



Faculty of Social Sciences

SECURITY AT RISK: MALAYSIA AND HUMAN TRAFFICKING

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Master of Social Science

2015

SECURITY AT RISK: MALAYSIA AND HUMAN TRAFFICKING

BY

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A thesis submitted in fulfilment of the requirements for the degree of
Master of Social Science

Faculty of Social Sciences

UNIVERSITI MALAYSIA SARAWAK

2015

ABSTRACT

Human trafficking is one of the fastest growing and spreading crimes in the world with global estimates ranging from 600,000 to 800,000 humans trafficked annually. Human trafficking is a complex crime in which it commonly involves organised crime syndicates. Human trafficking has affected many countries negatively and Malaysia is no exception. Being acknowledged as one of the transnational organised crime, human trafficking is capable of compromising the security and sovereignty of a country. Due to its strategic location and developing economy, Malaysia has been and continues to be a destination for many migrants with the initial intention to search for better economic opportunities but ended up as victims of human trafficking. Cross-border trafficking is one of the major concerns of Malaysia's national security as Malaysia is a transit and destination, and to a lesser extent a source country for human trafficking. Long coastline borders complicate the issue of cross-border trafficking and allows the entries of migrants from neighbouring countries, especially from the economically poorer countries of Asia. The complexity of the issue is further compounded by corruptions. It is claimed that human trafficking encourages the practices of corruption. Consequently, it may also affect Malaysia's relations with other countries. Cooperation between Malaysia and other countries, especially members of ASEAN specifically bilateral cooperation are made to tackle problem associated with human trafficking.

ABSTRAK

Pemerdagangan manusia adalah salah satu jenayah yang paling pesat berkembang di dunia dengan anggaran global di antara 600,000 kepada 800,000 manusia diperdagangkan setiap tahun. Pemerdagangan manusia adalah satu jenayah kompleks di mana ia biasanya melibatkan sindiket jenayah terancang. Isu pemerdagangan manusia telah menjejaskan banyak negara secara negatif dan Malaysia tidak terkecuali. Sebagai salah satu jenayah rentas sempadan, pemerdagangan manusia mampu menjejaskan keselamatan dan kedaulatan sesebuah negara. Oleh kerana lokasinya yang strategik dan ekonomi membangun, Malaysia telah dan terus menjadi destinasi untuk ramai pendatang asing dengan niat awal untuk mencari peluang ekonomi yang lebih baik tetapi menjadi mangsa pemerdagangan manusia. Pemerdagangan manusia rentas sempadan adalah salah satu daripada cabaran utama kepada keselamatan negara Malaysia kerana Malaysia adalah sebuah negara transit dan destinasi, dan juga salah satu negara sumber bagi pemerdagangan manusia. Sempadan pantai yang panjang merumitkan isu pemerdagangan manusia rentas sempadan dan memudahkan kemasukan pendatang dari negara-negara jiran terutamanya dari negara-negara yang lebih miskin dari segi ekonomi di Asia. Kerumitan isu itu diburukkan lagi dengan masalah rasuah. Isu pemerdagangan manusia juga dikatakan menggalakkan gejala rasuah. Oleh itu, ia juga boleh menjejaskan hubungan Malaysia dengan negara-negara lain. Kerjasama antara Malaysia dan negara-negara lain terutamanya ahli-ahli ASEAN khususnya kerjasama dua hala diadakan untuk menangani masalah yang berkaitan dengan isu pemerdagangan manusia.

ACKNOWLEDGEMENT

I would like to express my gratitude to all those who gave me the possibility to complete this thesis. I am deeply indebted to Dr Lucy Sebli, for her stimulating suggestions and encouragement, helped me in all the time of research for and writing of this thesis. My gratitude also goes to my second supervisor Dr Ahmad Nizar Yaakub for his support.

I would also like to thank Universiti Malaysia Sarawak (UNIMAS) for the *Anugerah Zamalah Penyelidikan Naib Canselor* (ZPNC). I would also like to extend my gratitude to the respondents from the Department of Labour Sarawak, Ministry of Home Affairs, and the Human Rights Commission of Malaysia (SUHAKAM) for their willingness to participate in this research which has contributed to the completion of my thesis.

Not forgetting the ones I love the most, I would like to give my special thanks to my parents, Thomas and Flora whose love and support enabled me to complete this work. Last but not least, all of this would not have been possible if it weren't for God's blessing.

Thank you.

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CONTENTS

	Page
<i>Abstract</i>	<i>i</i>
<i>Abstrak</i>	<i>ii</i>
<i>Acknowledgement</i>	<i>iii</i>
<i>Declaration</i>	<i>iv</i>
<i>List of Maps & Tables</i>	<i>vii</i>
<i>Abbreviations</i>	<i>viii</i>
 CHAPTER 1: INTRODUCTION	 1-14
1.1 Background	1
1.2 Problem Statement	8-9
1.3 Scope of Study	10-11
1.4 Research Questions	11
1.5 Research Objectives	11-12
1.6 Significant of Study	12
1.7 Organisation of Study	12-13
1.8 Conclusion	14
 CHAPTER 2: LITERATURE REVIEW	 15-41
2.1 Introduction	15
2.2 Conceptual Framework: Non-Traditional Security Threats in Human Trafficking	16
2.3 Theoretical Framework: Risk Theory	25
2.4 Root Causes of Human Trafficking	29
2.5 Globalisation, Migration and Trafficking	32
2.6 Gender and Human Trafficking	36
2.7 The Impacts of Human Trafficking	39
2.8 Conclusion	41
 CHAPTER 3: METHODOLOGY	 42-53
3.1 Introduction	42
3.2 Research Design	43
3.3 Population and Sampling	44
a) Purposive Sampling	45
b) Snowball Sampling	46
3.4 Data Collection Technique and Research Instrument	47
3.5 Secondary Data	49
3.6 Thematic Analysis	49
3.7 Research Ethics	50
c) Informed Consent	51
d) Anonymity and Confidentiality	
3.8 Limitations	51
3.9 Conclusion	52

	Page
CHAPTER 4: FACTORS AND PROBLEMS OF HUMAN TRAFFICKING ON MALAYSIA	54-78
4.1 Introduction	54
4.2 The Growing Concern on the Issue of Human Trafficking in Malaysia	56
4.3 The Impacts: Human Trafficking and Security in Malaysia	65
4.4 Other Concerns	76
4.5 Conclusion	78
CHAPTER 5: EFFORTS AND PROGRESS IN BATTLING HUMAN TRAFFICKING IN MALAYSIA	79-93
5.1 Introduction	79
5.2 Efforts and Progress	81
5.3 International and Regional Cooperation	87
5.4 Conclusion	92
CHAPTER 6: CONCLUSION	94-99
6.1 Overall Findings	94
6.2 Concluding Remarks	99
References	100-107
Appendix	

LIST OF MAPS

Maps	Page
Map 1: Malaysian Maritime Zone (West Malaysia)	58
Map 2: Malaysian Maritime Zone (East Malaysia)	58

LIST OF TABLES

Tables	Page
Table 1: Classification of thematic categories in Human Trafficking	50
Table 2: Victims of Human Trafficking and Smuggling of Migrants According to Type of Exploitation	61
Table 3: Human Trafficking Cases Statistic Summary by the Enforcement Agencies (From 28.02.2008 to 31.03.2013)	64
Table 4: Victims Under the Interim Protection Order According to Countries (2008 to 2011, July)	71

ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ASEAN	Association of Southeast Asian Nations
CAMSA	Coalition to Abolish Modern-day Slavery in Asia
CATW	Coalition Against Trafficking in Women
GAATW	Global Alliance Against Traffic in Women
HIV	Human Immuno-deficiency Virus
MoU	Memorandum of Understanding
MSDHS	Ministry of Social Development and Human Security, Thailand
NGO	Non-Governmental Organisation
NTS	Non-Traditional Security
PDR	People's Democratic Republic
PO	Protection Order
RELA	Pasukan Sukarelawan Malaysia
SARS	Severe Acute Respiratory Syndrome
SUHAKAM	Human Rights Commission of Malaysia
TIP	Trafficking in Persons Report
UN	United Nations
UNAIDS	United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNIAP	United Nations Inter-Agency Project on Human Trafficking
USSR	Union of Soviet Socialist Republic

CHAPTER 1

INTRODUCTION

1.1 Background

Most people would like to think that the world is now free from slavery because it seems unthinkable to have such thing in this day and age. Although slavery has been legally abolished throughout the world the fact of the matter is that slavery still exists. The only difference is that slavery has emerged in a different form, better known as human trafficking. Human trafficking is not an isolated issue and it is certainly not new. Based on history, trafficking in humans began with the traffick in and exploitation of black Africans in previous centuries, when the colonial slave trade was considered not only legal but also a desirable branch of commerce by the European empires (Lee, 2011: 1).

This phenomenon of modern day slavery severely affected many innocent lives, especially women and children. There are still millions of people who live in bondage in all parts of the world, a majority of whom are women and children that form the backbone of society (Fowler, Che and Fowler, 2010: 1345). According to Barack Obama (2012), there are approximately more than 20 million victims of human trafficking around the world¹ and the mentioned figure is definitely huge. Since its beginning, human trafficking has affected

¹The statement was mentioned in the speech delivered by President Barack Obama at the Clinton Global Initiative, President Barack Obama announces a federal plan to combat global human trafficking, 2012.

millions of innocent lives in ways that has deprived its victims of their basic rights by being treated as commodities. This illicit activity affects every nation of the world, as countries of origin, transit or destination – to some extent a combination of all. According to the United Nations Global Initiative to Fight Human Trafficking (2007) facts report, 161 nations are reported to be affected by human trafficking as a source, transit and/or destination country. Despite the fact that most victims originate from less developed nations, human trafficking does not choose its countries or its victims. As long as there are demand, supply, and profits, the traffickers are on their game.

Studies on human trafficking have indicated that most of the targeted victims are women and children. However, it is important to stress that human trafficking knows no boundaries. This illicit activity puts aside the issue of gender, age, ethnicity, as well as nationality. Men are also being trafficked and often used in forms of forced labour. The victims are forced to pay off the debts that were never agreed upon in the first place. Forced to work long hours and exploited in many unimaginable ways, the victims are intensely negatively affected physically, sexually, and psychologically. Making the situation even more complex, human trafficking is not only limit to sexual exploitation and forced labour but also comes in different forms comprised of domestic servitude, child soldiers, and organ trafficking. In some cases, it lies hidden in correspondence marriages and provides the material for different kinds of labour markets (Monzini, 2005: 2).

Human trafficking *per se* is a global problem as it is recognised as a form of transnational organised crime by the United Nations. The United Nations came up with the definition of

human trafficking and human smuggling in 2000, and was internationally agreed upon December that year in the United Nations Convention against Transnational Organised Crime as adopted by the General Assembly. The two supplementary protocols that define the terms respectively are the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; and the Protocol Against the Smuggling of Migrants by Land, Sea, and Air. The protocol on human trafficking came into force in December 2003 and shortly afterwards, the protocol on migrant smuggling came into force in January 2004 (Lee, 2011: 8). Based on the protocol, the United Nations defines human trafficking as follows:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, or fraud, or deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices to slavery, servitude or removal of organs (United Nations, 2000).

On the other hand, the UN protocol against migrants smuggling reads as follow:

The procurement, in order to obtain , directly or indirectly, a financial or other material benefit, or the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (United Nations, 2000).

The inception of this definition used by United Nations has its objective to combat the problem of human trafficking. It was adopted under the United Nations Convention on Transnational Organised Crime by the United Nations General Assembly on 15 November 2000. The United Nations 2000 Protocol was signed and ratified by approximately 150 countries, meaning that they agree on the mentioned definition and were ready to use it as a springboard to make national laws that counter human trafficking (Fowler et al. 2010: 1345). Having precise and internationally accepted definition is essential as it can be used as

guidelines for countries to fight against human trafficking and bring the trafficking offenders to justice.

For Malaysia, the mentioned definition is used as a main reference in defining human trafficking in the country. Malaysia has adopted the international definition of human trafficking and use the international instruments as the main reference for the creation of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. In reference with the international definition, Malaysia defines human trafficking as,

“any act that involves the acquisition or the retention of employment or service of a person through coercion, and includes the act of recruiting, transporting, transferring, protecting, providing or accepting a person for the purpose of exploitation” (Immigration Department of Malaysia, 2012).

In addition, the term ‘exploitation’ above refers to,

“any form of sexual exploitation, forced work or services, slavery, practices similar to slavery, or any activity that contravenes the law or human organ transplants” (ibid).

The creation of this act is clearly very recent since it only came into force in 2007. The issue of human trafficking that Malaysia faces today has undeniably been present for a long time but only recently recognised as a problem or threat to the country. Consequently, the issue of human trafficking is relatively new in Malaysia. The issue of human trafficking in Malaysia is categorised under the problem of undocumented migrants, thus leading the government to focus on visa violations of the trafficked victims.

Among the many contributing factors to the problem of human trafficking are poverty, lack of education, political instability, economic crisis, domestic and regional conflicts, and displacement. Additionally, migration is also one of the aspects closely linked to the problem of human trafficking. In 2010, it is estimated that some 214 million people lived outside their country of origin, consisting of 3 per cent of the world's population (United Nations Population Fund, 2013). Studies have recognised that the majority of migration are usually due to the search for better economic and social opportunities. Migration leads to labour trafficking due to exploitation by unscrupulous individuals and syndicates (Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants Malaysia, 2010). According to the United Nations Population Fund (2013), economic migrants are the world's fastest growing group of migrants. Adding to that, human beings are not only trafficked across borders but also trafficked domestically. In other words, in their own country. In spite of being trafficked within their country, there are still very limited chances of the victims to escape.

The main factor that pushes many people to migrate in search of better economic and social opportunities is poverty. The victims of human trafficking are most likely from less developed countries to more developed countries, where people are vulnerable to trafficking by virtue of poverty, conflict or other conditions (United Nations Office on Drugs and Crime, 2012). Poverty has made some people desperate to improve their own and their family's lives. The common picture of how victims are trafficked in search of economic opportunity is that the victims are deceived by their employer or employment agents and end up being used as forced labour or debt bondage. For instance, in Malaysia, the majority of the trafficking victims are foreign workers who migrate willingly to Malaysia. Most of them are from Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh,

Pakistan and Vietnam. They come in search of greater economic opportunities, some of whom subsequently encounter forced labour or debt bondage conditions at the hands of their employers, employment agents, or informal recruiters (Stop Traffik Australia, 2011). Additionally, there are claims that corruption is also one of the factors that led to the success of this syndicate. Corruption enables human traffickers to operate successfully, whether through bribes of public officials or collaboration of officials with criminal networks (Jones, Engstrom, Hillard and Diaz, 2007). Van Impe (2000) says that, officials holding key positions have used their authority to provide protection to those engaged in criminal activities; their complicity can range from simply ignoring illegal activity to blocking legislation that would counter trafficking (in Jones, Engstrom, Hillard and Diaz, 2007) .

As human trafficking is a global phenomenon, it is believed to be closely related to globalisation. Globalisation has increased the mobility of labour, and caused a decline in fertility and working-age populations in many developed countries, resulting in a rising demand for workers from abroad to sustain national economies (United Nations Population Fund, 2013). Therefore, many believe that the process of globalisation allows the trafficking in humans to become easier and faster in many ways. Mameli (2002: 68) says that illegal trafficking in human beings for the purpose of forced prostitution in the transnational sex industry expanded at the close of the twentieth century as a direct result of globalisation and other influences. He also mentions that the advancement in transportation and communication technology has actually raised the demand for and supply of this service among interested parties (ibid).

Advancement in communication technology, particularly the internet has also facilitated the rise of human trafficking. Shelley (2011: 138) asserts that the rise of the internet has had a major impact, as organised crime groups in India and Russia are able to buy and sell women with the ease of a mouse-click. Shelley (ibid) further demonstrates this as coming out of the countries of the former *Union of Soviet Socialist Republics* (USSR) in the form of numerous websites promoting brides and sexual services, as well as websites promote sex tourism, particularly in Latin America and Asia coming out of Europe. Globalisation has, in many ways, facilitated the growth of human trafficking as the ‘purchasing’ and ‘transaction’ process has been simplified to just a mouse-click.

Apart from globalisation, the reason behind the unending rise of human trafficking is profit. Human trafficking is believed to be one of the most profitable industries in the world. According to Richard (cited in McCabe 2008: 12), in the United States, the trafficker’s profit grossed from US\$1 million to US\$8 million in a period ranging from one to six years. Ryft (2002, in Fowler et al., 2010) further states that human trafficking has become one of the fastest growing illegal activities and is said producing between US\$7 to US\$10 billion a year. This figure continues to rise and it is estimated that globally trafficker’s profit grosses up to US\$32 billion annually, approximately RM110.5 billion (Department of Information Malaysia, 2011). This is definitely one of the reasons why this crime still continues today.

This crime of human trafficking brings suffering to many innocent lives around the world and it has definitely threatened the security of every country it has affected. This study focuses on human trafficking in Malaysia from the security perspective. Malaysia is known for its vibrant

and growing economy in the world of developing countries. Due to its continuous development, Malaysia has never failed to attract many migrants mostly from other developed and less developed nations who are looking for job opportunities abroad. In 2008, there were a total of 2,062,596 foreign workers in Malaysia (Mnistry of Home Affairs, 2009). Heavy reliance on foreign labours especially cheap labours is one of the contributing factors to the problem of human trafficking in Malaysia. This is evident in the following statement which says, “men, women, and children who migrate voluntarily to Malaysia seeking employment are subjected to conditions of forced labour as domestic workers, or in the agricultural, construction, or industrial sectors” (Cameron, 2007). Consequently, Malaysia concentrates a lot of efforts to combat the problem associated to human trafficking as it is perceived as a threat to the country’s security.

1.2 Problem Statement

Human trafficking is one of the fastest growing non-traditional security threats and one of the fastest growing transnational crimes in the world. The scale of this crime is notoriously difficult to determine, with global estimates ranging from 600,000 to 800,000 humans trafficked annually (United States Department of State, 2005). As it is considered as a non-traditional security threat, handling the issue of human trafficking has gone beyond the traditional understanding of security. Therefore, with the issue of human trafficking, defending national security is no longer confined to war and border protection.

Trafficking in human beings is undeniably a complex crime that commonly involve organised crime syndicates. It also perceived as a problem that may indirectly lead to other crimes such

as money laundering, prostitution, and drugs trafficking. Hence, it is among the transnational crime that is perceived as growing threat to national and international security.

Malaysia has been struggling with the issue of the fluctuation of migrants since the early 1970s. The issue with undocumented migrants is one of the biggest challenges for Malaysia. Due to its strategic geographical location and developing economy, many migrants choose to migrate to this country with intention to search for better economic opportunities, but some ended up as victims of human trafficking. Thus, cross-border trafficking is one of the major concerns to Malaysia's national security as Malaysia is a transit and destination, and to some extent a source country for human trafficking. Long coastline borders further complicate the problem of cross-border trafficking in Malaysia as human trafficking syndicates usually entered the country's border via boats, ferries and ship. Entries of migrants from neighbouring countries especially economically poorer countries of Asia are made easy with the long and porous border. It is very difficult to monitor and control such long and porous border.

In addition, the complexity of the issue is further compounded by corruption. The human trafficking syndicates are often willing to go as far as bribing the officials in order to make their way into Malaysia. The concern is, corruption may affect the image and credibility of Malaysia if such practice becoming rampant. Consequently, it may also affect Malaysia's relations with other countries. Malaysia definitely cannot risk that as it is important to have good relations with other countries, especially in today's era of globalisation.

1.3 Scope of Study

The intention of this study is to highlight the security implications of human trafficking in Malaysia as a whole. As mentioned earlier in the problem statement (see page 8), human trafficking is one of the non-traditional security threats. The Malaysian government has included the issue of human trafficking as one of its security threats to which it perceived as potentially compromising the state's security and its sovereignty.

One of the security implications of human trafficking to Malaysia is that it threaten the national economy. Specifically, forced labour is perceived as a risk capable of threatening Malaysia's economy. In this sense, labour trafficking is perceived to have the potential to negatively affect the image and credibility of Malaysia, particularly in recruiting foreign workers. Apart from forced labour, other forms of human trafficking such as sexual exploitation, domestic servitude, baby trafficking and organ trafficking are also equally included in the state's security concern. Additionally, the other security implication relating to human trafficking is corruption. Corruption is viewed as a threat to Malaysia's security because it continued to play a role in the trafficking of foreign labourers. Hence, as mentioned earlier in the problem statement, corruption is perceived as a problem associated to human trafficking that may also affect the image and credibility of Malaysia with regard to the recruitment of foreign workers.

This study focuses on examining the issue of human trafficking from a national security's perspective. However, this study is not an attempt to provide any solution for this global epidemic but to complement the previous studies on human trafficking. In addition to that, it

is hoped that this study will help to increase understanding of the problem of human trafficking and its capacity to threaten the security of a nation.

1.4 Research Questions

- a) Why has human trafficking rapidly gained attention in Malaysia?
- b) What are the security implications of human trafficking on Malaysia?
- c) How do states and non-state actors response to the problem of human trafficking in Malaysia?
- d) What is/are the impacts of human trafficking on Malaysia's relations with its neighbouring countries and other countries?

1.5 Research Objectives

- a) to analyse the factors that contribute to the increasing attention given to the human trafficking issue in Malaysia,
- b) to identify the underlying problems of human trafficking that leads to security implications in Malaysia,
- c) to explore the role and function of government and non-governmental organisations in preventing and combating human trafficking, and

- d) to examine the significant effect of human trafficking on Malaysia's diplomatic relations with its neighbouring and other countries, especially members of ASEAN, in terms of cooperation in combating the problem of human trafficking.

1.6 Significant of Study

This study is conducted to provide a better understanding on the issue of human trafficking and its relation to national security. The fact that it is a transnational organised crime makes it important to understand the security risk that the issue may pose to a country. This study may serve as a medium for people to understand the nature of human trafficking and how it has affected people and their countries negatively. Despite numerous efforts done to fight human trafficking, many are still not aware of the danger in relation to human trafficking. Most who are aware of this situation sometimes fail to see the seriousness of the issue of human trafficking, especially the underlying problems that it brings. The problem of human trafficking is extremely complex and affects countries in many ways. Thus, this study will examine the security implications of human trafficking in Malaysia and how it can compromise the security of a given country.

1.7 Organisation of Study

This thesis is divided into three parts. The first part of this thesis consists of introductory chapters in which it includes Chapter 1, Chapter 2 and Chapter 3. Chapter 1 consists of background of study, problem statement, research questions, research objectives, scope of the study, significant of study and organisation of study. Chapter 2 is Literature Review. It is

basically a chapter dedicated to some previous literatures on human trafficking and the conceptual framework of this thesis. The Literature Review is divided into subtopics which includes the concept of security; risk theory; the driving force; globalization, migration and trafficking; gender and human trafficking; the impacts of human trafficking; and conclusion. Chapter 3 is devoted to methodology. This chapter includes research population and sampling; data collection; instrumentation; limitations; and conclusion.

The second part of this thesis is the findings chapters. There are two chapters (Chapter 4 and Chapter 5) and they are divided into respective themes. Chapter 4 carries the theme of Identifying the Factors. Chapter 4 focuses on responding to research objectives (1) to analyse the factors that contribute to the increasing attention given to the human trafficking issue in Malaysia; and (2) to identify the underlying problems of human trafficking that lead to security implications in Malaysia. Chapter 5 carries the theme Efforts and Progress is dedicated to respond to the research objectives, (3) to explore the role and function of government and non-governmental organisations in preventing and combating human trafficking; and (4) to examine the significant effects of human trafficking on Malaysia's diplomatic relations with its neighbouring countries and ASEAN, in terms of cooperation in combating the problems of human trafficking.

The final chapter is Chapter 6 which is the conclusion chapter. This chapter presents a summary of the entire thesis and makes connections to all of the issues that have been discussed in the thesis.