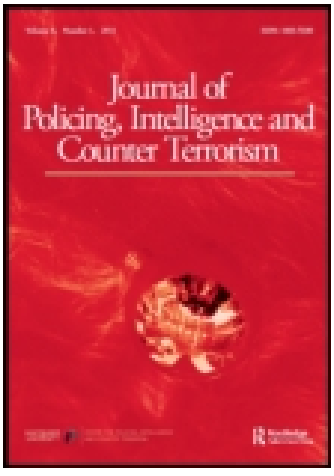

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Responses to Terrorism in Southeast Asia

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ABSTRACT

Although the most critical part of the fight against Islamic terrorism has to be waged by individual states within their national borders, given the nature of today's threat, cooperation between states is crucial. Changes in the nature of terrorist organizations have also increased the demands on international cooperation. This paper discusses bilateral and subregional cooperation involving two or three countries. It looks at the regional level response, emphasizing capacity building and training. Most effort has taken place under the aegis of ASEAN and organizations or forums linked to ASEAN, in particular the ASEAN Regional Forum; since 9/11, however, the Asia-Pacific Economic Cooperation (APEC) has also adopted an active counter-terrorism agenda. The paper will conclude with a look at the progress towards regional counter-terrorism strategies and which efforts need additional attention and resources.

Introduction

Southeast Asia has had long experience with political violence involving the use of terrorism, whether by underground communist movements or by ethnic or religion based separatist groups. At some point between 1948 and 1979, most of the non-communist states of the region experienced communist insurgencies in which terrorist tactics were employed. During the Cold War, revolutionary communism was the biggest common threat to states in the region and was an important catalyst for the formation and development of the Association of Southeast Asian Nations (ASEAN).

From their experience with the communists, these states learned the importance of a comprehensive and coordinated national strategy that embraces intelligence, political, ideological, and, when necessary, military dimensions. Bilateral intelligence exchanges and cooperation were also highly valued, especially in dealing with communist guerilla organizations that straddled international borders, as was the case with the Communist Party of Malaya and the North Kalimantan Communist Party. Multilateral cooperation among these states was, however, limited to political dialogue, shared assessments of the communist threat, and the sharing of tactics for dealing with it. There was no multilateral military or security cooperation.

The threat from Islamic terrorism today is different in some important ways from the earlier threat from domestic communism, even when it was externally inspired. However, some of the old lessons remain relevant: the importance of a comprehensive strategy, of good intelligence, and of inter-state intelligence exchanges and cooperation. It is as true today as it was then that the most critical part of the fight against Islamic terrorism has to be waged by individual states within their national borders; however, given the nature of today's threat, cooperation between states is even more crucial than it was in battling communist insurgencies.

This is so in part because the *jihadi* ideology holds that a Muslim's first loyalty is to his religion rather than to his state or country. This renders national frontiers irrelevant to the terrorists and makes the menace of *jihadi* terrorism truly regional as well as international. Terrorists have moved freely across national borders in Southeast Asia to cooperate in training, sanctuary, and meetings. They have planned and executed operations involving nationals of different countries. For instance, the plot to bomb embassies in Singapore that was foiled by the authorities in 2001 involved the use of nationals of a number of countries in the planning, logistics and intended execution of the operation. Even in the hyper-alert environment of recent years, there are reports of terrorists from Indonesia collaborating with the Abu Sayyaf Group to plan attacks in the Philippines (*The Philippines Star*, 2006). And at least one group of fighters from the Muslim insurgency in Thailand is reported to have visited a Jemaah Islamyiah (JI) camp in Indonesia for religious indoctrination and training in suicide tactics (*Associated Press*, 2005), even though the south Thailand insurgency is generally held to be an ethno-nationalist rather than a jihadist movement. Before 9/11, the JI had strong links with Al Qaeda in Afghanistan and Pakistan, and Al Qaeda operatives (such as Omar al-Faruq) were based in Southeast Asia. These extra-regional links are reduced today, but could revive again depending on the fortunes of *jihadi* terrorism in Pakistan, Afghanistan and the Middle East. Growing links between terrorism and transnational crime intensify the need for cooperation between states.

Changes in the nature of terrorist organizations also increase the demands on international cooperation. As Al Qaeda has shifted from centralized to decentralized operational control, terrorist attacks are often carried out by local groups. These groups themselves are often amorphous, lacking organizational hierarchy, with members who move across international borders. This situation makes intelligence collection more challenging. As Sir Richard Dearlove (2006), Master of Pembroke College, Cambridge University, and former head of the UK Secret Intelligence Service (MI-6), has put it;

> "The distinction between what constitutes domestic and foreign intelligence is increasingly blurred to the point where the boundaries themselves are almost irrelevant from an operational or collection point of view. For transnational terrorists such as jihadists, international borders are irrelevant and do not affect their political or operational views. As such the intelligence collection and analysis efforts against them need to be able to work in the same manner".

This paper will go on to briefly discuss bilateral and subregional cooperation involving two or three countries. It will then look at the regional level response,

emphasizing capacity building and training. Most effort has taken place under the aegis of ASEAN and organizations or forums linked to ASEAN, in particular the ASEAN Regional Forum (ARF); since 9/11, however, the Asia-Pacific Economic Cooperation (APEC) has also adopted an active counter-terrorism agenda. The paper will conclude with a look at the progress towards regional counter-terrorism strategies and which efforts need additional attention and resources.

Bilateral and sub-regional cooperation

Most bilateral cooperation is in the field of intelligence. Bilateral intelligence exchanges on the terrorism threat – especially among Indonesia, Malaysia, Philippines, Singapore and Thailand – have expanded since 9/11, resulting in a number of arrests-based leads provided by neighboring countries. By most accounts, such cooperation has improved significantly, though it is difficult to judge if it is as effective as it could be since outside analysts are seldom privy to what happens between intelligence services. It is safe to say, nonetheless, the quality of exchanges and cooperation are likely to vary depending upon the levels of trust and confidence between countries. While there are often good reasons for withholding sensitive intelligence, which usually comprises only a small proportion of total intelligence, the relevant question is whether there is adequate exchange of the less sensitive information that comprises the bulk of intelligence.

The importance of bilateral intelligence cooperation between Southeast Asian countries and friendly outside powers like the US, Australia and Europe needs to be underlined. This cooperation has grown over the years and is critical in the fight against terrorism in Southeast Asia. It was such cooperation between the US and Thailand, with assistance from Indonesia, Malaysia and Cambodia, that led to capture in Thailand in 2003 of Hambali, the operational head of the JI in Southeast Asia. Likewise, Indonesia-US cooperation led to the capture of Al Qaeda operative Omar Al-Faruq in 2003.

Though inter-state cooperation has been most successful at the bilateral level, there are also instances of useful trilateral, even multilateral, cooperation at the sub-regional level. One example is the effort by the three littoral states of the Straits of Malacca – Indonesia, Malaysia, and Singapore – to enhance security in the Straits. The focus of this maritime cooperation goes beyond terrorism – piracy being its most immediate concern – but the deterrence and interdiction of terrorist acts against shipping and port facilities in the area is an important part of the exercise. The measures involve coordinated naval patrols and "eye in the sky" aerial surveillance in the Straits of Malacca by the three countries as well as an Intelligence Exchange Group which went on to develop the Malacca Straits Patrols Information System to improve coordination and situational awareness. These measures have significantly reduced piracy in the Straits. In September 2008 a fourth country, Thailand, joined the coordinated naval patrols and will also participate in the aerial surveillance of the Straits from 2009.

Still, as has generally been the case with security cooperation in Southeast Asia, sensitivities concerning sovereignty have prevented the institution of joint patrols and effective hot pursuit across international borders. Similar sensitivities have prevented littoral states from enlisting the assistance of foreign coast guards and navies in reinforcing the more limited military resources of individual Southeast Asian states. That said, they have welcomed technical and capacity building assistance from outside powers who are heavy users of the Straits and this assistance has contributed significantly to the improved security in the Straits of Malacca.

In 2002, the Philippines, Indonesia and Malaysia signed a trilateral security arrangement for mutual assistance in the fight against transnational crime and terrorism with the aim of curbing the movement of suspected criminals and terrorists across their trilateral border area. Thailand and Cambodia also later joined the pact. And in August 2001, before 9/11, Indonesia, Malaysia, Philippines, and Singapore met to discuss how to deal with Islamic extremists. The particular focus of concern was the large number of Muslim students from Indonesia, Malaysia and Philippines who had attended religious schools abroad (especially in Afghanistan) and fallen under the influence of radicals. After 9/11 these countries acted to curb the numbers of such students going to questionable destinations (see, Simon, 2004, p. 265).

Slow development of regional responses

A regional multilateral response was slow in developing, however, despite the ASEAN declarations against terrorism owing to differences in domestic political situations and threat perceptions. Indonesia, the key country in the fight against the JI in Southeast Asia, continued to officially deny the existence of terrorist networks in the country for a year after 9/11. Radical Islamic groups, newly active in the freewheeling politics of the emerging Indonesian democracy, portrayed the American attack on the Taliban regime Afghanistan as an attack on Islam. Even moderate Muslim groups, however, resented the American action in Afghanistan. These variations in threat perceptions created divisions between ASEAN states. When Singapore's Senior Minister Lee Kuan Yew charged, in early 2002, that Jakarta was not doing enough to deal with terrorists, Indonesians took to the streets in demonstrations in front of the Singapore Embassy in Jakarta and conservative Muslim groups demanded that Lee apologize for his remarks. In short, Indonesians felt that terrorism was America's problem, not theirs (Chow, 2005). In that political milieu, it was difficult for Indonesian President Megawati to openly support American, or even ASEAN, initiatives against terrorism. Only after the terrorist bombing in Bali in October 2002 did Indonesia acknowledge that it had a serious terrorist problem on its hands that demanded action.

Thailand also long denied that it had a terrorist problem. The arrest of a Singapore JI member in Bangkok in May 2003, based on leads supplied by the Singapore authorities, the apprehension in the following month of three JI members in south Thailand, and the revelation of a JI plot to attack foreign embassies in Bangkok and

civilian targets in Pattaya and Phuket forced Prime Minister Thaksin to admit that there was a terrorist threat in the country (Singh, 2003, pp. 209-10). The subsequent arrest of Hambali confirmed the presence of JI in Thailand.

By the end of 2003, all the key countries realized that terrorism posed a real threat to not only their lives and property but also to their economies, investment climate and international reputations. Only then did a shared sense of threat develop, though the different countries continued to place varying priorities on forging responses. In Indonesia, for instance, while terrorism was recognized as a real threat, the government struggled with more immediate and pressing priorities like the economy, domestic politics, and shortcomings in governance.

Declarations of commitment and capacity building

In the early post-9/11 years, regional responses to terrorism were confined largely to discussions in regional forums, declarations, and capacity building efforts. As two Singapore-based scholars have observed of this period; "ASEAN's multilateral framework of counter-terrorism mechanisms has been more notable for capacity-building and confidence-enhancing measures than for member states taking concrete actions or acting in concert" (Desker & Pavlova, 2005; see also, Singh, 2003). Capacity building efforts took place largely, though not exclusively, through framework of ASEAN, the ASEAN Regional Forum (ARF), and related ASEAN entities.

Successive ASEAN declarations have expressed the political will to fight terrorism. They also facilitate national governments' counter-terrorism efforts in the face of possible domestic political constraints. The Declaration on Joint Action to Counter Terrorism issued at the Seventh ASEAN Summit in Brunei in November 2001 stressed the need to strengthen cooperation at all levels – bilateral, regional, and international – and combat terrorism "in a comprehensive manner" (see, http://aseansec.org/5620.htm). The Chairman's statement after the 11th ASEAN Summit in Kuala Lumpur in December 2005 re-emphasized the need "to maintain and intensify cooperation among states in the region to combat terrorism" (see, http://www.aseansec.org/17724.htm). ASEAN forums like the ASEAN Ministerial Meeting, the ASEAN Regional Forum (ARF), the ASEAN Summit, the ASEAN Plus Three and the East Asia Summit have continued to stress the importance of combating terrorisms at their regular meetings.

ASEAN members have also signed declarations or memorandums of understanding with various dialogue partners – including US, China, EU, Japan, Australia, New Zealand, India, the Republic of Korea, and Canada – on cooperative measures to deal with terrorism and other non-traditional security threats, demonstrating ASEAN's commitment to work with other countries in the fight against terrorism.

ASEAN declarations are often followed by regularly reviewed plans of action. The 2001 Declaration at the Seventh ASEAN Summit, for example, identified a slew of implementation measures, including reviewing and strengthening the national mechanisms to combat terrorism, signing and ratifying the relevant international

anti-terrorism conventions, enhancing intelligence sharing and regional cooperation on law enforcement, developing regional capacity building programs, and discussing and exploring ideas and initiatives to increase ASEAN's involvement with the international community "to make the fight against terrorism a truly regional and global endeavor". These ideas were incorporated in the ASEAN Plan of Action to Combat Transnational Crime, adopted in May 2002 under the aegis of the ASEAN Ministerial Committee on Transnational Crime (AMMCT).

Training and capacity building projects under this Plan of Action have included courses in a very broad range of subjects: psychological operations/psychological warfare for law enforcement authorities, intelligence procurement, bomb/explosive detection, and post blast investigation to airport security and document security, to name a few.

In the ARF, which comprises twenty-five countries, including all the world's major powers, much of the work related to counter-terrorism takes place under the aegis of the Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime (ISM-CTTC). These, too, have involved capacity building using expertise from the advanced countries in a whole host of subjects ranging from combating document fraud to police and law enforcement cooperation.

APEC, an economic and trade organization, has also taken on a significant role against terrorism, based on the recognition that terrorist attacks – whether on targets on land, on aviation or on shipping and ports – can have significant adverse effects on trade, investments and tourism. In the 2003 Bangkok Declaration, APEC leaders pledged to dismantle transnational terrorist networks that threatened APEC economies. The summit pledged, among other things, to institute controls on shoulder-fired missiles, enhance port security, act against terrorist financing, and coordinate counter-terrorism efforts with the UN and G-8 Group.

ASEAN recognizes the importance of harmonizing regional cooperation with international norms, practices and requirements as spelled out by bodies such as the UN. UN resolutions in particular are important in providing legitimacy to anti-terrorism legislation and security action.

TRAINING CENTERS

Training centers have been established to support regional capacity-building efforts. These centers are national, not ASEAN, bodies, although some work in partnership with extra-regional countries. They have had the effect of reinforcing and expanding capacity-building efforts in the region as a whole. Three of these centers were set up after 9/11: the Southeast Asian Regional Center for Counter-Terrorism (SEARCCT) in Kuala Lumpur, the Center for Law Enforcement Cooperation (CLEC) in Semarang, Indonesia; and the International Centre for Political Violence and Terrorism Research (ICPVTR) in Singapore.

SEARCCT, established in July 2003, has the stated goals of conducting courses in counter-terrorism and studying terrorism and its causes. Foreign countries, including the US, Australia, the European Union and Japan, contribute teaching

expertise. CLEC was set up in July 2004 as a follow-up to the February 2004 Bali Regional Meeting on Counter-Terrorism. Its objective is to enhance the operational expertise of regional law enforcement personnel in dealing with transnational crime – with a special emphasis on counter-terrorism – and strengthen cooperation among regional police forces, drawing on law enforcement cooperation between Indonesia and Australia. The Australian government is contributing AUD $36.8 million to the Center over a five-year period. The ICPVTR is primarily a research institute in Singapore's S. Rajaratnam School of International Studies; however, it also conducts training courses in terrorism and counter-terrorism that have been attended by personnel from various countries. The International Law Enforcement Academy in Bangkok, a partnership between Thailand and the US, was set up in 1998 to train law enforcement personnel.

COOPERATION WITH ADVANCED COUNTRIES

ASEAN, in the fight against terrorism, has not shied away from working closely with those major powers that can impart training, technical skills and best practices. While much of this goes on within the framework of the ARF and the AMCTCCT, individual Southeast Asian countries have also cooperated bilaterally with countries outside the ASEAN framework. Perhaps the most striking cooperation has been between Indonesia and Australia. The Australian Federal Police played a key role in investigating and identifying the suspected perpetrators of the first Bali bombing and has worked closely with the Indonesian police since then. Australia has also assisted in the establishment of the CLEC and contributed significantly in other areas to build up Indonesian anti-terror capacities. The US has also been active in assisting various countries in capacity building. In the Philippines, it has provided operational assistance to Philippine troops in their fight against the Abu Sayyaf Group (ASG).

ASEANAPOL

The regional cooperation among ASEAN police forces through ASEANAPOL (ASEAN countries' Chiefs of Police) deserves mention. Despite its name, ASEANAPOL it is not an ASEAN organization, but has been in business for many years. It has provided a close informal network between the police forces of the region that has enabled exchange of information and evidence, witnesses and even handover of suspects. The annual ASEANAPOL conferences cover a wide range of subjects ranging from illicit drug trafficking and cyber crime to arms smuggling and maritime fraud, and terrorism features prominently in their discussions. The 25th Chiefs of Police conference held in May 2005 in Bali, recommended that member countries assign a police liaison officer in each ASEAN country to facilitate mutual legal assistance. This was an important move in facilitating practical cooperation between police forces. The 28th Chiefs of Police conference in Brunei in 2008 acknowledged the benefits of this arrangement and encouraged those countries which had not yet assigned liaison officers to do so.

ASEANAPOL's role in the regional fight against crime and terrorism as well its cooperation with INTERPOL and relevant ASEAN bodies seems set to increase. Its annual conferences have recently been attended by representatives of some of ASEAN's Dialogue partners, the ASEAN Secretariat, and INTERPOL. At its 27th conference in Singapore in 2007, ASEANAPOL reached an agreement with INTERPOL to share its electronic Database System (e-ADS) with INTERPOL, making it accessible to law enforcement officers worldwide. In return ASEANAPOL will have access to INTERPOL's Stolen and Lost Travel Documents and Stolen Motor Vehicles databases. ASEANAPOL is also establishing links with the ASEAN Ministerial Committee on Transnational Crime. Further, it will be strengthening its organizational structure by establishing a permanent Secretariat in Kuala Lumpur in 2010.

Common anti-terrorism strategies?

The regional organizations in East Asia – ASEAN, the organizations and forums linked to it, and APEC – are not supra-national entities. Many ASEAN members are relatively new states that grew out of the colonial rule in Asia, jealously guard their sovereignty, and must deal with domestic political sensitivities and constraints. This, plus the divergent interests of member countries, inadequate institutionalization, and a general lack of enforcement mechanisms, has made it difficult to develop common anti-terrorism strategies which can be adopted and enforced on a regional basis. Political confidence levels and trust between ASEAN states, while better than in some other parts of Asia, are still insufficient for deeper regional cooperation on security issues. ASEAN states also have different political and legal systems and are at very different levels of development. Despite these constraints, Southeast Asia is moving gradually towards regional counter-terror strategies in some important areas. Much remains to be done, but there is no denying the progress that has been made over the past few years.

THE IDEOLOGICAL BATTLE

It is crucial that extremist and radical ideology be countered and discredited. A proactive strategy to do this would help prevent further radicalization of the Muslim communities. Such a strategy can work only if those challenging the radical's worldview are themselves seen to be respected Islamic scholars who can argue on the basis of the religious texts so frequently cited by the radicals. States, working together with Muslim bodies, can facilitate the provision of platforms to Muslim scholars and leaders to put across their message.

There is now heightened national and regional awareness of the crucial importance of monitoring and combating extremist and *jihadi* ideologies During a discussion of the issue at the 11th ARF meeting in Jakarta in July 2004, Singapore Foreign Minister Prof S Jayakumar stated that the war against terror was not a battle between Muslim and non-Muslim countries but a contest for hearts and minds within the Muslim world. As non-Muslims do not have the standing to participate in this

intra-civilization debate, eminent Muslim leaders, religious scholars, and religious personages must speak out against deviant or distorted interpretations of the religion.

The Chairman's statement after the same ARF meeting welcomed the results of the International Conference of Islamic Scholars held in Jakarta in February 2004 that, condemned acts of terrorism and stressed the need for comprehensive and balanced measures for dealing with it. Indeed, individual ASEAN countries have held conferences in which eminent Islamic scholars have provided their views on some of the crucial elements of *jihadi* ideology. In Singapore, for instance, prominent scholars from the Muslim world have been invited take part in dialogue with the local Muslim community to promote a better understanding of the legitimate use of violence, including suicide bombings and attacks on innocent civilians, in the context of the Islamic faith. More countries with Muslim populations could consider this approach.

Monitoring, analyzing and disseminating the analysis of *jihadi* and other extremist websites, work currently being done very unevenly by individual countries, is one area that could benefit from a more regional approach. Information sharing on a regional basis could vastly enhance the knowledge and understanding of the threat from extremism.

The emergence of Liberal Islam in Indonesia and Malaysia is one response to Islamist extremism. Unfortunately, at present it seems out of sync with the Muslim mainstream, much of which finds its stance too "liberal" and an inadequate response to realities in the Muslim world. Western funding of liberal Islam networks only serves to lend credence, in the eyes of moderate Muslims, to the extremist charge that advocates of liberal Islam are just tools of the West designed to weaken and destroy Islam (for the comments in this and the next paragraph I am indebted to Osman, 2006).

A more promising response comes from what can broadly be described as "traditional Islam". Traditional Muslims, not just in Southeast Asia, practice many distinct versions of spirituality – Sufism being one of its prominent manifestations – and represent the silent majority of Muslims in many countries. They have strong grassroots links and support and are becoming increasingly active through conferences, seminars, and publications intended to counter extremist thought. In Britain, traditional Muslims have initiated the Radical Middle Way project, while in Singapore they have also been active in the Religious Rehabilitation Group to reform the JI detainees.

The approach of countering extremist ideas with traditional Islam has relevance across Southeast Asia. A similar approach was endorsed at a conference of Muslim clerics and scholars from Southeast Asia at a forum in Manila organized by the Centre for Moderate Muslims in Manila. The forum endorsed a regional plan to promote and preach home-grown Islam and to check the rising influence of radical teachings from the Middle East.

INTERFAITH UNDERSTANDING AND DIALOGUE

Terrorists often exploit existing internal religious and ethnic conflict to radicalize and recruit from the ranks of disaffected Muslim communities. One illustration of this phenomenon in Southeast Asia is the Christian-Muslim conflict in central Sulawesi

in Indonesia. It is important for state agencies, community leaders and organizations, and religious authorities to do their utmost to prevent religious tensions and conflict, to defuse them where they exist, and to promote inter-faith understanding. It is also important to pre-empt or minimize religious or communal tensions that could arise in the wake of terrorist attacks in multi-ethnic and multi-religious societies. Any backlash against the Muslim community will only serve the purposes of the terrorists. ASEAN nations should begin informal information sharing on this challenge.

Singapore has devoted considerable attention to this area. The Maintenance of Religious Harmony Act was enacted to deal with those who foment hatred or ill-will between religious communities. The Malay Muslim community opened a Harmony Center, dedicated by the Prime Minister on October 7, 2006. According to the opening speech by Prime Minister Lee Hsien Loong, the Center is one-stop facility for promoting inter-religious dialogue and to explaining the teachings of Islam and partners with schools and grass roots organizations to organize seminars and workshops.

In the age of satellite TV and the Internet, events in one country can have immediate impact on other countries: witness the cartoons of Prophet Muhammad in European newspapers a few years ago, the images of destruction during the recent fighting in Lebanon in July 2006 and the Pope's controversial remarks on Islam during the same year. In Singapore, these events prompted the Inter-Religious Organization as well as Muslim and Christian leaders to move quickly to clarify their positions and to defuse any tensions.

Inter-faith dialogue should also be promoted in the broader regional and international context, as has already been undertaken by the Asia-Europe Meeting (ASEM). Four Inter-Faith Dialogue sessions have been held under the auspices ASEM, starting with the first session in Bali in July 2005 while the fourth was held in Amsterdam in June 2008. This has now become an annual event. Participants are religious and political leaders, academics and intellectuals who discuss issues like interfaith understanding, role of education, culture and the media in promoting interfaith dialogue and harmony in multi-ethnic and multi-religious societies. Recently ASEM has also started a separate Youth Inter-Faith Dialogue to bring together youth of different religions.

Inter-faith dialogue has also been discussed at the ARF. At both the 13th ARF meeting in 2006 and the 14th meeting in 2007, ARF Ministers called for continued international efforts to enhance dialogue and broaden the understanding among faiths, cultures, and civilizations. At the 15th ARF meeting held in Singapore on 24 July 2008, the ministers underlined the importance of inter-cultural and inter-civilizational dialogue in combating the ideology of terrorism, calling for greater involvement of civil society, private sector, as well as the mass media into its development.

Further, in the joint communiqué issued at the end of the 42nd ASEAN Ministerial Meeting in Phuket Thailand in March 2009, the ASEAN ministers "stressed […] the need to empower the moderate sectors of society and the promotion of inter-faith dialogue". They also expressed support for the Philippines hosting the Non-Aligned Movement's Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace in December 2009.

LEGISLATION, LEGAL REGIMES AND MUTUAL LEGAL ASSISTANCE

Progress in this important area has so far been rather limited. Terrorists know how to exploit the diverse legal systems – with different provisions for arrest, prosecution, and extradition – between countries. Ideally, what is needed is a common counter-terrorism legal regime that empowers states to act against terrorists and planned terrorist operations without being constrained by domestic legal impediments. Such a regime would include definitions of who is a terrorist, a common arrest warrant, and common procedures to prosecute terrorists. At present, evidence acceptable in one country in Southeast Asia may be unacceptable in another, so terrorists suspected of planning or committing acts of terror in one country have to be detained in another on technicalities like immigration violations. There have also been cases of terrorists who after a period of detention in one country are deported to their country of origin, where they are freed because of lack of enabling legislation.

Southeast Asia has taken some modest steps forward. In January 2007 ASEAN members signed the ASEAN Convention on Counter Terrorism which provides a framework for regional cooperation to counter, prevent, and suppress terrorism and seeks to deepen cooperation among law enforcement and other relevant authorities. Provisions of the Convention include rapid sharing of information, establishment of a common database, and procedures for prosecution of offenders, including the use of video-conferencing in court proceedings. At least on paper, the Convention appears surprisingly ambitious, given ASEAN's traditional preference for non-legalistic measures of cooperation. While implementation will be influenced by national laws and requirements and it remains to be seen how far it will go beyond being a political signature statement, the Convention is still a notable step forward.

Earlier, an ASEAN Treaty on Mutual Legal Assistance in Criminal Matters was concluded in Kuala Lumpur in November 2005. The treaty allows ASEAN members to seek legal assistance in criminal investigations, including sharing evidence and servicing legal documents relating to 190 serious crimes, including murder, hijacking and money laundering. Again, how effective the Treaty will be in practice remains to be seen. One of its provisions gives domestic laws precedence over provisions of the treaty, making inconsistent cooperation depending upon national laws and interests likely, and the treaty must be ratified by all parties before it takes effect.

ASEAN's Vientiane Action Plan requires it to work towards drafting and concluding an ASEAN Extradition Treaty, and discussions on the subject have taken place. Extradition, because it involves the physical removal of persons, is not as straight forward as mutual legal assistance. Given the variety of legal systems and different national interests in ASEAN, the task of obtaining an effective ASEAN-wide extradition treaty will be a challenging one.

TERRORIST FINANCING

Terrorists have ingenious ways of moving money across jurisdictions, but it is difficult for one country or even two countries working together to monitor and curtail these financial movements. Understanding of terrorist financing among individual Southeast Asian countries is often woefully inadequate, and a regional institutional

arrangements to develop indicators to detect terrorist funds, build and synergize core expertise through training and adopting best practices, and help deal with problems associated with the high cost of the advanced technology needed for anti-money laundering/terrorist financing work, capabilities well beyond the resource constraints on most countries, are badly needed (Gunaratna, Acharya & Husin, 2006). A regional institutional approach that sets regional standards for anti-money laundering and terrorist financing practices, pools information, and cooperates in effective action would mark a dramatic improvement.

A COMMON DATABASE ON TERRORIST GROUPS, LEADERSHIP AND INCIDENTS

Access to a common data pool that is easily and quickly accessible to anti-terror agencies of regional countries is a vital requirement. Lacking knowledge of groups operating in other regional countries, one country's agencies may not fail to arrest of a terrorist suspect or understand the significance of communications or captured terrorist documents. Such lapses have taken place in the real world of counter terrorism, often because states are overly sensitive about sharing intelligence. There is much valuable open source intelligence that can easily be shared, not just about terrorist groups, but also in other areas, for instance passenger lists of commercial aircraft.

CONFLICT RESOLUTION

Conflicts along religious or ethnic fault lines breed local terrorism that local and foreign jihadist groups can exploit. The resolution of such conflicts can go far toward reducing or ending terrorism. Two examples of such conflicts in Southeast Asia are the rebellion of the Moro Islamic Liberation Front (MILF), the larger of the Muslim insurgencies in south Philippines, and the Muslim insurgency in southern Thailand which broke out in 2004. Unfortunately, ASEAN has not yet developed the capacity for institutional multilateral mediation necessary to resolve such conflicts. Negotiations between the MILF and the Manila government, with the involvement of Malaysian authorities, seemed to be on the road to success but then unfortunately broke down, which has been a setback for the fight against terrorism in the region. While there are some indications that they may be resumed, a settlement of the conflict in the near future seems unlikely. In southern Thailand there are no signs that the parties to the conflict will negotiate any time soon. Hence this brutal insurgency is likely to continue, with the ever present danger that at some point the rebels may decide to enlist the help of foreign radicals, even though so far they have spurned offers of outside involvement and doggedly kept the struggle confined to the Thai state and its southern provinces.

Some observations on the positive role of ASEAN

Notwithstanding its limitations, ASEAN as a regional organization has helped create conditions conducive to bilateral and regional cooperation in the fight against terrorism in Southeast Asia, something which the South Asian Association for

Regional Cooperation (SAARC) has not yet been able to attain. Several factors have contributed to Southeast Asia's efforts in countering terrorism in Southeast Asia.

First, ASEAN has helped to maintain the reasonably amicable inter-state relations in Southeast Asia that are necessary for cooperation against terrorism. It is difficult to imagine genuine cooperation in preventing the movement of terrorists across borders if one state is trying to undermine or destabilize another. A certain level of trust and enlightened self-interest are important ingredients in regional cooperation. Regional organizations by themselves cannot build confidence and trust where there is no willingness but they can facilitate the process where there is a genuine desire in national capitals to work together. In this respect, Southeast Asia is blessed with ASEAN's commitment to refraining from the use of force to settle inter-state disputes and, as far as possible, maintain non-adversarial relations in pursuit of the common good.

Second, inter-state trust and cooperation will be undermined if one government uses extremist forces to pursue its foreign or domestic political objectives or allies itself with extremist forces in its domestic political contests. Muslim-majority Southeast Asian states and their populations are generally known for their moderation in religious matters, and none has sought to ride the tiger of religious extremism in this way. Although the principle of non-intervention in the domestic affairs of other states is cherished, there is also an increasing awareness among ASEAN states, especially the five older ASEAN members, that domestic actions which can have adverse implications on neighboring countries should, as far as possible, be eschewed.

Third, ASEAN nations, both collectively and individually, have not allowed nationalism or pride to get in the way of working with the major powers to upgrade their capacity and seek assistance in the fight against terrorism. Singapore, Malaysia, and Thailand have cooperated closely on intelligence with countries like the US and Australia, and the Philippines have not shied away from seeking the support of the US Special Forces in the fight against the ASG. Most striking, Indonesia, justly proud of its history, size, and free and active foreign policy, has worked closely with the Australia and the US in the fight against terrorism.

As ASEAN integration gradually moves forward with the implementation of the ASEAN Charter and the concept of the ASEAN Political and Security Community, there will be more emphasis on closer cooperation to deal with transnational threats, including terrorism, and implementation of existing agreements. The ASEAN Political and Security Community Blueprint, as at March 2009, calls for entry into force of the Counter Terrorism Convention through ratification by all member states and the effective implementation of the ASEAN Comprehensive Plan of Action on Counter-Terrorism.

Conclusion

The most important front in the fight against terrorism in Southeast Asia remains in the national domain and in bilateral, sometimes trilateral, security cooperation. Multilateral regional responses have been slow in developing and focus largely on facilitating and supporting national and bilateral efforts through reinforcing

commitment, helping to build capacity, and adopting best practices from other countries, both within the framework of existing regional organizations and outside them. Significant progress has been made since 2003 in capacity building in the region as well as in implementing counter-terrorism measures by national governments. The progress in Indonesia is particularly noticeable.

Despite many constraints, ASEAN countries have also been gradually moving towards certain common counter-terrorism strategies. A Mutual Legal Assistance treaty and a Counter Terrorism Convention have been signed; there have been regional level discussions, and some action, on countering extremist ideology; and there is better recognition of the importance of inter-faith dialogue. More can be done in all these areas and also in the areas of terrorist financing, a counter-terrorism legal regime, and building a common data base of terrorism-related information.

Terrorism in Southeast Asia must also be seen in a broader international context. Effective action against the main centers of *jihadi* terrorism in Pakistan, Afghanistan and Iraq can support the fight against extremis in the region. These tasks cannot be handled by national governments alone but require the involvement of the international community, in particular the US, other major powers, and Muslim countries working together. If the *jihadi* tide rises in the main centers of international terrorism, the radicals and jihadists in Southeast Asia will feel more emboldened and their links with groups in Pakistan, Afghanistan and the Middle East, much weakened since 2001, will likely be re-established and strengthened.

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