cooperation in order to develop a sense of comfort among member states.\textsuperscript{14}

According to National Crime Prevention council, Cybercrime is any criminal activity involving computers and networks. It can range from fraud to unsolicited emails (spam). It can include the distant theft of government or corporate secrets through criminal trespass into remote systems around the globe. Cybercrime incorporates anything from downloading illegal music files to stealing millions of dollars from online bank accounts. Cybercrime also includes non-money offenses, such as creating viruses on other computers or posting confidential business information on the Internet.\textsuperscript{15} At international level, there is already acknowledge that cyber threats are one of global security issue as many of the high-scale businesses and administrations are run on cyber space hence the cyber space is very fragile to be destructed by viruses created by hackers.\textsuperscript{16}

Cyber-security defined as a complex reality with many dimensions.\textsuperscript{17} There are four different categories of cyber-attacks, which together make up the pillars of cyber-insecurity. The first is cyber-crime as the most visible od all cyber threats, and also the most widespread. The second is cyber-espionage which can be used traditional or industrial espionage. The third is cyber-terrorism with the goal of radicalizing and

\textsuperscript{14} Ibid
\textsuperscript{17} Ibid
recruiting new members to pursue the political objectives of terrorist group. Cyberwarfare occurs between states, despite a doubt about the actual form of cyber warfare.\textsuperscript{18}

Cybercrime is not a simple crime of any offences such as confidentiality of information but also includes non-traditional security threats which is transnational crimes such as human trafficking, illicit drugs trafficking, and piracy. Cybercrime investigations need related data information to process the case. Cyber criminals often attack the developing countries that still have unstable law enforcement in preventing and combating cybercrime. The threat itself could come from an individual or organization, which is why cybercrime can be categorized as non-traditional threat because the non-state actor might be the center of the problem.

The advancement of technology has been the driven factor of transnational crime especially cybercrime. Transnational crime itself can be a concept that offers a perspective to analyze a cross-border criminal activity. Modern telecommunication and information also the globalization could shield the suspect from law enforcement detection. The encryption of data information that offered by the information technology companies make the investigation crime more difficult because their priority is to protect the confidential data of their customers, they cannot give the information to anyone. The cooperation among the company and government is needed in order to regulate the important information for the investigation of any suspicious act among the citizen.

Based on the report on RSA Conference 2016 shows that 96\% of victim APT (Advanced Persistent Threat) organizations located in Southeast Asia.\textsuperscript{19} APT actors


\textsuperscript{19} Bryce Boland (2016), Undeclared Cyber Wars: Cyber threat actors targeting Asia, RSA Conference 2016, Singapore: Asia Pacific Technology Officer FireEye.
are one of the biggest challenges for the region.\textsuperscript{20} APT targets are leading companies in energy, telecommunications, high-tech, finance, and transportation sector by stealing intellectual property and inside information.\textsuperscript{21} According the report from FireEye that APT groups actively target governments and militaries for inside information into negotiation and political issues in the region that are frequently interested in topics related to the South China Sea dispute.\textsuperscript{22} Microsoft have discovered new activity group named PLATINUM as organization that has been actively targeting South and Southeast Asian countries.\textsuperscript{23} PLATINUM has been targeting its victims since at least as early as 2009, its range of preferred targets is consistently limited to specific governmental organizations, defense institutes, intelligence agencies, diplomatic institutions, and telecommunication providers.\textsuperscript{24} ATM heists or ATM hacking with sophisticated malware was also used by international organized crime syndicate to steal money from Automatic Teller Machines (ATMs) in ASEAN countries.\textsuperscript{25} ATM scamming is also a popular type of cybercrime in ASEAN countries.\textsuperscript{26}

In the other hand, Japan also having crisis toward cyber threat. Japan suffered well publicized cyber-attacks in 2011, such as breaches of parliament and military contractor Mitsubishi Heavy Industries Ltd. Government networks were hit by some 3,000 attacks a day in 2012, more than double the number in the previous year. Following those incidents, the Cabinet Office launched a National Information Security Council in 2012 aiming to strengthen measures against sophisticated threats

\textsuperscript{20} Southeast Asia: An Evolving Cyber Threat Landscape (2015), \textit{FireEye Threat Intelligence}, Singapore: FireEye p. 3.
\textsuperscript{21} \textit{Ibid}
\textsuperscript{22} \textit{Ibid}, p. 12.
\textsuperscript{24} \textit{Ibid}
\textsuperscript{26} \textit{Ibid}
to companies and organizations handling national security information. Retrieved from the Japan’s National Police Agency in 2014, the agency detect suspicious Internet access rise up to 50% from previous year with the target computer servers and personal computers. Other related cases handled by the police are spam mail (6,526 cases, up 12.6%), defamation (4,646 cases, down 1.5%) and unauthorized access (4,021 cases, up 45.9%).

According to the data of the cyber-attack incidents, Japan and ASEAN have been putting their focus on strengthening the cybersecurity in the region to create peace, secure, and stable environment to support the both economic and defense cooperation. This become the mutual relationship between ASEAN and Japan as growing the defense relations. From a Southeast Asian perspective, the events of the last few years have exposed their cyber vulnerabilities, and addressing them is crucial in order to construct a secure information and communications network, to foster a stable business environment, and to secure the nation, including its critical infrastructure. From Japan’s perspective, partnering with Southeast Asia is a logical move. At general level, there is a convergence in threat perceptions, especially as Japan’s vulnerability to cyber-attacks has been exposed in a series of high-profile breaches over the past few years.

While strengthening the mutual cooperation, Japan also has begun investing more in cybersecurity efforts in addressing the related cases in the past few years through technology and capacity building including exercises of expertise to be able engage in Southeast Asia. Moreover, Japan play an important role in regional

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27 Yoko Nitta, Japan’s Approach Towards International Strategy on Cyber Security Cooperation, Research Institute of Science and Technology for Society (RISTEX), Tokyo: Japan Science and Technology Agency (JST).
economic and security to maintain the stable, secure and prosperity in the region as well as promote Japanese economic, security and business interest. From that point, can be analyze the Japan-ASEAN cooperation in the cybersecurity has been expanding over the past few years. Cyber has been addressed as part of the ASEAN-Japan Information Security Policy Meeting, which has been held since 2009, but also various other mechanisms, dialogues, and initiatives with varying degrees of specificity like the ministerial policy meeting on cybersecurity cooperation. Much of this has been directed at addressing the expressed need from Southeast Asian states for more technical and financial assistance to carry out training and other exchanges and dialogues for various security services.30

ASEAN has become one of the largest economic partners of Japan as well as Japan to ASEAN. With rapid economic growth of ASEAN as well as the dependence to the technology advancement that lead to the vulnerability cybersecurity condition in Southeast Asia region. To address the security challenges, Prime Minister Shinzo Abe stated that Japan would continue to help ASEAN by crafting a policy for cybersecurity capacity-building support in line with the Basic Policy such as to enhance capabilities for incident response, such as building computer emergency response teams (CERTs); to help law enforcement to tackle cybercrime; and to obtain understanding and raise awareness of the importance of international norm and confidence-building in cyberspace via the United Nations Group of Governmental Experts. The ASEAN Chairman expressed appreciation for Japan’s determination for proactive support on behalf of ASEAN members at the summit. This marked the first time any Japanese Prime Minister had made such a commitment to ASEAN.31

30 Ibid
The cooperation between Japan and ASEAN countries was built far before the Prime Minister Abe. It happened in the beginning of economic cooperation partnership that Japan and ASEAN officially create the Japan-ASEAN Forum on Synthetic Rubber in 1973, that was the starting of the strong and deeper partnership with ASEAN. The partnership develops from economic cooperation to political and security cooperation, it can be seen from the active assistance that Japan give to ASEAN in a matter of developing the greater integration. In this study will focus on one of the support as a form of Japan’s contribution in developing the cybersecurity in ASEAN which is promoting capacity building in order to effectively prevent and combat cybercrime. In promoting the capacity building, Japan and ASEAN already have provided several cooperation such as Japan-ASEAN Integration Fund (JAIF), ASEAN-Japan Ministerial Policy Meeting on Cybersecurity Cooperation, ASEAN-Japan Cybercrime Dialogue. Each of the efforts actually related one to another to provide any other cooperation that associate between Japan and ASEAN. The strong and deeper partnership leads the cooperation to this point.

I.2. Problem Identification

The non-traditional security threats that have been a concern of the ASEAN member countries since 20th century which is transnational crime create security awareness more in the managing the regional security. One of the concerns among the issues is cyber-attacks that keep happened until now. Because of the technological advancements that rapidly growing to the Information and Communication Technology (ICT) have further the emergence of cyber-warfare and cyber-espionage that triggering into cyberspace. The development of the cybersecurity in the regional and domestic nation states is needed. The cybercrime itself already becomes national threats that threatening the prosperity of the citizen. Here in this study will further explain the threat that has become both national and international concern. Also to give
the understanding that cybercrime also part of the transnational crime and the effort of ASEAN member states to addressing the related issue.

I.3. Statement of the Problem

- How did Japan and ASEAN manage cooperation in combating cybercrime 2014-2017?

I.4. Research Objectives

The objective of this research is: To identify the cooperation between ASEAN and Japan in the effort combating cyber related crime to create stable, peace and prosperity environment in order region to support the economic sector in Southeast Asia through improving the cybersecurity capacity building and cyber law enforcement.

I.5. Significance of the Study

The writer expects that this study could analyze the Japan contribution to ASEAN cyber capacity building in the case of ASEAN-Japan Contribution to Regional Security: Cybersecurity Capacity Building (2014-2017). The writer hopes this study can show the readers the Japan contribution in developing ASEAN cybersecurity capacity building, and gives an understanding on how ASEAN maintain their security cooperation also ideas on how the regional institution can be improved in the future. This study dedicated to be a further study material about ASEAN in managing with cybercrime issues, especially in cybersecurity capacity building as well as in building a stronger regional operation in the fight against cybercrime in Southeast Asia region to support the economic and political sector.
I.6. Literature Review

In order to give references to this research, it is important to review on literatures in relevance with discussion of this research. This chapter will review on literatures from some research in regard the title and objectives of this research.

(Floristella, 2015) argues the understanding of regional security partnership by shaping the classical international relations theories and give the comparison of each approaches to the case study of regional security in Southeast Asia where ASEAN as the regional institutions take the important role in managing the security partnership among the member states and neighbor countries. Quoted in her book “…the ASEAN security arrangement has traditionally been referred to as a Westphalian system, because the state became the centerpiece around which standards of appropriate behavior for regional cooperation have been defined, it is clear to anyone studying the development of the Association that its members have found themselves increasingly pressured to coordinate their behavior and to expand their regional agenda as a result of a number of physical externalities and NTS challenges, which increasingly bypass states’ traditional boundaries. In summary, although Westphalian logic continues to carry the day in the Southeast Asian region, strict adherence to sovereignty principles has not remained unchanged, but has evolved over time.”

(Hughes, 2015) explains about the Prime Minister of Japan Shinzo Abe Doctrine during his administration in the Foreign and National Security Policy. While Japan strengthening its foreign and security policy, they also seek the probability in strengthening the regional security which is Asia, Japan at the other hand still managing their security partnership with U.S.

“…Abe’s attempt to found a doctrine on these principles appears either inconsistent or irrelevant and the ASEAN states are able to perceive that Japan’s real interest is not necessarily ASEAN per se but instead ob structing China’s expanding influence.”
(Srikanth, 2014) the rise of non-state actors shifting the security threat around the world. The modern conflict is no longer restricted to only wars between the military forces of states. The rise of organized crime network and terrorist groups in the 21st century has led a scenario where such non-state actors pose a greater threat to a state’s national security than the military of other states. She stated that cyber-conflict/cyber war and cyber exploitation which used to called cybercrime are new threats to a state’s security. Because during the cyber-conflict there no clear lines between the civilian and military, as civilian computer systems may be used to launch offensive cyber-war against “enemy” state. It creates the confusion by determining the perpetrator which could be states or non-states actors and the legal course of action once the cyber-attack is discovered.

(Archarya, 2003) argues in this book that the concept of security community describes groups of states which have developed a long-term habit of peaceful interaction and ruled out the use of force in settling disputes with other members of the group. In international relations theory, especially for the purpose of this book, the concept has two-fold significance. First, it raises the possibility that through interactions and socialization, states can manage anarchy and even escape the security dilemma, conditions which realist and neorealist, and neo-liberal, perspectives take as permanent features of international relations. Second, the concept offers a theoretical and analytic framework for studying the impact of international (including regional) institutions in promoting peaceful change in international relations.

(Sukma, 2010) ASEAN’s security role has also extended beyond Southeast Asia. It managed to place itself at the center of multilateral security arrangements in East Asia, which links the two sub regions of Southeast Asia and Northeast Asia. This article discusses the challenges facing ASEAN’s role in managing East Asian regional security within the context of a set of challenges associated with the emergence of a new regional order. The discussion is divided into three sections. The first section describes the strategies and principles employed by ASEAN in managing regional
security over the last four decades. The second section examines the new challenges that could erode ASEAN’s role as a manager of regional order. The third section suggests some practical measures that ASEAN needs to take in order to maintain its role as a security actor in East Asia.

(Khanisa, 2013) Cite from this journal: “The establishment of ASEAN ICT connectivity might be addressed for economic and social development of the region and placed below the pillar of economic. But to enhance the level of cooperation, a more powerful form of formal agreement has to be conducted so ASEAN member countries will have the same interpretation on defining cybercrime and ensuring their steps on overcoming the problem is organized in the suitable framework. The agreement also has to cover the borderless nature of cybercrime, enables ASEAN member countries to investigate cybercrime case in neighboring. Countries in the region and processed the case according to regional agreement.”

(Sterling-Folker, 2016) Neoliberalism is a variant of liberal IR theory that focuses on the role international institutions play in obtaining international collective outcomes, and for this reason it is often called ‘neoliberal institutionalism’. In order to examine international cooperation, neoliberalism subscribes to a state-centric perspective which, like structural realism, considers states to be unitary, rational, utility-maximizing actors who dominate global affairs. This chapter point out the neoliberalism as the base of the international institutions in achieving collective outcomes in an anarchic environment. Stated in this chapter that neoliberalism argues that international cooperation is possible, and most readily to structural realism’s pessimistic understanding of global politics, neoliberalism argues that states now have more interests in common and greater ability to recognize that commonality.
1.7. Theoretical Framework

In this research the writer is using two theories of International Relations in correspond and related with the study. The writer hopes that the theory can help to explain the origin of the regional cooperation and it reflects to the one perspective of the case study. Neo-liberalism or usually named neo-liberal institutionalism will be used to this study to explain the case study to deepening the understanding and the relation to International Relations study. Beside neoliberalism, the other theory that will be used in this study is Security Communities theory. Therefore, those two theories will provide the approach in conceptual framework in analyzed the interactions and relationships between international actors.

1.7.1. Neoliberalism

Neoliberalism contends that countries are capable of finding areas mutual interest and cooperation, and ability to achieve them by working through regional or international institutions. While keep believing of power and interests Neoliberalist recognize the centrality of institutions as useful coordinating mechanisms in complex situations involving many states, and as the constructed focal points that make cooperative outcomes more probable by facilitating the creation of habits of working together over time, and acting as forces to foster peace Neoliberalism also provides grounds for examining the circumstances under which institutions are created and how they work, circumstances that are particularly relevant when considering that institutions are not static, but change and adapt as a result of external constraints, and as a response to the interests of their members As a variant of liberalism, neoliberalism have premised on basic liberal assumptions about possibility of cumulative progress in human affairs In order to examine international cooperation, neoliberalism subscribes to a state-centric perspective, which, like
structural realism, considering states to be unitary, rational, utility-maximizing actors who dominate global affairs.\textsuperscript{32}

The cooperation and mutual interest that become a focus of neoliberalist in the effort to achieve the world peace through international institutions. This is why neoliberalism can explain the relations between ASEAN as intergovernmental institutions with Japan as intra-regional partnership. Through multilateral cooperation of ASEAN member states with Japan that established upon their mutual interest in the effort to combating transnational crime with focus on improving the cybersecurity capacity building in ASEAN and the benefits that Japan obtain from the contribution to improving regional security of ASEAN member states.

\subsection*{1.7.2. Security Communities}

There are some scholars that distinguish the definition of security communities and all of them tried give their thought through the research. Quote from Bellamy’s 2004, according Deutsch that a security community is distinguished by a ‘real assurance that the members of that community will not fight each other physically, but setter their disputes in some other way’.\textsuperscript{33} In Acharya’s 2009, noted from Yalem that regional security are groups of states that have ‘renounced the use of force as means of resolving intraregional conflict’.\textsuperscript{34} In the case of cooperation between ASEAN and Japan could be seen from this approach by knowing the fact that both are in the same region which is Asia. Basically security has the characteristic from other security

\begin{multicols}{2}
\begin{flushright}
\textsuperscript{33} Alex J. Bellamy. (2004). Security Communities and their Neighbours: Regional Fortresses or Global Integrators?
\end{flushright}
\end{multicols}
cooperation such as, strict and observed norms concerning non-use of force; no competitive arms acquisitions and contingency-planning against each other within the grouping. Institutions and processes (formal or informal) for the pacific settlement of disputes; long term prospects for war avoidance; significant functional cooperation and integration; and a sense of collective identity.35

Security communities usually bring together a group of ‘like-minded’ actors who often develop common criteria of inclusion and exclusion. But a security community does not need to involve the features of an alliance directed against another state or group of states. A security community, seeks to ensure conflict prevention through integrative processes and formal or informal mechanisms for conflict resolution. A security community completely delegitimizes the use of force within it. In other words, the use of force has no place in the management of relations among the members of a security community.36

The fundamental of this theory that focus on avoiding the war in resolving the disputes, this framework use to solve the disputes and conflicts among the ASEAN member states and in the Southeast Asia Region. With security community ASEAN members to overcome the conflict among them through the norms and construction the social-cultural from informal approaches in solving the security dilemma.

36 Ibid, p.22.
Both of the theories are describing the ASEAN as the regional institutions creating the cooperation among the member states. From neoliberalism approach, the ASEAN establishment begins with the Southeast Asian Countries collective interests that thrive into a regional cooperation. Neo-liberal institutionalist theories claim that institutions can mitigate anarchy and facilitate cooperation by providing information, reducing transaction costs, helping to settle distributional conflicts and, most importantly, reducing likelihood of cheating. Institutions in this regard act as agents of socialization, which define here as regular, formal or informal interaction (dialogue, negotiations, institutionalization) among a group of actors to

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manage mutual problem, realize a common purpose, achieve some collective good, and develop and project a shared identity.\textsuperscript{38}

I.8. Scope and Limitation of the Study

The scope and limitation of this study is to focus on forms of cooperation and the contribution of Japan in developing cybersecurity capacity building in Southeast Asia that Japan’s offer to ASEAN in the several meeting, dialogue, and joint declaration as a form of bilateral and multilateral efforts from Japan to prevent the cyber threats occur in the Southeast Asia region in the year 2014 up to 2017.

I.9. Research Methodology

In this research, the writer will use qualitative method to approach the research from all the data and sources collected are concerned with subjective assessment. Qualitative research refers to inductive, holistic, emic, subjective and process-oriented methods used to understand, interpret, describe and develop a theory on a phenomena or setting. It is a systematic, subjective approach used to describe life experiences and give them meaning.\textsuperscript{39} Different from quantitative method, qualitative method usually connected with words, language, and experiences rather than measurements, statistics and numerical figures.

In the case of ASEAN Transnational Crime and ASEAN Regional Security, there are a lot of articles discussing this topic in various forms, such as journals, news, books and other reliable academic papers. There will be several institutions related to


the issue that has published several framework programs as well as official publication such as press release, reports, and press conferences.

Qualitative method is related to one of the characteristic of itself which is flexible, that is why the flexibility of the research path varies according to the conditions. All the data collected are real facts documented and for the educational purpose only. Concerning the social science view in which no one statement can be fully true hence the writer needs other opinion from the other perspectives on the same object. Furthermore, the assessment of the primary data, in which sourced from the main actors, will be studied in comparison with several academic perspectives gathered from the discussion, the secondary data, without manipulating the primary ones. The next step after gathering all data are to generate and processing it into an expected output that can answer the research questions.

Data are collected from books, journals, publications, internet, and reports. The researcher analyzed the data by multiplying the information, looking for connections to various sources, comparing, and finding results on the basis of actual data (not in numerical form). The results of data analysis in the form of exposure related to the situation being studied and presented in the form of narrative descriptions. The exposure of such data is usually answering from the question in the formulation of a predefined problem.

I.10. Definition of Terms

*Bilateral Relations*

Cooperation activities supported directly by one developed country towards developing country. That connected to foreign policy of a country that use cooperation in politic, culture, or economic sector. Bilateral relations between countries often refer to political, economic, cultural and historic ties. Strong bilateral relations are
characterized by cooperation between institutions and persons at administrative and political level as well as in the private sector, academia and civil society.\textsuperscript{40}

\textit{Multilateral Cooperation}

Cooperation activities referring to relationships of more than two states, often within an intergovernmental organization.\textsuperscript{41} The scope of cooperation fairly general, the interests also in the general form and open to other countries outside the cooperation.

\textit{Dialogue Partners}

According to Habermas has made a distinction between dialogue as a strategic means and dialogue as a communicative process.\textsuperscript{42} It suggests that the definition of national interest is not that flexible in the dialogue process\textsuperscript{43} and that such dialogue involves a rational process, not dissimilar to that of ‘arguing’ and ‘bargaining’,\textsuperscript{44} to arrive at a decision. Dialogue is normally seen as modus operandi, a way of doing things or a process, it has become in the ASEAN case a constitutive norm, a norm that is a function of the unique identities of, and relations among, the ASEAN countries.\textsuperscript{45}

\textsuperscript{40} EEA and Norway Grants 2009 – 2014: Guideline for strengthened bilateral relations adopted by the Financial Mechanism Committee in 2012 and amended in 2016, p. 6
\textsuperscript{41} Bilateral and Multilateral Co-operation - Commonwealth of Nations, Retrieved from http://www.commonwealthofnations.org/sectors/government/bilateral_and_multilateral_co_operation/
\textsuperscript{44} Harald Muller, 'Arguing, Bargaining and All That: Communicative Action, Rationalist Theory and the Logic of Appropriateness in International Relations', \textit{European Journal of International Relations} 10, no. 3 (2004).
Cybercrime

According to National Crime Prevention council, Cybercrime is any criminal activity involving computers and networks. It can range from fraud to unsolicited emails (spam). It can include the distant theft of government or corporate secrets through criminal trespass into remote systems around the globe. Cybercrime incorporates anything from downloading illegal music files to stealing millions of dollars from online bank accounts. Cybercrime also includes non-money offenses, such as creating viruses on other computers or posting confidential business information on the Internet.46

Cybersecurity

According to International Telecommunication Union (ITU) Cybersecurity is the collection of tools, policies, security concepts, security safeguards, guidelines, risk management approaches, actions, training, best practices, assurance and technologies that can be used to protect the cyber environment and organization and user's assets. Cybersecurity strives to ensure the attainment and maintenance of the security properties of the organization and user's assets against relevant security risks in the cyber environment.47

Cyberspace

A valid definition of cyberspace is given in the White House Cyberspace Policy Review published in 2011. According to this document, cyberspace is ‘the interdependent network of information technology infrastructures, and includes the

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Internet, telecommunications networks, computer systems and embedded processors and controllers in critical industries.\textsuperscript{48}

\textit{Capacity Building}

Capacity building can be defined straightforwardly as a process for strengthening the management and governance of an organization so that it can effectively achieve its objectives and fulfill its mission.\textsuperscript{49} Capacity building is an intervention that strengthens an organization’s ability to fulfill its mission by promoting sound management, strong governance, and persistent rededication to achieving results.\textsuperscript{50}

I.11. Thesis Outline

\textbf{Chapter I: Introduction}

Chapter I of the thesis is intended to give an initial overview towards the whole content of the thesis. It consists of many fundamental parts, such as: background of the study, problem identification, statement of the problem, research objectives, significance of the study, theoretical framework, scope and limitations of the study, research methodology, literature review, definition of terms, and thesis outline. All of the component will help and guide the readers in understanding this study.

\textbf{Chapter II: The ASEAN Cyber Capacity Building}

This chapter contains the information about the previous and current situation of ASEAN in combating and building the awareness of cyber threats also developing

\textsuperscript{48} Alessandro Guarino, Autonomous Intelligent in Cyber Offence, 2013 5th International Conference on Cyber Conflict K. Podins, J. Stinissen, M. Maybaum (Eds.), 2013, Tallinn: NATO CCDCOE, p. 381
its cybersecurity. ASEAN as regional organization shows their concern in the use of technology and information that keep growing and improving their cooperation in regional and international scope to achieve the peace and secure environment.

Chapter III: Japan’s Foreign and Security Policy towards Southeast Asia Region

This chapter includes Japan’s foreign policy from three Prime Minister from different period and emphasize the policy toward Southeast Asia region. The framework of why Japan having tendency to build up and strengthening the regional cooperation with ASEAN member countries through strategic partnership. And the new diplomacy of Prime Minister Shinzo Abe in engaging the territorial disputes as well as maintaining the regional security and prosperity among the nation states in the region.

Chapter IV: Japan-ASEAN Cooperation on Cyber Capacity Building

This chapter discuss about the support that Japan give to contribute in helping the cyber capacity building through the annual meeting in ministerial level with ASEAN member countries. The cooperation is the following AMMTC + Japan Consultation, Japan-ASEAN Integration Fund (JAIF), ASEAN-Japan Ministerial Policy Meeting on Cybersecurity Cooperation, the ASEAN-Japan Cybercrime (AJCC) Dialogue, the ASEAN-Japan Joint Declaration for Cooperation to Combat Terrorism and Transnational Crime. This chapter also give the analytical framework of the implementation of the program and how effective to the cybersecurity in ASEAN.

Chapter V: Conclusion

The last chapter concludes all the findings and answers of the research question. The writer also summarizes the position of this research and proposes recommendation. Furthermore, due to the scope and limitation of the topic, there are recommendations by the writer given to the concern of future researches that would have similar topic or similar problem of this research.
CHAPTER II
THE ASEAN CYBER CAPACITY BUILDING

This chapter provides the information about previous and current situation as well as effort of ASEAN member states in combating cybercrime. Through building the awareness of the advance of technology can lead into cyber threats. ASEAN as regional intragovernmental organization have doing several efforts to improving the cybersecurity in the region by establishing the cooperation among the member states such as ASEAN Regional Forum (ARF), ASEAN Ministerial Meeting on Transnational Crime (AMMTC), ASEAN Senior Officials Meeting on Transnational Crime (SOMTC), and ASEAN Cyber Capacity Programme (ACCP).

II. 1. ASEAN Regional Security in the Post-Cold War

The establishment of ASEAN in 1967 by the founding states with security as one of the concerns in creating the Bangkok Declaration and forming regional community in Southeast Asia. Having five member states will hard to achieve one of their purpose which is to maintain and enhance peace, security and stability and further peace-oriented values in the regions. By the 1984 ASEAN success incorporate their neighbor country Brunei, Vietnam in 1993, Laos and Myanmar in 1997, and Cambodia in 1999. Before joining ASEAN those countries have many dispute among them in matter of national border and others. This makes ASEAN played the important role in managing the war conflict and resolution among the members.

With various cultural and political of each nation states sufficient basis for regionalism in constructing the interaction. Later interaction could happen if there are consistent and rules that based to ensure the peaceful among the member states. ASEAN in this case adopted the set of norms for intra-regional relations. The norms
include both the legal-rational and social-cultural variety. The sources of the former were not unique to the region. The principle of non-interference and the principle of non-use of forces (and the related principle of pacific settlement of disputes) are common to all international organization of the modern era. Another important ASEAN norm, avoidance of multilateral military pacts.\(^{51}\)

The adoption of those norms by ASEAN did not give big influence to the conceptual invention, but their integration in the process socialization to reevaluate the regional political and security environment. This include the disagreement and adaptations to describe the scope of those norms and universal norms that will suitable to the local context. The notion of the ‘ASEAN Way’ was founded elements, especially informality, consultations (musyawarah) and consensus (mufakat), that were claimed as being unique to Southeast Asia’s cultural heritage. And it its these norms that helped ASEAN to overcome initial contestations and reach compromises over the meaning and scope of the legal-rational principles.\(^{52}\)

The adoption of non-interference sovereignty from Westphalian sovereignty, which become the core doctrine of ASEAN Way in play the important role in gathering the collective decision in avoiding the communist subversion threat as the non-communist regimes. In operational terms, the obligations imposed by ASEAN’s doctrine of non-interference on its members had four main aspects: (1) refraining from criticizing the actions of a member government towards its own people, including violation of human rights, and from making the domestic political system of states and the political styles of governments a basis for deciding their membership in ASEAN; (2) criticizing the actions of states which were deemed to have breached the non-interference principle; (3) denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilize or overthrow the government of a neighboring


\(^{52}\) Ibid, p. 55.
state; (4) providing political support and material assistance to member states in their campaign against subversive and destabilizing activities.\textsuperscript{53}

With the norms and doctrine, ASEAN has success in managing its security cooperation. By avoiding the sensitive issues for example at the very beginning ASEAN cooperation among the members are mostly tend to economic, social, cultural and just slightly about political and security. Because those two are include in the sensitive issues among the members. The common economic interest among them avoiding the development of intense competition.

\textbf{Figure 2.1 The map of Asian Countries}

\begin{figure}
\centering
\includegraphics[width=\textwidth]{map_of_asian_countries.png}
\caption{The map of Asian Countries}
\end{figure}

Source: http://geology.com/world/asia-satellite-image.shtml

\textsuperscript{53} \textit{Ibid}, p. 72.
ASEAN’s security role has also extended beyond Southeast Asia. After the end of the Cold War, ASEAN managed to maintain its relevance by embracing the process, and taking an active part in shaping the post-Cold War regional security architecture in East Asia. It managed to place itself at the center of multilateral security arrangements in East Asia, which links the two sub regions of Southeast Asia and Northeast Asia. Managing the regional security will not just to avoiding among the members but also will increase the level of foreign investment, improve economic growth and the prosperity of the citizen. The spread of multilateral institutions, such as ASEAN Regional Forum (ARF), the institutionalization of the ASEAN plus three which is includes Republic of Korea, People’s Republic of China, and Japan. The new multilateral institutions become vital instruments for seeking security through the development of common norms and mechanism.

The establishment of ARF has play the important role in institutionalization a multilateral security framework in Asia-Pacific. ARF as an institution that managing the security cooperation in the region, including Southeast Asian, South Asian, Northeast Asian, Russia, and US. Member states of ARF expect that through this cooperation will achieve the national security within the regional partnership. ASEAN also expects the ARF to serves as a constructive venue for major powers-especially China, Japan, and the US-to engage each other in a spirit of cooperation.

II.2. The Development of ICT and Cybersecurity in ASEAN

In 21st century internet users rapidly increasing from year to year, it happens because the developing of technology that keep growing. Even in the developing countries like most of the ASEAN, the growing of internet and technology are unstoppable. This will lead the new realm which is cyberspace, where anyone can access to the internet, search anything from there; upload everything with borderless and lawless world. The believe in freedom while using the internet could bring the illegal action in gathering the information and can be generalize in category cybercrime later on. Currently, non-traditional security issues are an important issue because the impacts are no less powerful than threats on traditional security issues. One of the issues in non-traditional security is cyber-threats that are closely related to computer technology and the Internet. The rapid development of computer technology and the Internet has created a huge dependence on both. Any activity that is usually supervised by relying on human labor is slowly transferred to the computer. Not only that, the internet has made human life easier because all information can be accessed easily only from behind the desk. This dependence on computers and the internet is then disrupted by cyber-attacks. Given the dangers of computer paralysis that can be caused by cyber-
attacks, this research aims to provide advice for ASEAN to build cooperation with one of the dialogue partners namely Japan in anticipation of this cyber-attack.

The rise of cybersecurity as an important factor in international relations, the key instrument connecting the various discourses is increasingly referred to as Cybersecurity Capacity Building (CCB). There are three principle reasons why CCB is likely to grow in importance. First, it is becoming increasingly clear that a key factor in economic and social development (and therefore political stability) is access to cyberspace. Secondly, given the nature of the Internet, if countries in the rich industrialized world are to be able to respond to cyber-threats against their own citizens, increasing cooperation is needed with the developing world-which increasingly hosts the infrastructure and indeed the actors behind malicious cyber activity. Thirdly, the increasingly politicized global struggle for dominance over governance of the Internet makes the issue of overriding importance within international relations.57

In ASEAN region itself the awareness of using technology and internet are not something new, citizen use technology in their daily basis even now kids already have their own mobile phone and know how to use them. This could give good and bad impact to the young generation. They need to learn and have the awareness while using the technology; many of them even give their personal information carelessly in form of registration social media and other website. This could lead the stolen of personal data and other infringement in the future. ASEAN’s vision to build the ICT sector is to create a technologically advance and well-connected region. But ASEAN’s development on ICT is lacking in incorporating the security aspect. Knowing the important yet fragile system of ICT, ASEAN needs to be ready to face cyber threat that might occur. So far, nine out of ten ASEAN member countries have Computer

Emergency Response Team (CERT), the only country remained is Laos who has not establish their CERT.\textsuperscript{58}

Figure 2.3 Internet Users Percentage in ASEAN Member States

![Internet Users Percentage in ASEAN Member States](image)

Source: Data researched and compiled by Kepios.com

ASEAN are aware of this rapid growing of Information and Communications Technology (ICT) also the cybercrime threat as the negative impact from it. In 2001, 8 countries from ASEAN have attending Council of Europe’s Convention of Cybercrime as the earliest international formal cooperation that set the definition, typology, and measures to be taken to cope with cybercrime.\textsuperscript{59} That was the first step of ASEAN as building up the awareness of technology, internet users, and cybercrime issues. Even though there was a gap of cybersecurity in Southeast Asia and Europe did not stop ASEAN countries to keep improving their cybersecurity. There are some


\textsuperscript{59} *Ibid*, p. 47.
countries that have developed in cyber technology and cybercrime prevention unit like Singapore, the Republic of Indonesia and Malaysia.

Before mapping the benefits that ASEAN can gain, it is important to look at why ASEAN is an area vulnerable to cyber threats. There are several reasons for this vulnerability: first, most internet users in the world are ASEAN societies. Secondly, ASEAN is the largest regional organization in Asia Pacific, meaning that the economic and market interactions are also large in this region, most of the current economic interaction takes place in the cyber world which also means for the ASEAN region, most of the cyber economic interaction is in ASEAN. Many infrastructures are built with ICT systems such as transportation, mining, energy, banking and increasing coverage and extension of mobile phone networks to remote areas. Some of these facts show that ASEAN is a region with high cyber-interaction.

Although cybersecurity was not a concern when ASEAN is established and is not mentioned in the Bangkok Declaration, the Treaty of Amity and Cooperation in Southeast Asia, and the ASEAN Charter, these agreements and Charter have built a good basis for regional collaboration against cybercrime, promoting regional cybersecurity. Cybercrime and cybersecurity have become an important topic in several ASEAN Meetings. In the 2004 Joint Communique of the Fourth ASEAN Ministerial Meeting on Transnational Crime, the ASEAN ministers have recognized cybercrime as increasing transnational crime that affects ASEAN’s security and urge for effective legal cooperation in combating transnational crime of this kind.\(^60\)

In closing the gaps ASEAN has planned three regional blueprints; in one of them is in the political security field which includes the ASEAN Regional Forum, an establishment to promote peace and security in the wider East-Asia region which also

deals with the unconventional security issue like cybercrime. ASEAN Political and Security Community (APSC) blueprint have one of the key purpose which is to respond effectively and in a timely manner, in accordance with the principles of comprehensive security, to all forms of threats, transnational crimes and transboundary challenges. In action written in the APSC blueprint 2025 that Strengthen cooperation and assistance in combating and suppressing cybercrimes including cooperation among law enforcement agencies, taking account the need of each country to develop laws to address cybercrimes; Strengthen the capacity of criminal justice authorities to apply the laws and legislation on cybercrimes and electronic evidence; Promote law enforcement training on cyber security and cybercrimes; Strengthen public-private partnership to enhance information sharing between the private sector and law enforcement agencies to identify and mitigate cybercrime threats; and Raise awareness and understanding of ASEAN member states on cybercrime and cyber-terrorism.

II.2.1. ASEAN Regional Forum (ARF)

Beside the APSC blueprint there is also ASEAN Regional Forum (ARF) statement by the ministers of foreign affairs on cooperation in ensuring cybersecurity. ARF is international forum at government level that attended by most of Asia-Pacific countries included United States, Russia, China, Japan, South Korea and EU. The history of the formation of the ASEAN Regional Forum was never separated from the organizing of the 4th ASEAN Summit in Singapore in 1992. The 4th ASEAN Summit in Singapore was considered a phenomenal summit because in the ASEAN Summit the ASEAN countries were able to produce a number of new breakthroughs, especially in increasing the role of ASEAN to organize regional security conditions that changed during

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62 ASEAN Political Security Community Blueprint 2025, Jakarta: ASEAN Secretariat, March 2016, p. 20.
the post-cold war era. In the 4th ASEAN Summit is more openly discussing issues related to regional security management which were previously a sensitive issue for ASEAN countries. Even in the Bangkok Declaration of 1967 which is an ASEAN Document of Establishment, ASEAN's political and security role is not included in the ASEAN Objectives in the Declaration.

Changes in the role of ASEAN in the post-Cold War period were influenced by changes in the international political constellation, especially with the collapse of Bipolar because one of the Soviet camps dissolved in December 1991. Then the turn of leadership in the United States from the Republican Party to the Democratic Party under the leadership President William J. Clinton caused the superpower to pay more attention to measures to improve the domestic economy. These conditions led to the occurrence of vacuum power in Southeast Asia region during the cold war period obtained protection umbrella from the Soviet Union and the United States through the establishment of military bases in Vietnam and the Philippines.

Initially, ASEAN countries sought to acquire weaponry, especially supported by the occurrence of significant economic growth since the decade of 80s. But ASEAN member countries then prefer to develop a security role through the establishment of a dialogue forum that will address regional security management in Southeast Asia. The Forum came to be known as the ASEAN Regional Forum or ARF. The ARF Forum itself was then initiated in 1993 when the ASEAN Ministerial Meeting (AMM) was held in Singapore in an informal working dinner meeting.

ARF formation can be regarded as a historic event, especially for ASEAN member countries. As ASEAN then developed ARF to cover the Asia Pacific region. It can be argued that ARF is the Asia Pacific multilateral dialogue forum for discussing issues of stability, political cooperation and security. ASEAN seeks to remain a driving force for ARF. ARF itself is an
official intergovernmental dialogue forum and is part of the effort to build mutual trust among the Asia Pacific countries to discuss common security interests so that all parties can discuss regional security issues more directly and openly. The establishment of ARF is also the first ASEAN effort to establish multilateral security cooperation in Southeast Asia and beyond. This multilateral cooperation is expected to assure greater intensity in relations and cooperation between countries and in the field of common interests and issues and thus the same basis for developing good cooperative relationships including expanding a mutual trust. Current ARF participants are Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, European Union, India, Indonesia, Japan, People's Democracy Republic of Korea, Republic of Korea, Laos, Malaysia, Myanmar, Mongolia, New Zealand, Pakistan, Papua New Guinea, the Philippines, the Russian Federation, Singapore, Sri Lanka, Thailand, Timor-Leste, the United States and Vietnam.

Expected to have a focus in combating cybercrime, ARF formed a work plan on cybersecurity in developing dialog and consultation to discuss related issues. Adopted in the agreement that ARF participants need to further intensify regional cooperation on security in encourage and enhance cooperation in bringing culture of cybersecurity. ARF was established in purpose to advance regional and international dialogue and cooperation to promote peace and prosperity across the ASEAN region. ARF holds regular meeting, workshop, and seminars on topics related to cyber terrorism and cybercrime, and has issued several statements in relation to combating cybercrime.

The different perspective in the needs of addressing cyber threats in each ASEAN member states make it difficult to unite the opinion in the related issues. It leads the struggle to realizing cyber security in Southeast Asia, the law enforcement of each member states will be diverse and could be hard to address the cross border incident from the different jurisdiction of other
country. Therefore, ARF here will provide the alternative approach for ASEAN countries to overcome the different perspectives of cybercrime and also engage with outside ASEAN countries to help considering the related issue as a transnational crime. Together ARF brought ASEAN and the other nations through dialogue partners with development of 3 mechanisms such as Confidence Building Measures (CBM), Preventive Diplomacy (PD), and Conflict Resolutions (CR).  

Confidence Building Measures (CBM) can be understood as a series of actions that are negotiated, agreed and implemented by the conflict parties in order to build confidence, without specifically focusing on the root causes of the conflict (Mason and Siegfried, 2013). The aim of CBM is to help the parties to build understanding and trust by addressing easier issues then later will allow the parties to negotiate the root cause of the conflict. CBM also can be a conflict prevention tool from the used to avoid the escalating conflict. CBM become advanced development of security cooperation specially to build up a broad security in combating cybercrime by mutual benefit cooperation among ARF member states considering ARF member broadly have both developed and developing countries. The efforts of ASEAN in addressing and unite the views of cybersecurity in the region become the a cross away issues because it will affect the other nations outside ASEAN member states. There is an annual meeting between state officials and ministerial to exchange views in the platform to discuss the ARF framework in the making of collective strategy in related cybercrime enforcement, development of cybersecurity

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mutual cooperation between ARF member states, and develop international framework cooperation such as joint cyber forensic mechanism.  

Preventing Diplomacy (PD) in ARF includes 3 matters, the first is the effort to build mutual trust between states, the second, norms buildings which is norms behavior maintenance that established a relationship between states in the ASEAN region, and the third is, "enhancing channels of communication", which is open and improve easy and directly communication among ARF member states to encourage openness with the aim to avoid wrong perception or misunderstanding. In conducting PD mechanisms can be done by encouraging cooperation with international organizations in providing an exchange of information and cooperation to combat cybercrime and to push ARF member states to synchronizing the laws enforcement toward international laws.

Conflict Resolutions (CR) is most likely conducted by legally and morally binding power among ARF member states for realizing cybersecurity. Even though that cybercrime is not a direct dispute that will impact the peace and security stability among the ARF member states but cybercrime must be addressed through international cooperation by considering it would give the negative impact for ARF member states. Due to ARF has not yet the authority and law binding power cause hard to imposed the execution from the agreement in the international forum. But it did not give much influence on ARF role in combating cybercrime through two instruments as a commitment of ARF member states in addressing the related issues. First there is ARF Statement On Fighting Cyber Attack and Terrorism Misuse of Cyber Space 2006 which is emphasize the consequence of the misuse of cyber space that targeted government infrastructure and communication that has relation with economy.

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66 Ibid, pp. 47
and individual aspects.\textsuperscript{67} The cooperation in preventing the exploitation technology, communications and resources including internet with criminal act and terrorism. The second is ARF Statement by The Foreign Affairs on Cooperation in Ensuring Cyber Security 2012, which is an instrument of statement from Minister of Foreign Affairs of ARF member states that aim to reaffirm the commitment toward cybersecurity. From the realization of the using of ICT in security sector is one of the main pillars in increasing the relation between countries is need commitment to encourage, build, and implement action in the management all of form to combating cybercrime.\textsuperscript{68}

\textbf{II.2.2. ASEAN Ministerial Meeting on Transnational Crime (AMMTC)}

AMMTC is a meeting of ASEAN Ministerial Level, which will be establishing ASEAN cooperation agreement in tackling transnational crime country. The history of the AMMTC meeting begins with the Letter Department of the Interior and Local Government Republic of the Philippines dated October 18, 1997 concerning the invitation to attend ministerial meetings in the State of ASEAN Countries and the letter of the Secretary General of the Ministry of Interior Affairs number: 098/3440 / SJ dated December 3, 1997 regarding the request of Officials as a Member of Indonesian Delegation at the session of Minister of Home Affairs ASEAN in the Philippines, then held the first AMMTC meeting.\textsuperscript{69} AMMTC was first held on 17-21 December 1997 in Manila, Philippines. The meeting was organized to focus on efforts to counter the threats that come from crimes such as terrorism, drug trafficking, arms smuggling, money laundering, and cybercrime.

\textsuperscript{67} \textit{Ibid}
\textsuperscript{68} \textit{Ibid}
\textsuperscript{69} Vademikum Divisi Hubungan Internasional Polri, 2012, p.105
AMMTC is the ASEAN Sectoral body which especially handles cybercrime. To respond to the ever increasing security threat posed by cybercrime. This meeting is also aimed at achieving such important results from sharing information, intelligent and investigative sources; helps coordinate the development and enforcement laws in ASEAN member countries; aligning the notion law and sanction for the criminal act at cross border exercises; and the implementation of extradition agreements.\textsuperscript{70} AMMTC meetings are held periodically every 2 years, and since 1997 has been implemented as many as 11 times.

II.2.3. ASEAN Senior Officials Meeting on Transnational Crime (SOMTC)

SOMTC was first held on 28-30 March 2001 in Bangkok Thailand. This meeting organized to discuss various problems related to crime cross country within the scope of law enforcement and focus in an effort to ward off as well as combating threats such international crimes terrorism, human trafficking, illicit drug trafficking, weapons smuggling, money laundering, and cybercrime.\textsuperscript{71} SOMTC meetings are held each year is also an event for preparation before the AMMTC meeting (ASEAN Ministerial Meeting on Transnational Crime). Focal Point for SOMTC each member country is Ministry of Home Affairs and Headquarters Great Police meeting this is also intended to achieve results important thing to do with eradication of transnational crime such as sharing information, intelligent and sources of inquiry, help enforce the law in the country member of ASEAN, coordinate development and enforcement and legislation, the implementation of MLA and

\textsuperscript{70} Ibid
\textsuperscript{71} Ibid
the implementation of the agreements extradition. Since 2001 until 2017, the annual meeting has been held as much as 17 times.

ASEAN Senior Official Meeting on Transnational Crime (SOMTC) is a forum of cooperation of ASEAN countries in combating transnational crime. The SOMTC meetings are held annually in each ASEAN member country. The results of the next SOMTC meeting will be brought to the Minister Ministerial Meeting on Transnational Crime (AMMTC) for further discussion and ratification.\textsuperscript{72} At the 2nd AMMTC meeting in Kuala Lumpur, Malaysia has agreed on eight types of transnational crime that are considered to have serious impacts in Southeast Asia and require serious attention and cooperation from ASEAN member countries. The eight types of transnational crime are: Illicit Drug Trafficking, Trafficking in Persons Especially Women and Children, Sea Piracy and Armed Robbery at Sea, Arms Smuggling, Terrorism, Money Laundering, International Economic Crime and Cyber Crime.\textsuperscript{73}

Along with the development of these eight transnational crimes, the 5th SOMTC meeting in Cambodia 2005 agreed on 8 issues of transnational crime, four priority crimes of terrorism, illicit drug trafficking, human trafficking and money laundering. The 6th SOMTC meeting is coupled with the SOMTC +1 meeting which are SOMTC + China, SOMTC + Japan, SOMTC + South Korea and + SOMTC Australia and SOMTC + 3 which is SOMTC + China, Japan and South Korea.

\textsuperscript{72} Ibid
\textsuperscript{73} SENIOR OFFICIALS MEETING ON TRANSNATIONAL CRIME (SOMTC) KE-6 DENPASAR-BALI. Retrieved from http://www.interpol.go.id/id/component/docman/doc_download/36-2006-bb76bd
II.2.4. ASEAN Cyber Capacity Programme (ACCP)

ASEAN not only building the strong cooperation with neighboring countries, they are also concern with the inside cooperation among the members in strengthening their cybersecurity. The urge to combating and preventing the cyber threats in region driven the regional ministerial conference was held in Singapore on 11 October 2016 to discuss this issue. Singapore as the most developed country in ASEAN region also the most technological advancement as well as cybersecurity prevention bodies, was the one that encourage the ASEAN countries to actively collaborate on cyber threats by established ASEAN Cyber Capacity Programme (ACCP).

The Singapore government aim the ACCP to become the fund resources, expertise, and training to help ASEAN member states build up the related infrastructure. It will enhance regional capability in responding the cyber threat landscape and to build secure ASEAN cyberspace. The focus of ACCP will includes cyber policy, legislation, strategy development as well as incident response. There will be events that contain seminars, workshop, and conferences. With donation from Singapore in April 2017, funding SGD 10 million for utilized in the five years ahead, the program will include the trainers from INTERPOL Global Centre for Innovation in Singapore, ASEAN Dialogue Partners, Centre of Excellence for National Security (CENS), the Cybersecurity Agency of Singapore and other relevant agencies. And an according the ACCP factsheet that an annual meeting which will be included in the ACCP calendar is the Singapore International Cyber Week, which incorporates the ASEAN Ministerial Conference of Cybersecurity as a key platform for regional cybersecurity policy and strategy discussions.74

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The rise of cybercrime that encounter ASEAN member states comes from the exploitation of development Information and Communication Technologies (ICTs). The needs in addressing cybercrime as a form of transnational crime in combating and preventing the further cyber-attacks that could lead into misunderstanding of tensions/conflict in the region is should be addressed immediately. Indeed, from its inception, external relations have always been an important pillar to ASEAN’s cooperation, and strategically ASEAN has always maneuvered at times of geo-political change and come up with solutions in order to stay relevant.\textsuperscript{75} ASEAN has been actively trying to stay relevant and remain a driving force in the regional architecture through series of initiatives include key military and economic powers (Nguyen, 2011).\textsuperscript{76}

II.3. Challenges in Developing Cybersecurity in Southeast Asia region

As a large area with high cyber interactions, there are some cyber issues that are important to be addressed by ASEAN to achieve better cybersecurity integration. First, ASEAN does not yet have a ranking and priority of infrastructure sector vulnerability in every country. So far, countries in ASEAN are still preoccupied with cyber phenomenon which is contains benefits, ASEAN still lacks awareness of the threat and on what sector it will occur. It is important for every country in ASEAN to rank and prioritize vulnerabilities for its infrastructure sector. This is useful to maintain the sustainability of development undertaken by ASEAN.

Second, ASEAN documents on cyber-threats are ambiguous and hard to understand. Documents have not yet illustrated the practical solution that ASEAN must

\textsuperscript{75} Nguyen Hung Son. (2011). The ASEAN Political Security Community: Challenges and Prospect. Institute for Foreign Policy and Strategic Studies, Diplomatic Academy of Vietnam, p. 5.

\textsuperscript{76} Ibid, p. 10.
take when the threat of cyber is arising. Thus, the document made by ASEAN on cyber is still limited to the general picture of cyber and impressed only as a form of ASEAN awareness of consciousness to appear to have the same awareness as other regional institutions. The weakness of ASEAN's actions in this regard makes the blurring mechanism that must be done by ASEAN when suffered threats or cyber-attacks because there is no clear work unit and procedures to be taken in the event of an attack as well as procedures for enhancing ASEAN cybersecurity.77

The third issue is that ASEAN does not seek to build awareness of the cyber threat on its people. In fact, the largest user of cyber in ASEAN is civil society not military or government. However, efforts to tackle cyber committed by ASEAN have so far centered on government and military. This can be seen from the documents made by ASEAN have the target of the governments of countries joining ASEAN, as well as by strengthening the cyber more focused on military power such as cooperation between India and Vietnam in the development of digital forensics lab in Vietnam, the improvement of defense capability cyber by Singapore and Brunei Darussalam to its military.

Fourth, the improvement of ASEAN cybercrime countering capability is centered on the military. Increased defense capabilities and cyber-attacks on the military is one of the efforts required to achieve cybersecurity. However, more cyber-attacks are focused on the public sector, not the military sector. In other words, the public sector is more vulnerable and more in need of increased strength in proportion to increased cybersecurity in the military. This effort has not been made sufficiently large by the ASEAN region, so it can be seen most of the cyber-attacks on ASEAN focused on the public sector, such as government websites, the spread of viruses on mobile phones and community pc, espionage and theft of banking funds sourced from

individual savings as well as a series of forms other public attacks. In addition, on
cyber-attacks cannot be ascertained that attacks come from the military or the public,
but the target of the attack will certainly be more to the public sector. This suggests
that the military can not necessarily counter-attack and conduct military procedures in
response to attacks in cyberspace.

The last problem experienced by ASEAN in the cyber space is the inequality
of the ability of ASEAN countries, some countries in ASEAN is a country with
advanced technology and has developed evenly throughout the country, while some
other ASEAN region still has simple technology and in the effort of technology
development and development the ICT sector for its important infrastructure and has
not experienced equity in its entire territory. The imbalance in this situation makes it
impossible for all ASEAN countries to have an awareness of the same cyber threat,
since the threat felt by one country is not necessarily a threat to others because the
country has no similar technology or is still in development effort. It also makes it
difficult for ASEAN to develop a clear and enforceable framework by all countries.
CHAPTER III

JAPAN’S FOREIGN AND SECURITY POLICY TOWARDS SOUTHEAST ASIA REGION

This chapter provides the information of Japan’s foreign policy from three Prime Minister during their administration towards Southeast Asia region. Prime minister Shigeru Yoshida in his period 1946-1947 and 1948-1954, Prime Minister Takeo Fukuda for period 1976-1978, and Prime Minister Shinzo Abe for period 2006-2007 and 2012 until present. The framework of why Japan having tendency to build up and strengthening the regional and multilateral cooperation with ASEAN member states through strategic partnership. And the new diplomacy of Prime Minister Shinzo Abe in engaging and help in resolving the territorial disputes as well as maintaining the regional security and prosperity among the nation states in the region.

III.1. Japan’s Foreign Policy under Yoshida Doctrine

A country’s foreign policy may be forced by the other countries foreign policy. In this case it could be seen in post-World War II foreign policy of Japan that have a tendency to United States. The defeat of Japan in Second World War and the establishment Potsdam Declaration in August 1945, Japan was under the domination by allied powers or SCAP (Supreme Commander for the Allied Power) led by General Douglas Mac Arthur and General Matthew Ridgway. Like any other defeat nation, Japan have an obligation to pay back the reparation after war (reparations obligation), like written in Potsdam Declaration:

“Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to re-arm for war. To this end, access to, as
distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted”.

During this era Yoshida was elected as Japan Prime Minister for period 1946-1947 and 1948-1954. Japan’s foreign policy since post war known by using low profile diplomacy by focusing on economic development. Under Prime Minister Shigeru Yoshida pursue the diplomatic strategy known as the Yoshida Doctrine. The strategy was mainly focus on reconstruction of domestic economy by having three key points which are emphasis the economic relations overseas to achieve the better domestic economy, maintain humble attitude in international politics and military alliance policy with United States. Yoshida give the impression of strong personal leadership and influence over national policy with much criticism by having too much dependency toward United States. The way of thinking and strong believe, Yoshida was convinced that economic strength and technology advancement would bring the future power and influence toward global sphere.

Yoshida doctrine have the basic principles of reparation that established in Tokyo in 13 December 1951: Service should be furnished within the financial and economic abilities of Japan; there should be supply latitude in any type of service desired; the furnishing of any service should not entail any foreign exchange burden upon Japan; no service in production which eventually hamper Japan’s normal export can be furnished. With the establishment of those basic principles, Japanese government later should be dealing with the receiver of reparations. At the time, Yoshida took the economic foreign policy with the idea to linked between obligation reparations with Japan’s trade promotion.

For the dependence of military alliance with United States create the effect of shaping the Japan’s foreign policy. There was no alternative in the circumstances of

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defeat and occupation, and the argument for such a dependence was strengthened by the beginning of the Cold War, when Japan was still under American tutelage. But it was also shrewd calculation of where Japan’s interests lay. Yoshida had been among the ‘Anglo-American faction’ in the Foreign Ministry before the war and had favored accommodation rather than confrontation with the great maritime powers of the Pacific.\(^80\) In a simple explanation why Yoshida rely their military alliance with United States was to make Japan focus on the domestic economic reconstruction in order to surpass the economies most of the West countries. But because of having too much dependency with United States, Japan become lack of independent of their own foreign policy fundamentals. Therefore, the focus on economic sector during cold war period Yoshida doctrine have key element which is pacifism that guide the foreign policy by economic interest shifted all the priorities of economic development based on integration into the international market. In between 1950s and 1960s Japan’s economic miracle people named it become the rise of Yoshida doctrine from the success of Yoshida strategy to bring Japan become respectable and reliable actor in international scope. Not only has it acquired the means to become a truly global power, but the international environment is such that Japan could move equally well in either direction; to consolidate its position in the East Asian region or put its principal effort in assuming a global role.\(^81\)

Therefore, the economic reconstruction is one of the best decision at the time because the destruction after second World War left Japan to rebuild the country and avoiding any war with allies become the priorities of Yoshida doctrine in foreign policy. It can be seen by the development in industry sector that Japan give all of their focus. During the cold war, United States become the number one trade partnership based on the export to United States that become the strategy reason and central pillar of significant reconstruction and economic development such as electronics, car, and

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\(^81\) *Ibid*, p. 5.
any other technology advancements. For support the industrial development, Japan need more natural resources such as raw material. Therefore, Japan regain the diplomatic relations with Southeast Asian countries in order to facilitate the route of trade and investment as the instrument to recover the political relations between Japan and neighbor countries. Yoshida doctrine have helps Japan in reconstruction and rebuild the domestic economy, even without the military power. Some of the Japan’s Prime Ministers that ruled after Shigeru Yoshida keep using the Yoshida doctrine in managing the economic and Japan’s foreign policy.

In this period, Japan’s foreign policy toward the Southeast Asian countries based on the linked between obligation reparations policy, Japan’s economic interest, and United States Cold War strategy. In 1950s, caused by the difficulties of depending with China market, the Japan policy maker begin to have interest to Southeast Asia as the raw material provider as well as a great market share for Japanese products. At first Japan was trying to seek place to be accepted in international community after Japan acquire their independence in 1952. With the struggle Japan try to back to into the international community. Later in 1970 Japan finally succeed after 3 decades of effort by economic diplomacy known as Yoshida Doctrine, and place Japan as the nation state with the greatest economic power after United States. The succeed of Yoshida Doctrine in formulate the economic diplomacy become a good start of Japan and ASEAN countries relations. This policy later become backfire against Japan, by the accused that Japan being selfish and named ‘economic animal’. Therefore, in normalize the relations between Japan and ASEAN, in 1977 is the year when Japan giving their efforts in fix the relations with ASEAN countries. To maintain the cooperation with ASEAN countries in the future, Japan have other doctrine beside Yoshida doctrine which are Fukuda doctrine and Abe doctrine.
III.2. Japan’s Foreign Policy under Fukuda Doctrine

The emergence of Japan in 1970s as one of the main actor in global economic create a concern in Southeast Asian countries about what of role that Japan playing. Some of the concerns appear related to the emergence of Japan as the super economic power state. During the Japan’s Prime Minister Kakue Tanaka visit Southeast Asia in 1974, there was objection anti-Japan in Indonesia and Thailand. The protest directed into the objection of MNC (Multinational Company) by Japan that could take over the domestic market. This come because the trauma in the war era, also from the indication of Japan as exploitative economic power state. There Japan tried to erase the accusation by great amount of support programs. In 1977, Prime Minister Fukuda Takeo once again tried to expand the political relations with Southeast Asian countries in the 10th commemorative of ASEAN. Fukuda focusing toward ASEAN and the regional integration in Southeast Asia. He established the Japan-ASEAN Forum for economic dialogue and offered a $1.5 billion aid package so that there would be something positive to discuss. More important, perhaps, Fukuda took great pains to emphasize that Japan no longer had hegemonic aspirations for the region.82

In August, 18th 1977, during a visit to Manila, Prime Minister Takeo Fukuda gave a speech in which set the new principles that would guide the Japanese policy to Southeast Asia. Those principles as stated in the “Diplomatic Bluebook for 1977” are: “1) Japan is committed to peace, and rejects the role of a military power; 2) Japan will do its best to consolidate the relationship of mutual confidence and trust based on “heart-to-heart” understanding with the nations of Southeast Asia, 3) Japan will cooperate positively with ASEAN while aiming at fostering a relationship based on mutual understanding with the countries of Indochina and will thus contribute to the building of peace and prosperity throughout Southeast Asia.”83

In the involvement of Japan towards Southeast Asian countries since the establishment of Fukuda Doctrine was based on the relation with degradation of

security role of United States in Southeast Asia region that makes Fukuda Doctrine give a systematic framework for political sector of Japan in this region. Later, Japan tried play as a mediator with promote peace between ASEAN countries with Indochina Block. Since the declaration of Fukuda Doctrine, Japanese Government have proactive building relations with ASEAN as major regional organization. This could be seen by Japan support for regional projects, financial support for cultural exchange, and annual conferences in ministerial of Japan and ASEAN countries. Japan’s policy toward conflict between North and South, become more constructive since 1978 with the increasing of political pressure from ASEAN and the 5th approach of UNCTAD in Manila.

The implementation of Fukuda doctrine integrates a closer relation between Japan and ASEAN countries with the Southeast Asia as the focus of the receiver of Official Development Assistance (ODA) from Japan. The commitment from Japan included in Fukuda Doctrine become an important in seeking the Japan’s foreign policy because after Prime Minister Fukuda was no longer served as Japan’s Prime Minister, his doctrine still play an important role of Japan’s foreign policy in Cold War, even in the Post-Cold War. The relation between ASEAN and Japan was getting closer by cooperating in economic and social-culture sector. Fukuda Doctrine proven as the important point in reviewing the Japan’s foreign policy with Southeast Asia.

Moreover, Japan keep assume that Southeast Asia is important since cold war and after that. Japan have interests toward the region firstly is the main interest of Japan in Southeast Asia related to commercial dependence and natural resources. JICA (Japan International Cooperation Agency) said that Southeast Asia is important because the geographically close with Japan, that makes these members linked with Japan, economically, historical, and culture. Southeast Asia is in the major trade routes of Japan, which is Strait of Malacca where this is the major route of oil supply from Middle East to Japan. Linked with this route, Japan has interest in secure the cohesion in Southeast Asia, especially the stability of Indonesia. Related to the amount of
Japanese citizen that live or visiting Southeast Asia. The emergence of China as super power nations in Asia Pacific.

III.3. The Strengthening of Japan’s Relations with ASEAN

The base of relationship between Japan and ASEAN was mostly about trade and investment. ASEAN and Japan start an informal dialogue relationship in 1973 which Japan-ASEAN Forum on Synthetic Rubber and develop to formal relationship with the establishment of the First Japan-ASEAN Summit Meeting in 1977 with Prime Minister Fukuda announcing his doctrine in creating relationship with ASEAN in Manila. Fukuda doctrine have conducting the framework of Japan in establishing the modern diplomacy with ASEAN. During his administration the rationale behind the relationship is ASEAN has become important factor for Japan’s security and economic prosperity. Historically, relations have evolved from a state of war to reconciliation and normalization, to unequal cooperation and, finally, to cooperation between strategic partners. Underlying the policies and activities between ASEAN and Japan are these goals: promotion of mutual relations, assistance toward building a resilience within ASEAN, and strengthening of the partnership for solving international social-political-economic problems. ASEAN-Japan relations can be understood as a mutual relationship that has developed in an attempt to resolve security and stability issues as well as to foster economic, diplomatic, and cultural understanding and cooperation within East Asia.\(^4\)

Japanese Military capability have been limit; Japan will seek a compensation over this minus position non-military with instruments, such as economic and technology cooperation. The use of Official Development Assistance (ODA) or foreign aid as main instrument of foreign policy that reflect the real domestic condition which is sensitive toward the security in general also the limits of international politics

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and military that written in the Japan’s constitutions. The massive stream of ODA from Japan into Southeast Asia region of course not only have a meaning in security, but also tend to economic sector. The activity of Japanese ODA in Southeast Asia have decrease the investment expense for Japan companies because the purpose in provide the infrastructure to destination country. Japan have been able maintain and expand their economic hegemony in Southeast Asia. When ASEAN region as regional economic and have been handled by Japan, international development in the past two decades it turns out new concern related to identity and international role of Japan.

Trade relations between Japan and ASEAN countries has taken place long before ASEAN was formed. As for the background following the Japan-ASEAN trade relations. First, for meet the needs of raw materials and energy. As a country based industry, Japan is very poor of industrial resources. For that, Japan require supply of mining products that are widely available in ASEAN countries. Second, the Japanese desire to develop the region marketing of its industrial products. ASEAN countries with coverage of their territories so widely became a potential market for Japan. During this time, ASEAN countries is a major customer of Japanese-made products such as electronics, appliances, machinery, and vehicles in large quantities. Consistency of Japanese products with reasonable price and high quality, the main attraction for consumers in Asian countries. The increased wage of labor and the high cost of domestic production becomes Japan's reasons for relocating its industry and opening MNC (Multinational Corporation) in a number of ASEAN countries. The goal is for workers' wages and production costs become cheaper so that Japanese-made products increasingly competitive to market.

In 1980s, Japanese companies began to invest concertedly in ASEAN countries. This phenomenon can be seen as the second stream of Japanese to Southeast Asia. The changes in the Japanese manufacturing structure toward high-technology production and higher hourly wage rate in the NICs (Newly Industrialized Countries)

\[85\] Ibid, p. 67.
combined to make ASEAN countries more attractive for Japanese firms. Simultaneously, many manufactures in NICs also shifted part of their production activities to ASEAN countries.\(^86\) The overflow of FDI, transfer of technology and management skills have been crucial in promoting East Asian competitiveness and therefore quickening the process of market cycling and economic convergence.\(^87\) A strong development-demonstrations effect from the United States to Japan to NICs and finally to ASEAN is obvious as the lead goose serves as not only an example for structural upgrading and strategic improvement but also as a supplier of knowledge and skill for geese flying further back in the flock.\(^88\)

The strengthening of the ASEAN-Japan cooperation was marked with executions in Tokyo, Japan 11-12 December 2003 and the signing of "Tokyo Declaration for The Dynamic ASEAN-Japan Partnership and Staying in the New Millennium"as well through it as a blueprint. Japan's commitment to the establishment of ASEAN Community 2015 was indicated by "The New Fukuda Doctrine" in which former Prime Minister Yasuo Fukuda mentions Japan and ASEAN "partners thinking together, acting together, sharing a future vision" was spoken during his speech on the 14th International Conference on The Future of Asia.\(^89\) In the field of political security, ASEAN-Japan cooperation is directed deal with non-traditional issues such as terrorism and cybercrime. In economic issues, ASEAN and Japan emphasize on economic sector and partnership cooperation in finance.

Leader of ASEAN-Japan at the 14th ASEAN-Japan Summit in Bali on 18th November 2011 has discussed the Japan’s contribution to the ASEAN integration and community building efforts, and reaffirmed the importance of our long-standing

\(^{86}\) Ibid  
\(^{87}\) Ibid, p. 68.  
\(^{88}\) Ibid, p. 69.  
friendship and strategic partnership based on enhancing peace, stability, and prosperity in the region. As well as the adoption of the Joint Declaration for Enhancing ASEAN-Japan Strategic Partnership for Prospering Together (Bali Declaration) and the ASEAN-Japan Plan of Action 2011-2015. ASEAN and Japan are determined to further strengthen their cooperation under the 5 strategies namely: 1) strengthening political-security cooperation in the region, 2) intensifying cooperation towards ASEAN community building, 3) enhancing ASEAN-Japan connectivity for consolidating ties between ASEAN and Japan, 4) creating together a more disaster-resilient societies and 5) addressing together common regional and global challenges.

III.4. Japan’s Political and Security Relations with ASEAN

Compared with Western nations such as Netherlands, France, Spain, Portugal, and America, Japan has not been too long ago in relations with Southeast Asian countries where the core countries are in ASEAN. Although only lasted less than four years, but Japan still left the impression and memory is very bad for the Southeast Asian nation. Japan is a former colonist but failed to instill cultural influence in the region Southeast Asia. The cruel behavior of Japan at the time of World War II was not only felt and remembered by the countries of Southeast Asia but also still overshadowed the last memories of the Chinese and South Koreans. This shows clearly how Japan is still remembered as a colonial country that is evil and unforgivable although the Japanese government is always trying to get rid of that past in various ways, inter alia, by keeping the constitution prohibiting Japan from arming itself.

Japan's post-World War II foreign policy towards Asia, especially Southeast Asia, is more remarkable for Japan's economic interests. The destruction of Japan after World War II, making economic development affairs ranks first in the thinking of

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Japanese foreign decision makers. Japan has rejected many U.S. calls to engage in some crucial wars in order to stay focused on strengthening Japan's economy. Throughout the decade of the 50s to 60s Japan began to drain economic aid to Southeast Asia. Despite Japan's efforts to compensate for its former colonies, Japan is also preparing Southeast Asia as one of the markets for the export of the goods it produces. For example, Japan helps the development of transport aimed at helping Southeast Asia as well as facilitating the flow of incoming export goods.

Japan-ASEAN relations entered a new phase when Prime Minister Takeo Fukuda launched Fukuda Doctrine in 1977. ASEAN not only placed as the most important area for Japan, but also as a strategic territory of Japan to play its role as an Asian leader. The closeness of Japan-ASEAN relationships analyzed based on Japan's economic and political role in ASEAN. Japan's political role in ASEAN begins when there was an Indochina conflict. Japan has been heavily involved in helping the reconstruction of Indochina countries which includes; First, sending 1800 troops to joining UN peacekeepers stationed in conflict areas. Second, Japan plays an important role as a mediator in the process Vietnam troop withdrawal in Cambodia. Third, Japan invites the government Vietnam to dialogue and promises some economic aid, provided with promise that Vietnam withdrew its troops from Cambodia.\footnote{Sueo Sudō. (1988) Japan–ASEAN Relations: New Dimensions in Japanese Foreign Policy. Asian Survey Vol. 28, No. 5 in Politik Luar Negeri Jepang Pasca Perang Dunia II, 2012. Universitas Al Azhar Indonesia.} Indochina conflict is enough to capture the attention of Japan. As US strategic alliance, Japan is required to play the US Cold War strategy against Soviet communism. That is why Japan needs ASEAN as a balance of power in an attempt to prevent the entry of the teachings of communism The Soviet Union brought Vietnam to the Asian region. In the political arena, as concerned regional stability, Japan acted as a bridge between ASEAN and Indochina. However, after the Vietnamese invasion of Cambodia in December 1978,
Japan took a position in line with ASEAN, demanding the unconditional withdrawal of all foreign military troops from Cambodia.92

That way, Japan can focus on advancing the economy that has been in need of ASEAN as a source of material crude Japanese industry, market share of Japanese products, place of investment, and Japanese maritime trade routes. In one of Fukuda Doctrine's contents, there are also "heart-to-heart" points understanding". The cornerstone of Japan issued this policy backed up by the "anti-Japanese" demonstration event during Prime Minister Kakuei's visit to ASEAN countries in 1974. Demonstrations that culminate on this riot is a form of denial of the upper ASEAN community the dominance of Japan's economy in the country. The demonstrators judge Japan colonizing ASEAN in its new form through the large flow of Japanese capital which goes to ASEAN countries. Japan is also judged only want exploiting the natural wealth of ASEAN countries for the benefit the industry.93 Their bad view to Japan was responded by Prime Minister Fukuda through a heart-to-heart understanding approach. Fukuda invites Japanese companies in ASEAN to be given a guide behavior (code of conduct) in order to be united with the local community, contributing to the business destination country, and sharing prosperity. This intended to cause unrest that culminates in the burning of products made in Japan such as cars, motorcycles and bicycles will not be repeated. Because, this riot has not only brought about the adverse effects of the Japan-ASEAN relations but has caused many deaths and injuries severe.

Political relations with Japan have been built upon this economic bedrock. In contrast to the immediate postwar decades when Japan was uniformly viewed with aversion and suspicion, Japan is today regarded positively as partner and friend, sympathetic to ASEAN’s needs and inspirations. Japan’s approach to its engagement

with Southeast Asian countries has been pragmatic, not too politically doctrinaire or intrusive, as is the practice of the United States and the European Union. This is viewed positively in most ASEAN countries. \(^{94}\)

Japan has long been deeply concerned about Southeast Asian security. As a Japanese industrialized country a lot of raw materials and energy sources. Without large imports Japan is unlikely to maintain its status as an advanced industrial country and the world's second economic power. Besides Japan also requires exporting a lot of industrial results in order to achieve high production levels. The Japanese market itself is not big enough for that the population.

Southeast Asia is an area that can provide the raw materials and energy sources Japan needs. Also Southeast Asia with its five times population is an important market for Japanese production. When Japan has an interest in moving some of its industrial production out of its territory, partly because of the higher wages of workers in Japan, Southeast Asia has great potential to become a moving Japanese industry. In addition, Japan imports a lot of energy sources from the Middle East that must be transported through the sea territory of Southeast Asia. It all needs a reliable Southeast Asian security condition. Therefore, Japan is very concerned with Southeast Asia that is safe, peaceful and prosperity which the population is more advanced economy and strong purchasing power. If anyone holds that Japan wants the people of Southeast Asia to be poor and ignorant, then that's a very wrong view. Because the poor and stupid people will not be able to buy Japanese products that are more sophisticated and therefore also more expensive.

Japan will continue to strive for the security of Southeast Asia to be assured and its political, economic, social and cultural conditions more advanced. The Japanese also realize that this does not go without difficulty and can be done without

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competition. If before the Second World War Japan had to compete in Southeast Asia with the countries of Western Europe, especially Britain, France and the Netherlands, then after World War II was the US which has developed into the world's largest economic power. Then after 1979 as China expanded its economy as well as its abilities in general, Japanese competition became increasingly heavy.

In accordance with its foreign policy after World War II in favor of the Western bloc, reinforced by the Defense Agreement with the United States, Japan would not be in conflict with the United States. Therefore, Japan's policy and efforts to safeguard Southeast Asia's security are always carried out in accordance with the US line. Although Japan's economy is taking a freer stance in rivaling the United States, it will not come out of its security policy. Yet Japan in the economic field has excelled in the world in some ways, also outperformed the US, as in the production of consumer electronics and automotive goods, so in that case there is no longer any significant competition with the US.

There are new aspects that influence Japan's attitude towards Southeast Asia caused by the development of China. It cannot be denied that China's influence in Southeast Asia is getting stronger, not only because of the large number of Chinese-speaking citizens in all ASEAN countries. So the more advanced and powerful China in the future, the greater its influence in Southeast Asia. In addition, due to the position and place of Chinese descendants in each Southeast Asian country, the indigenous peoples will also be affected by the flood of Chinese products, the increasingly wealthy Chinese tourists visit, as well as the Southeast Asian visit to China by admiring the old Chinese culture 8,000 years and other advantages possessed by China. Especially if China took the initiative to conduct wide cooperation with various parts of Southeast Asian countries, as will now be done with East Java. If such initiatives can significantly improve the welfare of the small people, then the effects will be significant.

There have been temporary fears, especially the US and all who think like the Americans, against China's ambitions for control of Southeast Asia. However, the
estimate that China will realize that ambition by carrying out a military invasion is an unrealistic view. Chinese leaders are intelligent enough to realize that a military invasion of Southeast Asia is too much of a constraint and consequence and therefore would be detrimental to China itself. However advanced China's military might, it has not been balanced with US military power, especially if it is strengthened by Japan, Australia and Western European countries. What the US and its allies and Japan have to worry about is the spread of China's influence to Southeast Asia as it becomes more advanced in all fields, especially its economic capabilities. Its population of not less than 1,200 million people provides a much cheaper workforce than any country in the world. Strengthened by its high-quality, thousands-years-old culture, the Chinese people will soon be able to advance the modern science and technology that can make it a nation of high competitiveness.

The Japanese leaders realized that Southeast Asia controlled by Chinese influence could harm them in various fields, especially the economy. Under these conditions there could be a radical change in Japan, that is to stay away from the US and close the ranks with China. But at this time and at least a decade ahead, such a change is almost impossible. It is difficult for Japan and China to be in a compact group. Still strong love-hate relationship between the two nations that carried by history. Indeed, the Japanese recognize a great deal of debt to Chinese culture, and this is the source of the love aspect of their relationship. However, the recognition that creates a sense of hatred in the Japanese because they have to feel inferior to other Asian nations and this is the source of hate aspect. From the Chinese side is almost similar, that is forced to recognize the superiority of Japan who first grasp the progress of science and modern technology. However, the hatred is very strong because the Japanese use that advantage to fight and occupy China for so long since the end of the 19th century until 1945.

So it is difficult to have a Japanese-Chinese row in the near future. So the alternative is competition, taking action to make Japan's influence in Southeast Asia at
least no less than China's influence. Japan realizes that the security of Southeast Asia is closely related to the welfare of its people. It is therefore a duty of Japan to do more to improve the welfare of the people of Southeast Asia. To this end, Japan's goal in Southeast Asia is to ensure that there is a regular and secure supply of raw materials and energy resources from Southeast Asia and the Middle East as an important factor for maintaining Japan's production and economy, as well as improving the welfare of Southeast Asia in order to become more and more capable of being a broad market and strong for Japanese production. Since China has advanced Japan's goal in Southeast Asia must be coupled with the realization of Japanese influence strong enough for its interests in Southeast Asia is not jeopardized by the increasing influence of China.

From experience it can be seen that the Japanese always have a high commitment when it is clear that the interests of the nation. Therefore, it can be expected that Japan's commitment to realize its three goals in Southeast Asia will also be strong. It is now upheld to the people of Southeast Asia how to benefit from such developments for the welfare and security of Southeast Asia. ASEAN and all Southeast Asian nations as members must develop concrete and comprehensive concepts to do so. Indeed, Japan is still in economic trouble. But this will not continue to be the case and one when Japan's economy will be strong again.

But on the other hand ASEAN should also seek to ensure that China's competition with Japan, and China with the US, does not result in security issues in Southeast Asia. This requires the superiority of ASEAN statesmanship that produces diplomacy that is able to bridge China with Japan and the US. Besides, it also embodies the leadership in Southeast Asian countries respectively to prevent the occurrence of weaknesses that can be manipulated by outside bad intentions. And to keep relations between ASEAN member countries always in good condition. The development they want will be a Win-Win Solution for all parties, both Southeast Asia, Japan, China and the US and Australia as their allies.
Parallel changes in Japan’s security outlook and Southeast Asia’s view of an expanded security role for Japan have reinforced the basis for cooperation between Japan and Southeast Asian countries. In the new international and regional security environment, Japan should redefine its rationale for political and security cooperation with ASEAN countries. Now, in the early years of the twenty-first century, there are new factors suggesting a need for Japan to modify its traditional rationale of political and security cooperation. Another new factor is the emergence of nontraditional security issues. These are issues relating to human security—illegal migrants, refugees, illicit drug trade, heavily armed pirates, illegal flow of small arms, environmental degradation, and non-state terrorism and the nature of these issues requires that they be addressed with cooperative effort. Japan and ASEAN countries need to share information regarding these issues and take joint action. In the process, a strong, additional base for cooperation between Japan and ASEAN countries will be created.95

III.5. Japan’s Foreign Policy under Shinzo Abe

Prime Minister Shinzo Abe was elected as the Prime Minister for the first time in 2006 under the Liberal Democrat Party (LDP). At that time, he was Japan's youngest leader since World War II but he stepped down citing ill-health as support for his administration plummeted.96 However, in 2012 he was re-elected as Prime Minister as well as the President of LDP for two-year period and won the next election in 2014 and keeping his position until now. During his administration Japan Parliament known as Diet which under the Constitution of 1947 renamed as Kokkai with a legislative that

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remained two chambers that composed by the House of Representative in lower house and by the House of Councilors in upper house.\textsuperscript{97}

After having a failure during his administration, Abe was facing concern in decision making of foreign policy in both economic and military fields. Therefore, to overcome the concern Abe establish the foreign policy related to the issues. “Abenomics” refers to the economic policies advocated by the prime minister after the election, which were designed to revive the sluggish economy with “three arrows”: (i) fiscal consolidation, (ii) more aggressive monetary easing by the Bank of Japan, and (iii) structural reforms to boost Japan’s competitiveness and economic growth.\textsuperscript{98}

Abe’s structural policies aim to improve the country’s prospects by increasing competition, reforming labor markets, and expanding trade partnerships.\textsuperscript{99} The scope of the policy in the following Japanese market expansion in China by settling the territorial dispute with China to establish economic cooperation, increase the economic cooperation with ASEAN countries through cultural exchange, strengthening the relation with United States to discuss economic partnership and to suppress the maritime influence of China in Asia region, last by not least declare in joining Trans Pacific Partnership (TPP) to decrease China’s economic domination in Asia Pacific.

To run the program, Abe tries to balance between policies monetary and fiscal. From the fiscal side, spending on infrastructure projects is important and massive planning, such as repairing and rebuilding roads and public facilities, including rebuilding infrastructure damaged by earthquakes and disasters tsunami. Public facilities to be rebuilt include hospitals, schools, and government buildings and others.

\textsuperscript{97} Diet JAPANESE GOVERNMENT. Retrieve November 20, 2017 from https://www.britannica.com/topic/Diet-Japanese-government
From the monetary side, the task of reducing deflation is severe. To achieve it first must improve income society and in turn provide stimulus for them to improve shopping.\textsuperscript{100} With the existence of large projects infrastructure is expected to create space broad and substantial credit disbursement. In addition, efforts to pay special attention to the young generation and create new business and industry markets must be strengthened. In this context the implementation of that program both of these Abenomics become very crucial. Be aware that it can only be achieved by improving relations with the US, Asia in general, and in particular with China.

The other policy of Abe Doctrine is Military policy, due the revised of NDPG for FY2011 into the 2013 NDPG with basic concept to build up a Dynamic Joint Force with particular emphasis on readiness, sustainability, resiliency, and connectivity.\textsuperscript{101} Through the 2013 NDPG increase the defense budget, Prime Minister Abe aim to builds on Japanese military forces that can effectively respond to various current security threats in the point of future defense forces following the future role of the Defense Force, Priorities in strengthening architecture of the Self Defense Forces (SDF), Architecture of each service of the Self-Defense Forces.\textsuperscript{102} The driving factors Japan's defense policy change are, increased Japanese economic capability; Nationalism; Nuclear and Missile North Korea as a threat; China's military increase. While US interests in promoting Japan's defense and security policy are, Stability of the East Asian Region; Extending US to Chinese and North Korean Military Forces; Security of US Trade Lines in East Asia.\textsuperscript{103} The first opposition to the Dynamic Defense Force is China's, China's protest of Japan's stronger military capability and

\textsuperscript{100} Abenomics for future growth, for future generations, and for a future Japan that is robust. Published in May 2017. The Government of Japan. Retrieved from www.japan.go.jp/abenomics
\textsuperscript{102} Ibid, p. 57.
closer military partnership with US. The second is North Korea, in a state of strong Japanese defense growth by threats coming from North Korea.

While Shinzo Abe's efforts in enhancing Japan's defense are divided into three. First is in cooperation with ASEAN to reduce China's influence in the region, Prime Minister Shinzo Abe is making efforts to strengthen Asian diplomacy with Vietnam, Thailand and Indonesia as the first step. The diplomatic efforts undertaken by Japan in Southeast Asia and Australia are the choice of strategy and strategy of the new government in Tokyo. Japan wants to dampen the rise of the China in the military and economic influence in Southeast Asia. Second, re-Interpretation of Article 9 of the constitution in July, the Abe Defense cabinet reinterpreted the pacifist agreement referred to in Article 9. Shinzo Abe as the leader of the Liberal Democratic Party traveled among the Japanese politics and society so that the Japanese needed to build an adequate defense force for the future changes in security conditions in the Area. The effort was fruitful and on July 1, 2014 the Japanese Cabinet ratified the re-interpretation of Article 9. Third, increasing the economic openness of Asia Pacific in order to encourage the economic growth of the Region. Some countries such as Australia, India, the Philippines and Viet Nam have started to cooperate in the Japanese dependent industry. As a follow-up to the outcome of Prime Minister Shinzo Abe's visit in Australia in July 2014, the two countries agreed to cooperate on the construction of a Japanese-made Soryu submarine known as one of the world's best diesel-powered submarines.104

During his administration, while focusing on balancing the social-economic and political-security relations with neighbor country, Prime Minister Abe did not forget in strengthening the relationship with ASEAN countries. In 2013 coincide with the 40 years of Japan-ASEAN Friendship and Cooperation, Japan’s Prime Minister Shinzo Abe announce the Five Principles of Japan’s ASEAN Diplomacy in January 2013, following that Abe also held the Japan-ASEAN Commemorative Summit in

104 Ibid
Tokyo in December 2013. At this summit meeting, the national leaders adopted the Vision Statement on ASEAN-Japan Friendship and Cooperation and its Implementation Plan, announcing greater cooperation focusing on four key areas of the partnership: Partners of Peace and Stability, Partners for Prosperity, Partners for Quality of Life, and Heart-to-Heart Partners. In addition, they issued a Joint Statement of the Japan-ASEAN Commemorative Summit to express Japan and ASEAN's common recognition on regional and global issues in the context of Japan-ASEAN relations in the international community (Ministry of Foreign Affairs of Japan, 2013). The Five Principles of Japan’s ASEAN Diplomacy are Protect and promote together with ASEAN member states universal value, such as freedom, democracy; Ensure in cooperation with ASEAN member states that the free and open seas, which are the most vital common asset, are governed by laws and rules and not by force, and welcome the United States' rebalancing to the Asia-Pacific region; Further promote trade and investment, including flows of goods, money, people and services, through various economic partnership networks, for Japan’s economic revitalization and the prosperity of both Japan and ASEAN member states; Protect and nurture Asia's diverse cultural heritages and traditions; and Promote exchanges among the younger generations to further foster mutual understanding. Based on the efforts made by Shinzo Abe, then Shinzo Abe itself has produced a policy during his reign. Therefore, the Japanese effort spawned a Japan is expected to achieve its national interests and security.

III.6. Japan’s New ASEAN Diplomacy towards Southeast Asia

The engagement of Japan under Abe administration in Southeast Asia has been shifted into new policy from the economic-social approach in previous Yoshida and Fukuda doctrine to the political-security approach. This time Abe become more determined in taking decision and action unlike the previous administration. The strong commitment that Abe offer in strategic engagement in Southeast Asia, there was framework behind the cooperation of Japan in Southeast Asia. The first purpose the strategic engagement of Japan in Southeast Asia is to maintain the status quo of South China Sea, sea territory that serve economic and security interest of Japan, when at the same time in dispute situation of some countries in Southeast Asia and China. The China’s claim in nine-dash area of course overlapping with claim from Brunei, Malaysia, Philippines, and Vietnam in Spratly island and Vietnam’s claim in Paracel Islands.\textsuperscript{107} Then the China assertive behavior have become threats to the relative small countries that most of them lack of military power and security framework. Related with this fact, Japan have a purpose to prevent the one side action that could change the status quo of the South China Sea with supporting the development of security capacity building of Southeast Asian countries and insisting countries in the region to cooperate and obey the principles United Nations Convention on Law of the Sea (UNCLOS).\textsuperscript{108}

China could take over and create instability to the whole region with advance economic, political, and security framework. The possibility of those thing is not small percentage, Japan and ASEAN need new strategic environment in governing the future cooperation such as, increasing the economic cooperation by trade, investment, and distribution of production processes to strengthen the interdependence among the regional which is Southeast Asia and East Asia as well as global economics;


\textsuperscript{108} Ibid
Generating regional, bilateral and global trade and investment within the framework to create greater cooperation among the nations; Strengthening the regional cooperation in order to able compete with other regional organization such as European Union; Considering to increase the military expenditure to build up the region; Keep maintain the military alliances with United States to increase the geographical coverage in East Asia; Japan need to transform into a balance of power with the ability to become a regional military power states; The needs to diverse external security approach and adaptations within ASEAN, although that was the opposite of the objective building a security community 2020; Maintain the stable and peaceful relations among ASEAN countries even though there is occasional border tensions or incidents.\(^{109}\)

The fundamental goal of ASEAN-Japan political and security cooperation should be promotion of peace, security, and stability in the region and in the wider East Asia. Emphasis should be placed upon developing confidence and trust between nations and peoples; cooperative security; addressing conventional and nonconventional security challenges; promoting peaceful resolution of disputes; and conflict prevention. ASEAN countries and Japan to be guided by the following basic principles:

i. The spirit of equality and mutual respect;

ii. The recognized principles of international law and conduct. The principle of non-interference in internal affairs shall be respected. States, however, shall be open to suggestions, comments, and criticisms of conduct that is clearly in gross violation of human rights and recognized norms of international behaviour;

iii. ASEAN-Japan cooperation should be directed against the national security of any third party, or threaten or harm its legitimate national security interest;

iv. ASEAN-Japan cooperation should be consistent with the imperatives of wider East Asian cooperation community building, working toward realization of the East Asian vision of peace prosperity, and progress;

v. ASEAN-Japan Cooperation in the context of East Asian community building should not undermine or be at the expense of ASEAN community building, but rather complement and reinforce it.110

According to Mahar Nirmala in the Journal of Social Science and Humanity Japan’s engagement strategy in Southeast Asia, Prime Minister Abe has been put priority and implements different strategy on his partnership. To focus on the purpose and examining the pattern of the relations between Japan and ASEAN countries. The first group consist of the main partner countries which are Indonesia, Philippines, and Vietnam. These countries have been regarded as the main partners for Japan in Southeast Asia. The strategic partnership from each country in this category have different period, first is Indonesia, Japan have been established the cooperation since 2006 agreed upon the Strategic Partnership for Peaceful and Prosperous Future. The strategic partnership was still maintained and develop into Japan-Maritime Forum with the focus on sea and democracy in 2015. Second is Philippines the strategic partnership since 2011, then there was an establishment of the first joint naval exercises in the South China Sea in May 2015. The cooperation going deeper when they signed the Joint Declaration on the Strategic Partnership on June 2015 and agreed to transfer the defense equipment and technology in November 2015. Last but not least is Vietnam, the strategic partnership is established in 2006 and both countries endorsed the Memorandum of Understanding on Defense Cooperation in October 2011. During Prime Minister Shinzo Abe in 2015, with the General Secretary Nguyen Phu Trong

110 Ibid, p. 151-152.
agreed on the Joint Vision Statement on Japan-Vietnam Relations as well as on the Memorandum on Cooperation between Coast Guard Agencies.\textsuperscript{111}

For the second group consist of Brunei Darussalam, Malaysia, Singapore, and Thailand. These countries have political tendency toward United States rather than to China and also those countries are involved in the South China Sea dispute. This can help Japan engaging to the dispute and restrain China from solving the dispute bilaterally. In detail for the first country Brunei, Prime Minister Abe and Sultan Hassanal Bolkiah agreed to enhance the bilateral relation in fields of energy, economy, and defense in 2013. The second country Malaysia, Japan and Malaysia enhanced their relations to a strategic partnership on May 2015. Both countries agreed to begin the discussion on transfer of defense equipment and technology, with the focus on the disaster relief and maritime security, amidst the growing concern about China’s assertive behaviors in the South China Sea. As Singapore the cooperation has been the prior on the anti-piracy in 2010, thus focus on the maritime security issues. Last but not least Thailand, the relationship between two countries has been conducted since 1998 when both countries agreed to hold an annual meeting a Politico Military Talks to strengthen the security cooperation. In 2012 they agreed to establish a strategic partnership, this partnership will focus on dialogues on political and security issues at every level.\textsuperscript{112}

Beside enhance and strengthening the cooperation with the countries above, Japan also starting to build closer relationship with Cambodia, Lao PDR and Myanmar. As for Cambodia, in 2013 from the Cambodia have proposed to upgrade the partnership that existed since 2007 into strategic partnership to advance defense cooperation and exchanges. The relationship between Japan and Cambodia become closer and derive the support to Cambodia’s economy and domestic security. In March


\textsuperscript{112} Ibid
2015 Japan and Laos have agreed on establishing the strategic partnership to advance the comprehensive partnership on security dimension to devote the assistance on the related issue of Humanitarian Assistance and Disaster Relief (HADR). For the last country Myanmar, Prime Minister Abe have declared to assist Myanmar’s effort for democratization and to improve the infrastructure development through the ODA in 2013.\textsuperscript{113}

From the categorization that Nirmala provide, we can conclude that there are several patterns regarding Japan’s strategy and approach to every group. As the first group is the main partner of Japan in Southeast Asia with deep relationship in security and defense area that could ease Japan in engaging the South China Sea dispute with the support from those countries and preserve the status quo from the China’s threat. With the second group, each country has different part of that attract Japan to establish the strategic partnership. As for Malaysia because of the important partner to preserve the stability of Strait of Malacca, Thailand as gateway to ASEAN which is a center of Mekong country to hold up from China’s influence, Singapore with further cooperation and security and defense field, Brunei with economic cooperation in energy sector. All of these countries also have territorial disputes with China and would support Japan in preserving the China’s dominance in the area of South China Sea. And for the rest of the ASEAN countries which are Cambodia, Lao PDR, and Myanmar; Japan would focus on the internal security to minimize the influence form China in the region and create the stability. Furthermore, all ASEAN countries was giving such a supportive feedback in have a deeper relationship with Japan and enhance their security and defense cooperation to bring the peace, stability, and prosperity to the Southeast Asian region.

Abe emphasizes the foreign policy significance of values such as democracy, rule of law and respect for human rights more vocally than his predecessors. In Abe’s second tenure, however, it has become clear that his value-oriented foreign policy is

\textsuperscript{113} Ibid
indeed aimed at containing and ostracizing China. In his own words, he intends to form a “democratic security diamond for Asia” with the involvement of Japan, the US (Hawaii), India and Australia. In the several years Japan have tried to deepening and strengthening the regional security and defense cooperation in Southeast Asia to resolve the territorial disputes from collective backing support from the ASEAN member countries.

CHAPTER IV

ASEAN-JAPAN COOPERATION ON CYBERSECURITY CAPACITY BUILDING

This chapter provide information and discuss about the support that Japan has gave to contribute in improving the cybersecurity capacity building through the annual meeting in ministerial level with ASEAN member states. In those meeting ASEAN member states and Japan have agreed upon the several program that proposed in the meeting. The cooperation is the following AMMTC + Japan Consultation, Japan-ASEAN Integration Fund (JAIF), ASEAN-Japan Ministerial Policy Meeting on Cybersecurity Cooperation, the ASEAN-Japan Cybercrime (AJCC) Dialogue, the ASEAN-Japan Joint Declaration for Cooperation to Combat Terrorism and Transnational Crime.

IV.1. ASEAN-Japan Cooperation on Cybercrime

Globalization and economic interdependence of a country with other countries in addition to giving birth to welfare and civilization, bring impact negative, among others, has led to the birth of transboundary crimes throughout parts of the world. Advancement of science and information technology and communication, as if blurring the boundaries of the state, pushing the easier the movement of persons, goods and services from one country to another. Global developments have changed the characteristics of evil in the deep the domestic sphere is shifting to cross-border or transnational. With thus the "nature" of transnational crime, both organized and that not organized, inseparable from the phenomenon of globalization.

Conceptually, transnational crime is a crime or crime which crosses state borders. This concept was first introduced international era in the 1990s at the United Nations (UN) which addresses crime prevention. In 1995, the United Nations identifies
18 types of transnational crime such as money laundering, terrorism, theft of intellectual property, illicit arms trafficking, aircraft hijacking, sea piracy, insurance fraud, cybercrime, environmental crime, trafficking in persons, trade in human body parts, illicit drug trafficking, fraudulent bankruptcy, infiltration of legal business, corruption and bribery of public or party officials.

ASEAN member countries have starting increase their awareness in cyber-attack. ASEAN member countries was aware that cyber-attack have big influence to economic development in the region. Currently, ASEAN countries are encouraging the economic development by research and development. That become the driven factor the establishment of new cybercrime working group in order to addressing the cybercrime issues in the region. The member countries need to increase the capability to addressing the cybercrime issue as an effort to protect their classified documents from the research and development industry. Besides that, an advance cybersecurity could trigger the high investment based technology and research in the Southeast Asia region.

The relationship between Japan and ASEAN have been established and with the similar focus on the threats from cybercrime in both countries make the Government of Japan and ASEAN cooperate in developing the cybersecurity in ASEAN region and increasing the capability of ASEAN countries for combating cyber threats. The government of Japan planned to promote an efficient communication between Japans’ government and the government institutions that in charge of cybercrime in each of ASEAN member countries. The government of Japan has intensively create several international cooperation related to cybersecurity with ASEAN because there is total amount of Japanese corporation in the region. Such as the engagement in the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), the establishment of Japan-ASEAN Integrated Fund (JAIF) along with the decision in funding the ASEAN Cyber Capacity Programme (ACCP), the establishment the ASEAN-Japan Joint Declaration for Cooperation to Combat

Japan have actively engage in regional cooperation with ASEAN through that multilateral cooperation above. During Prime Minister Shinzo Abe administration, Japan enhance their cooperation and strengthening the mutual trust with Southeast Asian countries. Each of the ASEAN regional cooperation are linked one to another for example that SOMTC is a forum with the result of meeting will be brought to the Ministerial Meeting which is AMMTC. The establishment of the bilateral cooperation such as AJCC and JAIF are discussed on those meeting. The annual meeting will be monitor the implementation of the proposed activity. This chapter will discuss all that cooperation and the implementation of the program.

IV.2. ASEAN Ministerial Meeting on Transnational Crime (AMMTC)

In relation to Southeast Asia, this region also cannot be separated from transnational crime activities. Transnational crimes that often occur in Southeast Asia include terrorism. Since September 2001, the United States has stepped up its focus on radical Islamic and terrorist groups in Southeast Asia, especially in the Philippines, Indonesia, Malaysia, Thailand and Singapore. So now Southeast Asia has become a base area for acts of terrorism. In addition to the problem of terrorism, the transnational forms of crime committed in Southeast Asia are organized criminal groups. Infrastructure in Southeast Asia has evolved as well as the existence of free trade that facilitates the movement of people and commodities. This leads to the creation of opportunities for criminal activity committed by organized crime groups.

These groups then resulted in some transnational crime activities in Southeast Asia. For examples drug trafficking, arms trade, rare and protected species trade,
prostitution, human trafficking mainly for sexual purposes, illegal gambling, smuggling, pornography, rape, kidnapping, extortion, murder, cybercrime and corruption in the political and corporate sectors. ASEAN member states have agreed on 8 (eight) crime forms transnational that must be handled jointly, as follow: Terrorism, Trafficking in Persons, Illicit Drugs Trafficking, Sea Piracy, Money Laundering, International Economic Crime, Arms Smuggling, Cybercrime during the 2nd AMMTC in Kuala Lumpur, Malaysia.115

The ASEAN Ministerial Meeting on Transnational Crimes is aimed at discussing efforts in line with transnational crime issues such as terrorism, narcotics trade, arms smuggling, human trafficking, piracy and cybercrime. Because of transnational crime activities to fight for the prosperity and progress of ASEAN. The meeting then established the ASEAN Plan of Action to Combat Transnational Crime into a regional strategy to gain transnational access in Southeast Asia by: (1) preventing, controlling and neutralizing transnational crime; (2) enhancing regional cooperation in the areas of investigation, prosecution and judicial involvement in the rehabilitation of perpetrators; (3) enhancing coordination among agencies in ASEAN countries filing transnational crimes; (4) capacity strength and capability in tackling the increasingly sophisticated forms of transnational crime; (5) and the development of regional and sub-regional agreements on cooperation in the field of criminal justice, including legal aid and extradition.116

ASEAN-Japan cooperation on transnational crime is pursued under the purview of the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) - Japan Consultation and the ASEAN Plus Japan Ministerial Meeting on Transnational

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Crime (AMMTC + Japan). The cooperation includes capacity-building, training and information exchange on combating transnational crimes and countering terrorism.

In the 10th AMMTC there is a proposed activity from the 15th SOMTC that will be further discussed in the ministerial meeting. In the capacity building activity proposed are in the following: Assess the level of cybercrime forensic capabilities in all ASEAN Member States; Develop a regional approach to level up cybercrime forensic capabilities in all ASEAN member states Equip appropriates ASEAN Member States with basic cybercrime forensic laboratory; Provide portable cybercrime forensic kit to ASEAN member states where appropriate; Organize relevant workshops, seminar or meetings to enhance investigation capabilities of ASEAN member states in combating cybercrime; To conduct joint research works with relevant academic institutions within ASEAN member states and its Dialogue Partners on cybercrime prevention; To provide training on ways to monitor open source information; Provide computer forensic training.117

From the proposed activities above, there is implementation status of related projects. Organize annual workshop aimed at enhancing the capabilities of ASEAN member states in combating cybercrime, and involving experts and content specialist so that the relevant would benefit from the training. The establishment of the 1st SOMTC Working Group on Cybercrime Meeting at the 9th AMMTC in September 2013 to brainstorm practical cooperation in combating cybercrime among ASEAN member states as well as between ASEAN and its Dialogue Partners. The Working Group Plus Three Dialogue Partners to develop a workshop that would allow ASEAN member states participants to learn about the preventive measures and promotional efforts; law and regulatory policies; and forensics investigation. The implementation of the activity will be monitored by SOMTC forum and later reported to AMMTC

117 Preparatory SOMTC for the 10th AMMTC. Adopted on 28 September 2015. Retrieved from Divisi Hubungan Internasional Polri
In the 1\textsuperscript{st} AMMTC + Japan Consultation in September 2013 was held coincide with the celebration of the 40\textsuperscript{th} anniversary of ASEAN-Japan Friendship and Cooperation. The Ministers are welcome the launch of AMMTC + Japan and shared intention to enhance their cooperation to fight against terrorism and other forms of transnational crime. They exchange views on the issues relating to the issues of cooperation in countering terrorism and transnational crime especially on counter-terrorism and cybercrime. The concern to enhance the further joint cooperation to address cybercrime as a new challenge in the region and reached the common view that capacity building in the region is essential in combating cybercrime.\textsuperscript{119}

In the 2\textsuperscript{nd} AMMTC + Japan consultation in October 2015 will discussed the outcomes of the preparatory SOMTC plus Japan consultation on September 2015.\textsuperscript{120} The exchange of views on issue of the mutual interest relating to the ASEAN-Japan Cooperation in Counter Terrorism and Transnational Crime, the following highlight of the discussion in the focus on combating cybercrime:

i. Japan noted the increasing sophistication and complexity of cybercrime which is a threat to the region and stressed the importance of enhancing cooperation in the fight against cybercrime. Japan also highlighted the convening of the Inaugural ASEAN-Japan Cybercrime (AJCC) Dialogue in May 2014. The AJCC Dialogue is expected to serve as a foundation for further cooperation in the field;

ii. Malaysia noted the importance of cybersecurity due to increasing dependence on information and communication technology and


\textsuperscript{119} JOINT STATEMENT OF THE FIRST ASEAN PLUS JAPAN MINISTERIAL MEETING ON TRANSNATIONAL CRIME (1ST AMMTC + JAPAN) CONSULTATION. Vientiane Capital, Lao PDR, 18 September 2013

\textsuperscript{120} Confidential Report of the Preparatory SOMTC plus Japan for the Second ASEAN Plus Japan Ministerial on Transnational Crime (2\textsuperscript{nd} AMMTC + Japan) Consultation. 28 September 2015, Kuala Lumpur, Malaysia
welcomed training programs in the field, sharing of experiences and best practices. Malaysia also thanked Japan for the opportunity to hold the 2nd AJCC Dialogue in 2016;

iii. Indonesia highlighted the nexus between cybercrime and terrorism, in which terrorist groups misused communication technologies for propaganda and fundraising purposes;

iv. Thailand noted that there are huge amounts of information available on the Internet nowadays, and suggested that Japan, having an excellent education system that provided its youth with knowledge to make effective use of that information, could share it with ASEAN Member States to provide ASEAN youth with such knowledge;

v. Singapore reported that it had hosted the inaugural AJCC Dialogue with Japan, and that the Interpol Global Complex for Innovation (IGCI) based in Singapore has benefited from JAIF; and

vi. Other ASEAN Member States, in recognising the importance of capacity building and cooperation, highlighted domestic initiatives they had taken to address the rise of cybercrime.121

Beside the report outcomes of the exchange views, the meeting also has joint statement that have been adopted in the agenda of the meeting. Cited from the joint statement

“We noted that cybercrime, whose modus operandi are becoming increasingly sophisticated and complicated, poses a grave and imminent threat to the region. We stressed the importance of enhancing cooperation so that ASEAN and Japan can appropriately tackle this threat. We welcomed the ASEAN-Japan Cybercrime Dialogue that was inaugurated in May 2014 and expressed our hopes that it would become the foundation for cooperation between ASEAN

121 Confidential Report of the Second ASEAN Plus Japan Ministerial Meeting on Transnational Crime (2nd AMMTC + Japan) Consultation. 1 October 2015, Kuala Lumpur, Malaysia
Member States and Japan in this field. We also agreed on expediting initiatives toward enhancing counter-cybercrime capacity.\textsuperscript{122}

As the Ministerial Meeting and Senior Official Meeting are related one to another, in this meeting will pretty much discussing about the outcome of the SOMTC forum meeting. The next point in the joint statement is discussing about the SOMTC-Japan Work Plan for Cooperation to Combat Terrorism and Transnational Crime (2015-2017) which is the place to implement the ASEAN-Japan Joint Declaration for Cooperation to Combat Terrorism and Transnational Crime that adopted in November 2014 to further ASEAN-Japan cooperation in combating terrorism and transnational crime in the region. Based on this Work Plan, the ministers stressed the importance of promoting effective initiatives that meet the situation and needs, in addition to continuing and strengthening initiatives to date including the implementation of projects facilitated by Japan-ASEAN Integration Fund (JAIF).\textsuperscript{123}

This year in the 3\textsuperscript{rd} AMMTC + Japan consultation, ministers of ASEAN member states expressed appreciation to the Government of Japan for their generous contribution in supporting ASEAN member states’ efforts in combating transnational crime through the Japan-ASEAN Integration Fund (JAIF) 2.0, including by regularly convening the ASEAN-Japan Counter Terrorism Dialogue, ASEAN-Japan Cybercrime (AJCC) Dialogue and the cooperation initiatives implemented under these frameworks. The ministers also exchanged views on issues of mutual interest relating to ASEAN-Japan cooperation in countering terrorism and transnational crime including the need to further strengthen the existing cooperation. The meeting discussed about the progress made to implement the SOMTC - Japan Work Plan for cooperation to Combat Terrorism and Transnational Crime (2015-2017) and looked

\textsuperscript{122} JOINT STATEMENT OF THE ASEAN PLUS JAPAN MINISTERIAL MEETING ON TRANSNATIONAL CRIME (2nd AMMTC + JAPAN) CONSULTATION. Kuala Lumpur, Malaysia, 1st October 2015
forward to the development of that cooperation to renew the commitment and further strengthen the efforts to prevent and combat terrorism and transnational crime.\textsuperscript{124}

**IV.3. Japan-ASEAN Integration Fund (JAIF)**

ASEAN and Japan enjoy long years of solid and beneficial relations as "partners thinking together, acting together, and sharing a future vision" and this strategic partnership will be enduring. Japan has been a major development partner and contributor for more than three decades to the political, economic and social development of ASEAN. The Japan-ASEAN Integration Fund (JAIF) was officially established in March 2006, based on the pledge from then Japanese Prime Minister Junichiro Koizumi at the 9\textsuperscript{th} ASEAN-Japan Summit held in December 2005 in Kuala Lumpur, Malaysia, to assist the integration of ASEAN through the ASEAN-Japan cooperation funds.\textsuperscript{125} In particular, the JAIF has been established to support ASEAN’s integration efforts including narrowing development gaps among ASEAN Member States and to strengthen ASEAN-Japan relations. The utilization of JAIF is based on several documents, including (i) the Vision Statement on ASEAN-Japan Friendship and Cooperation and it Implementation Plan adopted at the ASEAN-Japan Commemorative Summit in Tokyo, Japan 14 December 2013; (ii) the ASEAN Vision 2025 and the ASEAN Community Blueprint 2025 as well as the corresponding Sectoral Bodies action plans; (iii) the SOMTC-Japan Work Plan for Cooperation to Transnational Crime which will soon be reviewed.\textsuperscript{126}

In March 2006, Japan established the Japan-ASEAN Integration Fund (JAIF), a 7.5 billion-yen fund for assisting ASEAN's efforts to build the ASEAN Community

\textsuperscript{124} Adopted Joint Statement the third ASEAN plus Japan Ministerial on Transnational Crime (3\textsuperscript{rd} AMMTC + Japan) Consultation. Manila, Philippines, 21 September 2017
\textsuperscript{125} JAIF Overview. Retrieved from https://jaif.asean.org/
by 2015. An additional contribution totaling 53.9 billion yen (excluding the contribution to JAIF 2.0) was also provided to the fund to promote youth exchange activities and economic partnership between Japan and ASEAN, extend emergency economic assistance, support natural disaster responses, and implement other measures. To support ASEAN's ongoing efforts for its integration in and after the ASEAN Community 2015, Japan pledged ODA worth approximately two trillion yen over the following five years in the Japan-ASEAN Commemorative Summit in December 2013. Japan also provided another 100 million dollars to JAIF in March 2014 (JAIF 2.0). Through these initiatives, Japan will continue to offer strong assistance to ASEAN in its efforts to develop infrastructure that provides greater connectivity, reduces poverty, improves healthcare access and other living standards, and narrows the development gap in the region (Mission of Japan to ASEAN 2015).  

IV.4. ASEAN-Japan Ministerial Policy Meeting on Cybersecurity Cooperation

The meeting was held in Tokyo, Japan for 2 days 12-13 September 2013. The meeting on cybersecurity was coincide with the 40 years of Japan-ASEAN friendship and cooperation. The delegation that attending the conference are ASEAN’s ministers of information and communication (Brunei Darussalam, Cambodia, Republic of Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam), Japan’s Minister of domestic affairs and communication, and Japan’s Secretariat Parliament of Economic, Trade, and Industry. The participants creating a joint statement in ministerial level as a result of the discussion about acceleration of cooperation between Japan and ASEAN countries on cybersecurity.  

Final report of the result of the discussion ASEAN-Japan Ministerial Policy Meeting on Cybercrime Cooperation stating that a secure cyber space is one of the driven factor in innovating also become important in promoting social and economy activity, and strengthening the connection of ASEAN. Cited from Joint Ministerial Statement of the ASEAN-Japan Ministerial Policy Meeting on cybersecurity Cooperation:

“We believe that a secure cyberspace is one of the major drivers in innovation as well as being essential in promoting social and economic activities and strengthening ASEAN connectivity.”

Therefore, purpose of the strengthening the cooperation in cybersecurity is for creating the safe business environment in economic research, build the environment to secure the use of information technology and communication, and support the cybersecurity strategic by government through the cooperation in ministerial level and government institutions in ASEAN countries and Japan. ASEAN countries and Government of Japan have doing cybersecurity efforts with looking for the development level in each member countries. Thus, in doing the efforts they have to considering several principles to promote cybersecurity, as follow:

i. Any steps that cultivate a cyber space must continue to drive information flow, interoperability and economic prosperity, and should not interfere with the continuous functioning of the internet’s technical functions;

ii. Consideration to secure the information flows and encouraging economic activity should be considered and take when introducing regulations;

iii. Internet users should be encouraged to develop their literacy on cybersecurity, including domestic regulation;


Ibid
iv. Policymakers and regulators should collaborate with the private sector to effectively and efficiently address the threats and risk of cyberspace.

Furthermore, the delegates from the ASEAN-Japan Ministerial Policy Meeting on Cybersecurity Cooperation promote their joint efforts further by considering domestic constitutions, rules and the availability of resources. They encourage cybersecurity in the following area on Improving capacity and cybersecurity:

i. Promoting cooperation in cybersecurity strategies including critical infrastructure protection public private partnership, business continuity plans for information and communication technology, online protection for children, cloud computing security, and smartphone security;

ii. Fostering human resource development through activities such as ASEAN-Japan Cybersecurity Capacity-Building Initiatives;

iii. Establish a mechanism for ASEAN countries and Japan to enable sharing information, and fast respond in cyber space incident through activity such as cyber space simulation

iv. Promote awareness with increasing activity among the ASEAN countries and Japan.

Those efforts that have been mention above implemented in the cooperation between Japan and ASEAN, to create stable and secure cyber space in the region. The result of the discussion from the ASEAN-Japan Ministerial Policy Meeting on Cybersecurity Cooperation, all the delegates that attend in the meeting believe with focusing the joint efforts in cyber space and with considering the development level of each ASEAN member states, the Government of Japan and ASEAN will be able in developing actions that would create cyber space more secure for the citizen, business community and the government.

130 Ibid
131 Ibid
IV.5. The ASEAN-Japan Cybercrime (AJCC) Dialogue

The discussion about cyberspace that occurred between the Japanese government and ASEAN continues with the holding of The ASEAN-Japan Cybercrime Dialogue on 28 May 2014 in Singapore. The dialogue hosted Ambassador of cyber space policy, Ministry of Foreign Affairs, and Senior Director, International Partnership and Cooperation Division, Ministry of Home Affairs of Singapore. The dialogue attended by Senior Officials of Japan, ASEAN member countries and ASEAN Secretariat. The first dialogue related to cybercrime between ASEAN and Japan discussing the cooperation among ASEAN countries and Japan in improving the cybersecurity and combating the cybercrime issues, through promote sharing information about the tendency and knowledge for combating the cybercrime, promote international cooperation, cybersecurity capacity building, and the direction of concrete activities using Japan-ASEAN Integration Fund (JAIF). The AJCC Dialogue is an important contribution from Japan towards ASEAN to gearing up the strengthening its capacity and capability in combating cybercrime. This dialogue is the continuity from ASEAN Senior Officials Meeting on Transnational Crime (SOMTC). SOMTC create a working group in combating cybercrime. Working Group SOMTC discussing the cybercrime issue for the first time a day before the dialogue which is 27 May 2014. The Working Group resulting a roadmap to combating cybercrime.

From the several efforts that have been implemented by the government of Japan and ASEAN countries we can conclude that ASEAN member countries have increasing their awareness toward the important of improving cybersecurity. It cannot be denied that ASEAN member states also have become the victim of cyber-attacks. As a partner, Japan and ASEAN hope could improve the national cybersecurity together by exchange information about cyber space, training, and realization of safe

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cyber space environment for all parties. Therefore, as one of the states with advance technology in the world, Japan engage with ASEAN to star expanding cooperation with including the cybercrime issues as one of the important issue that need to be discussed together.

The 2nd ASEAN Japan Cybercrime Dialogue (AJCC) on March 2017 in Kuala Lumpur, Malaysia was attended by all ASEAN member states, Deputy Chief of Mission of Japan to ASEAN, and the ASEAN Secretariat. AJCC Dialogue provides a sound forum for exchange of views on cybercrime, as a realization of the concern cybercrime that include transnational in character and the inconsistency of regulations make it difficult for cross-border cooperation in combating cooperation and the AJCC Dialogue is the result of such cooperative relationship. The meeting highlight that even though there are no restrictions on cooperation areas in combating cybercrime, Japan’s focus is on capacity building for officers involved in the investigation and prosecution of cybercrime-related cases, such as the police, home affairs officials and court officials.134

Japan informed their preference to first receive project concept notes on ASEAN member states’ ideas for future cybercrime projects for their consideration. Japan further mentioned that the JAIF Management Team (JMT) stationed within the ASEAN Secretariat can share the template of the concept note. Upon receiving Japan’s green light, the project proponents may develop the concept into a full project proposal. ASEAN member states noted that there needs to be a Japanese element included in the projects to the extent possible as a demonstrations of accountability to Japanese taxpayers. It was also emphasized that one of the main requirements to utilize JAIF is that the projects should benefit all ASEAN member states, even if the project is not implemented in or by all ASEAN member state, provided the proposal explains how the particular project will benefit the region as a whole.135

134 Ibid
135 Ibid
This meeting was informed that aside from JAIF as regional support to ASEAN, Japan also provides support to ASEAN member states through bilateral means, such as Official Development Assistance (ODA) as well as through multilateral organizations such as the United Nations. For individual country projects, ASEAN member states were encouraged to contact the Japanese Embassies in their respective countries to tap into bilateral ODA.\footnote{Ibid}

In this meeting also discussing the status of ongoing and pending projects, which is ASEAN Cyber Capacity Development Project (ACCDP) that proposed by Singapore and implemented by INTERPOL for ASEAN member states. Japan have support the USD 2 million project which will implemented over 2 years and was approved for JAIF 2.0 funding in October 2016. ACCDP in strengthening ASEAN member states capacity and capability to fight cybercrime, the main expected outcomes of the project are i) coordination efforts on the fight against cybercrime invigorated among ASEAN member states; (ii) enhancing overall capacity of ASEAN member states in fighting against cybercrime; (iii) raising cybercrime awareness among law enforcement officers, and (iv) enhancing information sharing in cybercrime matters. In this meeting mentioned that the ACCDP is targeted and tailored to the needs of the region.\footnote{Ibid}

The new projects proposed by Singapore that they intent to launch the ASEAN Desk by the second half of 2017 and sought Japan’s support to fund the initiative through JAIF 2.0, especially for the following key outcomes:

i. Development of expertise of ASEAN member states, through capacity building focused workshops in partnership with academia and private sector to conduct cybercrime operations and digital forensic investigations;

\footnote{Ibid} \footnote{Ibid}
ii. Development of collective regional capacity for deeper intelligence, insights and a responsive and operational information sharing system; and

iii. Development of the capabilities to monitor and organize regional joint operations, aimed at arresting perpetrators in the dismantling of cybercriminal infrastructures and the recovery of illicit funds. 138

IV.6. The ASEAN-Japan Joint Declaration for Cooperation to Combat Terrorism and Transnational Crime

This declaration was agreed by the ASEAN member states and Japan as the recognize of the terrorism and transnational crime that post serious threats to peace, stability and economic prosperity of ASEAN, Japan and the Asia-Pacific region as a whole and the impediments that could affect ASEAN’s efforts if community-building. The determined to reinforce the existing active channels of cooperation that have been established between ASEAN member states and Japan in combatting terrorism and transnational, including the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) plus Japan, the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) plus Japan, the ASEAN-Japan Cybercrime Dialogue as well as the ASEAN-Japan Counter Terrorism Dialogue. 139

To enhance the cooperation in the fight against terrorism and transnational crime in the region, reaffirming the importance of promoting information sharing between ASEAN member states and Japan with a view to effectively terrorism and transnational crime. 140 The priority areas including by utilizing Official Development Assistance (ODA), the Japan-ASEAN Integration Fund (JAIF) 2.0.

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138 *Ibid*
140 *Ibid*
In this declaration highlighted that in the fight against cybercrime by recognizing that Information and Communication Technology (ICT) is a driven factor of sustainable development in the region, both countries share the common interests in increasing confidence and security in the use of ICT in the region as a whole. With increased dependency on ICT, the vulnerability to ICT threats has also increased. A number of crimes are now committed online, taking advantage of the anonymity, instantaneity and cost-effectiveness of using cyberspace. By the recognition of cybercrime as a fast-spreading threat, we are committed to tackling it jointly through:

i. Promoting information-sharing on cybercrime trends and lessons learned to combat cybercrime between ASEAN and Japan;

ii. Enhancing international cooperation on cybercrime investigation and prosecution involving ASEAN member states and Japan, including through the use of the existing channels of international cooperation electronic ASEANAPOL Database System (e-ADS);

iii. Promoting capacity building in order to effectively prevent and combat cybercrime.\(^{141}\)

The contribution that Japan has gave to help improving the cybersecurity capacity building in ASEAN cannot be succeed without the will and openness of ASEAN member states in establishing the cooperation with Japan. The awareness of conducting the regional security cooperation in order to create a secure and stability in the region has brought both nations together. In building the security community with avoiding war and sensitive sector, the cooperation has succeed achieving a conducive environment for the economic flow and political security relations. With share of norms, cultural history and ‘like-minded’ actors, ASEAN member states and Japan together bring a peace and prosperity for both regional and international community.

\(^{141}\) Ibid
IV.7. The Impact of Japan’s Cooperation on Cybercrime in ASEAN

The engagement of Japan in combating cybercrime and improving cybersecurity capacity building in ASEAN have built several changes in the region, such as in Brunei, Malaysia, Singapore, Philippines, and Thailand have the development of implementation of domestic laws and Myanmar was developing the legal framework. In Cambodia, basing investigation and prosecution on the relevant penal codes or electronic transaction laws and a number of ASEAN member states have also developed and implemented supporting frameworks, such as national cybercrime action planes. Several ASEAN member states have established government structures/authorities specifically responsible in tackling cybercrime, such as national task forces and cybercrime divisions in the national police agencies.142 According the report of the 2nd AJCC Dialogue, activities that have been done in building the capacity building in responding to cybercrime have been focused on the areas of forensics investigation, standard mandatory training for cybercrime units and certification programmes for police officers, among others.143 Some of these activities have been carried out in regional training centers such as INTERPOL Global Complex for Innovation (IGCI) in Singapore, the International Law Enforcement Academy (ILEA) in Thailand and the Jakarta Center for Law Enforcement Cooperation (JCLEC) in Indonesia. Shared success stories in anti-cybercrime operations, involving the arrest of perpetrators and collections of digital evidence.144

The significant changes in one of the ASEAN member states can be seen from Singapore efforts in addressing the cyber threats in the domestic as well as in the Southeast Asian region. Singapore as the most developed nation states and exposed of cyberspace among ASEAN member states have been actively addressing the related issues through establishing the Cyber Security Agency (CSA) of Singapore in 2015.

143 Ibid
144 Ibid
CSA of Singapore is the national agency overseeing cybersecurity strategy, cooperation, operation, education, outreach, and ecosystem development that managed by the Ministry of Communications and Information. CSA has implemented a Cybersecurity Professional Scheme to groom skilled cybersecurity manpower for the public sector. After the success of the establishment of CSA, Singapore further their effort by establishing Singapore International Cyber Week (SICW) on 10 October 2016 and held ASEAN Ministerial Conference on Cybercrime (AMCC) on 11 October 2016.

AMCC become the right platform for Singapore and the rest of ASEAN member states in addressing and discussing the related cyber threats issues as well as improving the cybersecurity capacity building among both ICT and cybersecurity ministers and senior officials and uniting perspectives. AMCC with the concern about cyber threats and readiness to take up that challenge in that institutionalized way. ASEAN representatives have agreed on a Cybersecurity Cooperation Strategy that set out a road map that focused on the importance of strong and coordinated cooperation in areas such as cybersecurity policy, strategy development, legislation, norms and capacity building. The ASEAN Cybersecurity Cooperation Strategy was endorsed and approved that will have focused on three areas such as incident response; policy building and coordination among Computer Emergency Readiness Teams (CERT); and cybersecurity capacity building. Singapore at the opening of the ceremony of AMCC have announced proposals in three areas to enhancing cybersecurity in ASEAN, such as Fostering ASEAN cybersecurity capacity building, creating cyberspace awareness and a safer cyber environment, and facilitating exchanges on

cyber norms. ASEAN CERT could be set up as a formal mechanism through which national CERTs in ASEAN can coordinate and collaborate to boost regional effectiveness in incident response. This led Singapore to launch 10 million SGD to ACCP to help fund efforts to deepen cyber capacities across ASEAN member states. The purpose to develop a suite of modular, flexible, and multi-disciplinary initiatives to help build ASEAN cybersecurity capacity across technical and policy area. These initiatives will take multinational, multi-stakeholder approach that includes all important constituencies. The process began with a workshop on cyber norms that was held in May 2017 to raise awareness and initiate discussions among ASEAN member states.

Retrieved from Prime Minister’s Office Singapore in DPM Teo Chee Hean speech at the Opening Ceremony of the 2nd Singapore International Cyber Week in 2017, CSA has worked with the Industrial Control Systems community to develop a set of cybersecurity guidelines for industrial control systems such as those used in the energy, water, maritime, power and land transport sectors. At the operational level, Singapore will strengthen cooperation among national Computer Emergency Response Teams (CERTs). When “WannaCry” happened, there was a lot of exchange of information. CSA exchanged insights with the UK, and shared their analysis with those in the Asia Pacific CERT community. Last year, CSA discovered some active malware targeting a particular vulnerability. Singapore’s CERT informed counterparts in India about the potential threats to some of their computer systems. This enabled them to swiftly investigate and take action. Such partnerships will allow us to better

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deploy our limited resources, and speed up our responses collectively, to counter increasingly sophisticated cyber threats.\textsuperscript{150}

CHAPTER V
CONCLUSION

Through multilateral cooperation, strategic partnership as well as diplomacy, Japan have succeed establishing the cooperation in economic, political, social and culture with ASEAN member states. The development of Japanese foreign diplomacy after World War II, experienced many changes in the image. The Japanese effort to seek identity and get a place in the international environment is done in various ways to fit the changing in current development. The relation between Japan and Southeast Asia countries have long history as Japan has been colonialize the region during World War II and was defeated by U.S. and signed the treaty of peace in San Francisco in 1951. One of the agreement is to pay compensation of reparation after war but the treaty not provide the arrangement for the reparation,

The evolvement of relationship between Japan and ASEAN countries bring them to the point of mutual relationship in resolving the security issues as well as encourage economic, diplomacy and social-culture cooperation. With the fact that Southeast Asia is a great potential market and natural resources provider attract the neighbor countries including Japan. ASEAN countries has become the major customer Japanese-made products such as electronic, machinery and vehicles. From that point, Japanese companies begin to relocate their industry and starting MNCs to some ASEAN countries.

The engagement of Japan in political and security relation with ASEAN have been built upon the economic framework. When Japan relocate some of their industrial production to Southeast Asia, japan imports a lot of energy resources from Middle East that must be transported through marine territorial of Southeast Asia. That is why Japan become concern in reliable security condition in the region. There are new aspects that influence Japan's attitude towards Southeast Asia caused by the development of China.
The more advanced and powerful China in the future, the greater its influence in Southeast Asia. The Japanese leaders realized that Southeast Asia controlled by Chinese influence could harm them in various fields, especially the economy.

The new ASEAN Diplomacy under Prime Minister Abe is the policy that increasing the engagement in political and security toward Southeast Asia. One of the purpose from the engagement is to suppress the China domination in South China Sea dispute, Japan aim the stability of power by support the development of security capacity building of Southeast Asia. The fundamental goal of ASEAN-Japan political and security cooperation should be promoting peace, security and stability in the region.

Many aspects have been considered as threats in the peace and security condition in Southeast Asia. In the era of globalization which lead the advancement of ICT and the dependence of using internet network is the driven factors of one of the security threats. That is Cybercrime which categorize as the non-traditional security threats and transnational crime. From the advance of ICT and the concept of cyber threats blurring the boundaries of the states, it showed by the information that can be access easily form anywhere and by anyone. In ASEAN there are several reasons for the target of cyber-attack. The dependence of economic interaction through ICTs lead the vulnerability of the cybersecurity and attract cyber threats. That cause ASEAN improving their cybersecurity as an important factor in international relations, the key instrument connecting the various discourses is increasingly referred to as Cybersecurity Capacity Building (CCB).

The relationship between Japan and ASEAN have been established and with the similar focus on the threats from cybercrime in both countries make the Government of Japan and ASEAN cooperate in developing the cybersecurity in ASEAN region and increasing the capability of ASEAN countries for combating cyber threats. The government of Japan planned to promote an efficient communication between Japan’s government and the government institutions that in charge of
cybercrime in each of ASEAN member countries. The government of Japan under Prime Minister Shinzo Abe intensively create several international cooperation related to cybersecurity with ASEAN because there is total amount of Japanese corporation in the region. Such as the engagement in AMMTC, establishment of JAIF 2.0 along with funding the ACCP proposed by Singapore, the establishment of ASEAN-Japan Joint Declaration for Cooperation to Combat Terrorism and Transnational Crime, ASEAN-Japan Ministerial Policy Meeting on Cybersecurity Cooperation, and the ASEAN-Japan Cybercrime (AJCC) Dialogue. Each of the cooperation are basically linked one to another because the establishment of some agreement came from the conference and annual meeting.

From all those cooperation and agreements, ASEAN and Japan have succeeded in improving the cybersecurity capacity building in Southeast Asia region. The relations among the countries will keep continue and strengthening in many aspects to achieve the peace and stability environment to encourage both economic activities with the new approach which is diplomacy. Japan success in gaining the trust from ASEAN member states. And Japan have actively engaged in regional cooperation with ASEAN through the multilateral cooperation to maintain the peace, secure, and prosperity in order to support the economic and security relations in Southeast Asia region.
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APPENDICES
Appendices 1 – Document of APSC Factsheet

ASEAN Political-Security Community (APSC)
ASEAN Political-Security Community (APSC)

The Bangkok Declaration of 8 August 1967 that established ASEAN declared among others the following aims and purposes that to this day remain relevant for ASEAN political and security cooperation, namely:

- To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asia; and

- To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter.

Preserving regional peace and stability, adopting a comprehensive approach to security challenges and developing friendly and mutually beneficial relations with external parties have been the underlying principles of ASEAN's approach to political and security issues and developments.

Serving as the bedrock for peace and stability in Southeast Asia are ASEAN political instruments such as the Treaty of Amity and Cooperation in Southeast Asia (TAC) which is a key code of conduct governing inter-state relations in the region; the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) which preserves our region free of nuclear weapons; and the Declaration on the Conduct of Parties in the South China Sea (DOC) and the ongoing discussions on a Code of Conduct in the South China Sea (COC) which promotes peaceful settlement of disputes and practical maritime cooperation in the South China Sea.

Seven years of implementation of the APSC Blueprint (2008-2015) has cemented the foundation of the APSC by deepening and expanding ASEAN political and security cooperation and strengthening ASEAN capacity in responding to regional and international challenges. Building upon these achievements, the APSC Blueprint 2025 aims to elevate ASEAN political-security cooperation to an even higher plane as an integral part of the ASEAN Community Vision 2025. It is envisaged that the ASEAN Political-Security Community by 2025 shall be a united, inclusive and resilient community where the ASEAN peoples shall live in a safe, harmonious and secure environment, embrace the values of tolerance and moderation as well as uphold ASEAN fundamental principles, shared values and norms. It is further envisaged that ASEAN shall remain cohesive, responsive and relevant in addressing challenges to regional peace and security as well as play a central role in shaping the evolving regional architecture, while deepening our engagement with external parties and contributing collectively to global peace, security and stability.

The APSC has the following key characteristics:

a) A rules-based, people-oriented, people-centred community bound by fundamental principles, shared values and norms, in which our peoples enjoy human rights, fundamental freedoms and social justice, embrace the values of tolerance and moderation, and share a strong sense of togetherness, common identity and destiny;

b) A resilient community in a peaceful, secure and stable region, with enhanced capacity to
respond effectively and in a timely manner to challenges for the common good of ASEAN, in accordance with the principle of comprehensive security;

(iii) An outward-looking community that deepens cooperation with our external partners, upholds and strengthens ASEAN centrality in the evolving regional架构，and plays a responsible and constructive role globally, based on an ASEAN common platform on international issues;

(iv) A community with strengthened institutional capacity, through improved ASEAN working processes and coordination, increased effectiveness and efficiency in the work of all ASEAN Organs, including a strengthened ASEAN Secretariat, as well as increased ASEAN institutional presence at the national, regional and international levels.

To build a rules-based, people-oriented, people-centred community, the AHPC has consistently promoted cooperation in political development that adheres to the principles of democracy, the rule of law and good governance, as well as respect for promotion and protection of human rights and fundamental freedoms.

In the area of human rights, the ASEAN Intergovernmental Commission on Human Rights (AICHR) was established in 2003, which spurred the promotion and protection of human rights in ASEAN. This was further enhanced with the promulgation of the ASEAN Human Rights Declaration (AHRR), adopted in November 2012 with the Phnom Penh Statement on the Adoption of the AHRR signed by our Leaders. These two documents embody the commitment of the Governments of the ASEAN Member States to safeguard the human rights and fundamental freedoms of the people of ASEAN. The AICHR has institutionalised its engagement with civil society organisations (CSOs) to encourage meaningful and constructive interaction. Recognising the cross-cutting nature of human rights, the AICHR has the overarching human rights institution in ASEAN continuously undertake cross-sectoral and cross-pillar cooperation and collaboration to ensure that human rights are mainstreamed at all levels of ASEAN, including, among others, on rights of persons with disabilities, business and human rights, and trafficking in persons.

In building a peaceful, secure and stable region, ASEAN adopts a comprehensive approach to security which enhances our capacity to deal with existing and emerging challenges. It pursues peaceful settlement of disputes and resolves sources of aggression and the threat or use of force or other actions in any manner inconsistent with international law. Relevant bodies in the APSC continue to work in addressing non-traditional security challenges including drug trafficking, terrorism, trafficking in persons, people smuggling, cybercrime, illicit trafficking of wildlife and timber, disaster relief and pandemics, among others.

ASEAN cooperation on combating trafficking in persons was enhanced with the ASEAN Convention Against Trafficking in Persons,
Especially Women and Children (ACTIP) was signed by the ASEAN Leaders at the 27th ASEAN Summit in 2019. This regional legal framework along with its corresponding Plan of Action will address the issue of trafficking in persons in a more effective and efficient manner.

ASEAN has also expressed concern over the growing threat of terrorism, suicide and violence extremism and the danger it poses to the ASEAN region. ASEAN has in place the ASEAN Convention on Counter-Terrorism (ACCT) which entered into force in May 2011. In addition, there is a renewed commitment to work together with the international community on this issue and the Global Movements of Moderates has been recognized as an ASEAN contribution to global efforts in tackling these threats.

In realising the vision of a Drug-Free region, ASEAN adopts a comprehensive approach which involves demand and supply reduction measures as well as strengthening the areas of enforcement, preventive education, treatment and rehabilitation, research and alternative development. The implementation of these measures is guided by the ASEAN Work Plan on Securing Communities Against Illicit Drugs.

The ASEAN Regional Forum (ARF) remains an important mechanism to promote security cooperation in the wider Asia-Pacific region. The ARF continues to strengthen confidence building measures and advance towards the stage of preventive diplomacy through dialogue and cooperation in the areas of counter-terrorism and transnational crime, disaster relief, maritime security, non-proliferation and disarmament and cyber security.

Practical cooperation and strategic dialogue in the defence sector remain significant, specifically in the areas of maritime security, peacekeeping operations, military medicine, humanitarian assistance and disaster relief (HADR), counter-terrorism and humanitarian mine action. The launch of the ASEAN Centre of Military Medics (ACMM) in Bangkok in April 2016 will better facilitate ASEAN’s capacity and ability to respond to HADR situations in the region in a timely and effective manner.

To preserve and enhance peace, stability and prosperity in the region, the APSC seeks to strengthen mutually beneficial relations between ASEAN and its Dialogue Partners and other external parties. It also maintains the centrality and proactive role of ASEAN in regional mechanisms that is open, transparent and inclusive, while remaining actively engaged and forward-looking.

In realising its goals, APSC would strengthen its institutional capacity and presence. This will be pursued through streamlining ASEAN work processes, increasing efficiency, effectiveness and coordination in the work of ASEAN Organs and Bodies, strengthening the ASEAN Secretariat, and increasing ASEAN institutional presence at the national, regional and international levels.
Appendices 2 – Document of Joint Statement of the 1st AMMTC + Japan Consultation

ADMITTED 18 September 2013

JOINT STATEMENT OF THE FIRST ASEAN PLUS JAPAN MINISTERIAL MEETING ON TRANSNATIONAL CRIME (1ST AMMTC + JAPAN) CONSULTATION

Vientiane Capital, Lao PDR, 18 September 2013

1. We, the Ministers of ASEAN Member States and Japan responsible for combating Transnational Crime, convened the 1st Ministerial Meeting on Transnational Crime (the 1st AMMTC + Japan) in Vientiane, Lao People Democratic Republic on 18th September 2013. The Ministerial Meeting was preceded by ASEAN + Japan Preparatory Senior Officials Meeting on Transnational Crime for the 1st AMMTC + Japan on 16 September 2013.

2. The Ministers celebrated the 40th anniversary of ASEAN-Japan Friendship and Cooperation, and confirmed their recognition that ASEAN and Japan have forged close cooperation towards peace, stability, development and prosperity in Asia throughout the years.

3. The Ministers welcomed the launch of the AMMTC + Japan and shared intention to enhance their cooperation to fight against terrorism and other forms of transnational crime, which threatens peace and stability of the region.

4. The Ministers exchanged views on issues of mutual interest relating to ASEAN-Japan cooperation in countering terrorism and combating transnational crime. The discussions focused on Counter-Terrorism, Cybercrime and other matters of interests.

5. The Ministers underscored the need for enhanced dialogue among the counter-terrorism officials in the region through various forums including ASEAN-Japan Counter-Terrorism Dialogue and expected further sharing of experience and knowledge in the field of counter-terrorism.

6. In this regard, the Ministers welcomed the initiatives of Japan such as the launch of SDWAN (the Shared Database of Websites related to terrorism),
Regional Counter-Terrorism Conference which focused on terrorism situation and counter-terrorism measures in Southeast Asia, and Training and Dialogue Programs for Counter International Terrorism.

7. The Ministers stressed the importance of enhancing joint cooperation to address Cybercrime as a new challenge in the whole region. The Ministers reached a common view that capacity building in the region is essential in combating Cybercrime.

8. The Ministers emphasised the importance of addressing humanitarian concerns of the international community, such as the abduction issue.

9. The Ministers decided to report the outcome of this meeting to the upcoming ASEAN-Japan Commemorative Summit Meeting and expressed their hope that the Summit will take further steps to address the challenge posed by terrorism and transnational crime in the region.

10. The Ministers welcomed the kind offer of Malaysia to host the 2nd AMMTC + Japan Consultation in 2015.

11. The Ministers expressed their sincere gratitude to the Government and people of the Lao People's Democratic Republic for the warm hospitality and excellent arrangements made for the meeting. They also expressed appreciation to ASEAN Secretariat for its coordination and assistance.

*****
1. We, the Ministers of ASEAN Member States and Japan responsible for combating Transnational Crime, convened the 2nd Ministerial Meeting on Transnational Crime (the 2nd AMMTC + Japan), in Kuala Lumpur, Malaysia on 1 October 2015. The Ministerial Meeting was preceded by the ASEAN + Japan Preparatory Senior Officials Meeting on Transnational Crime for the 2nd AMMTC + Japan on 28 September 2015.

2. We took note of the outcomes of the 12th SOMTC + Japan Consultation held in Siem Reap, Cambodia on 10 June 2015.

3. We exchanged views on issues of mutual interest relating to ASEAN + Japan Cooperation in Counter-Terrorism and Transnational Crime including on the need to further strengthen the existing cooperation in order to continuously prevent ever-changing threats, and to take due countermeasures.

4. We stated our intentions to fight terrorism and reaffirmed the importance of strengthening counter-terrorism capacity and cooperation between related countries. We also emphasized the need to advance dialogue and enhance sharing of information, knowledge and experience through various forums and seminars on counter-terrorism including ASEAN-Japan Counter-Terrorism Dialogue.

5. We noted that cybercrime, whose modus operandi are becoming increasingly sophisticated and complicated, poses a grave and imminent threat to the region. We stressed the importance of enhancing cooperation so that ASEAN and Japan can appropriately tackle this threat. We welcomed the ASEAN-Japan Cybercrime
Dialogue that was inaugurated in May 2014 and expressed our hopes that it would become the foundation for cooperation between ASEAN Member States and Japan in this field. We also agreed on expediting initiatives toward enhancing counter-cybercrime capacity.

6. We emphasized the importance of addressing humanitarian concerns of the international community, such as the abduction issue.

7. We took note of the SOMTC + Japan Work Plan for Cooperation to Combat Terrorism and Transnational Crime (2015-2017) that was adopted by the Preparatory SOMTC + Japan Consultation on 28th September 2015. Based on this Work Plan, we stressed the importance of promoting effective initiatives that meet the situation and needs, in addition to continuing and strengthening initiatives to date including the implementation of projects facilitated by Japan-ASEAN Integration Fund (JAIF).

8. We adopted the Joint Statement of the 2nd AMMTC + Japan Consultation.

9. We welcomed the kind offer of Myanmar to host the 3rd AMMTC + Japan Consultation in 2017 in Myanmar.

10. We expressed sincere gratitude to the Government and people of the Malaysia for the warm hospitality and excellent arrangements made for the Meeting. We also expressed appreciation to ASEAN Secretariat for its coordination and assistance.

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JOINT STATEMENT

THE THIRD ASEAN PLUS JAPAN MINISTERIAL MEETING ON TRANSNATIONAL CRIME (3rd AMMTC + JAPAN) CONSULTATION

Manila, Philippines, 21 September 2017

1. We, the Ministers of ASEAN Member States and Japan responsible for handling transnational crime matters, convened the Third ASEAN Plus Japan Ministerial Meeting on Transnational Crime (3rd AMMTC + JAPAN) Consultation on 21 September 2017 in Manila, Philippines. The Meeting was co-chaired by H.E. Dato Hamdan Abu Baker, Deputy Minister at the Prime Minister’s Office of Brunei Darussalam and H.E. Hachiro Okomori, Minister of State, Chairperson of the National Public Safety Commission of Japan.

2. We took note of the outcomes of the Fourteenth ASEAN Plus Japan Senior Officials Meeting on Transnational Crime (14th SOMTC + Japan) Consultation held in Vientiane, Lao PDR on 25 May 2017 and the Preparatory SOMTC + Japan for the 3rd AMMTC + Japan Consultation in Manila, Philippines, on 18 September 2017.

3. The Ministers of ASEAN Member States expressed appreciation to the Government of Japan for their generous contribution in supporting ASEAN Member States’ efforts in combating transnational crime through the Japan-ASEAN Integration Fund (JAIF) 2.0, including by regularly convening the ASEAN-Japan Counter-Terrorism (AJCT) Dialogue, ASEAN-Japan Cybercrime (AJCC) Dialogue and the cooperation initiatives implemented under these frameworks.

4. We exchanged views on issues of mutual interest relating to ASEAN - Japan cooperation in countering terrorism and transnational crime including on the need to further strengthen the existing cooperation.

5. We reaffirmed our commitment in fighting terrorism and further strengthen our efforts to prevent and combat transnational crime.

6. We emphasized the importance of addressing humanitarian concern of the international community, such as the abduction issue.

7. We took note of the progress made to implement the SOMTC + Japan Work Plan for Cooperation to Combat Terrorism and Transnational Crime (2015-2017) and

ADOPTED
looked forward to the development of the SOMTC – Japan Work Plan for Cooperation to Combat Terrorism and Transnational Crime (2018-2022) to renew our commitment and further strengthen our efforts to prevent and combat terrorism and transnational crime.

8. We welcomed the kind offer by Myanmar to host the 4th AMMTC - Japan Consultation in 2018.

9. We expressed our deep appreciation to the Government and people of the Republic of the Philippines for their warm welcome and the generous hospitality accorded to us and our respective delegations, as well as for the excellent arrangements made for the Meeting.

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<thead>
<tr>
<th>Area of Cooperation</th>
<th>Activity</th>
<th>Implementation Status of Related Projects</th>
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<tbody>
<tr>
<td></td>
<td>AMMTC + Japan Consultations: The Consultation is held on a biannual basis along with the regular AMMTC.</td>
<td>The Inaugural AMMTC + Japan Consultations (Rep. 2013) The 2nd AMMTC + Japan Consultations (Oct.2015)</td>
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<td></td>
<td>- This Work Plan can be amended at any stage upon agreement by ASEAN Member States and Japan.</td>
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<td></td>
<td>- The Work Plan shall be reviewed in line with the biannual AMMTC + Japan Consultation.</td>
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<tr>
<td>Territorial</td>
<td>Countering violent extremism and radicalization; strengthening border control and immigration, transport security, law enforcement and capacity building.</td>
<td>Consult and cooperate with relevant agencies to organize: - Regular dialogues on counter-terrorism - Training/Workshops to assist ASEAN Member States in implementing ACCT and other international conventions and The 9th ASEAN-Japan Counter-Terrorism Dialogue (May. 2014) 28 projects for CT capacity building were implemented by utilizing the Original JAP (Japan-ASEAN Integration Fund) from 2009 to 2015.</td>
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<td>Counterterrorism Financing, Promoting Capacity Building for Law Enforcement Agencies, and Reducing Viableility of the Private Sector</td>
<td>Protocols Related to Combating Terrorism:</td>
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<td>- Workshops/seminars/roundtables on implementing and enforcing counter-terrorism laws, including cooperation with institutions in ASEAN.</td>
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<td>- Capacity building for counter-terrorism functional units</td>
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<td>The 10th ASEAN-Japan Counter-Terrorism Dialogue (TBD 2015)</td>
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<td>JAFF 2.9 Project concept on Workshop in the Implementation of Designation of Persons and Entities Related to Terrorism under the United Nations Security Council Resolution (UNSCR) 1373 (Thailand)</td>
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<td>JAFF 2.9 Project concept on ASEAN Workshop on Countering the Use of the Internet for Terrorist Activities (Thailand)</td>
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<td>JAFF 2.9 Project concept on Workshop Winning Back Our People: Rehabilitation, Reintegration and After Care Programs for Violent Extremist Offenders (Philippines)</td>
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<td>JAFF 2.9 Project concept</td>
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<th>Most Drug Trafficking</th>
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<tr>
<td>Capacity building of law enforcement authorities in areas such as border control, raising awareness on drug abuse prevention, and enhancing cooperation</td>
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<tr>
<td>Consult and coordinate with ASEAN Senior Officials on Drugs (ASODs) to organize:</td>
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<tr>
<td>- Workshops/seminars/roundtables on financial proceeds on drug-related activities; best practices against these activities.</td>
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<td>- Capacity building assistance and technical support to counter drug trafficking</td>
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<td>- Capacity building to enhance law enforcement skills on drug forensics</td>
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<tr>
<td>The 20th Asia-Pacific Operational Drug Enforcement Conference (Feb 2015)</td>
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<td>JAFF 2.9 Project concept on ASEAN Nostro: Intelligence Network Building (Thailand)</td>
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<th>Trafficking in Persons</th>
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<tr>
<td>Raising public awareness; strengthening the law</td>
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<td>Consult and cooperate with relevant agencies to organize:</td>
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<tr>
<td>- Workshops/seminars/trainings</td>
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<td>The 13th Conference of Investigators on Commercial Sexual Exploitation of Children in Southeast Asia (Dec. 2014)</td>
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<tr>
<td>Enforcement Capabilities</td>
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<tr>
<td>including training, exchange of information and capacity building programmes, enhancing the protection and assistance of victims, and developing partnerships to address the underlying socio-economic factors</td>
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<tr>
<th>Money Laundering</th>
<th>Consult and cooperate with relevant agencies to organise:</th>
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<tr>
<td>Enhancing regional capabilities in investigation, intelligence gathering and detection, and encouraging networking of the national agencies or organisations</td>
<td>- Workshops/seminars/readings on best practices against money laundering</td>
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<td></td>
<td>- Technical support and legislative framework assistance</td>
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<tr>
<th>Sea Piracy</th>
<th>Consult and cooperate with relevant agencies to organise:</th>
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<tr>
<td>Strengthening capacity building of relevant agencies, promoting exchanges and communications</td>
<td>- Workshops/seminars/readings on best practices against sea piracy</td>
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<tr>
<th>Arms Smuggling</th>
<th>Consult and cooperate with relevant agencies to organise:</th>
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<tr>
<td>Strengthening border law enforcement capabilities, promoting universalization of relevant treaties on Arms Smuggling, promoting implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, and enhancing information exchange</td>
<td>- Workshops/seminars/readings on best practices against arms smuggling</td>
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<td>- Proposed project &quot;Workshop on Developing ASEAN Instrument on Small Arms Smuggling&quot;</td>
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<tr>
<th>The 2nd AMBTC on Japan Consultation</th>
<th>ADOPTED on 29 November 2015</th>
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<tr>
<td>Supporting each other in emergency circumstances on sea and enhancing regional cooperation including the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)</td>
<td>Preparatory SOCA on Japan for the 2nd AMBTC on Japan Consultation</td>
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### International Economic Crime

**Exchanging best practices on relevant evaluations and promoting law enforcement cooperation**

- Consult and cooperate with relevant agencies to organise:
  - Workshops/seminars/trainings on best practices against international economic crime
  - Technical support and legislative framework assistance

### Cybercrime

**Promoting information sharing on cybercrime trends and lessons learned, enhancing international cooperation on cybercrime investigation and prosecution, and promoting capacity building**

- Consult and cooperate with relevant agencies to organise:
  - Regular dialogues on countering cybercrime
  - Workshops/seminars/trainings on best practices against cybercrime
  - Capacity building in digital forensics

- The use of the existing channels of international cooperation such as the International Criminal Police Organization (ICPO-INTERPOL) Global Cyber Network, and the electronic ASEAN/POL Database System (e-ADPS)

### JAF 2.0 Project concept

- **Project concept on Efficiency Checklists for Illegal Conveying in Northeast and East of Thailand (Thailand)**
- **Project concept on International Seminar on “Strengthening and Synchronising Actions in Combating Transnational Crime” (Thailand)**
- **Project concept on Conference on Intelligence and Forensic Technologies to Combat Trans-boundary Illegal Fishing, Wildlife Trading and other Maritime Environmental Crimes (Philippines)**
- **Project concept on National Workshop on Understanding and Partnership against Transnational Crime through Under Lien (BLOs) and Liao PDG (Liau PDG)**

### The Inaugural ASEAN-Japan Cybercrime Dialogue (May 2014)

- The 10th Counter-Cybercrime Technology and Investigation Symposium (Dec 2014)
- JICA Knowledge Co-Creation Program “Countermeasures against Cybercrime” (Jan 2015)

### The 2nd ASEAN-Japan Cybercrime Dialogue (Dec 2016)

- JAF 2.0 Project concept on ASEAN Cyber Capacity Development Project (Singapore)
Appendices 6 – Document of the ASEAN-Japan Joint Declaration for Cooperation to Combat Terrorism and Transnational Crime

The ASEAN-Japan Joint Declaration
For Cooperation to Combat Terrorism and Transnational Crime

WE, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (ASEAN) and Japan,

RECOGNIZING that terrorism and transnational crime pose serious threats to peace, stability and economic prosperity of ASEAN, Japan and the Asia-Pacific region as a whole and that they are impediments which could affect ASEAN’s efforts of community-building;

RECOGNIZING ALSO the evolving and spreading threats of terrorism and transnational crime and the growing nexus between them as recognized by the United Nations;

STRESSING that a large number of victims of terrorism and transnational crime are women and children, who are especially vulnerable to such threats and thereby need special protection;

AFFIRMING ASEAN’s support for Japan’s policy of “Proactive Contribution to Peace” and its effort in combating terrorism and transnational crime to ensure security during major events including the 2020 Olympic and Paralympic Games in Tokyo;

DETERMINED to reinforce the existing active channels of cooperation that have been established between ASEAN Member States and Japan in combating terrorism and transnational crime, including the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) plus Japan, the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) plus Japan, ASEAN Chiefs of Police Conference (ASEANPOL) and the ASEAN-Japan Cybercrime Dialogue as well as the ASEAN-Japan Counter-Terrorism Dialogue;

REAFFIRMING the importance of promoting information sharing between ASEAN Member States and Japan with a view to effectively combating terrorism and transnational crime;

DECIDING to upgrade and transform the ASEAN-Japan Counter-Terrorism Dialogues into the ASEAN-Japan Dialogues on Countering Terrorism and Transnational Crime to meet and address the evolving changes in the security landscape of the region and beyond;

DESMIRING to enhance our cooperation in the fight against terrorism and transnational crime
in the region, inter alia, in the following priority areas including by utilizing official development assistance (ODA), the Japan-ASEAN Integration Fund (JAIF) 2.0 as well as projects through international organizations such as the United Nations Office on Drugs and Crime (UNODC);

ENDEAVORING to develop a Work Plan which sets out a detailed ASEAN-Japan's cooperation in the fight against terrorism and transnational crime to effectively implement this declaration;

HAVE DECLARED the following:

1. **Terrorism**
   1.1 Whilst welcoming and commending the advances made in the fight against terrorism by ASEAN Member States, we acknowledge the level of threat of terrorism remains high in the ASEAN region as the threat of international terrorism is spreading and diversifying.

   1.2 We underline the importance of continuously addressing the root causes and conditions conducive to terrorism including poverty, socio-economic disparity, and conflicts. We reaffirm that these causes should not be acknowledged as justifications for violence.

   1.3 Recalling the 2004 ASEAN-Japan Joint Declaration for Cooperation in the Fight against International Terrorism and recognizing the need of a coordinated and coherent approach to tackle the spread of terrorism, we renew our commitment to enhance cooperation at bilateral, regional and international levels in preventing, disrupting and combating terrorism especially through:

   (i) Countering violent extremism and radicalization that lead to terrorism;

   (ii) Strengthening border control and immigration, transport security, law enforcement and capacity building in countering terrorism including countering terrorist financing;

   (iii) Promoting capacity building for law enforcement agencies in the region through measures such as joint training, courses, equipping advanced instruments for countering terrorism, as well as exchange of information;

   (iv) Reducing vulnerability of the private sector including multinational companies and protecting all citizens in the region from terrorism;

2. **Illicit Drug Trafficking**
   2.1 We recognize that there are still many challenges facing ASEAN Member States as well
as Japan, including the spread of heroin, methamphetamine and new psychoactive substances, despite long-standing efforts in the fight against illicit drug trafficking.

2.2 Recognizing that illicit drug trade is inextricably linked to other transnational crimes, we further enhance cooperation in the prevention of trafficking in, and reducing demand for, illicit drugs, and support ASEAN’s initiatives through the existing mechanism of ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and efforts in pursuit of a Drug Free ASEAN including through:

(i) Capacity building of law enforcement authorities in areas such as border control;
(ii) Raising awareness on drug abuse prevention, especially at home, schools, and local communities;
(iii) Enhancing cooperation through joint training, information sharing, UNODC programs and relevant regional meetings;

3. **Trafficking in Persons**

3.1 Many people have been identified as victims of trafficking in persons in ASEAN Member States and Japan. We reiterate that trafficking in persons is a grave violation of human rights and in particular, of women and children, and underscore the great urgency of enhancing cooperation to eliminate this scourge from our region.

3.2 We welcome the progress made in developing an ASEAN Convention on Trafficking in Persons (ACTIP) and a Regional Plan of Action to Combat Trafficking in Persons (RPA) which reflect the need to urgently combat trafficking in persons in the region.

3.3 Recognizing that trafficking in persons has wide harmful effects on economic, social and political aspects which impede development of the region and is considered to be a violation of human rights and an affront to human dignity, we intend to intensify cooperation to eradicate trafficking in persons in all aspects such as prevention, law enforcement, protection of victims and partnership through:

(i) Raising public awareness to prevent trafficking in persons;
(ii) Strengthening the law enforcement capabilities including through training, exchange of information and capacity building programs for police, immigration officers, coast guards as well as prosecutors in order to increase early identification of victims and prosecution of traffickers;
(iii) Enhancing the protection and assistance of victims including through reinforcing
heltering function, psychological or medical care, repatriation of victims.

(iv) Developing partnerships to address the underlying socio-economic factors in the region that help contribute to the problem of trafficking in persons.

4. **Money Laundering**

Realizing that organized crime generates huge profits which are used in illicit activities and terrorism and recognizing that these illicit profits are infiltrated into legitimate businesses and financial enterprises, we prevent and control money laundering including through:

(i) Enhancing regional capabilities in investigation, intelligence gathering, detection of money laundering;

(ii) Encouraging networking of the national agencies or organizations to further enhance information exchange and dissemination.

5. **Sea Piracy**

The number of incidents of piracy and armed robbery at sea against ships is increasing in the ASEAN region in recent years, which poses a growing threat to regional and the international maritime security. Recognizing that the free and safe navigation of commercial vessels in the region is critical for the economic interests of the region, Japan and the rest of the world, we enhance further cooperation to combat piracy and armed robbery against ships including through:

(i) Strengthening capacity building of relevant agencies, including coast guards;

(ii) Promoting exchanges and communications to combat piracy and armed robbery against ships more effectively;

(iii) Supporting each other in emergency circumstance on sea, where and to the extent possible, with a view to fighting piracy and rescuing victims from sea piracy;

(iv) Enhancing regional cooperation including the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP);

6. **Arms Smuggling**

6.1 Many ASEAN Member States are vulnerable to arms smuggling because of their geographical location in the midst of trade and transportation routes as well as their long borderlines and large coastal and island areas.

6.2 Recognizing that arms smuggling significantly exacerbates transnational crime which requires comprehensive action, and underlining the connection between arms smuggling and terrorism, we enhance cooperation to counter arms smuggling including through:
(i) Strengthening border law enforcement capabilities through training and institutional capacity building;
(ii) Promoting universalization of relevant treaties on Arms Smuggling in the region;
(iii) Promoting implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Ilicit Trade in Small Arms and Light Weapons;
(iv) Enhancing information exchange concerning arms smuggling in the region;

7. **International Economic Crime**

7.1 International economic crime such as credit card fraud, counterfeit currency, illicit trading of shares is more visible than ever before across the world, posing a serious threat to the economic and social stability of the ASEAN region and Japan.

7.2 Recognizing that the speed of technological advance, and new ways of doing business, makes the task of fighting international economic crime ever more difficult, we tackle international economic crime including through:

(i) Exchanging best practices of relevant institutions in combating international economic crime;
(ii) Promoting law enforcement cooperation;

8. **Cybercrime**

8.1 Recognizing that information and communication technology (ICT) is a key driver for sustainable development in the region, we share the common interest in increasing confidence and security in the use of ICT in the region as a whole. With increased dependency on ICT, our vulnerability to ICT threats has also increased. A number of crimes are now committed online, taking advantage of the anonymity, instantaneity and cost-effectiveness of using cyberspace. Recognizing cybercrime as a fast-spreading threat, we are committed to tackling it jointly through:

(i) Promoting information-sharing on cybercrime trends and lessons learned to combat cybercrime between ASEAN and Japan;
(ii) Enhancing international cooperation on cybercrime investigation and prosecution involving ASEAN Member States and Japan, including through the use of the existing channels of international cooperation such as the International Criminal Police Organization (ICPO-INTERPOL), GS 24/7 Network, and the elecrtonic ASEANAPOL Database System (e-ADS);
(iii) Promoting capacity building in order to effectively prevent and combat cybercrime;
8.2 We welcome the first ASPAN-Japan Cybercrime Dialogue which was held on May 28, 2014 and reaffirm the need of the framework for continued dialogue. In further pursuing joint cooperation against cybercrime, we also seek to extensively involve international organizations such as the INTERPOL Global Complex for Innovation (IGCI), the Council of Europe and UNODC for implementing concrete capacity building projects in the region.
CO-CHAIRS’ SUMMARY REPORT OF THE SECOND ASEAN-JAPAN CYBERCRIME DIALOGUE

1-2 March 2017, Kuala Lumpur, Malaysia

INTRODUCTION

1. The Second ASEAN-Japan Cybercrime (2nd AJCC) Dialogue was co-chaired by Mr. Mohd Azlan Razali, Undersecretary, International Division, Ministry of Home Affairs of Malaysia and Mrs. Yukiko Okano, Minister-Counselor/ Deputy Chief of Mission of Japan to ASEAN. The Meeting was attended by all ASEAN Member States, Japan and the ASEAN Secretariat. The list of Delegates appears in ANNEX 1.

AGENDA ITEM 1: OPENING REMARKS

2. At the outset, Mr. Mohd Azlan Razali highlighted that the AJCC Dialogue provides a sound forum for the exchange of views on cybercrime. He highlighted that cybercrime is transnational in character and the incompatibility of regulations makes it difficult for cross-border cooperation in combating cybercrime which support conditions favourable for cyber pirates and hackers to commit cybercrime. The issue of combating cybercrime is a matter that is of significant concern globally and regionally. Cooperation among nations is of vital importance and forums such as this AJCC Dialogue provide sound basis for cross-border cooperation to combat cybercrime. He wished all delegates a successful Dialogue and fruitful discussions.

3. In her opening remarks, Ms. Yukiko Okano conveyed regret that H.E. Yoji Kuma and 3. in her opening remarks, Ms. Yukiko Okano conveyed regret that H.E. Yoji Kuma, Japan’s Ambassador in charge of International Cooperation for Countering Terrorism and International Organised Crime was unable to attend the Meeting as he has recently fallen ill. Ms. Okano highlighted that ASEAN and Japan have enjoyed good relations over the past 40 years and have built a strong partnership in many areas of cooperation, including in countering terrorism and combating cybercrime, and that the AJCC Dialogue is the result of such cooperative relationship. She mentioned that information and communications technologies are essential tools in everyday life, not only for economic activities but also political and cultural. However, there is always a risk in the increasing use of technology and the
more people use cyberspace, the more cybercrime is witnessed. In this regard, she underscored Japan's views on the immediate need to take measures in tackling cybercrime, including with ASEAN Member States, particularly in setting up domestic legal infrastructure and capacity building.

AGENDA ITEM 2: ADOPTION OF AGENDA

4. The adopted Agenda appears as ANNEX 2.

AGENDA ITEM 3: ASEAN'S EFFORTS IN COMBATTING CYBERCRIME

5. The ASEAN Secretariat presented an overview of the cybercrime situation in ASEAN; the work and existing documents of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) relevant to combating cybercrime; action lines in the ASEAN Political-Security Community (APSC) Blueprint 2025 on cybercrime; and ASEAN-Japan cooperation in combating cybercrime. The salient points of the presentation are as follows:

a. The most prevalent types of cybercrime reported by ASEAN Member States’ law enforcement officers are telecommunication fraud, website fraud, defalcation on internet/social media, online pornography, computer system attack including hacking, stealing, and DDoS attack; e-mail fraud, e-mail phishing, credit card fraud and identity theft; online gambling; and online child pornography;

b. Due to its borderless nature, addressing cybercrime involves a nation-wide strategy, as well as sound regional and international cooperation. Especially in regional cooperation, there is an urgent need for ASEAN to strengthen the infrastructure and mechanisms that would support preventing and combating cybercrime in the region. As part of their efforts, a number of ASEAN Member States have established or are working towards the establishment of national authorities on cyber security, including the responsibility to combat cybercrime;

c. Within the ASEAN framework, five action lines in the ASEAN Political-Security Community (APSC) Blueprint 2025 specifically addresses the need to strengthen cooperation in combating cybercrime from all aspects, including developing and improving laws and capacity building for law enforcement, under section 3.3.5;

d. The ASEAN Sectoral Body which specifically handles cybercrime is the AMMTC. To respond to the ever-increasing security threat posed by cybercrime, the AMMTC endorsed the establishment of the SOMTC Working Group on Cybercrime (WG on CC) at their 2nd Meeting in

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September 2013 and as of today, the WG on CC has been convened three times:

- With Dialogue Partners, the ASEAN has implemented various capacity-building activities for law enforcement, including with Japan. The ASEAN-Japan Commemorative Summit in December 2013 decided that ASEAN and Japan will "promote cooperation and dialogue in coping with cybercrime and enhancing cyber security, including conducting an ASEAN-Japan Cybercrime Dialogue." As a follow-up, ASEAN and Japan convened the inaugural ASEAN-Japan Cybercrime (AJCC) Dialogue on 21-23 May 2014 in Singapore, and

- The AJCC Dialogue is an important contribution from Japan as ASEAN is gearing up towards strengthening its capacity and capability in combating cybercrime.

9. The presentation appears as ANNEX 3.

7. Responding to ASEAN Secretariat’s presentation, Japan reiterated their readiness to support ASEAN’s efforts in implementing the APSC Blueprint 2025 and expressed support to the ASEAN Secretariat efforts in strengthening the monitoring of implemented activities. In this regard, Co-Chair Malaysia emphasized that the concept notes submitted to Japan should in line with the action lines in ASEAN’s existing documents.

AGENDA ITEM 4: JAPAN’S EFFORTS IN COMBATING CYBERCRIME

4.1 Presentation by Ministry of Foreign Affairs

8. The Ministry took note of Ms. Okano’s briefing on Japan’s efforts in combating cybercrime, particularly through the implementation of the Convention on Cybercrime (Budapest Convention). She mentioned that cybercrime is a major challenge that the international community has agreed to address together, as no country can tackle the threat alone. She underscored the importance of strengthening capacity building to combat cybercrime. From this point of view, Japan has provided capacity building assistance to developing countries and advocated the ratification of the Budapest Convention. The AJCC Dialogue is one of Japan’s contributions to ASEAN’s capacity building efforts. Aside from the annual IDT symposium they organise for the countries of the Southeast Asian region, the National Police Agency (NPA) of Japan also works together with the Japan International Cooperation Agency (JICA) to provide trainings on capacity building in tackling cybercrime.

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9. In her briefing, Ms. Okano also highlighted the importance of ratifying the Budapest Convention, that it is the only international Convention addressing the issues of combating and suppressing cybercrime, such as illegal access to data, making it a sound foundation for international cooperation. To this end, the Convention includes articles to enhance capacity building. The Meeting noted that Japan was the first Asian country which ratified the Convention and Japan urged ASEAN Member States to consider ratifying the Convention. It was mentioned that during the Octopus Conference in Strasbourg, France in November 2015, Japan organized a workshop on legislation on cybercrime and capacity building in the Asia-Pacific region, which was attended by a number of ASEAN Member States, including Singapore, Malaysia, Philippines, Cambodia, Lao PDR and Thailand.

10. On a relevant note, Japan requested support from ASEAN Member States on their position in regard to the discussion on another international legally binding framework in the area of cybercrime, which is expected to be discussed at the 3rd Open-Ended Intergovernmental Experts Group Meeting on Cybercrime in Vienna on 10-13 April 2017. Japan further identified their request after receiving feedback from ASEAN Member States, as follows:
   a. Given that the Budapest Convention is so far the only effective multilateral instrument on cybercrime, careful consideration should be given to creating similar rules on cybercrime so as not to duplicate the efforts in this area.
   b. Japan underscored that it is the ASEAN Member States’ prerogative whether or not to have a common position on this matter but would appreciate ASEAN’s support to the existing legal framework in international forums, being mindful of the time which will be spent in negotiating a new legally binding instrument on cybercrime.

11. As the SOMTC Lead Shepherd on cybercrime, Singapore acknowledged that whilst the Budapest Convention could be a good framework for cyber cooperation, it noted that at the ASEAN Cyber Prosecutors’ Conference held in Singapore in October last year, most ASEAN Member States were still concerned with the challenge of levelling up their own domestic laws on cybercrime.

Singapore further emphasised that ASEAN is working towards narrowing the gap within the laws and regulations of the ASEAN Member States on cybercrime.

4.2 Presentation by Japan National Police Agency (NPA)

12. Mr. Fumitake Masukawa, Deputy Director for Cybersecurity of the NPA of Japan delivered a presentation on Japan’s Countermeasures against Threats in...
Cybercrime. He categorised threats in cyberspace into three, namely cybercrime, cyberterrorism, and cyberespionage. The main characteristics of these threats are the difficulties to identify perpetrators, which tend to be unknown of being inserted by malware or of unauthorized access to their systems, and the crime can easily be committed across borders. On the statistics of cybercrime cases in Japan, the meeting noted that the number has tripled within the last ten years with much damage caused in the area of online banking amounting to more than three billion yen. Furthermore, cases of cyber-attacks in Japan which includes theft of classified information and disabling of computer systems have also increased, and the number of phishing e-mail attacks has multiplied by eight times in two years.

13. Mr. Masakawa also shared information on the cybersecurity structure under the NPA of Japan. The NPA of Japan appointed the first Director-General on Cybersecurity in 2014, who is responsible for all general coordination on cybersecurity matters. With regard to the cybersecurity strategy, Japan's major policies focus on mitigating threats in cyberspace, enhancing response capabilities against threats in cyberspace, and strengthening the organisational foundation to deal with the threats.

14. ASEAN Member States noted and expressed appreciation on the capacity building activities that Japan has provided to law enforcement officials from ASEAN, including the following:
   a. Counter-Cybercrime Technology and Investigation Symposium (CTINS) which has been held annually since 2001 for police and technical officers handling cybercrime cases. During the Symposiums, countries in the Asia-Pacific region shared information and knowledge on cybercrime investigation technologies, and
   b. The Knowledge Co-creation Program: Countermeasures against Cybercrime. This programme has been held since 2014 in cooperation with JICA during which participants discuss and learn about cyber threat timelines, how the Japanese police fight against cybercrime, and also receive hands-on training in digital forensics to learn investigative methods and skills. Recently, a training programme was held for three weeks in January - February 2017.


16. The salient points of the discussions which followed Japan's presentation are as follows:
   a. Lao PDR acquired on the statistics of the nationals of criminals that have committed cybercrimes in Japan as well as how to identify and keep
track of criminals in cybercrime as it is a faceless crime. Japan responded that in online banking fraud cases which involve bank accounts, the majority of the accounts used for fraud belong to Chinese nationals. However, there are many types of cybercrime, such as unauthorized access to computers and computer virus crimes and generally spoofing, it is difficult to determine the statistics of the nationalities. Japan also mentioned that it is difficult to identify and keep track of the criminals, however Japan has established a research center to help find a better approach in solving the problem of how to track down criminals and learning how the criminal organizations operate; and
b. On Viet Nam’s query regarding collaboration between the NPA of Japan and internet service providers (ISPs) and banks, it was noted that the NPA has established good relations with the ISPs. In addition, the banks in Japan need assistance from the NPA to raise public awareness on cybercrime-related threats.

AGENDA ITEM 5: ASEAN MEMBER STATES’ EFFORTS AGAINST CYBERCRIME

17. ASEAN Member States shared their assessments on the current threats of and their efforts in combating cybercrime. The Country Presentations highlighted the following points:

a. Along with the high level and rapidly increasing Internet penetration in ASEAN Member States, including social media usage, there is an increasing trend in the number of cyber-related criminal cases in ASEAN Member States;

b. Common understanding that the types of cybercrime include traditional crimes which are now committed using Internet and high-tech crime, which mainly involves attack towards computers;

c. Identified that the prevalent cybercrime cases in ASEAN include phishing scams, romance scams, sexual extortion, Facebook sexual harassment, wireless hacking, defacement/online fraud, gambling, credit card fraud, ATM skimming, cyber bullying, identity theft, botnet and ransomware;

d. Identified that the most highly affected sectors are banking, stock markets, e-currency and credit card services which are the main targets of cyber criminals;

e. With regard to legal frameworks on cybercrime, it was noted that a number of ASEAN Member States have developed and implemented their domestic laws (e.g. Brunei, Malaysia, Singapore, Philippines, Thailand); some others are developing their legal framework (e.g. Vietnam); while others do not yet have specific laws on cybercrime in place, therefore
forming investigation and prosecution on the relevant penal codes or
electronic transaction laws (e.g. Cambodia). A number of ASEAN Member
States have also developed and implemented supporting frameworks,
such as national cybercrime action plans.

f. Several ASEAN Member States have established government
structures/authorities specifically responsible in tackling cybercrime, such
as national task forces and cybercrime divisions in the national police
agencies;

g. Activities that have been done in building the capacity in responding to
cybercrime have been focused on the areas of forensics investigation,
standard mandatory trainings for cybercrime units and certification
programmes for police officers, among others. Some of these activities
have been carried out in regional training centres such as the INTERPOL
Global Complex for Innovation (IGCI) in Singapore, the International Law
Enforcement Academy (ILEA) in Bangkok and the Jakarta Centre for Law
Enforcement Cooperation (JCLEC) in Surabaya, Indonesia;

h. Shared success stories in anti-cybercrime operations, involving the arrest
of perpetrators and collection of digital evidence;

i. Highlighted the importance of prevention, knowledge and information
sharing, cooperation with the private sector and preventive education in
addressing the threats of cybercrime;

j. The current challenges that ASEAN Member States face in combating
cybercrime include jurisdiction issues, lack of public awareness in surfing
internet safety, lack of technical expertise in the field of countering
cybercrime, scarcity of technical tools such as hardware and software as
well as the need to upgrade relevant domestic legislations;

k. Acknowledged that tackling cybercrime is a shared responsibility of all
nations, therefore countries need to be more willing to work together in
developing inter-jurisdiction mechanisms. ASEAN Member States also
reaffirmed their commitment to work together in enhancing regional
collaboration in combating cybercrime; and

l. International cooperation to combat cybercrime has been done through
INTERPOL, ASEANPOL, ASEAN, the United Nations Office on Drugs
and Crime (UNODC), G7 and other law enforcement agencies such as the
Australian Federal Police (AFP) and the United States’ Federal Bureau of
Investigation (FBI).

18. The presentations appear as **ANNEXES 5-14.**
13. Japan highlighted the importance of the role of national police agencies in combating cybercrime in the region and underscored the importance of building connections among the law enforcement.

AGENDA ITEM 5: ASEAN – JAPAN COOPERATION ON CYBERCRIME

6.1 Discussion on Possible Areas of Collaboration

20. The Meeting noted that the Japan-ASEAN Integration Fund (JAIF), which is administered by the ASEAN Secretariat, has two objectives, namely to support ASEAN integration and to strengthen ASEAN-Japan relations. The utilization of JAIF is based on several documents, including (i) the Vision Statement on ASEAN-Japan Friendship and Cooperation and its Implementation Plan adopted at the ASEAN-Japan Commemorative Summit in Tokyo, Japan on 14 December 2013; (ii) the ASEAN Vision 2025 and the ASEAN Community Blueprints 2025 as well as the corresponding Sectoral Bodies action plans; (iii) the CCMT-Japan Work Plan for Cooperation in Combat Transnational Crime which will soon be reviewed.

21. Although there are no restrictions on cooperation areas in combating cybercrime, Japan’s focus is on capacity building for officers involved in the investigation and prosecution of cybercrime-related cases, such as the police, home affairs officials and court officials.

22. Japan informed their preference to first receive project concept notes on ASEAN Member States’ ideas for future cybercrime projects for their consideration. These concept notes should include the summary of project activities and the expected outcomes, timeframe of project implementation and proposed budget. Japan further mentioned that the JAIF Management Team (JMT) stationed within the ASEAN Secretariat can share the template of the concept note. Upon receiving Japan’s green light, the project proponents may develop the concept into a full project proposal. ASEAN Member States noted that there needs to be a Japanese element included in the projects to the extent possible as a demonstration of accountability to Japanese taxpayers. It was also emphasised that one of the main requirements to utilise JAIF is that the projects should benefit all 10 ASEAN Member States, even if the project is not implemented in or by all ASEAN Member States, provided the proposal explains how the particular project will benefit the region as a whole.

23. For the next AJCC Dialogue, Japan requested that ASEAN Member States submit the concept notes of their anti-cybercrime initiatives to Japan at least one month in advance. The Meeting took note that ASEAN Member States can submit
concept note any time in the inter-sessional year. With regard to future projects, Japan referred to an idea to implement a training activity in deepening the ASEAN Member States’ understanding of the Budapest Convention and highlighted that Japan would be favourable to consider such a proposal from any interested ASEAN Member State.

24. The Meeting was also informed that aside from JAIF as the regional support to ASEAN, Japan also provides support to ASEAN Member States through bilateral means, i.e. official development assistance (ODA) as well as through multilateral organisations, such as the United Nations. For individual country projects, ASEAN Member States were encouraged to contact their respective Embassies in their respective countries to tap into bilateral ODA.

25. Japan shared with the Meeting other Japan-supported projects that have been adopted under the ASEAN Telecommunications and Information Technology Senior Officials’ Meeting (TELSON), such as capacity building to address cybersecurity in ASEAN through a feasibility study in the Philippines, Cambodia and Laos PDR; a 2-year ASEAN Secretariat proposed project on the establishment of a cybersecurity hub with the idea of creating a virtual training hub, among others; and ASEAN cyber games which aims to improve cyber literacy for the youth.

26. The ASEAN Secretariat mentioned that it stands ready to provide technical assistance to ASEAN Member States in developing concept notes and project proposals on cybersecurity, to be submitted to Japan before the next AJCD Dialogue.

3.2 Discussion and Status of Ongoing and Pending Projects

3.2.1 ASEAN Cyber Capacity Development Project

27. Singapore thanked Japan for their support of the approximately USD 2 million project which will be implemented over 2 years. The "ASEAN Cyber Capacity Development Project (ACCDP)" proposed by Singapore, implemented by INTERPOL for ASEAN Member States, was approved for JAIF 2016 funding in October 2016.

28. Mr. Silvino Schlickmann, Director, Cybercrime Directorate of the OSCE briefed the Meeting on the overview of the ACCDP. He highlighted that in strengthening ASEAN Member States’ capacity and capability to fight cybercrime, the main expected outcomes of the project are: i) coordination of efforts on the fight against cybercrime initiated among ASEAN Member States; ii) enhancing overall capacity of ASEAN Member States in fighting against cybercrime; iii) raising cyber awareness.

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among law enforcement officers; and iv) enhancing information sharing in cybercrime matters. He mentioned that the ACCDP is targeted and tailored to the needs of the region. With specific regard to the National Cyber Review (NCR), the Meeting acknowledged that the activity will be implemented to help ASEAN Member States better understand their respective states of cyber response readiness as well as to better identify their needs. It was underscored that the reports of the NCRs will be strictly confidential and will not be disclosed to any third party. As the NCRs would be a time-consuming exercise involving the work of INTERPOL experts in analyzing organizational structure, and legislative background of each ASEAN Member State, Mr. Schickmann sought support from all ASEAN Member States in facilitating the work of the INTERPOL experts. The support could include the appointment of points of contacts, active participation and hosting the experts during their visit to ASEAN Member States.

29. On the progress of implementation of the ACCDP, Mr. Schickmann informed the Meeting that the first training on cyber investigation under this project was convened on 9-13 January 2017, which was followed by an operation. It was noted that the objective of the currently on-going ‘Operation SEARCH’ is to make as many arrests and confiscations as possible, the results of which will be reported by the end of March 2017. Upcoming activities under the project include the Meeting of Decision Makers and Heads of Cybercrime Units on 15-11 April 2017; a specialised training on malware which leads to the dark net training; and two NCRs which will be done in Brunei Darussalam and Cambodia.

30. Mr. Schickmann’s presentation appears as ANNEX 15.

31. In addition to Mr. Schickmann’s presentation, Singapore encouraged ASEAN Member States to appoint the right people to attend the activities under the ACCDP. Singapore also extended an invitation to Japan to attend the activities.

32. ASEAN Member States appreciated the assurance from Singapore and INTERPOL that reports of the NCRs will be strictly confidential. Singapore reaffirmed their commitment to closely monitoring the level of participation at the various activities, as the objective is to establish a network of experts on cybercrime in ASEAN.

6.3 New Project Proposals

33. Singapore tabled a project proposal titled 'Support Activities of an ASEAN Desk at the INTERPOL Global Complex for Innovation in Singapore'. The Meeting
noted that the key driver in proposing this initiative is the collective need for ASEAN to invest more in the fight against cybercrime. The ASEAN Desk would be modeled based on the European Cybercrime Centre (ECC) EUROPOL’s Joint Cybercrime Action Task Force (J-CATT). The expected key deliverables of the ASEAN Desk include: i) operations, which will be jointly supported by the IGCI and will be ASEAN-centric in nature: ii) intelligence, covering analytical reports on cybercrime threats and actors; and iii) capacity building and training, including customized trainings with the aim of creating a network of operational experts.

34. Singapore mentioned that they intend to launch the ASEAN Desk by the second half of 2017 and sought Japan’s support to fund the initiative through JAPF 3.0, especially for the following key outcomes:
   a. Development of expertise of ASEAN Member States, through capacity building-focused workshops in partnership with academia and private sector to conduct cybercrime operations and digital forensic investigations;
   b. Development of collective regional capacity for deeper intelligence, insights and a responsive and operational information sharing system, and
   c. Development of the capabilities to monitor and organise regional joint operations, aimed at arresting perpetrators in the dismantling of cybercriminal infrastructures and the recovery of illicit funds.

35. The Meeting took note of the following points of discussion:
   a. The ASEAN Desk is proposed to be modeled after EUROPOL’s mechanism, as it involves an action-oriented cyber programme, which is still lacking in the ASEAN region;
   b. On the concept of overlapping efforts, it was noted that the ASEAN/JAPF is not an enemy within ASEAN. On a different note, the INTERPOL has a genuine focus and looks after the global threat landscape and in this regard the ASEAN Desk would add value to ASEAN’s efforts by focusing on the requirements in dealing with the region’s cybercrime threat landscape. As connectivity is a key pillar in tackling cybercrime, Singapore reiterated that coming together in the IGCI would enable the seconded officers to learn from the frontline and help develop a long-term strategy for their countries;
   c. The size of the ASEAN Desk will depend on the participation of ASEAN Member States, but the aim is to connect all ASEAN Member States with one another and to other parts of the world; and
   d. With regard to need for customised trainings, it was acknowledged that each ASEAN Member State has different needs and therefore would require differing skill sets in their capacity building.

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38. As some ASEAN Member States expressed concern on the funding possibility of implementing the ASEAN Desk initiative, Singapore reassured the Meeting that ASEAN Member States would be given enough time to provide inputs on the concept note for JAIF funding of the activities of the ASEAN Desk once it is circulated to the SOMTC Focal Points.

37. In addition, Singapore noted that the JAIF may not be utilised to support operational costs of another organisation such as salary payments, hiring of space and equipment and that Singapore's intention is to seek JAIF support for carrying out activities of the ASEAN Desk with clear outcomes.

36. Malaysia noted that the proposed initiative addresses "seize, collect and arrest" aspects of cybercrime cases. They pointed out that what needs to be seriously addressed is the process of changing the criminals which is the most difficult part as cyber criminals can operate from anywhere. Singapore agreed that one of the major challenges faced by ASEAN Member States is collecting evidence for prosecution and the lack of cybercrime legal frameworks. In this regard, Singapore recalled the outcomes of the ACPRM in October 2010, during which Singapore introduced cybercrime legislation templates for interested ASEAN Member States to draft their own domestic cybercrime legislation. As a follow-up, the second ACPRM was scheduled for September this year.

39. On the concern of presenting evidence across borders in the absence of a Mutual Legal Assistance Treaty (MLAT), Singapore emphasised the urgent need to collaborate and in this regard the ASEAN Desk will be able to help in identifying the best approaches and methods to get criminals prosecuted.

AGENDA ITEM 7: OTHER MATTERS

7.1 Japan's Basic Idea for the Establishment of the ASEAN Regional Forum Internatinal Meeting on Information and Communication Technologies Security (ARF ISM on ICTs Security)

40. Japan presented their proposal to establish the ASEAN Regional Forum International Meeting on Information and Communication Technologies Security (ARF ISM on ICTs Security), citing that it is essential for ARF to deal comprehensively with ICTs security issues in a mid- to long-term vision and sought support from ASEAN Member States on this initiative.

41. The Meeting noted Japan's view that the establishment of the ARF ISM on ICTs Security will not cause any conflict with ongoing ARF efforts, including the

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implementation of the ARF Work Plan on Security of and in the Use of Information and Communications Technologies. Some objectives of the ARF ISM on ICTs Security include enhancing transparency and confidence building among ARF member states; raising awareness and capacity building on cybersecurity; and providing opportunity to understand cybersecurity and cybercrime updates. The ISM would discuss activities and priority areas as well as facilitate exchange of views on ICTs security.

42. It was also noted that Japan has engaged Malaysia in developing the concept note on this proposal which will be tabled at the 12th ARF Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime (ISM on CTTG) in Bangkok in April 2017, and then seek endorsement by ARF Inter-Sessional Support Group on Confidence Building Measures and Preventive Diplomacy (ISG on CBMs and PD) in May 2017, ARF SCM in May 2017 and ARF Ministerial in August 2017. Singapore as the ISMC Voluntary Lead Shepherd on cybersecurity welcomed the initiative and look forward to more substantive discussions on this proposal at the next ARF ISG on CBMs and PD in Ottawa, Canada.

AGENDA ITEM 9: DATES AND VENUE OF THE 9th AJCC DIALOGUE

43. Brunei Darussalam expressed their interest to hold the 9th AJCC Dialogue next year and will liaise with the ASEAN Secretariat in due course.

44. The Meeting agreed that the Co-Chairs’ Summary Report would be adopted ad referendum.

AGENDA ITEM 10: CLOSING REMARKS

45. In her Closing Remarks, Ms. Yukiyo Kano thanked the Co-Chair and ASEAN Member States for the very active and successful Dialogue. She looked forward to the convening of the 9th AJCC Dialogue.

46. Mr Mohd Azizan Razzali congratulated Japan and ASEAN delegates for their active contribution in the successful Dialogue. He highlighted several outcomes of the discussion in the Dialogue and also appreciated the support provided through the two capacity building activities organised by Japan for ASEAN Member States as to
the ASEAN Cyber Capacity Development Project through the JAEP 2.0. Mr. Hazali underlined the need to continue promoting cooperation between ASEAN and Japan and looked forward for the Dialogues to be held annually.

ACKNOWLEDGMENT

47. The ASEAN delegations expressed their gratitude to the Government of Japan for their support and to the Government of Malaysia, especially the Ministry of Home Affairs, for their warm hospitality and the excellent arrangements made for the Meeting.