

CROSS BORDER DYNAMICS: ASSESSING THE NON-TRADITIONAL SECURITY CHALLENGES IN THE MALAYSIA-BRUNEI DARUSSALAM LAND BORDER

Azem Aminuddin^{1*}, Zahimi Zainol Abidin², Daud Mohammed Salleh³, Noor Azmi Mohd Zainol⁴

¹ Faculty of Defence Studies and Management, National Defence University Malaysia
Email: 3241920@alfateh.upnm.edu.my

² Faculty of Defence Studies and Management, National Defence University Malaysia
Email: Zahimi@upnm.edu.my

³ Faculty of Defence Studies and Management, National Defence University Malaysia
Email: Daud@upnm.edu.my

⁴ Faculty of Defence Studies and Management, National Defence University Malaysia
Email: Noorazmi@upnm.edu.my

* Corresponding Author

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Abstract:

Brunei Darussalam and Malaysia share a land border that extends across 500km and managing its security dynamics is beset with challenges that require extensive policing, enforcement and management in order to effectively control and deter illegal elements. Arguably the bulk of these security concerns are of the non-traditional nature such as illegal entry, smuggling and trafficking of contrabands, drugs and persons, illegal logging and the opening up of rat lanes and the failure to efficiently mitigate them has been criticized on the basis of lack of enforcement, lack of integrity and corruption. The consequences of these criminal elements can be economic, socio-cultural as well as political, and both countries must effectively collaborate in managing these security concerns. Hence, the article will look into analyzing both the factors and roots of the challenges in the land borders for Malaysia and Brunei Darussalam and the gaps in the existing collaboration between the two countries. Primarily, this research will be carried out to address the discrepancy in the body of knowledge on this specific issue. Due the nature of factors found in the initial research, a qualitative method made up of a key stakeholder interview and literature analysis will be conducted. This study is expected reveal the main issues behind the drawbacks associated with boundary law enforcement and the shortcomings of the inter-government collaboration in protecting the land border.

Keywords:

Land-Border Security, Inter-Government Collaboration, Inter-Agency, Non-Traditional Security

Introduction

The Fluid Nature of Border Security

Borders serve two main purposes, to protect a territory from internal and external threats and territorial determination (Newman & Paasi, 1998) as well as determine the external and internal identities of territories (Newman, 2010). The concept of borders, as stressed by Ullah and Kumpoh (2018) are not merely demarcations delineating two or more nations but has implications for population mobility, trade, relationships and prosperity. According to Simmons et al. (2019), international borders are increasingly becoming a concern in international security, related to cross-border threats from non-state parties. They emphasize the incompatibility between a vision of a borderless world that supports market integration with an increasing security focus on global control. Despite advances in international accord and technology, concerns about borders are still significant, emphasizing the continuing importance of borders (Simmons et al., 2019). Kaldor defined globalisation as the intensification of global interconnectedness in multiple levels of statehood and the 'changing character of political authority'. 'Hyperglobalists' such as Kenichi Ohmae argued that on the extreme end of the globalisation spectrum, the nation-state is on the verge of extinction via powerful global economic forces (Hough et al., 2015). Its implications lie not only in the intensifying of connections and the fading of borders but how it further sparked nationalists' sentiments around the world, where the very concept of security has expanded from the military-political realms into other non-military dimensions such as socio-cultural and environmental. Arguably, states remain the most pertinent players shaping international relations and Foucher posits that instead of giving up borders, there is an even greater urge to clearly demarcate it (Deleixhe et al., 2019).

This 'border anxiety' as Simmons et al termed it, counters prominent arguments forwarded by proponents of the borderless world. The migration dilemmas spurred by the domestic and regional conflicts in Europe, BREXIT and former US President Donald Trump's controversial statement regarding the US-Mexican border wall as well as the contested 'Muslim Ban' reflects the noticeable rise of the far-right populist sentiments in global politics, threatening the perpetuation of social, ethnic and racial disharmony. Additionally, under the pressure of growing populist sentiments, multiple states have singled out migrants as the main source of instability and security (Deleixhe et al., 2019). However, this paper would contend, that the cognitive base of this apprehension does not stem from outright exclusion of the other, rather, for the perceived repercussions uncontrolled migration and open borders could have to the existing stability, way of life and values of a particular community. This "clash of civilizations" scenario has led to a shift in security trends, especially after the events of 9/11. The primary driver is security and economic stability (Hassner and Wittenberg, 2015; Zainol et al., 2019 & Meier, 2021). It is inherent therefore to emphasize that the scope of contemporary security concepts remain wide-ranging, that leads to the phenomenon of **securitization**. According to Collins (mentioned in Zainol et al, 2019) securitization infers to agents such as government apparatus and lobby groups who elevate particular issues as posing existential threats through a speech act, while referents objects are elements that have potential existential threats. They therefore have a 'legitimate claim to survival'. Wæver echoed that this concept can be reiterated as referring to one or more issues as 'security' issues repeatedly to the point that it 'becomes one' (Ermolaeva 2023). In line with the notion of human security, Garcia elaborates it as a security response to issues painted as threatening to particular social components (2023), and it will leave psychological sentiments of security of the feeling of 'being safe' in a particular

locale. In the case of Malaysia, a recent study showed that based on 15,461 respondents, an average of 64.67% of the public perceived Malaysia as a safe place to reside and work in, with Sabah recording the lowest average at 54.3% (Sidek et al., 2024).

It is thus evident that the notion of boundaries remains crucial in the contemporary security framework of today. This aptly explains why there is a growing emphasis on the threats posed by components of globalization such as international trade and movement of people and goods. These are also the very dilemmas that have instigated the transformation of the border concept in the Southeast Asian region. Porous boundaries within this dynamically diverse region reflects the enduring cross-border complexities plagued by illicit activities like smuggling, migration, and the trafficking of women and children (M Ahsan Ullah et al., 2018).

It is at this critical juncture that this paper would foot its first objective, namely **to examine the persistence of the non-traditional security challenges within the land border milieu between Negara Brunei Darussalam and Malaysia**, despite mitigative efforts. The second objective, is **to analyze the efforts and cooperation via a security cooperation framework**. It is imperative that a collaborative effort between government sectors and international counterparts is carried out to effectively handle border security threats. As asserted by Dias (2022), collaboration play a pivotal role in bolstering security measures and facilitating the efficient movement of goods and individuals across international boundaries.

Literature Review

Coordinated Border Management

As opposed to the traditional concept of security, which is often juxtaposed in the context of protecting sovereignty, Prayuda et al (2023) argued that non-traditional security is premised upon two elements, namely ‘fear-free’ and ‘flaw-free’, alluding to human security. In the context of this paper’s context, non-traditional security is associated with cross-boundary/transnational/trans-boundary crimes. They termed transnational crime as those that ‘violate the values of decency and humanity’, which is essentially crimes committed for financial reasons and whose impacts would affect multi-state entities and lead to social instability (Prayuda et al, 2023).

With the manifestation of non-traditional security concerns in the border areas, it is clear that the role of protecting a nation’s sovereignty via border management is a collective responsibility. Negara Brunei Darussalam and Malaysia are both Muslim majority nations who emphasizes on the involvement of all state and non-state functions to secure the country. Sa’ad et al stressed that multiple approaches have been implemented to oversee border security, but on the international level, it commonly involves border security cooperation between countries (2023).

They also contended that international border studies are influenced by changes in the threats to security, transnational concerns and political factors via formulation of policies and strategies (Ibid). Distinctively, two primary categories of literature emerge within academic coverage of borders. The first is within the domain of security studies and securitization, a realist approach focusing on the coercive aspects of borders. The second category takes on a more liberalist angle and looks at borders as social arenas, portraying them as intersections of diverse cultures, societies, and traditions (Deleixhe et al., 2019). This increasing complexity

also drove other scholars to adopt a postmodern approach. They posit that it is the social interaction and rich tapestry of community practices across borders that shapes its nature, thus resulting in the reimagining of border spaces as ‘**border-scape**’ influenced by social interactions (Krichker, 2021). However, despite the rich academic discourse a postmodernist perspective would provide, it arguably would not facilitate real-world pragmatism, which is critical in the operational realm. Critiques of postmodernism would instead counter-propose that such subjectivities fail to look at the material aspects of political economy, that it lacks the consideration of the historical impact of settler colonialism and imperialism on the creation and maintenance of borders and did not sufficiently explain the contemporary spatial politics of neoliberalism and capital accumulation. Postmodern approaches also limit the scopes of critical contributions which denies in depth understanding of the political and economic factors operationalizing the border construct, which is necessary in understanding the sophisticated nature of borders (Chowdhury, 2023).

Multiple conceptualizations have emerged to help in the sense-making of borders. Manjarrez and Rojek (2020) described the issue of border security not as a linear suggestion segregated by lines etched onto maps, but as a ‘complex ecological system’ filled with different ‘species’ cohabiting a living space whose interdependence and competition help shape its abstractness. They argued that comprehending border security can only be done via studying the interconnections between multiple ecological layers that extends from the particular operational surrounding of a specific border location to the larger and more complex structures that includes social and cultural ideals attached to them. They also added that the forces influencing the border structures goes beyond factors indigenous to the locale itself, but includes the wider political, legal and policy framework external to it (Manjarrez and Rojek, 2020).

Alternatively, Sa’ad et al (2023) developed the Comprehensive Border Security Cooperation Model (CBSC), adapted from the Boundary Making Theory. The CBSC model, which was developed by considering the works of prominent scholars on Border Security Management and its shortfalls advocates a more holistic take and envisages a more inclusive approach. It essentially revolves around 6 main components namely the **legal framework, border institution, government commitment (political will), security governance, societal integration** and **border prosperity**. The main actors influencing these components include border communities, politicians, countries/governments and international actors. The model is displayed below:

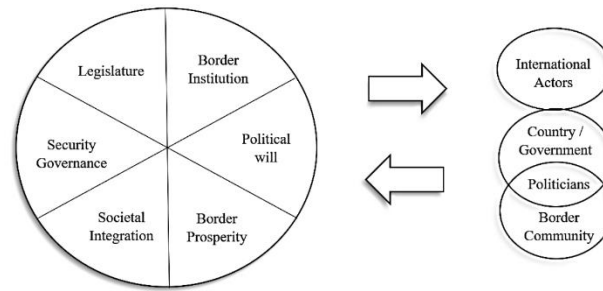


Figure 1 CBSC Model

Source: Sa'ad et al., 2023

For analytical purposes, each of the components of the model is measured through 3 levels namely country, institution and community, as per shown in the figure below:

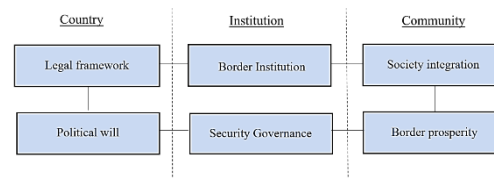


Figure 2 CBSC Analytical Framework

Source: Sa'ad et al., 2023

The national level consists of the legal framework and the government commitment, which may be influenced by factors such as national interests, the bureaucracies of politics and trust deficit. The institutional level consists of border institutions and security governance, which can be determined by factors such as agency collaboration, the efficacy of border institutions and issues in country capability and capacity. The community level includes community integration and border prosperity, where factors such as non-state intervention in border security and a holistic economic benefit for border communities will be influential.

Mapping the Brunei Darussalam – Malaysia Border Security Situation

Brunei's border with Malaysia, specifically with the state of Sarawak is defined via two separate segmentations, the longer borderline stretches from the Mouth of Sungai Belait (Brunei) running southeasterly to the Northeast in Brunei Bay, totalling 302 km (186 miles), while the second segment starts from the Mouth of Sungai Pandaruan (Sarawak), running south, before breaking to the east and northwards towards Brunei Bay, a line that stretches for 251km (156 miles). This totals the land boundary between the two countries at 553km (Brunei–Malaysia Land Boundary | Sovereign Limits, 2024), and in some reports it was stated at 481.3km (M Ahsan Ullah et al., n.d.; Mohd Zainol et al., 2019), while others mentioned the total distance to be 528 km (Bernama 2024; Zulkipli 2023). The Limbang issue is one of the most prominent border disputes between the two nations, which was a consequence of the featuring of the *Peta Baru* by Malaysia in 1979 (Maharup et al., 2021). This was however amicably resolved in 2009 when both government leaders signed the Exchange of Letters, which also facilitated the resolution of other disputed boundary issues. (Brunei | The National Bureau of Asian Research (NBR), 2024). Due to this, as Maharup emphasized, bilateral

relations between the two countries grew positively over the years and it is a clear indication of the two governments' resolute in mitigating disputes in diplomatic harmony.

The contemporary border dynamics between the two nations can be traced back to the British Imperial Influence in the 19th century. Brunei and Sarawak both became British protectorates in 1888 and five boundary agreements have been signed between 1920 -1939, which delimits half of their land boundary. While both states have achieved independence in the later parts of 20th century, much of their boundary issues remain unresolved until 2009, when both governments exchanged notes affirming the validity of past agreements. This was further consolidated in 2012, when an MoU was signed, which saw the official works for demarcation and land survey especially for the undefined plots of land and territories (Brunei–Malaysia Land Boundary | Sovereign Limits, 2024.). Furthermore, according to Harun (2009), the similarities between Brunei Darussalam and Malaysia in terms of socio-cultural values contribute immensely to the proximity in political and social relations, and Brunei's wealth and demographic size does not merit it as an 'exporter of problems' that could jeopardize Malaysia's security.

ASEAN Political Security Committee outlook reported that all ASEAN members have identified terrorism and violent extremism, transnational crime to be a threat to their national security (ASEAN, 2023). Syafrinaldi et al also shared that Southeast Asia is a global 'hub' for counterfeit goods supply network (Malaysia recorded the highest figures in smuggling of illegal contraband), with a steadily rising level of methamphetamine confiscation between 2013 – 2018, and five ASEAN countries were identified as the world's prime location for amphetamine-based substances and stimulants. (Syafrinaldi et al., 2022). Harun (2009) also mentioned that for ASEAN nations, multiple non-traditional security threats that include economic development and social issues as well as its impacts remain a critical concern. These, as Harun alluded, may lead to further impacts such as environmental deterioration which in turn could strain resources including food, water and energy depletion. This scenario, coupled with ethnic tensions could lead to mass, mostly illicit migration.

Subsequently according to Rahim et al (2023), transnational crime occurring in the Brunei – Malaysia land border include cross border smuggling involving alcoholic beverages, cigarettes and meat of dubious halal status. Previously, there was also smuggling of diesel fuel, which has already been successfully managed. These smuggling activities have adverse effects on both countries revenues and respective local industries while spurring criminal activities even further. Rahim (2019) reported that 2000 smuggling of contraband incidents were recorded every year. Additionally, the UNODC have documented that human trafficking perpetrated by organized crime syndicates is flourishing in ASEAN, more so in Malaysia, who have arrested hundreds of people from over 21 countries in 2016 and 2017 (Junaidi et al., 2019).

Sa'ad et al also reminded that border management must not omit the importance of the role played by border communities which is incumbent in the implementation of the government border strategies, and a sound border strategy must be inclusive of border community welfare (Sa'ad et al., 2023). Border communities are significant in the Malaysian context, as it is the very familial ties and trade networks that enables most cross-border crimes to persist. Such practices, despite being illegal according to the statute, are cultural and survival practices conducted by those communities (primarily in Sarawak) and explains why it 'should not be

prevented' (ibid). Hence, it is vital that the quality of livelihoods of the border communities are improved for the prosperity and security of border regions.

Both countries share an active commercial relationship, with Bruneians engaged in 'cross-border' tourism, mainly for their shopping activities, primarily in Miri and Limbang in Sarawak and Kota Kinabalu in Sabah. A Tourism Malaysia report in The Scoop reported that in 2019, Bruneians spent an amount of RM3.5 billion in Malaysia, a 3 percent increase from the previous year (Bakar, 2020). Reasons for the sustenance of this phenomenon is that Bruneians see Malaysia as a good place for both business and leisure and due to the existing familial ties. Islam et al (2019) also did a study on the factors that leads to the substantial numbers of Bruneians spending money in Miri specifically, where they showed a positive correlation between the number of trips made with the exchange rate of the Brunei – Malaysia currencies.

Existing Border Security Cooperation

In a joint statement between His Majesty the Sultan and Yang Dipertuan of Negara Brunei Darussalam and the Honourable Prime Minister of Malaysia during the 24th Leaders Consultation in Putrajaya, Malaysia in 2023, both leaders lauded the finalisation of the TOR of the Working Committee on security matters pertaining to the Malaysia – Brunei Land Border, which stipulates that both sides would jointly address matters of security concern along the land boundary (Ministry of Foreign Affairs Malaysia, 2023).

The cornerstone of Brunei Darussalam and Malaysia's defence cooperation is embedded in the Memorandum of Understanding in Defence Cooperation signed in 1992, which laid the foundation for the first Joint Defence Working Committee held in the following year. However, despite the defence cooperation anointed 3 decades ago, a comprehensive framework on border security cooperation is still not in place. This is, in part due to the ongoing demarcation projects that has achieved 33% (175.96 km) completion and is expected to conclude in 2034 (Bernama, 2024). However, this does not mean that cooperative efforts cannot be instigated should the need arise. A recent example is the successful Search and Rescue collaboration which includes the Royal Brunei Armed Forces to secure a Malaysian Armed Forces personnel who went missing during a demarcation operation patrol in the Brunei -Malaysia border (Mahari, 2024).

The UN Office on Drugs and Crime have reported that both Brunei Darussalam and Malaysia, who are members of the Bali Process State are party to the UN Convention against Corruption, UN Convention against Transnational Organized Crime and the Trafficking Protocol, however both nations are not signatory to the Smuggling Protocol (UN ODC, 2021).

Research Methodology

A qualitative methodology will be used to assess the challenges of managing border security threats between Negara Brunei Darussalam and Malaysia. The research will employ two core methods in the qualitative field, namely document/literature analysis and semi-structured interview. A literature search starting from tier 1 indexed journals (SCOPUS) showed a notable dearth in material on the Brunei border situation contrary to Malaysia. There is also noticeable gap on coverage of the Malaysian – Brunei Darussalam border security situation and cooperation, much less an assessment of it. However, the border situation between Malaysia and Indonesia and Thailand is well documented, owing perhaps to the vast boundary both land and maritime between the three countries. It is therefore paramount that the scope of research is not limited to the Brunei -Malaysia conundrum per se but also from the general border

security studies as well as observation of other border security situations. This is also because the legal framework and enforcement approaches employed by Brunei and Malaysia are commonly in line with the wider international practices.

Due to the shortage of open-source materials on the Brunei Darussalam side, the researcher has requested to conduct a semi-structured interview with a representative from one of the main stakeholders within the border security field, the Joint Force Headquarters, Royal Brunei Armed Forces (JFHQ RBAF). As stated in its mission, the JFHQ's main role is to plan and execute joint operations utilizing assigned assets and personnel from the Royal Brunei Land Force, the Royal Brunei Navy, the Royal Brunei Air Force and the Special Forces Regiment in the Defence of Negara Brunei Darussalam (Joint Force Headquarters, Ministry of Defence, Negara Brunei Darussalam). JFHQ also coordinates combined operations with other government departments (OGDs) in the interest of national security. Currently, the Joint Force Headquarters chairs the Jawatankuasa Kerja Sekuriti Sempadan (Border Security Working Committee), which is a multi-agency committee consisting of border security government stakeholders. The interview questions revolved around the main themes of border security threat environment (from a Brunei Security perspective).

The document analysis complements the literature review covered in the earlier section and focuses on the official publications of both governments concerning security issues. For Malaysia the documents referred to are the National Security Policy, the *Pelan Strategik Kementerian Dalam Negeri* 2021 – 2025, KDN Master Plan on National Border Security Control and Defence White Paper 2020. For Brunei, its main security master plan is embedded in its Defence White Paper 2021. The author's main interest is to examine the security concerns and strategies covered within the documents. The effectiveness and success of these strategies warrants further longitudinal research to keep track of the frequency, prosecution and further control of criminal activities.

Findings

Document Analysis – The Malaysia Case

Based on the Malaysian government official publications, these are the border security issues and efforts from the Malaysian perspective:

Publication	Security Issue	Strategy
National Security Policy	Malaysia's geographical location sharing vast land borders with its neighbours and positioned along Sea Lines of Communication, namely. The Straits of Melaka and the South China Sea, is vulnerable to transnational crimes such as smuggling (of people, wildlife, jungle products, drugs, goods and arms), human trafficking, piracy, organised crime, cybercrime, money	Uphold federal constitution, territorial integrity, defence preparedness, intelligence networks, social cohesion and protect resources and economic security.

	laundering, economic crimes and armed robbery at sea.	
<i>Pelan Strategik Kementerian Dalam Negeri 2021 - 2025</i>	<p>Terrorism and Violent Extremism, Public Safety, Border Security, Maritime Security, Cross-Border Crime and Cyber Security.</p> <p>Challenges include</p> <ul style="list-style-type: none"> - detention (overcrowding of detention centres), - substance abuse - production issues (breach of film and production regulations) - immigration affairs - national registry - development management (non-compliance to development procedures) 	<p>Core Strategy 2 – Strengthen Border Control, Maritime and Eradicate Cross-Border Crime</p> <p>Subsequent Strategies</p> <ol style="list-style-type: none"> 1. Strengthen border regulations in land and maritime border, entry points and cross border crimes. 2. Strengthen security of enforcement of land and maritime borders and entry points. 3. Reformation of border and entry points management. 4. Strengthen cross border crime eradication efforts.
KDN Master Plan on National Border Security Control		<ol style="list-style-type: none"> 1. Strengthen National Border Security Control Operations

	Trans-Boundary Criminal Activities	<p>2. Strengthen National Border Capacity</p> <p>Implement Feasibility Study on the development of National Border Control System to empower use of AI in border security control.</p>
Defence White Paper 2020	<p>Non-Traditional Security is one of the core issues shaping Malaysia's strategic outlook. Non-traditional threats are unpredictable and may occur anywhere and anytime to anyone. They are 'transboundary' in nature and can only be addressed via cooperation with other countries.</p> <p>Complex Southeast Asian Neighbourhood – Malaysia is only country that shares borders with vast majority of SEA nations, Malaysia has yet to resolve its demarcation issues with some of its neighbourhoods.</p> <p>Malaysia bounded with neighbours via shared problems – which includes both traditional and non-traditional security threats. These problems are supra-national, could not be handled by a single country and requires collective effort and international cooperation.</p>	<p>Pillars of National Defence –</p> <p>1. Concentric Deterrence – purpose is to dissuade all forms of external intrusions of conflicts</p> <p>2. Comprehensive Defence – purpose is strengthen and build internal resilience</p> <p>3. Credible Partnerships – purpose is to strengthen and widen external defence partnerships and maintain Malaysia as a credible regional partner</p>

Table 1 Selected Malaysia Official Publications on Security

Prepared by: Researchers

There are a number of critical impacts that these are able to and can potentially affect Malaysia. According to Junaidi et al (2019), the entry of migrants may cause social and economic problems, which can also render social stability, public safety, ethnic and cultural identity as well as the social security system to be at risk, and ultimately poses an imminent danger to internal security. However, a salient gap found in some literature on Malaysia's border security is the factors that has led to its inefficiencies. This paper has shown that Malaysia and its regional partners are aware of the non-traditional security threats compounding their border areas as well as its potential impacts on their national security. However, it is also important to recognize that challenges such as topography, complacency, corruption and budgetary deficiencies persists, hampering border security control operations.

Junaidi et al (2019) outlined as well that technical difficulties also exist, such that immigration officials need to process documentations manually and there was overlapping of stakeholders' roles. Specific to trafficking in persons (TIP) issue, based on an observation by the Human Rights Commission of Malaysia on the Wang Kelian discovery, there is a lack of awareness on the threats posed by TIP and there are insufficient efforts to disseminate such information. However, despite the negativity of the case, it does give additional impetus to the government to ramp up its security drive, and has shown positive results since as reflected in Figure 3 below.

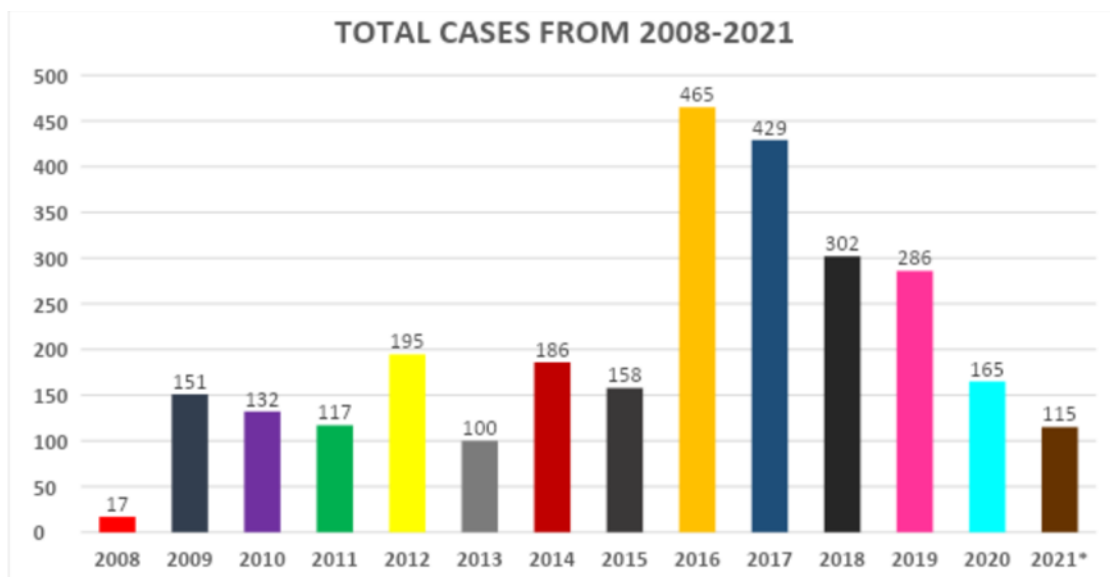


Figure 3 Total Reported Cases of Human Trafficking in Malaysia, 2008 – 2021

Source: Othman et al., 2023

Another common tactic perpetrated to evade capture is bribery and corruption. Azrae et al (2018) have comprehensively recorded bribery and corruption cases amongst government agencies, which also include border control workers. In Sarawak alone between March and April 2017, a total of 17 immigration officials were apprehended for allegedly accepting bribes (Azrae et al., 2018). The Deputy Minister of Home Affairs stated that between 2020 – 2022, a total of 136 immigration officers were involved with misconduct (Bernama, 2023). According to the Malaysian Anti-Corruption Commission, the Sarawakian immigration officials accepted a total of RM 712, 376.00 between 2019 – June 2022 (SPRM, 2022). Zulkipli (2023) added

that the porosity of Malaysia's legal land crossing points is due to the lack of integrity and technological applications.

Geographically, as alluded to by Zulkipli (2023) and Zainol et al (2019), the porosity of Malaysia's borders are due to the centrality of its location in the region. This porosity contributes to the illicit trans-boundary activities, threatening both the state and border communities. Furthermore, the Organized Crime Index stated that the persistence of Malaysia's susceptibility to criminal activities in the border areas (those that Malaysia shares with Brunei, Indonesia and Thailand) is attributable to the complex topography, which also makes surveillance and monitoring operations problematic (Criminality in Malaysia - The Organized Crime Index, 2024).

Hence, as Zainol et al concluded, border security challenges remain and will need a concerted effort between agencies in order to improve Malaysia's border control management and ultimately boost its internal security outlook (2019).

The Brunei Darussalam Case

The literature surrounding Brunei Darussalam's border security is anything but comprehensive. To date, most of its defence and security strategies are embedded in its Defence White Paper, produced by the Ministry of Defence. The current Minister at the Prime Minister's Office, who is also Second Minister of Defence is the chairman for the National Security Committee, which consists of security and enforcement agencies across ministries in the government of Negara Brunei Darussalam.

Publication	Issue	Strategies
Defence White Paper 2021 – Defending the Nation's Sovereignty, Securing a Resilient Future	<ol style="list-style-type: none"> 1. Southeast Asia will be facing issues related to violent extremism, terrorism and transnational crime in the border areas. 2. With land survey and demarcation projects still ongoing, there is potential for miscalculation and escalation of military force. 3. The threat from transnational crime is increasing with the advent of globalisation. The 	<p>7 Defence Deliverables – the IKWONDAMAI Approach</p> <ol style="list-style-type: none"> 1. Protection of sovereignty and territorial integrity 2. High level of preparedness and readiness 3. Support towards “whole-of-nation” approach 4. Effective Defence Diplomacy

	crime-terror nexus requires a concerted attention.	<p>5. Military Participation in International Missions</p> <p>6. High and Professional standards of human resource capability</p> <p>- The military is to Cooperate with civilian agencies to protect land borders especially in the remote areas</p>
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Table 2 Brunei Defence White Paper 2021

Prepared by: Researchers

It is evident that the country recognizes the threat posed by cross border criminal activity and the importance of a whole of government approach, particularly at the land borders. The vision as stated in the Defence White Paper, which is to be a 'Formidable Armed Forces and A Reliable Partner' also signifies the government's commitment to working with its regional and international partners. However, the country had faced criticisms in its handling of crime related activities, particularly by the US government, who have placed Brunei in tier 3 of the trafficking index (Strangio, 2022). The report cited that the country's efforts are insufficient and that it "detains, deports, and charge potential victims for crimes without employing a victim-centred approach to discern if traffickers compelled the victims to engage in the unlawful acts" (US Embassy in Brunei Darussalam, 2022). Recently, a 2024 report also stated that Brunei remained in the same status despite it making some efforts towards addressing trafficking offences. The report stated that Brunei have not convicted any traffickers under its trafficking law in the past 7 years and that the government have not managed to efficiently screen for trafficking among foreigners, raising the possibility that trafficking victims were handled 'inappropriately' (U.S. Embassy in Brunei Darussalam, 2024), or criminalizing the smuggled rather than the smugglers themselves (Criminality in Brunei - The Organized Crime Index, 2023).

Immigrations and customs officials being involved with bribery and corruption charges are also hampering the effectiveness of the nation's border security control. In November 2023, 7 customs officials were brought to court on charges of misuse of public office and breach of trust, and amongst these offenders were senior officials, where the offence also involved the misuse of seized assets (Faisal, 2022). The year before, a Senior Chief Immigration Officer was apprehended on corruption and graft charges (Faisal, 2023). In 2020, a senior immigration official who worked at the Entrance Permit Section was apprehended for receiving bribery on two separate occasions (Abas, 2021).

Interview Findings

Theme 1 – Threat Environment

1. Briefly state the overview of the current security situation. What are the threats that we face in the Brunei – Malaysia Land Border?

- Trans-boundary crime such as smuggling of illegal contrabands, illegal acquisition of natural resources, wildlife and government properties, illegal logging and illegal entry. The main factor contributing to the perpetuation of criminal activities is the opening up of mouse-trails by criminal entities.

2. Have the security incidents or breaches of law/policy increased or decreased over the last 5 years? State the determining factors.

- The numbers of arrests in the areas of operation have been reduced year by year. The increased number of patrols and the whole-of-nation approach in the areas of operation have managed to be an effective deterrence factor. However, the criminal activities in the Malaysia.

- Brunei Darussalam border still persists and affects the security posture and approach of enforcement agencies. Infrastructural development in the neighbouring states may enable criminal entities within the border areas to pinpoint the location of enforcement locales. To mitigate this, it is assessed that security agencies need to take progressive measures in human resource, assets acquisition and technological equipment.

3. What are the factors that drive perpetrators to continue engaging in criminal activities despite efforts by enforcement agencies?

- Smuggling activities remain the most common cross-border criminal activity within the Malaysia – Brunei Darussalam border, which reflects that the contrabands are still in demand. It is also assessed that difficult livelihood, increased prices of commodities and welfare issues amongst communities are some of the contributing factors for the persistence of trans-national crime.

Theme 2 - Internal Efforts

4. What efforts have been taken by your agency to mitigate/control/eliminate breaches of security on the land borders?

- The demarcation project involves the compartmentalization of operational areas to better monitor the security of Brunei's waters, the use of Unmanned Aerial Systems a force multiplier to complement the land and river patrols, as well as multi-agency operational cooperation between the Royal Brunei Armed Forces and other enforcement agencies.

5. How effective have those efforts been? State the factors that led to this effectiveness / lack of effectiveness.

Strengths

strengths - One of the main strengths of the current effort is the various platforms based on a whole-of-government and nationwide approach such as the National Security Committee, the Border Security Working Committee and the Joint National Intelligence Patrol which act as the main body and facilitator to coordinate threat mitigation. Another critical focus of the Royal Brunei Armed Forces is technology enhancement and capability development and exploring opportunities for joint use of monitoring and reconnaissance systems to support intelligence-based operations. For further suppression, media operations have been adopted to broadcast the arrests and cases. Laws and regulations such as the Customs Act 2006, the Excise Act 2006, the Criminal Assets Recovery Order 2012 and the Misuse of Drugs Act 1996 are also enforced. Outreach programs are also conducted to establish good relations with local border communities, which in turn can help in information gathering activities.

Weaknesses

Weaknesses - Lack of manpower, assets and equipment can prevent effective monitoring at porous borders. The vast geographic size that needs to be covered exacerbates this issue. The involvement of local people in smuggling activities and the reluctance of some parties to cooperate is a challenge for security agencies in gathering intelligence, tracking and stopping smuggling operations. Unfinished demarcation projects as well as the limited use of technological equipment by enforcement agencies also pose challenges to enforcement authorities. Criminal entities themselves are also equipped with their own technological logistics, thereby posing further complexities.

6. What are the collaborations your agency has with other enforcement agencies in Negara Brunei Darussalam? How have these collaborations contributed to an improved border security system?

- The Joint Force conducts Information and intelligence sharing between the intelligence communities via platforms such as the Joint National Patrol Committee Meeting. It also holds monthly bilateral meetings with relevant stakeholders to share and update intelligence.

7. Has the collaboration been effective so far? What needs to be improved?

- There needs to be a more practical working relationship between agencies to encourage a more effective network and facilitate information sharing activities.

8. How involved are the border communities with assisting enforcement agencies? Were there any challenges?

- The involvement of local communities with smuggling activities have hampered efforts by enforcement agencies to mitigate cross border criminal activities. Additionally, the issue of local enforcement agencies conspiring with smuggling rings also intervenes with operational confidentiality.

Analysis

The security situation in the border areas from both countries reflect similar assessment, that cross-boundary crime activities such as smuggling, trafficking and illegal entry are the major security concerns and they have detrimental impacts on the nation’s security apparatus and stability. Despite the efforts from both sides individually and bilaterally, it can be observed that the efforts have not acquired the desired results. Criminal activities persist, border porosity have not been entirely patched up and the level of cooperation between the two governments still needs to achieve significant milestones. These are due to factors such as a lack of integrity amongst border institutions, manpower, involvement of border communities in enabling the sustenance of criminality, discrepancies in border institution infrastructure, weak implementation of legal action and technological challenges.

The Comprehensive Border Security Cooperation analytical framework, reiterated in the figure below, entails 3 categories namely the country (legal framework and political will), institution (border institution and security governance), and Community (society integration and border prosperity). Below is the diagram of the Comprehensive Border Security Cooperation Framework analytical diagram when juxtaposed on the Brunei – Malaysia border security situation.

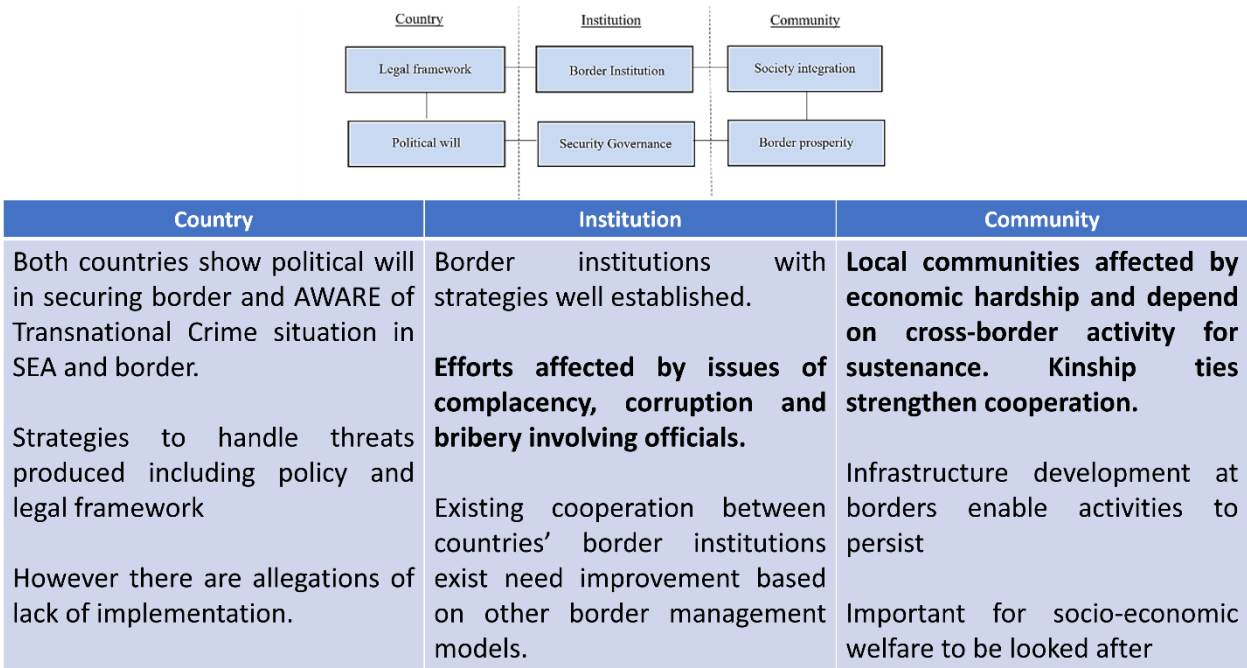


Figure 4 CBSC Analytical Framework

Prepared by: Researchers

For the country profile, it is clear that both Malaysia and Negara Brunei Darussalam’s respective governments have shown the political will to secure their border. Both nations, through multiple official and academic institutions, are aware of the regional transboundary threats plaguing the Southeast Asian region and are especially cognisant of the cross-border threats present within the land border areas. Despite a less than idealistic border past between the two countries, it has been technically resolved with leaders of both governments actively

engaged with planning and implementing various strategies. Primarily, the objective of these strategies is to demarcate boundaries, mitigate miscalculations and enforce border security via different bilateral and multilateral platforms. Additionally, comprehensive strategies that are based on a multi-agency, whole-of-government approach were also produced to lay out action plans and guide enforcement agencies to systematically mitigate border threats and practice a manageable border control system. However, external party reports do reflect on the requirement for authorities to handle certain criminal elements according to the required standards.

From a legal and policy point of view, both nations are signatory to a number of UN conventions and protocols against corruption, transnational crime and trafficking. There are clear legal systems in place to prosecute those who are involved with such offences. However, there has been allegations that governments may not fully practice the implementation or effectively execute judicial proceedings against the perpetrators, while at times taking action against the perpetrated instead.

The border institutions of both nations are well established with strategies being put in place to empower them. The relevant stakeholders are actively carrying out their duties and responsibilities. This is especially evident during the COVID Pandemic times which required border institutions to be extra vigilant in controlling cross-border mobility. However, these institutions are heavily marred by issues such as complacency, corruption and bribery that also involved senior officials. This concern was especially mentioned in a UNODC research in 2021, which stated that corruption can weaken border security and immigration management, hamper law enforcement efforts and allows trans-boundary criminal activity to proceed unpunished. Azrae et al (2018) stated specifically that this is an especially worrying trend and that the real statistics on corruption is believed to be far higher than those that are actually reported.

The cooperation between border institutions in both countries are commendable with multiple working committees to jointly handle immigration and security matters however if compared with the models of border cooperation from other regions (Leuprecht et al, 2022 & Martinez et al, 2021) there are still gaps to be filled in order to further strengthen these joint border efforts. Weak law enforcement, as emphasized by Prayuda et al has enabled organized crime groups to increase their operations in border regions across Southeast Asia, and implementing Mutual Legal Assistance to tackle Transnational Crime in Southeast Asia might be the right step forward (Syafrinaldi et al, 2023).

The importance of border communities on the security, economic and socio-cultural aspects of both countries should not be discounted. Certain portions of the demographic who are within the economically challenged categories depend on cross-border activities such as illegal logging, smuggling and illegal entry for sustenance. Additionally, infrastructural developments in the border regions does enable cross-border users to construct their own network of mouse-trails and makeshift shelters and observation posts to evade capture and being tracked by authorities. This is further complicated by kinship ties and conspiring officials. Hence, according to Sa'ad et al, it is important that the border regions are developed and the socio-economic welfare of the border communities are given ample attention. It is also paramount that there is sufficient coordination and enhanced 'hearts and minds' programs between

authorities and the border communities as part of their credibility and confidence building measure.

For future research purposes, it is important that this initial study into the cross-border challenges between Malaysia and Brunei Darussalam be explored further to include respondents from both government border institutions and conduct further investigation into the effectiveness of the existing cooperation. This would not only help contribute to the dearth of literature and knowledge gap on the matter but would ultimately assist in imparting critical information on border affairs to authorities and scholars alike.

Conclusion

The paper started off on the fluid and evolving characteristic of borders and the nature of threats that it faces. It can be argued that such discussions is to be comprehended in the context of the evolving nature of security, which has progressed from the traditional state-on-state security to non-traditional and human security. Scholars would argue that human security is conceived from the concept of freedom (primarily from fear) and contributed to the expanding security discussion, essentially leading to securitization. Generally, non-traditional security would involve issues such as transnational crime including trafficking, smuggling and illegal border crossing. Pandemics, natural disasters and cyber-crimes are also salient components which the authors purposely did not elaborate as a matter of context.

The researcher has employed two qualitative methods to serve the main objective of the study, namely literature analysis and a semi structured interview, where the findings were further scrutinized via the Comprehensive Border Security Cooperation Model. This revealed discrepancies in border security such as adherence and implementation of legal frameworks, the integrity of border institution officials, the welfare and trust of border communities, the technological embrace of border crime mitigation and interoperability between enforcement agencies of the two countries. These findings and analyses correspond to both objectives of the study, namely to examine the factors behind the continuity of criminal activities and analysing the efforts and cooperation via the security cooperation framework. However, for further research, it is critical that a deeper study is done by involving more stakeholders not only from the enforcement circle but non-security and local communities as well to build up on these initial findings. With that said, the study did encounter limitations in terms of time and administrative bureaucracies, primarily due to confidentiality issues, which also led to the challenges in acquiring certain data.

The administrations of Brunei Darussalam and Malaysia have encountered and successfully addressed numerous border-related challenges. At present, projects concerning demarcation and surveying remain in progress, the delays of which may lead to jurisdictional ambiguities and could be exploited by transnational criminal entities. Additionally, it is crucial to emphasize that concerning the domain of border security collaboration, there exist deficiencies that necessitate enhancement and further opportunities for joint efforts that are yet to be explored.

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