ASEAN EFFORTS TO COUNTER TERRORISM IN SOUTHEAST ASIA: A STUDY ON ABU SAYYAF GROUP AND JEMAAH ISLAMIYAH (2002-2016)

By

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PANEL OF EXAMINER APPROVAL SHEET

The Panel of Examiners declare that the thesis entitled “ASEAN Efforts to Counter Terrorism in Southeast Asia: A Study on Abu Sayyaf Group and Jemaah Islamiyah (2002-2016)” that was submitted by Jasmine Kusumawardani majoring in International Relations from the Faculty of Humanities was assessed and approved to have passed the Oral Examinations on 28 February 2017.

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Cikarang, Indonesia, 27 January 2017

Dr. Endi Haryono
DECLARATION OF ORIGINALITY

I declare that this thesis, entitled “ASEAN Efforts to Counter Terrorism in Southeast Asia: A Study on Abu Sayyaf Group and Jemaah Islamiyah (2002-2016)” is, to the best of my knowledge and belief, an original piece of work that has not been submitted, either in whole or in part, to another university to obtain a degree.

Cikarang, Indonesia, 27 January 2017

Jasmine Kusumawardani
ABSTRACT

“ASEAN Efforts to Counter Terrorism in Southeast Asia: A Study on Abu Sayyaf Group and Jemaah Islamiyah (2002-2016)”

Terrorism has always been an issue in Southeast Asia, with history going back more than half a century ago. After the 9/11 tragedy in the United States, followed by the attack in Bali and cities in the Philippines in 2002, the dawning realization finally came to mind. Terrorism has turned to be one of the major threat to the regional security in Southeast Asia. As a regional organization, ASEAN of course plays a role in countering the trans-national crime beginning by releasing the 2001 Joint Declaration on Counter-terrorism all the way to the 2007 ASEAN Convention on Counter-Terrorism. This study aims to provide an information on ASEAN’s counter-terrorism strategy, and its implementation of the strategy in facing the terrorism threat posed by Abu Sayyaf Group and Jemaah Islamiyah. In order to do so, it would also elaborate on the terrorist groups. The time frame of the study is limited to between 2002 and 2016, as those are the years where both ASEAN and the terrorist groups in SeA are more active than ever. The study conducted is based on the qualitative method of analysis, based on literature studies on various sources such as books, journals, news, and other sources.

Keywords: ASEAN, terrorism, Abu Sayyaf Group, Jemaah Islamiyah, counter-terrorism, ASEAN counter-terrorism.
ABSTRAK

“ASEAN Efforts to Counter Terrorism in Southeast Asia: A Study on Abu Sayyaf Group and Jemaah Islamiyah (2002-2016)”


Kata kunci: ASEAN, terrorism, Abu Sayyaf Group, Jemaah Islamiyah, pemberantasan terorisme, pemberantasan terorisme ASEAN
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CHAPTER I
INTRODUCTION

I.1. Background of Study

On 11 September 2001, four airplanes flying above the United States of America were hijacked. One crashed 80 miles from Pittsburgh, Pennsylvania, while another one was crashed into the top military building in the Washington DC, Pentagon. The other two were flown into the World Trade Center’s twin towers in New York. It was the biggest terrorist attack ever in the USA, leading the country and its allies to start raining hell on terrorist groups all over the world.

Terrorism, while having only gained the attention of the governments in the world after the 9/11 tragedy, has been a long standing threat to states in the world especially in Southeast Asia. In Indonesia, Darul Islam had existed in 1948 although acts of terrorism in Indonesia have only gained international attention in 2001 when two Singapore Jemaah Islamiyah cells were raided by Singapore's Internal Security Department. In The Philippines, however, the problem of radical Islam separatist movement and terrorism goes back as far as the 19th century, with the currently most violent and active group being the Southern Philippines based Abu Sayyaf Group.

Abu Sayyaf Group (ASG) was founded in 1990 by Abdurajak Abubakar Janjalani, who has been said to have come into contact with Osama bin Laden while he was studying the Iranian Islamic revolution in Pakistan. The close connection

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is how ASG was able to procure enough support to launch the string of bombing attacks in 1991, with the most famous attack being the attack on a military checkpoint on the town of Isabela, on Basilan Island. This goes on to a long list of attacks and kidnappings by Abu Sayyaf Group.

Figure 1. Map of Abu Sayyaf Group in The Philippines
Source: National Counter Terrorism Center, 2016

In August 2002, six Filipino Jehovah’s Witnesses were kidnapped, and two of them were beheaded by the group. Later the same year, Abu Sayyaf was blamed

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for an explosion near The Philippines’ military base, killing one U.S. serviceman. On March 2000, the Janjalani faction of ASG kidnapped 58 elementary school students and teachers including a Catholic priest Father Roel Gallardo in Basilan. Father Gallardo along with six other kidnapping victims were killed.

Only a little more than a month than the previous kidnapping, the group kidnapped 21 hostages from different countries from a diving resort in Malaysia. Not long after, another group of tourists was taken from the Dos Palmas Resort in The Philippines’ island of Palawan and taken to the group’s stronghold in Basilan. This leads to a large-scale military operation that did not only result on the death of the terrorists and hostages, but also additional kidnappings by the group. Ever since, quite a number of people – not limited to tourists but also fishermen and tourists, have been taken by Abu Sayyaf as a mean to get money to finance their activities.

Another terrorist group that has been very active in Southeast Asia, particularly in Indonesia is Jemaah Islamiyah (JI). This group has been proven responsible for both the 2002 and the 2005 Bali Bombings that crippled Indonesia’s tourism sector for years. The 2002 bombing left 202 people dead, including 88 Australians, 38 Indonesians, and 28 British. The 2005 bomb attack killed 25 people, and injured hundreds. The attack carried out was specifically targeted to Western tourists, even though there were also many Indonesian civilians who became the victims of the attacks.

In 2003, they bombed the J.W. Marriott hotel in Jakarta, killing 12 people and injuring at least 150 people. Jemaah Islamiyah also carried out other attacks in Indonesia targeting other states or their representations in Indonesia. For example

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the 2004 bombing of the Australian Embassy in Jakarta where nine people were killed and 106 people injured\(^\text{11}\).

The most unfortunate thing about the activities of the terrorist groups is that it is not limited to a specific country. There have been instances where the groups plan or even carry out attacks, kidnappings and/or other crimes in states that are not their main activity spot like the kidnappings by ASG in Malaysia; or the branches of JI in Singapore, Malaysia, Brunei and Singapore\(^\text{12}\).

While the planning or carrying out of the attacks only happens at some Southeast Asian countries, it does not mean that the alarm is only raised in those states. As was mentioned before, activities of terrorist groups are not limited to a certain state but can also spread to other states. This is why every state in Southeast Asia then also sees terrorism as a problem.

\[\text{Figure 2. Map of the ASEAN state members}\]

\[\text{Source: Emerging Equity, 2016}\]

\(^{11}\) Simon Jeffrey and Mark Oliver, ”Australian embassy bomb kills nine,” \textit{Guardian}, September 9, 2004

With ASEAN being the only regional association in Southeast Asia, it is of course no wonder that the issue of terrorism would also be brought into discussion. The discussion on terrorism (and other transnational crimes) then results in some declarations and joint declarations on terrorism, along with some plans in countering terrorism as explained in the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, and the 2007 Convention on Counter-Terrorism.

For a regional organization set out to “promote regional peace and stability”\(^\text{13}\), a common and cross boundary threat such as terrorist group is definitely seen as an issue. Especially for terrorist groups that are as active and resilient as both Abu Sayyaf Group, and Jemaah Islamiyah. The frequent attack paired with the transnational crimes and attacks that both terrorist groups have been doing has done nothing but convince the associations of the ten states that an immediate and thorough response is crucial.

I.2. Problem Identification

Terrorism has become one of the most persistent problem in Southeast Asia. In the region, there are two terrorist groups that have caused more harm than the others: Jemaah Islamiyah and Abu Sayyaf Group. As an international terror group operating not only in one country but more,

As the growing concern towards the ever more violent movement of Abu Sayyaf Group and Jemaah Islamiyah was felt by the member states of ASEAN, the topic of terrorism along with the terrorist groups are brought up on several occasions, urging the states to work together solving the issue and achieve regional security.

The writer seeks to understand and explain how ASEAN responds to terrorism. In doing so, the writer focuses on ASEAN as a regional organization in Southeast Asia, and its plans as outlined in the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, 2002 Work Programme to Implement the ASEAN

Plan of Action to Combat Transnational Crimes, and the 2007 ASEAN Convention on Counter Terrorism. This thesis aims to describe ASEAN’s efforts to counter terrorist groups in Southeast Asia, Abu Sayyaf Group and Jemaah Islamiyah, in 2002 to 2016.

I.3. Research Question

How did ASEAN in 2002-2016 counter terrorist groups in Southeast Asia, specifically Abu Sayyaf Group and Jemaah Islamiyah?

I.4. Research Objectives

1. To further develop the knowledge of terrorism and terrorist groups in Southeast Asia
2. To analyse ASEAN in counter-terrorism efforts against terrorist groups in Southeast Asia

I.5. Significance of Study

As this thesis would revolve around ASEAN’s strategy in countering terrorism, it would hopefully be able to bridge the information on ASEAN counter terrorism to anyone who is interested about it. The author hopes that this thesis would be able to enlighten some information, and answer questions related to how ASEAN plans to eradicate terrorism, and what it has done in effect of the plans.

I.6. Literature Review

The first and most important thing to understand before going off to what strategy is best to counter terrorist groups is to understand the ideology behind it. The West, Islam and Islamism by Caroline Cox and John Marks provides a quite comprehensive explanation on what and what is not the Islamic ideology. First off, Islam is a strictly monotheistic religion, while the ideology is called Islamism.
While Islam is, as any other religion, a system of belief and conduct, Islamism goes as far as the dream to create a state based on Islam as a political ideology.

The book emphasizes that not everyone associated with Islam or who associate with Islam is also an Islamist, by grouping them into three groups. The first one being people who identify with Islam, although they may or may not be committed to the religion. The second are people who believes in Islam as a religion, as faith, and practice it. The third group is those who believe in Islam as a political ideology. These are the people who believe that, as Liberals believe in government providing equal opportunity for the people, the government should be based on Islamic values. The people in the third group, the Islamists, are the currently most heard ones, most likely due to their violent actions as terrorist groups all over the world, pushing for their Islamic State agenda. Terrorist groups such as Al-Qaeda, ISIS, Jemaah Islamiyah, Abu Sayyaf Group, and their supporters are some samples of the groups and people who uses Islam as an ideology.

The report on terrorism in Southeast Asia by the Congressional Research Service provide more information on terrorist groups that will be important in this study. It covers the general historical background of terrorism in Southeast Asia, the development of terrorist groups in the region and their network both in the region, and in the international scale. Written for the United States’ Congress, it of course contains the US’ strategy. While the strategy of the US in countering terrorism in Southeast Asia is not the centre of this study, the report provides valuable information on the rise and development of terrorist groups in Southeast Asia, two of which would be elaborated in this thesis.

When it comes to counter-terrorism strategy, the journal article titled “Comprehensive Security and Resilience in Southeast Asia: ASEAN’s approach to terrorism” published by the Pacific Review in 2009, Ralph Emmers explains on the approach of ASEAN to get to its goal to be the promoter of regional resilience in Southeast Asia, especially when it comes to the issue of terrorism.

He argues that the approach to security in ASEAN has always been dependent on national resilience of the member states which, if happens in consensus, would translate to regional resilience. The resilience would not be limited to only traditional security issues, but also non-traditional security threats
such as economy welfare and most importantly in this paper, terrorism. As for its role, ASEAN has been playing its role as a “platform for collaboration and a regional voice” on the issue of terrorism. The member states too, have collectively condemned terrorism which indicates their willingness to work together.

In response, Emmers points out that the cooperative process have been uneven”, with the lack of cooperation mechanism and sanctions in the events of non-compliance have made it more difficult to be overly optimistic on the success of ASEAN’s ability to promote regional resilience against terrorism.

A similar opinion comes from Anik Yuniarti in her paper titled “Implementasi Mekanisme Regional ASEAN dalam Penanggulangan Masalah Terorisme di Asia Tenggara” (Implementation of ASEAN Regional Mechanism on Terrorism Countermeasure), in which she argues on the causes of the lack of cooperation in ASEAN’s counter terrorism mechanism.

Terrorist attacks, especially 9/11 and Bali Bombing have made the ASEAN member states’ leaders see that terrorism is indeed a problem that needs the cooperation of every state in the region to solve. That shows that ASEAN does have the capability to support or even lead the fight against terrorism. However ASEAN member states, instead of using the existing regional mechanism by ASEAN, usually decide to use the state-to-state bilateral or multilateral approach.

Anik argues that the “ASEAN Way” especially the principle of non-interference has become an obstacle on the effort to counter terrorism. The principle that does not allow any form of intervention toward a state’s policy has made ASEAN unable to develop a mechanism for an active and coercive preventive diplomacy. Thus, a consensus or uniform view and laws regarding counter terrorism cannot be achieved regionally, resulting in states opting state to choose bilateral or multilateral cooperation which is counterproductive to ASEAN’s goal to be the region’s problem solver and support.

There are moments in which a consensus is very difficult to reach due to each state’s different point of views and threat perception of a problem, sovereignty of a state is also very important. Emmers and Yuniarti in their respective papers also stated that the problem with the existing regional resilience approach applied by ASEAN is that not every member state has the same view on terrorism as a
threat. Thus, the states also have different strategies with some applying more comprehensive strategies while others do not. ASEAN being only an organization that exist to complement domestic and bilateral efforts, that is sticking to their value of non-interference and willingness of the member states, makes it more challenging for the states to have a comprehensive security and regional resilience when it comes to fighting transnational crimes such as terrorism.

Different from the two previous publications, Ramakrishna argues that the fault with the counter-terrorism strategies that have been implemented in Southeast Asia is that they are more of a short-term strategy than a long term one. That the strategy to suppress the radical Muslim terrorism lacks the ability to eradicate, as far as possible, the ideological and political reasons of the Muslim discontent.

He repeatedly mentioned that while a short-term strategy focused on the terrorist, or the perpetrator, is important to the eradication of terrorist groups, strategy designed to eliminate the root causes is also crucial. Since the cause of Radical Muslim terrorist groups in Southeast Asia is the discontent with either ideological or political condition, or both, a strategy focused on eliminating that is important. That is because if the discontent is no longer existent, the regenerative capability of the terrorist networks would diminish.

While it was written to be a critic of the United States’ counter-terrorism strategy, the author believes that it provides an insight to the counter-terrorism strategy in Southeast Asia, and a better approach to it.

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15 Ibid.
I.7. Theoretical Framework

To answer the research question of this thesis on the role of ASEAN in countering terrorism, the writer would be using one theory, regionalism, and two concepts: the concept of threat and the concept of security.

According to Joseph Nye, regionalism in its descriptive sense “interstate associations or groupings on the basis of regions”\(^\text{16}\), or the geographical location of the states. Another point of view is offered by Hasnan Habib, who argues that regionalism is a result of regional consciousness that develops from a sense of shared identity among state in the geographical region. The states would then cooperate in one way or another to achieve common goals, protect common security in terms of economic, or military problems\(^\text{17}\).

ASEAN is firstly an association of states in a specific geographical location, Southeast Asia. While they may not, at first, have a sense of common identity, they did have a common interest and goal to achieve. So ASEAN came to be, at the

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\(^{17}\) Ibid.
height of superpower rivalry, by the security concerns shared by the states that if they could not contain and prevent conflicts in the region, there would be an extra-regional interference which then would worsen the condition.  

While intervention from extra-regional actors caused by internal conflicts in the region may not happen, new kinds of threats to the security, such as terrorism, that comes with globalization also have to be faced by ASEAN as a regional organization. To explain further on this, the writer uses the concept of non-traditional security threat and regional security to further elaborate the interaction between terrorism and ASEAN.

At the end of the cold war, it was not only the structure of the world that was changing from bipolarity to unipolarity with only one power dominating the international system. State-centred ideology and security concepts were continuously challenged, giving birth to new ideologies that are not centred on states but also organizations. Along with that, the concept of threat also changed.

Traditionally, the concept of threat was focused on external threats towards a state’s integrity, sovereignty and independence. This means threats that are military in nature such as coup d’etat, insurgency, wars, and attacks from other countries. Non-traditional threat, however, takes the concept of threat further by including non-military security threat that would also impact the well-being of the state. This includes environmental issues, poverty, drug trade, and terrorism into the equation. The issue with non-traditional threats, especially terrorism, is that it is transnational in scope, and could spread even more rapidly through the media of internet. As non-traditional threats are mostly transnational, it also require cooperation between states whether it is regional or global in scope. This is where organizations like ASEAN comes in. It could help states face transnational threats, especially terrorism in this thesis.

The next concept that would help explain the urgency and the role of ASEAN in counter terrorism is regional security. Indria Samego argued in his book that there are two concepts of security, one being territorial security, and the other

being regional security\textsuperscript{19}. Territorial security refers to the security that revolves and develops around the integrity, territory, and sovereignty of a state. The second one, regional security, refers to security that is centred on two or more states in a region built on the ground of common interest or threat perception\textsuperscript{20}.

The concept of regional security is then further categorized into three: collective security, common security, and comprehensive security\textsuperscript{21}. Collective security is the security concept of security built by two or more countries through pacts such as NATO. Common security refers to security concept built by states due to common interest such as the International Narcotics Control Board. The last one is comprehensive security, which as the name suggest, refers to comprehensive security cooperation between states through military operations, peace keeping operations, peace talk and other efforts to solve other security issues.

ASEAN also favours a comprehensive security, where rather than focusing on the external military threats, they opt for enhancing the security of the region through looking inward. Strengthening the national resilience of the member states through capacity building and socio-economic development, reducing intra-regional tensions and regional vulnerabilities, and increase the regional resilience\textsuperscript{22}.

\section*{I.8. Research Methodology}

The methodology that will be used in this study is qualitative with literature review as the technique of research. Qualitative methodology is chosen because it put the emphasis on making sense and understanding a phenomenon\textsuperscript{23}, and “the qualities of entities on process and meanings that are not experimentally examined or measured”\textsuperscript{24}. As this method seek to describe social phenomena as it occurs without interfering in any way, it would suit the purpose of the research which is

\textsuperscript{20} Ibid.
\textsuperscript{21} Ibid.
\textsuperscript{23} Bhattacherjee, A., University of South Florida, & Open Textbook Library. (2012). \textit{Social science research: Principles, methods, and practices}.
\textsuperscript{24} Denzin, N. K., & Lincoln, Y. S. (2000). \textit{Handbook of qualitative research}. 12
to understand the role of ASEAN in the counter-terrorism of terrorist groups in Southeast Asia. Choosing literature review as the technique is also beneficial for the writer, as there are many books and publications written that are very helpful in helping the writer in writing this thesis.

I.9. Scope Limitation

This research and thesis would be limited to ASEAN’s counter-terrorism efforts, specifically the implementation of 2001 ASEAN Declaration on Joint Action to Counter Terrorism, Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in 2002, and the 2007 ASEAN Convention on Counter-Terrorism, in year 2002-2016. The scope is limited to ASEAN because in Southeast Asia, Muslim extremism leading to terrorism is not a new thing and have been around for a long time, and thus ASEAN as a regional organisation should do something about it.

I.10. Definition of Terms

I.10.1. Jihad

Jihad is an Arabic term that comes from the word “juhd” which means effort, and translated to “exerted efforts” by most Islamic scholars and Muslims. However, it is also generally understood to be “holy war” by the general population. Most divide the holy war into two, the fight inside one’s soul, and the fight directed outwards.

Sheikh Jaafar Idris of the Saudi Arabian Embassy quoted from a National Geographic article stated that “Jihad is the expending of utmost effort in upholding and defending justice”. He himself recognizes two kinds of jihad, as there are two

27 Ibid.
types of injustice against justice. The first one being jihad with words against false beliefs, and jihad with sword against acts of injustice\textsuperscript{28}.

The holy war using sword is the one exploited by the radical Muslim believers, as they usually translate this as the leeway to attack people of other beliefs. This is because the radicals see that people of other beliefs, mostly referred to as \textit{kafireen} (literally translated to ‘those who reject the truth’)\textsuperscript{29}, or even Muslims that do not follow their way of thinking and acting, violate Islam and a holy war shall be waged against them.

\textbf{1.10.2. Terrorism}

While terrorist groups and activities have existed for centuries and impacted so many lives, a solid legal definition that is very conclusive and thorough has not yet existed. Jonathan R. White in his book Terrorism and Homeland Security argued that a legal definition might cause some contradictions\textsuperscript{30}. This is because under a particular legal definition, some groups may be labelled as terrorists, while other groups engaged in the same activities may be described as legitimate revolutionaries.

Thus diving in to the issue of terrorism can be a bit troubling because there is not yet a clear, definitive definition on the word ‘terrorism’. Even Mike Smith, the Executive Director of Counter-Terrorism Executive Directorate (CTED) of the United Nations stated that “the fact that there was not a universal definition of terrorism presented a challenge”\textsuperscript{31}. The nonexistence of a universal definition of terrorism allows states to define terrorisms according to their own view, making it possible that they paint political enemies as terrorists under their national law\textsuperscript{32}. That aside, it is very crucial to have an idea on what is accepted as terrorism or terrorist act.

\textsuperscript{28} Ibid.
\textsuperscript{32} Ibid.
In 1988, an academic definition of terrorism by Alex P. Schmid accepted by the United Nations stated that:

“Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-)clandestine individual, group, or state actors, for idiosyncratic, criminal, or political reasons, whereby—in contrast to assassination—the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.”

While Indonesian Law Number 15 Year 2003 defines terrorism as an act where a person:

“Intentionally use violence or threat of violence to inflict widespread terror or fear or mass casualties, by robbing independence or loss of lives or property, or cause damage or ruin to strategic vital objects or living environment or public or international facilities.”

As for ASEAN, in its Convention on Counter-Terrorism, it adopts definitions provided in previous international treaties. However, rather than

defining terrorism, it lists the unlawful acts that are defined as acts of terrorism. Some of the acts are the ones that fall in that category are the acts within the scope and defined by conventions such as the Convention for the Suppression of Unlawful Seizure of Aircraft in 1970, the International Convention Against the Taking of Hostages in 1979, Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation in 1988. The International Convention for the Suppression of Terrorist Bombings adopted in 1997 which defined terrorist to be a person who “unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility”\textsuperscript{35}.

One thing for sure is that ASEAN does not want to link any belief or ideology with the acts of terrorism, as it has repeatedly stated in their declarations on terrorism that they “reject any attempt to link terrorism with any religion or race”\textsuperscript{36}, and “terrorism cannot and should not be associated with any religion, nationality, civilisation, or ethnic group”\textsuperscript{37}.

From the definitions of terrorism above, it can be said that terrorism is a criminal act driven by political or ideological reason that seeks out to harm people, government, nation or state using violent attacks to the public or public space designed to inflict fear.

I.11. Thesis Structure

I.11.1. Chapter I – Introduction

The first chapter would introduce the issue raised in Thesis, and give a basic information of Thesis. Important details such as background of the study, problem


identification, research question that would be answered in Thesis, theoretical framework and research methodology would be included in this chapter. This chapter is meant to be a bridge for the readers and give them insight on what would be discussed in the later chapters.

I.11.2. Chapter II – Terrorism in Southeast Asia

This chapter would give a more in-depth explanation on terrorism in Southeast Asia, especially about two of the more known terrorist groups: Abu Sayyaf and Jamaah Islamiyah. This chapter would give information on the two groups from their history to their development and attacks that they have carried.

I.11.3 Chapter III – ASEAN Plan of Action against Abu Sayyaf and Jemaah Islamiyah

This chapter would discuss ASEAN and its view and concerns regarding terrorism. It would also explore the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in 2002, and the 2007 ASEAN Convention on Counter-Terrorism, which outline the actions that ASEAN would take to counter terrorist acts in the region.

I.11.4. Chapter IV – ASEAN Implementation of the Plan of Action against Abu Sayyaf and Jemaah Islamiyah

In this chapter, the author would examine the implementation of the strategy that have been outlined in the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in 2002, and the 2007 ASEAN Convention on Counter-Terrorism, especially when it comes to the implementation of such strategy to counter the actions of Abu Sayyaf Group in The Philippines and Jemaah Islamiyah in Indonesia.
1.11.5. Chapter V – Conclusion

In this chapter, the research and discussion presented in the previous chapters would be linked and put together as a conclusion. It would consist of summaries of the previous chapters and a more concise answer to the research question.
CHAPTER II
TERRORISM IN SOUTHEAST ASIA

Terrorism is not a new crime, modern terrorism has existed for more than 50 years, while some forms of terrorism have existed long before that as well. However, as transnational crimes usually do, terrorism has only caught everyone’s attention when they have achieved something truly horrible to states that we never thought they could.

The wake-up call for the world on the danger of terrorism was started the moment the hijacked airplanes crashed on top of the World Trade Center in the United States. For Southeast Asian countries, it was Bali Bombings. The first bombing killed 202 people\(^{38}\), closer to home than the WTC in the US, the events have made ASEAN state members raise their awareness of the danger of terrorism in the region.

Two states that are particularly more threatened by terrorist groups are The Philippines and Indonesia, as the two most active terrorist groups (Abu Sayyaf Group and Jamaah Islamiyah) originate and are most active in the two countries. The two groups during the range of 15 years (from 2001-2015) have carried 380 attacks, killing hundreds and injuring thousands of people\(^ {39}\).

Jemaa Islamiyah and Abu Sayyaf Group, as are other terrorist groups that have surfaced the past few years, are strong believers of a very radical Islamic belief. This radical views push them into a very strong belief that the world shall be ruled under the Islamic law, or Sharia Law.

Leaders of ASEAN member states such as Indonesia, the Philippines, and Singapore, have highlighted the danger of terrorism and the urgency for ASEAN to take actions to counter terrorism. The then President of the Philippines, Gloria


Macapagal-Arroyo in her address at the ASEAN Secretariat in 2001 stated that the 9/11 attack to the United States was a proof of how states are vulnerable to the threats of terrorism, and called for ASEAN cooperation to combat the “growing menace of terrorism operating regionally and internationally”. As for Indonesia, on the 36th ASEAN Anniversary the former President of Indonesia, Megawati Soekarnoputri, too stated that terrorism is a challenge in the region, one that “has become a source of great anxiety”, especially after both the tragedy of 9/11 and the bombing in Bali. It was also highlighted by the Prime Minister of Singapore, Goh Chok Tong that ASEAN “must deal with the threat of international terrorism”.

Facing the threat of a violent transnational issue, the states have turned to bilateral, multilateral, and regional cooperation with other state members of ASEAN.

II.1.1. Development of Terrorism in the Philippines

In 1521, the string of islands surrounded by the South China Sea and Pacific Ocean found by a Ferdinand Magellan was named The Philippines. In the following years, more and more Spanish came and started defeating the network of independent fiefdoms in the region. While they were capable of defeating the fiefdoms, converting everyone to Christianity was a different story. The Filipino
Muslims residing in the Southern parts of The Philippines, in which Islamic cultures and religion have been deeply rooted and intertwined with their lives, refused to convert. This led to the three centuries long (1565-late 19th century) war between the Spanish and the Muslims in the area, called Moro Wars44.

The word ‘Moro’ itself is derived from the derogatory name referring to the Muslims of the Southern Phillipines by the Spanish - moor45. This name then sticks to the community, until now.

When The Philippines were forcefully ceded to the United States in 1897 as a result of the Spain’s defeat in the Spanish-American war and the signing of the treaty of Paris, the insurgency movement changed their focus to the Americans. This leads the US to conduct campaigns to suppress the movements from 1899-191446.

However, things started to change for the Moro after The Philippines’s independence in 1946. The growing population of Christian The Philippines occupying the Northern The Philippines was then encouraged by the government to migrate to the less-developed and started developing the region which has been troubled and ‘neglected’ due to the insurgencies47. This mass migration pushed the Moro, turning them into a minority in the region that used to be their own.

The growing concern in the community for the government’s assumed preference for the non-Muslim communities was fuel to the fire. It led to the creation of the insurgency group Moro National Liberation Front (MNLF), whose goal was to create an independent Islamic state in the Moro homeland, Mindanao48. During the 1970’s, it is estimated that over 120.000 people died as a result of the fight between MNLF and the Philippine Armed Forces (PAF)49.

44 Ibid.
46 Your Guide to the World :: Nations Online Project “History of The Philippines,”.
48 Atkinson, Abu Sayyaf: The Father of the Swordsman.
After a series of negotiation and compromise, however, it was decided that MNLF would settle for an autonomy agreement\(^{50}\) in 1996 between Then MNLF leader, Nur Misuari, and Philippine President Ramos.

The decision to settle with autonomy instead of pushing the goal of establishing an independent Islamic state, however, did not sit well with some members\(^{51}\). One of them being Abdurajak Janjalani, who then created and led the notorious Abu Sayyaf Group\(^{52}\).

II.1.2 The Development of Terrorism in Indonesia

Indonesia is, other than one of the biggest and most populous country in the world, the state with the biggest population of Muslims. Based on the 2010 census by Statistics Indonesia (Badan Pusat Statistik), there are 207,176,162 Muslims living in the country, accounting to 87.18% of the state’s population\(^{53}\), and 13.1% of the world’s Muslim population\(^{54}\).

Being the country with the biggest population of Muslim in the world, Indonesia has had its fair share of Islamic extremism along the course of its history. One of the strongest, most far-reaching group being Darul Islam, a movement whose goal is to establish an Islamic State of Indonesia (Negara Islam Indonesia), whose offshoots would grow to be Jemaah Islamiyah and various other groups fighting for the same goals and values.

Darul Islam first appeared in the late 1940’s, triggered by the dissatisfaction of Islam not being referenced in Indonesia’s ideology and foundation of the state –

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\(^{52}\) Ibid.


Pancasila. The seemingly secular posture of the country, too, increase the restlessness in the Muslim community, which lead to a rebellion led by DI in 1948. The rebellion involved millions of civilians and spread to other regions, including Sumatra and Sulawesi in the 1950’s. The government of course responded in the similar way, finally defeating the revolts in 1965.

In 1970’s, however, it changed. The rise of the communist party in Indonesia, called Partai Komunis Indonesia, have made Islamic extremist groups a great ally to the anti-communists. The government, too, was doing the same thing.

Applying the principle of “the enemy of my enemy is my friend”, Soeharto offered weapons to some of the most fiercely anti-communist leaders of DI in West Java. This was an exchange for taking part in operations against the suspected members of the communist party. This plan then backfires to the government, when the operations to fight communism in Indonesia were at the same time used by DI to be a recruitment for the group.

In the 1970-1980’s, however, the government held operations targeted to arrest members of Darul Islam, which succeeded as they did arrest four DI leaders at the time. Even so, that does not mean in the least that the fight of the radical Muslims to have an Islamic state is over; other radical groups such as Front Pembela Islam, Hizbut-Tahrir Indonesia, Angkatan Mujahidin Islam Nusantara, and of course, Jamaah Islamiyah.

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56 Ibid.
II.2. Terrorist groups in Southeast Asia

II.2.1. Abu Sayyaf Group

Abu Sayyaf Group (ASG), which means “Father of the Swordsman” in Arabic, was founded in the early 1990s. It started as an offshoot of the already existing MILF and MNLF, but then grow to be an even bigger threat than the two groups for reasons that would be explained later on.

Abdurajak Janjalani, the founder of the group, was at first a member of the MNLF (Moro National Liberation Front). The decision of MNLF to settle with autonomy instead of freedom as their own state is perceived as political weakness of the Moro by some of its members, including Janjalani.

From the disappointment, ASG emerged under the guidance of Abdurajak Janjalani. Janjalani’s path toward violent Islamist extremism began with his education in Libya and Saudi Arabia from 1981 to 1984, which was supported financially by Al Islamic Tabligh, a fundamentalist religious organization. While studying the Iranian Islamic revolution in Pakistan, Janjalani came into contact with Osama bin Laden, similar to Jemaah Islamiyah.

In 1991, ASG carried out a string of bombings, primarily against Christian targets seen by the Moros to be a symbol of the seizure of their land. Among the infamous attacks in this period were the 1991 bombing of the Christian missionary ship M/V Doulos. In the 1992 they carried out an assassination of a prominent Christian missionary in Mindanao, followed by the 1995 raid of the Christian town of Ipil on Zamboanga del Sur.

They are responsible for several kidnappings of Western tourists in April 2000 where they successfully kidnapped 21 persons, including 10 tourists in a Malaysian resort. In May 2001, Abu Sayyaf Group kidnapped 17 local people and 3 tourists from the United States. Not long after, another group of tourists was taken from the Dos Palmas Resort in The Philippines’ island of Palawan and taken to the group’s stronghold in Basilan. This leads to a large-scale military operation that did

not only result on the death of the terrorists and hostages, but also additional kidnappings by the group. Following the next year, a series of bombings happened on the 2nd, 17th, and 21st of October in Zamboanga, killing more than 12 and injuring nearly 200 people\textsuperscript{60}. An attack followed the second Zamboanga attack in Quezon City, on the 18th of October 2002\textsuperscript{61}. A bomb containing mixed C-4, TNT and fertilizer exploded in a bus filled with passenger. The attack killed three people, and injured 23 others\textsuperscript{62}.

In 2004, ASG members bombed a ferry in Manila Bay. The attack killed 116 people. One year after that, on 2005, ASG bombed some spots in Manila, General Santos, and Davao, which killed at least eight and injured 150\textsuperscript{63}. On July 2007, a Philippine congressman was killed in his house by a blast caused by a bomb at an entrance of the Philippine House of Representative\textsuperscript{64}.

In the more recent period, Abu Sayyaf kidnapped Warren Richard Rodwell, a 53-year-old Australian retired soldier in 2011. This leads to a large-scale military operation that did not only result on the death of the terrorists and hostages, but also additional kidnappings by the group. Ever since, quite a number of people – not limited to tourists but also fishermen and tourists, have been taken by Abu Sayyaf as a mean to get money to finance their activities.

Abu Sayyaf has succeeded in capturing the people’s attention, be it for counter-terrorism purposes or for recruitment. The past few years, their activities have not been decreasing as much even though the government has been trying to push their activities down.

II.2.2. Jemaah Islamiyah

Jemaah Islamiyah is known to the public as the organization behind the first and second Bali Bombing – two of the biggest terrorist attacks in Indonesia. Even so, the organization was established around 1992 by Abdullah Sungkar and Abu Bakar Ba’asyir who escaped to Malaysia after being prosecuted for ties to DI. Some experts actually argue that while JI was formalized circa 1992, it first materialized in the late 1980s, as Sungkar and an Ba’asyir fled to Malaysia. This was based on the fact that the two expanded their network and began sending men to train in Pakistan, and fight in Afghanistan.

Sungkar and Ba’asyir who are basically the core of the organization were also a part of Darul Islam. Their connection to the terrorist group made them prosecuted by Indonesian court in 1978, and received a nine-year long prison sentence, although they were then released on appeal. Not long after that, the court reversed their decision, and knowing that their freedom was once again at stake, fled to Malaysia.

Their decision to escape to Malaysia and start building the group was what made Jemaah Islamiyah the terrorist group as we know it. Sungkar and Ba’asyir succeeded in recruiting people to be sent to train in Pakistan, and fight in Afghanistan as part of the ‘holy war’ that they strive to do. The people who were sent to train and fight were able to gain knowledge regarding tactics, strategy, mines, and explosives. Sungkar and Ba’asyir, too, were able to further spread their network. Sending men to Pakistan and Afghanistan was right for them to do. They could also get in close contact with Osama bin Laden and others who would eventually be the backbone of all Al Qaeda and its associated movements.

Their connections with Al Qaeda is definitely proven useful, as the organization gained access to years of trainings and financial support from the group\textsuperscript{69}. Not only to Al Qaeda, through the trainings, had JI’s ties with other terrorist groups around the world also grown to be very pronounced. JI is also connected to the terrorist groups in Pakistan, Afghanistan, and The Philippines. The island of Mindanao, which was under the control of MILF, was one of the group’s strongest training base. The relationship between with the Moro insurgents, too, is later on proven useful.

Closer to home, in Indonesia, JI aims to create an Islamic state of Indonesia. This was stated in their guidelines – Pedoman Umum Perjuangan Jamaah Islamiyah (PUPJI), where it is stated that “the objective of this jama’ah’s struggle is to realize the establishment of Daulah Islamiyah (Islamic State)”\textsuperscript{70} by “da’wah, tarbiyah, amr bi’l ma’ruf wa’n nahi an il munkar, and jihad fi sabilillah”\textsuperscript{71} – preaching education, advocating the good and forbidding the evil, struggle in the way of Allah. This points to the fact that Jemaah Islamiyah does put an importance towards the education of the people about their values, and by struggling for Allah or jihad which in their belief includes doing whatever is necessary to bring Islamic laws into the existing world structure.

\textsuperscript{69} Ibid.
\textsuperscript{71} Ibid.
Figure 4. Map of Jemaah Islamiyah’s Operations and the Mantiqs

Map of Jemaah Islamiyah’s Operations

In order to achieve their goal, Jemaah Islamiyah has been known to divide Southeast Asia into four *mantiqis*. Those are:

1. *Mantiqi 1*. This group operates in Singapore and Malaysia, and plays a crucial role in JI’s development, as it works closely with the Malaysian militant group known as Kumpulan Mujahidin Malaysia (KMM). This *mantiqi* also plays a role in the recruitment and indoctrination of JI members through boarding schools in Malaysia.

2. *Mantiqi 2*. This group is focused and covers most of Indonesia, and is the source of most of JI’s operations. A lot of recruitment happens in this region, which, similar to *Mantiqi 1*, also happen in boarding schools.

3. *Mantiqi 3*. *Mantiqi 3* covers Mindanao, Sabah, Kalimantan and Sulawesi. It plays a role in training the personnel and supporting the logistical network of the group.

4. *Mantiqi 4*. This *mantiqi* covers Papua and Australia, and is mainly focused to the recruitment and fundraising for the group.

A lot of attacks in Indonesia have been attributed to Jemaah Islamiyah, such as the car bomb near the residence of the Philippine ambassador to Indonesia in Jakarta in 2000. The attacks to churches in nine cities across Indonesia that killed fifteen people and many more injured were also done by members of Jemaah Islamiyah. They are also responsible for the bombings that happened in the embassy of Australia in 2004, and the first and second Bali Bombings in 2002 and 2005.  

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74 Ibid.


76 Ibid.
CHAPTER III
ASEAN PLAN OF ACTION AGAINST ASG AND JI

ASEAN member states, although geographically located in the same region, are not very similar. Historically, some states such as Malaysia and Singapore, were previously colonized by Great Britain. Other states like The Philippines, by Spain; Indonesia was under the governance of the Dutch before being independent, and Thailand is the only state in Southeast Asia that was never colonized. They also adopt different political systems, with some choosing to be monarch, and others democracy. From the cultural point of view, the states are not very similar either. Even so, they do have similar goal: regional peace and stability, economic growth, social progress, and cultural development.

The same point of view and need was what first brought five representatives of states to establish ASEAN through the declaration of Bangkok Declaration. The representatives were Adam Malik (Indonesia), Thanat Khoman (Thailand), Narciso R. Ramos (The Philippines), S. Rajaratnam (Singapore), and Tun Abdul Razak (Malaysia). They signed the declaration on 8 August 1967, and other states such as Brunei Darussalam, Viet Nam, Lao PDR, Myanmar, and Cambodia joined in 7 January 1984, 28 July 1995, and 30 April 1999 respectively. Lao PDR and Myanmar both joined on 23 July 1997, making the Association of Southeast Asian Nations with ten members as we know it.

79 Ibid.
III.1. ASEAN Purposes and Principles

ASEAN was established on the desire to build a regional cooperation that would strive toward peace, progress and prosperity in the region, making use of the similarities of cultures and historical background to face the increasingly interconnected world. The Southeast Asian states, when ASEAN came to be, have not yet been the growing economy most of it is right now, and cooperation among the states in the region who are facing similar problem was seen to be one of the ways to help gain strength and leverage in the international arena.

In the Bangkok Declaration where the first five states sign and establish ASEAN, seven purposes of the regional organization were declared. Those are:

“1. To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian Nations;

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

3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields;

4. To provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres;

5. To collaborate more effectively for the greater utilization of their agriculture and industries, the expansion of their trade, including the study of the problems of international development.”

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commodity trade, the improvement of their transportation and communications facilities and the raising of the living standards of their peoples;
6. To promote South-East Asian studies;
7. To maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves.”

Not only purposes, comprehension of the reason why ASEAN came to be and its principles is very crucial to understand how it functions as an organization, and why it does what it does as an actor in the international arena. There are six fundamental principles for ASEAN taken from the Treaty of Amity and Cooperation in 1976. The first three are related to state’s sovereignty, with the principle of non-interference and rejection to subversion or coercion of state/s among them, which blatantly and repeatedly show that ASEAN takes state sovereignty very seriously. The fourth and fifth principles are about peace, while the last one is about cooperation. Following is ASEAN Principles taken from the Treaty of Amity and Cooperation in its full sentences:

“In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:

a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
b. The right of every State to lead its national existence free from external interference, subversion or coercion;
c. Non-interference in the internal affairs of one another;
d. Settlement of differences or disputes by peaceful means;


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e. Renunciation of the threat or use of force;”

f. Effective cooperation among themselves.”

ASEAN Principles, especially the principles on sovereignty and non-interference are so deep-rooted in ASEAN’s actions that two articles in the Convention on Counter Terrorism, Article III and IV are solely on those principles. Article III is titled “Sovereign Equality, Territorial Integrity, and Non-interference”, and states that the parties of the convention shall abide to the principles of sovereign equality, territorial integrity, and non-interference in the internal affairs of other states. As the fourth article titled “Preservation of Sovereignty” emphasizes Article III by stating that nothing in the convention allows a state to exercise their jurisdictions in another state.

### III.2. Terrorism as a Concern to ASEAN

ASEAN as a collection have admitted their concern on terrorism as far back as 1997, in the joint communique of the 30th ASEAN Ministerial Meeting (AMM). Also in 1997, ASEAN state members’ Ministers of Home Affairs and representatives of their states signed the Declaration on the Prevention and Control of the Transnational Crime. This declaration stated that ASEAN (and by extension their state members) is concerned about the increasingly threatening transnational crimes and their effects on the states’ security and development, also the regional stability. The transnational crimes they are referring to are terrorism, illicit drug trafficking, arms smuggling, money laundering, human trafficking, and piracy.

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85 Ibid.

The concerns were then repeated in the Manila Declaration on the Prevention and Control of Transnational Crime, where it states that transnational crimes, especially organized transnational crimes, have the potentials to “undermine civil society, distorts legitimate markets, and destabilizes states”\(^87\). However, in the two previous declarations, the main concerns were still with money laundering, illegal arms and motor vehicles trafficking, and other business related transnational crimes, while terrorism was mentioned only in passing.

The year 1999 was the first year ASEAN released their plans of action on combatting transnational crime. This, of course, includes terrorism which was already a concern especially with the inter-connectedness and greater mobility of persons and technology that come with globalization although the main focus was still around illicit drugs trafficking. However, in the Plan of Action (PoA) to Combat Transnational Crime, ASEAN also laid out plans for what would be in the future the tools for ASEAN to combat terrorism. In this PoA, ASEAN pushes for information exchanges between the state members, and improving ASEAN Chiefs of National Police (ASEANAPOL) regional database\(^88\).

Legally, this plan of action endorses the need to ensure that specific transnational crimes such as money laundering, illicit drug trafficking, terrorism, piracy, and human trafficking are illegal in all ASEAN states. Bilateral and multilateral arrangements to support the legal arrangements to process the perpetrators of transnational crimes are also endorsed\(^89\). As for ASEAN’s own mechanism, further cooperation in terms of law enforcement of the states through an exchange program among ASEAN officials on the policy and law enforcement, also academic fields is proposed. The ASEAN Ministers’ Meeting on Transnational Crimes (AMMTC), too, was appointed to be the highest policy making body for transnational crimes related matter in the regional organization.


\(^{89}\) Ibid.
However, the first time terrorism and counter terrorism were specifically elaborated was in the 2001 ASEAN Declaration on Joint Action to Counter Terrorism. This was of course one of the after effects of 9/11 terrorist attacks on the US, which was actually mentioned in the declaration, and pointed to be a horrifying assault against humanity. By an extension, ASEAN states that the act of terrorism done to whomever, whenever, and wherever, is a threat to peace and security, and thus every actor is obliged to cooperate to defend humanity from it. As it also believes that terrorism is a direct challenge to peace, progress and prosperity in the region, and the ASEAN Vision 2020. ASEAN seems to no longer see terrorism as merely a concern, but something that does have to be faced head on.

In 2002 the stakes for ASEAN to combat terrorism was higher than ever, as not only one but two state members were attacked by terrorist groups within their borders. Three bombs were detonated in a series of bombings in Indonesia’s tourist island, Bali, which is also known as the first Bali bombing. One suicide bomber exploded in Paddy’s bar, one of a bar frequented by foreigners, while a car bomb exploded in front of another club near Paddy’s, and the last bomb being the one that blew up in front of the U.S. Consulate in the island. These bombings killed 202, and injuring around 300. In The Philippines, cities of Zamboanga and Quezon were attacked. Three bombs exploded in different spots, on different dates (2nd, 17th, and 21st of October) in Zamboanga, killing at least 12 and injuring nearly 200 people. The attack in Quezon City followed a day after the second

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92 Ibid.
attack in Zamboanga, on the 18th of October 2002\textsuperscript{96}. In this attack, a bus filled with passengers were blown up using a bomb that contained C-4, TNT, and fertilizer explosives, killing three and injuring 23 other passengers\textsuperscript{97}.

As an association of states, what ASEAN perceives to be a pressing issue is a reflection of what the member states perceives to be so. This is how terrorism turns from being only one of the transnational crimes, to having its own sessions on the ASEAN Ministers’ Meetings – by mirroring how the ten member states see acts of terrorism as an increasingly urgent issue to solve in an international arena.

\section*{III.3. ASEAN Efforts to Counter Terrorism Based on 2001 DJACT, 2002 WP, and 2007 ACCT}

There are three particularly important documents on ASEAN’s efforts in combating terrorism, as these three have specified actions to counter terrorism instead of lumping it all together under transnational crimes. Those documents are the 2001 ASEAN Declaration on Joint Action to Counter Terrorism\textsuperscript{98}, Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in 2002\textsuperscript{99}, and the 2007 ASEAN Convention on Counter-Terrorism\textsuperscript{100}. The 2001 declaration and 2007 convention both are specified for terrorism, while the work programme is actually a follow-up on the 1999 Plan of Action to Combat Transnational Crime. However, the work programme released in 2002 actually has an entire section for the programmes to counter terrorism.


From all the plans laid out in those documents, they can be categorized into three separate groups. The first one is information sharing and intelligence exchange, the second legal and law enforcement related matters, the third one being capacity building, and the last one the suppression of the financing of terrorist groups.

III.3.1. Information Sharing and Intelligence Exchange

Information sharing and intelligence exchange is one of the efforts in ASEAN’s fight against terrorism. It is mentioned in the 2001 Declaration on Joint Action to Counter Terrorism, the terrorism component of the Work Programme to Implement the ASEAN Plan of Action to Counter Terrorism in 2002, and the 2007 Convention on Counter Terrorism.

In the 2001 Declaration on Joint Action to Counter Terrorism, this effort is mentioned twice as additional practical measures that need to be taken to enhance the ability of ASEAN States to counter terrorism. It stated that ASEAN States should deepen the cooperation of their law enforcement agencies to share the “best practices” in combating terrorism and to enhance information/intelligence exchange on terrorists and terrorist groups, including their movement and funding, or other information necessary to keep the people safe.

The 2002 Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime covers this more thoroughly, with seven different areas that they could work on. Four of the seven are related to ASEAN’s own regional mechanism, while the other three are actions taken by the member states. The four actions on ASEAN’s regional mechanism are:

“a. Establish a compilation of national laws and regulations of ASEAN Member Countries, including international treaties and agreements, pertaining to terrorism leading

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102 Ibid.
towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.
b. Explore ways for ASEAN to cooperate with ASEANAPOL and relevant international organizations concerned with terrorism matters to further facilitate sharing of information and analysis of critical intelligence information such as “modus operandi” and offences involving terrorist activities.
c. Enhance cooperation in the exchange of information among Member Countries as well as with international agencies to combat terrorism.
f. A comprehensive database of international treaties and agreements pertaining to terrorism/transnational crime be established.”

While the actions that should be taken by ASEAN member states are:

d. Exchange of information on technologies to detect and deter the use of materials of mass destruction, including biological agents or toxins, in terrorist attacks and develop means to deter terrorist attacks on electronic and computer infrastructure.
e. Exchange of information on security practices for international special events, strengthen and expand international cooperation and consultation in anti-terrorist activities.
g. Enhance information/intelligence exchange to facilitate the flow of information, in particular, on terrorists and terrorist organizations, their movement and funding, and

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any other information needed to protect lives, property and
the security of all modes of travel.”

The 2007 Convention on Counter Terrorism also states the significance of
information sharing and intelligence exchange among the state members to counter
terrorism. The cooperation on this matter is listed under Article VI, where it stated
that the convention and cooperation among the states may include matters to:

“a. Take the necessary steps to prevent the commission of
terrorist acts, including by the provision of early warning to
the other parties through the exchange of information;
h. Enhance intelligence exchange and sharing of
information.”

III.3.2. Legal and Law Enforcement Related Matters

Another cooperation that ASEAN pushes for their state members are the
ones related to the laws related to terrorism and counter terrorism, and the law
enforcement of those laws. As it is also one of the most pressing and crucial factor
in countering terrorism, it has been elaborated in all the ASEAN documents on
counter terrorism.

In the 2001 Declaration on Joint Action to Counter Terrorism, ASEAN calls
for the signing/ratification of all relevant international counter-terrorism
conventions by all its members, particularly mentioning the International
Convention for the Suppression of the Financing of Terrorism as the signing period
of the convention (10 January 2000-31 December 2001) was almost closed. By the
end of the period, six ASEAN member states (Cambodia, Indonesia, Myanmar,
The Philippines, Singapore, and Thailand) signed the convention, while four others

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104 Ibid.
accede to the convention in different years: Brunei and Viet Nam in 2002, Malaysia in 2007, and Lao PDR in 2008.107

The terrorism component of the 2002 Work Plan elaborates on this effort further with eight action plans with six plans for legal matters, and two for law enforcement related matters. The plans for legal matters are for ASEAN state members to:

“a. Work towards the criminalisation of terrorism in ASEAN Member Countries.
b. Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.
c. Work towards the early signing/ratification of or accession to all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism.
d. Study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism.
e. Working on a regional operational convention or agreement to combat terrorism.
f. Work towards a bilateral or multilateral mutual legal assistance agreement or arrangement to enhance cooperation in combating terrorist acts and deliberating on

various aspects of the issue in a comprehensive manner including its definition and root causes.”

As for the law enforcement matters, the plans are to:

“a. Enhance cooperation and coordination in law enforcement and intelligence sharing on terrorism issues affecting ASEAN Member Countries.
b. Deepen cooperation among front-line law enforcement agencies in combating terrorism and sharing best practices.”

In the 2007 Convention on Counter Terrorism, the cooperation between the states on this matter is, among others, to prevent terrorist or terrorist groups from travelling or moving around in and/or between states through the execution of control of identity papers and travel documents, and effective border controls. States are also urged to take measures to prevent the counterfeiting and forgery of identity papers and travel documents. The convention also cover a lot of points on the jurisdiction of the states (Article VII), the fair treatment for the persons taken into custody (Article VIII), and extradition (Article XIII).

Echoing point A in the terrorism component of the 2002 Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime on the criminalization of terrorism, in Article IX, the convention stated that there is a need for the states to implement methods necessary to deal with terrorism, to make sure that their national legislation covers the offences listed in Article II of what is terrorism, especially when used against a population or to force a group, including the government, to do something they want. States should also make no exception

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109 Ibid.
for those actions, as terrorist act is not justifiable under any political, philosophical, ideological, racial, or others.111

III.3.3. Capacity Building

The effort to build the capacity of the member states or the capacity building factor in ASEAN’s effort to counter terrorism is mentioned in all the three documents from 2001’s Declaration on Joint Action to Counter Terrorism, 2002 Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime, and 2007 Convention on Counter Terrorism.

The 2001 Declaration calls for ASEAN member states to review and strengthen their national mechanisms to properly combat terrorism, and develop programmes to enhance the state member’s capabilities to investigate, detect, monitor and report terrorist acts in the regional level112. It also states that cooperation at bilateral, multilateral, regional, and international stages shall be strengthened in a comprehensive manner to be able to suppress and eradicate terrorism113. This declaration affirms that particularly in the international level, United Nations has to play a major role114.

The 2002 Work Programme has four points in Institutional Capacity Building, which states that ASEAN member states should review and strengthen their counter terrorism mechanism, and ASEAN should:

b. Strengthen existing cooperation and coordination between the AMMTC and other relevant ASEAN bodies in countering, preventing and suppressing all forms of terrorist acts. Particular attention would be paid to finding ways to

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114 Ibid.
combat terrorist organizations, support infrastructure and funding and bringing the perpetrators to justice.

c. Develop regional capacity building programs to enhance existing capabilities of ASEAN Member Countries to investigate, detect, monitor and report on terrorist acts.

d. Convene specialized workshops, seminars and training courses for ASEAN law enforcement officials on new forms of terrorism such as bio-terrorism and cyber-terrorism. The areas for discussion could include the review of laws and legislation in these new areas with a view towards harmonization where feasible.¹¹⁵

On capacity building through training, the work plan is more for ASEAN itself, as it states that ASEAN should develop and conduct regional counter-terrorism activities such as trainings and conferences on investigation, intelligence, surveillance, detection, monitoring, and reporting of terrorist activities to increase the capabilities of member states to counter terrorism¹¹⁶.

Not very different from the previous documents, the 2007 Convention on Counter Terrorism pushes for the state members to:

“j. Strengthen capability and readiness to deal with chemical, biological, radiological, nuclear (CBRN) terrorism, cyber terrorism and any new forms of terrorism;

k. Undertake research and development on measures to counter terrorism.”¹¹⁷


¹¹⁶ Ibid.

III.3.4. Suppression of the Financing of Terrorist Groups

Suppression of the financing of terrorism has been repeatedly pushed by ASEAN, especially through softly reminding them that there is an international convention on this issue, as they have done in the 2001 ASEAN Declaration on Joint Action to Counter Terrorism and the 2002 Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime. The 2007 Convention on Counter Terrorism also covers this strategy under the areas of cooperation ASEAN state members should take to fight terrorism, stating that they are encouraged to:

“b. Prevent those who finance, plan, facilitate, or commit terrorist acts from using their respective territories for those purposes against the other Parties and/or the citizens of the other Parties;

c. Prevent and suppress the financing of terrorist acts.”

CHAPTER IV
ASEAN IMPLEMENTATION OF THE PLAN OF
ACTION

Southeast Asia is the home to many radical Islamic groups, which of course attracted the attention of Al-Qaeda, although upon closer look one can argue that it is the groups that are attracted to Al-Qaeda. The region’s radical groups were mostly attracted to the similar ideology and goal that Al-Qaeda strives for, and the sophistication of their military capability. This leads many radical groups from Southeast Asia, such as Abu Sayyaf and Jemaah Islamiyah, to be sending their troops to Afghanistan to train with Al-Qaeda, and bring back their knowledge to be used in their home countries.

Being a regional organization that has observed the severity and danger of extremism and threat of terrorist attacks for long even before the 9/11 tragedy, ASEAN should have understood the importance of a comprehensive and effective counter terrorism strategy. However, it must be admitted that terrorism and counter terrorism before the WTC tragedy seem to be merely a passing thought although the association did voice their concern quite early, in the Joint Communique of the 30th ASEAN Ministerial Meeting in 1997. On the joint communique, ASEAN first stated their concern on the severity of terrorism, but only as a part of the transnational crimes along with other criminal acts such as the trafficking of people, illicit drugs trafficking, piracy, and communicable diseases.

However, as many other actors in international relations did, they changed their views on terrorism after the terrorist attack on September 9th in the US. The bombings in Bali and Philippine that followed quite soon after that, though, is the one that hit home, and the one that created more changes in ASEAN’s views toward terrorism, and how they would face it. While in 1997 they released the first ever joint communique regarding their concerns on transnational crimes, including terrorism; in 1999 they released a plan of action on transnational crimes, including terrorism; and in less than a month after 9/11, on November 5th, they released the ASEAN Declaration on Joint Action to Counter Terrorism. After the first Bali bombing in 2002, ASEAN released the Declaration on Terrorism by the 8th ASEAN Summit, followed by five Joint Declarations with other states (Australia, People’s Republic of China, India, Japan, Republic of Korea, New Zealand, Pakistan, Russian Federation) and the European Union in the range of 2002 to early 2005 before the second Bali bombing.\(^\text{122}\)

Unfortunately as terrorism is not a problem that could be solved at the surface, but fought from the grass roots, and is not a crime that only happens in one state, but a transnational one, Southeast Asian states see how crucial it is that they fight terrorism with all the tools at hand, including ASEAN. As for ASEAN, the fact that it is a very prominent threat towards the stability of the region, their goals and realization of ASEAN Vision 2020\(^\text{123}\), brings them to the same conclusion as the states.

Following the previous joint declarations, ASEAN member states have agreed to a convention on counter terrorism: ASEAN Convention on Counter Terrorism (ACCT), which is the first and by far the last convention published by ASEAN on counter terrorism. Other than ACCT, two other documents mentioning and elaborating the strategy to counter terrorism have been published: the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, the 2002 Work


Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime. Combining the strategies from all those documents, there are four different categories, information sharing and intelligence exchange; legal and law enforcement related matters; capacity building; the suppression of the financing of terrorist groups. The previous chapters have elaborated the articles and plans on counter-terrorism by ASEAN, thus this chapter would elaborate on the implementation of the said convention and work plans.

IV.1. Information Sharing and Intelligence Exchange

Increasing cooperation especially in terms of information sharing and intelligence exchange is a very crucial move in the fight against terrorism, as knowing more about the movement of a terrorist or terrorist organization, and their funding, among other things, would allow states to understand the groups better. The better the understanding of the groups, the easier it would be to counter them, and achieve the function of a state in this fight: to protect the lives of the people, and security of the state.

ASEAN of course sees this in the same light, as they have repeatedly said in their various documents on countering terrorism. The 2001 Declaration on Joint Action to Counter Terrorism states their willingness to deepen cooperation, share their information and best practices. The 2002 Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime put the burden on ASEAN to facilitate the state members in sharing their information, and engage other international organizations concerned with terrorism into the conversation. In the 2007 Convention on Counter Terrorism, states are urged to cooperate to prevent terrorist acts through intelligence exchange and information sharing.

To facilitate openness in terms of information, ASEAN have established a database of international treaties signed by ASEAN member states. However, this

website titled ASEAN Legal Instruments and addressed at www.agreement.asean.org only focuses on legal instruments established among ASEAN states\(^{125}\). The legal instruments should also be binding through either the signature of the authorised representative of the member states or ratification/acceptance depending on the procedure of the state\(^{126}\). Thus, as it only collects legally binding documents, other documents such as Statements, and Declarations are not included. However, it does not mean that they are non-existent. The ASEAN website at www.asean.org resource page contains just about every statement, declaration, and communique of various meetings conducted by ASEAN\(^{127}\).

ASEANAPOL also has a central database system called e-ADS or Electronic ASEANAPOL Database System. E-ADS stores information on criminals and other crime-related information\(^{128}\), especially those related to transnational crimes in Southeast Asia, including terrorism. The interesting about e-ADS is that the database is directly connected to INTERPOL’s l-24/7, which means that all kinds of information in e-ADS would be also uploaded to l-24/7\(^{129}\). The member states of ASEANAPOL could also access e-ADS and share information regarding transnational crimes that they have\(^{130}\).

Other than the database, ASEAN state members are also working on their bilateral and/or multilateral relationships with other states in the region facing the


threat of terrorism from Abu Sayyaf Group and Jemaah Islamiyah. In May 2002, an agreement was signed by the Government of The Philippines, Indonesia, and Malaysia on information exchange\textsuperscript{131}. Titled Agreement on Information Exchange and Establishment of Communication Procedures, this agreement outlines the cooperation between the states to tackle terrorism, money laundering, smuggling, piracy, etc., through exchange of information\textsuperscript{132}.

The newest multilateral cooperation of the states in the region is the 2016-signed cooperation between Indonesia, Malaysia, and Singapore to exchange the biometric info of militant and terrorist groups\textsuperscript{133}. Professor Rohan Gunaratna of Singapore's International Centre for Political Violence and Terrorism Research stated that the cooperation between Indonesia, Malaysia, and Singapore is very important to the de-radicalization in the region. The three states believe that exchange of biometric operations of known militants and terrorists is a crucial part in the fight against terrorism\textsuperscript{134}.

**IV.2. Legal and Law Enforcement Matters**

One of the strategy that may sound menial and probably should have been passed before ASEAN or unfortunate circumstances push for, is the criminalisation of terrorism as it is the base of any actions that the state would want to take to counter terrorism in their jurisdiction. In this strategy, ASEAN urges member states to be an active part of counter terrorism through some changes particularly regarding laws and conventions, or treaties, or agreements on terrorism.

As for the criminalization of terrorism, every single state members of ASEAN has criminalized terrorism, whether it is by passing a law exclusively made


\textsuperscript{132} Ibid.


\textsuperscript{134} Ibid.
to counter terrorism, or amend previously existing criminal laws and codes. The Philippines passed Republic Act no.9372, or Human Security Act, in July 2007, followed by the 10168 Act on the Financing of Terrorism\(^{135}\). However, Abu Sayyaf Group was only listed as a terrorist group in 2015 by a Basilan court\(^{136}\).

In Indonesia, terrorist acts are viewed as crimes under the Government Regulation in Lieu of Law (Peraturan Pemerintah Pengganti Undang-Undang [PERPU]) number 1 year 2002\(^{137}\), which was then changed into a law (Undang-Undang) in 2003\(^{138}\). Last year in 2016, a newer, stricter bill on counter terrorism is being processed by the House of Representative\(^{139}\). Singapore, passed two separate laws on terrorism: the financing of terrorism was first, followed by the law on bombing: The Terrorism [Suppression of Financing] Act passed in 2002\(^{140}\), while the Terrorism [Suppression of Bombings] passed in 2007\(^{141}\). However, they do use the Internal Security Act extended to Singapore when it was a part of the Federation of Malaysia in 1963 which includes terrorism, until now\(^{142}\).

Lao PDR, while has not yet passed a law specifically on counter terrorism, the act of terrorism can be prosecuted under the existing laws in the country\(^{143}\). As for the financing of terrorism, the country has passed a law in support of the 1373


\(^{137}\) Peraturan Pemerintah Pengganti Undang-Undang Republik Indonesia Nomor 1 Tahun 2002 Tentang Pemberantasan Tindak Pidana Terorisme

\(^{138}\) Undang-Undang Republik Indonesia Nomor 15 Tahun 2003 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2002 tentang Pemberantasan Tindak Pidana Terorisme. Menjadi Undang-Undang


UNSCR in 2014 and effective in 2015\textsuperscript{144}. Thailand made changes in its Penal Code in 2003 to include terrorism\textsuperscript{145}, although they have implemented laws to fight terrorism as far back as 1976, where they implemented the Act on Certain Offences against Air Navigation\textsuperscript{146}.

Brunei also has passed a law in 2002 called the Anti-Terrorism (Financial and other measures), which have been amended a few times to comply to UN Resolutions 1267, 1373, 1988, and 1989\textsuperscript{147}. Cambodia passed a law against terrorism and the financing of terrorism in 2007\textsuperscript{148}, while Myanmar did it in 2014\textsuperscript{149}. Viet Nam amended their Criminal Code to include terrorism, too\textsuperscript{150}. Malaysia however can be said to be the first state to criminalize terrorism in the region, as it used the law to counter terrorism as far back as 1960 through the 1960 Internal Security Act\textsuperscript{151}.

The Southeast Asian states also agree on making a stricter border control on their territory, because no terrorist is capable of moving from one state to another without crossing the border. The fact that there is still movements of terrorist group members, or radical group supporters from one state in Southeast Asia to another proves that the border control is indeed still lacking. Other than that, ASEAN member states also agreed on tightening the control of travel documents issuing, so it would be harder for people to forge or falsify the travel documents such as

\textsuperscript{148} United States Department of State. (2011). \textit{Country reports on terrorism 2010 - Cambodia}.
passport, visa, or even identity card. Indonesia, for example, has applied the electronic identity card for all the people, which would be able to at least make the movement of terrorist group members harder and easier to be tracked\textsuperscript{152}.

As for the international conventions on counter terrorism, one convention has been repeatedly stated in ASEAN’s 2001 Declaration on Joint Action to Counter Terrorism, 2002 Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime, and the 2007 ASEAN Convention on Counter-Terrorism: the International Convention for the Suppression of the Financing of Terrorism. However, there is another international convention during 2001-2016, and that is the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism\textsuperscript{153}.

A previous convention also got more attention and accession after the events on the 9\textsuperscript{th} of September 2001: the International Convention for the Suppression of Terrorist Bombings. As the convention had entered into force on May 23\textsuperscript{rd} 2001, months before the 9/11 attack, most states who are interested could only accede to the convention and not sign it. Following are three tables on ASEAN member states’ partisanship on the conventions reflecting the promise to work toward the signing/ratification/accession to all relevant anti-terrorist conventions:

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<tbody>
<tr>
<td>State</td>
<td>Signature and R/A/AA/a/d</td>
<td>Year</td>
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<tr>
<td>Brunei Darussalam</td>
<td>Accession</td>
<td>2002</td>
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<td>Accession</td>
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<tr>
<th>State</th>
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<tr>
<td>Lao PDR</td>
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<td>2002</td>
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<td>Malaysia</td>
<td>Accession</td>
<td>2003</td>
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<td>Myanmar</td>
<td>Accession</td>
<td>2001</td>
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<tr>
<td>Philippines</td>
<td>Signature and accession</td>
<td>Signed in 1998, Acceded in 2004</td>
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<tr>
<td>Singapore</td>
<td>Accession</td>
<td>2007</td>
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<td>Thailand</td>
<td>Accession</td>
<td>2007</td>
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<td>Viet Nam</td>
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**Table 1.** The table shows which and when ASEAN member states signed and ratified/acceded the International Convention for the Suppression of Terrorist Bombings (1997)

**Source:** United Nations Office on Drugs and Crime. (2009)\(^{154}\).

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**International Convention for the Suppression of the Financing of Terrorism (1999)**

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<thead>
<tr>
<th>State</th>
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<tr>
<td>Brunei Darussalam</td>
<td>Accession</td>
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<td>Cambodia</td>
<td>Signature and Ratification</td>
<td>Signed in 2001, Ratified in 2004</td>
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<td>Indonesia</td>
<td>Signature and Ratification</td>
<td>Signed in 2000, Ratified in 2006</td>
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<td>Lao PDR</td>
<td>Accession</td>
<td>2008</td>
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<td>Malaysia</td>
<td>Accession</td>
<td>2007</td>
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<tr>
<td>Myanmar</td>
<td>Signature and Ratification</td>
<td>Signed in 2001, Ratified in 2006</td>
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<tr>
<th>State</th>
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<tr>
<td>Brunei Darussalam</td>
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<td>Malaysia</td>
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<td>Myanmar</td>
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<td>Philippines</td>
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<td>Singapore</td>
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<td>2006</td>
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<td>Thailand</td>
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<td>2005</td>
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Table 2. The table showing which and when ASEAN member states signed and ratified/accepted/approved/acceded/approved the International Convention for the Suppression of the Financing of Terrorism (1999).

Source: United Nations Office on Drugs and Crime (2009)\(^{155}\)

Table 3. The table showing which and when ASEAN member states signed and ratified/accepted/approved/acceded/approved the International Convention for the Suppression of Acts of Nuclear Terrorism (2005).


On this convention on the suppression of nuclear terrorism acts, only four out of the ten ASEAN states actually signed, where the two previous conventions got more than half of ASEAN state member’s signature and ratification or accession. This is more likely due to the lack of urgency in nuclear terrorism acts compared to the “conventional” terrorism acts, which means that there is no need to sign the convention.

However, there are actually 16 international counter-terrorism legal instruments by the United Nations. Most ASEAN member states only sign the International Convention for the Suppression of the Financing of Terrorism (1999), and accede to the International Convention for the Suppression of Terrorist Bombings (1997). While even the next counter-terrorism international convention is only signed by four ASEAN member states. Twelve international conventions that have been promulgated before the International Convention for the Suppression of the Financing of Terrorism, and although the states could have accede to it as they did to the International Convention for the Suppression of Terrorist Bombings, the turnout from ASEAN states was still very low, only one to two countries either signed and ratify or accede to the conventions.

Other than the signing and ratifying or acceding international conventions/treaties/resolutions, another point covered in the legal and law enforcement strategies in ASEAN’s counter terrorism document, specifically the

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2002 Work Programme, is the need to establish a multilateral or bilateral arrangement to facilitate the states in this issue, and establish a working regional convention on counter-terrorism. This has actually been achieved through ASEAN’s Convention on Counter Terrorism in 2007, as it is a regional convention on counter-terrorism that arranges ten different things: terrorism definition, state jurisdiction, fair treatment of the persons in custody, status of refugees, rehabilitative program, mutual legal assistance in criminal matters, extradition, the exception for political offences, designation of central authorities by states to enhance cooperation, and the monitoring and review of the convention’s implementation\(^\text{158}\). It also covers confidentiality, relationship with other international instruments, to the settlement of disputes\(^\text{159}\).

### IV.3. Capacity Building

As had been stated in the work programme and convention on counter-terrorism, a higher capability of ASEAN member states and ASEAN itself is crucial to stopping the movement of terrorism in Southeast Asia. Capacity building programmes such as workshop, seminar, and trainings on various fields concerning terrorism, the perpetrators, legal and law enforcement, to the new forms of terrorism such as cyber-terrorism and bio-terrorism or the chemical, biological, radiological, to nuclear terrorism.

ASEAN of course would not be able to have well-rounded capacity building programmes if it does not use all the mechanisms and cooperation available to them, as they also suggested the strengthening of cooperation and coordination between relevant ASEAN bodies, and other states or institutions. On the implementation of capacity building strategy, ASEAN pushes for workshops, seminars, and trainings in collaboration with ASEAN bodies such as the ASEAN Defence Ministers’


\(^\text{159}\) Ibid.
Meeting (ADMM), ASEAN Defence Ministers’ Meeting-Plus (ADMM-Plus), ASEAN Regional Forum, and other institutions such as ASEANAPOL, and Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT), and states such as Japan and China.

The following table is a list of meetings, workshops and trainings organized by ASEAN, ARF, ADMM, ADMM-Plus, SEARCCT and ASEANAPOL from the year 2002-2016.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
<th>Year</th>
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<tbody>
<tr>
<td>1 Special ASEAN Ministerial Meeting on Terrorism</td>
<td>20-21 May</td>
<td>2002</td>
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<tr>
<td>2 ARF Workshop on Prevention of Terrorism</td>
<td>17-19 April</td>
<td>2002</td>
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<tr>
<td>3 Workshop on Combatting International Terrorism</td>
<td>20-23 January</td>
<td>2003</td>
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<tr>
<td>4 ASEAN Workshop on Counter-Terrorism</td>
<td>18-20 Augustus</td>
<td>2003</td>
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<tr>
<td>5 Workshop on Counter-Terrorism - Managing Civil Aviation Security in Turbulent Times</td>
<td>21-25 July</td>
<td>2003</td>
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<tr>
<td>6 ASEAN -China Workshop on Law Enforcement Cooperation against Transnational Crime</td>
<td>24-30 Augustus</td>
<td>2003</td>
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<tr>
<td>7 ASEANAPOL Counter-Terrorism Workshop on Intelligence Analysis</td>
<td>22-26 September</td>
<td>2003</td>
</tr>
<tr>
<td>8 ARF Inter-Sessional Meeting on Counter-Terrorism and Transnational Crimes (ISM-CTTC)</td>
<td>21-22 March</td>
<td>2003</td>
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<tr>
<td>9 Foundation Course for Senior Officials in the Theory of Counter-Terrorism Recognition and Multilateral Collaboration</td>
<td>12-13 February</td>
<td>2004</td>
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<tr>
<td>10 ASEANAPOL Counter-Terrorism Workshop on Post-Blast Investigation</td>
<td>16-20 February</td>
<td>2004</td>
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<tr>
<td>11 ASEANAPOL Counter-Terrorism Workshop on Countermeasures for Explosions and Suicide Bombers</td>
<td>22-25 March</td>
<td>2004</td>
</tr>
<tr>
<td>12 2nd ARF ISM-CTTC</td>
<td>30-31 March</td>
<td>2004</td>
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<tr>
<td>13 ARF Seminar on Cyber Terrorism</td>
<td>13-15 October</td>
<td>2004</td>
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<td>14 2nd ARF Seminar on Cyber Terrorism</td>
<td>23-25 June</td>
<td>2005</td>
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<td>15 5th ARF ISM-CTTC</td>
<td>2-4 May</td>
<td>2007</td>
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<tr>
<td>16</td>
<td>ASEAN Workshop on Preventing Bio-Terrorism</td>
<td>12-13 July</td>
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<td>17</td>
<td>7th ARF ISM-CTTC</td>
<td>4-7 May</td>
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<td>18</td>
<td>9th ARF ISM-CTTC</td>
<td>29-31 May</td>
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<tr>
<td>19</td>
<td>1st ADMM-Plus Experts' Working Group (EWG) on Counter-Terrorism Meeting and Workshop</td>
<td>19-20 September</td>
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<td>20</td>
<td>2nd ADMM-Plus EWG on Counter-Terrorism Meeting and Initial Planning Conference of the ADMM-Plus Counter-Terrorism Exercise (CTX)</td>
<td>3-5 April</td>
</tr>
<tr>
<td>21</td>
<td>3rd ADMM-Plus EWG on Counter-Terrorism Meeting and Final Planning Conference of the ADMM-Plus Counter-Terrorism Exercise (CTX)</td>
<td>11-13 March</td>
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<td>22</td>
<td>4th ADMM-Plus EWG on Counter-Terrorism</td>
<td>13-14 October</td>
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<td>23</td>
<td>ADMM-Plus EWG on Counter-Terrorism G20 Observer Activity</td>
<td>27-29 October</td>
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<td>24</td>
<td>ADMM-Plus EWG on Counter-Terrorism Operators' Workshop</td>
<td>19-23 April</td>
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<td>25</td>
<td>ASEAN-Japan Counter-Terrorism Dialogue Workshop on the Implementation of the Designation of Persons &amp; Entities Related to Terrorism under the UNSC Resolution 1373</td>
<td>19-21 September</td>
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<td>26</td>
<td>14th ARF ISM-CTTC</td>
<td>21-22 March</td>
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<tr>
<td>27</td>
<td>ADMM-Plus Maritime Security and Counter-Terrorism Exercise</td>
<td>2-12 May</td>
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<tr>
<td>28</td>
<td>6th ADMM-Plus EWG on Counter-Terrorism</td>
<td>6-8 December</td>
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**Table 4.** List of counter-terrorism activity by ADMM, ADMM-Plus, ASEAN, and ASEANAPOL in 2002-2016

**Source:** ASEAN, ASEANAPOL

The table above shows the programmes of ASEAN bodies and other institutions and state partners, such as ARF, ADMM, ADMM-Plus, ASEANAPOL, SEARCCT, Japan, China, the US and Australia. Most of the ongoing programmes are workshops, such as the ADMM-Plus Experts’ Working Group’s workshops on counter terrorism, ARF’s workshops on cyber-terrorism, and ASEAN’s workshop on terrorism, or the ASEANAPOL Counter-Terrorism Workshop on Post-Blast
Investigation. Only a few of the programmes are exercises, such as the counter-terrorism exercise by the ADMM-Plus state members.

As the ASEAN work programme and convention on counter-terrorism calls for capacity building programmes that are not limited to counter-terrorism exercises, but also seminars and workshops, the programmes that have been undertaken is, while insufficient, still fulfil the work plan.

IV.4. Suppression of the Financing of Terrorist Groups

On the implementation of the fourth strategy on countering terrorism in the region of suppressing the financing of terrorist groups, ASEAN states have used whatever mechanism available to them. For example, through agreements, and statements with other states or international bodies, or by signing resolutions on the issue.

One of them is the ASEAN Regional Forum (ARF) Statement on Measures against Terrorist Financing in 2002. In this statement, ARF member states agree on stopping the terrorist from being able to access the financial system through work with relevant bodies including the International Financial Institutions (IFIs), the Financial Action Task Force on Money Laundering (FATF), FATF-style bodies, and the Financial Stability Forum (FSF) and use of international standards in the regulation and supervision of the finance system. The steps that they would be taking on this strategy are: Freezing Terrorist Assets, Implementation of International Standards, and International Cooperation: Exchange of Information and Outreach, Technical Assistance, and Compliance and Reporting.

On Freezing Terrorist Assets, ASEAN members agreed on the implementation of relevant UN Security Council Resolutions, particularly UNSCR 1373, to stop the financing of terrorism. They also would freeze and close the
access of terrorists and their associates to the international financial system according to their jurisdiction, in accordance to UNSCR 1373\textsuperscript{160}.

On the Implementation of International Standards, the member states aimed “to approve, accept, ratify or accede to and implement the UN Convention for the Suppression of the Financing of Terrorism”\textsuperscript{161}, which was last acceded by Lao PDR in 2008. They also commit to “work co-operatively and in collaboration with the International Monetary Fund (IMF) and World Bank, FATF and FATF-style bodies, FSF, Basle Committee of Banking Supervisors (BCBS), and other relevant international and regional bodies to promote the adoption, implementation, and assessment of international standards or recommendations to combat the abuses of the financial system, including in respect of terrorist financing, financial regulation, and money laundering”\textsuperscript{162}.

As for International Cooperation: Exchange of Information and Outreach, and Technical Assistance, the states committed to provide or receive technical assistance from other states and/or the International Monetary Fund, the World Bank, the Asian Development Bank, and other multilateral and regional organizations. On the cooperation to exchange information, the states would enhance cooperation on the international exchange of information.

On the last step of Compliance and Reporting, the states are committed to implement and comply the international standards, share information regarding the laws, regulations, and the best practices to discourse terrorists and terrorist financing, and support the UN Counter-Terrorism Committee\textsuperscript{163}. Surveillance and voluntary self-assessment through the IFIs, FATF and relevant international bodies are encouraged, while the states should ensure that their financial institutions and

\textsuperscript{161} Ibid.
\textsuperscript{162} Ibid.
citizens obey the measures to combat the financing of terrorism and other financial crimes.

IV.5. Challenges Faced on the Implementations

As all kinds of strategy do, ASEAN’s strategy to counter terrorism in the region is not perfect. There are things that can be considered as weaknesses in the strategy, when met with the condition in the field. Especially when compared to other regional mechanism model such as the European Union (EU) in which the states are bound by treaties and other legally binding instruments, ASEAN’s model is based on a non-legalistic inter-governmental cooperation with non-binding decision making and consensus building.¹⁶⁴

There are three challenges elaborated by the Permanent Representative of Singapore, Albert Chua, in countering terrorism. These challenges would be connected to the weaknesses in ASEAN’s strategy outlined in the three documents on counter-terrorism: 2001 ASEAN Declaration on Joint Action to Counter Terrorism, Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in 2002, and the 2007 ASEAN Convention on Counter-Terrorism. The three challenges are in terms of dismantling the terrorist network and defeating them, combating radical ideology, and the increasing dangers of self-radicalization.¹⁶⁵

On dismantling terrorist network and defeating the terrorists, the challenge is that terrorist groups seem to keep popping up, or are very resistant, even after many of the leaders are caught or killed by the authorities. The state government have tried to disrupt terrorist networks, break terrorist groups, and eradicate terrorists. In Indonesia while the leaders of Jemaah Islamiyah have been either

killed, or arrested by the government, sphincter groups connected to Jemaah Islamiyah or international terrorist groups such as Al-Qaeda still exist. In the Philippines, ASG is still very active as well despite the government having “hunted” them down. Since terrorism is a transnational crime, a holistic approach through cooperation of states in countering terrorism is also important. ASEAN’s role in this matter is significant, as through ASEAN, its mechanisms and bodies, Southeast ASEAN states’ capacity to counter terrorism have increased. This is due to the fact that ASEAN has conducted discussions and workshops to develop the capability of the nations on terrorism. The cooperation that have been formed and deepened between the law enforcement agencies also helps in the process of dismantling terrorist network and groups.

The second and third challenge, however, is not as easy as the first one, as it deals with the radical ideology leading to terrorism, and the way people are getting radicalized. They are combating radical ideology, and facing the increasing dangers of self-radicalization. Both of these challenge are mostly worked on in the national level, as the terrorists would be prosecuted by the state, while the people related to them is also under the state’s jurisdiction. Even so, ASEAN could be working with its member states to build a de-radicalization institution.

Another challenge faced by ASEAN during the implementations of the plan of action to counter terrorism is the ASEAN Way, the principle of sovereignty and non-intervention. The principles were intended to be the guide for the form of cooperation among the state members of ASEAN written in the Treaty of Amity and Cooperation, which are:

“b. The right of every State to lead its national existence free from external interference, subversion or coercion;

c. Non-interference in the internal affairs of one another”\textsuperscript{166}

The principles are actually also mentioned in the ASEAN Convention on Counter Terrorism, on Article III and Article IV, which are as follows:

“Article III

Sovereign Equality, Territorial Integrity and Non-Interference

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

Article IV

Preservation of Sovereignty

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

Anik Yuniarti argued that these principles and their implementation is an obstacle to the effectiveness of ASEAN as a regional organization, especially when it comes to its function to stabilize the region through cooperation among the state members. As not everyone sees the urgency of some issues as urgent as the other states, there is a disagreement on their views of the problems. This, in the end, pushes states to react differently to the same issues. On the issue of terrorism, for example. Indonesia, the Philippines, Malaysia, and Singapore are more vocal compared to other state members of ASEAN. Thus, they also react differently. Indonesia, Malaysia, the Philippines and Singapore have some multilateral cooperation to counter terrorism, while other states do not.

The principle that does not allow any form of intervention toward a state’s policy has made ASEAN unable to develop a mechanism for an active and coercive preventive diplomacy. Thus, a consensus or uniform view and laws regarding counter terrorism cannot be achieved regionally, resulting in states opting state to

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choose bilateral or multilateral cooperation which is counterproductive to ASEAN’s goal to be the region’s problem solver and support.
CHAPTER V – CONCLUSION

Extremist groups have always been an issue in countries all over the world, including countries in Southeast Asia. In Southeast Asia, as one of the region with the highest number of Muslim in the world, but more of the secular governments than the Islamic rule based governments have caused radical Muslim groups to pop up. Some of the most persistent and notorious terrorist groups in Southeast Asia, if not the world, are Abu Sayyaf Group, and Jemaah Islamiyah.

As terrorism is not crime that can be bound by territory, but a transnational crime, a comprehensive measure needs to be taken by not only one state but every state in the region. This is where ASEAN comes to play a part. As a regional organization, ASEAN has the means and capability to facilitate the states to eradicate Abu Sayyaf and Jemaah Islamiyah in the region. The mechanisms in ASEAN body that is available and capable to be used is the ASEAN Regional Forum (ARF), ASEAN Defence Ministers’ Meeting (ADMM), ASEAN Defence Ministers’ Meeting-Plus (ADMM-Plus), and ASEANAPOL. Also other institution such as SEARCCT, and international organization such as the United Nations (UN).

To counter terrorism in the region, ASEAN provided three documents outlining the strategy that would be used. The documents were all released at different time, two of them just months after some of the tragedies caused by terrorist acts. The 2001 ASEAN Declaration on Joint Action to Counter Terrorism was released months after 9/11, while the Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime in 2002 was released not long after the declaration, and the 2007 ASEAN Convention on Counter-Terrorism followed sometime after. Combined, there are four bigger groups where the strategies can fit: information sharing and intelligence exchange, legal and law enforcement related matters, capacity building, and the suppression of the financing of terrorist groups.

Information sharing and intelligence exchange is one of the main strategy in ASEAN’s fight against terrorism. It is mentioned in the 2001 Declaration on
Joint Action to Counter Terrorism, the terrorism component of the Work Programme to Implement the ASEAN Plan of Action to Counter Terrorism in 2002, and the 2007 Convention on Counter Terrorism.

The second strategy related to the legal and law enforcement matters of the strategy recommends states to sign international conventions on counter-terrorism, and criminalize terrorist acts in their jurisdiction. Most ASEAN states have criminalized terrorism, with only one state who does not have a specific law for terrorist acts, although terrorists can still be prosecuted under other existing laws. However, the enthusiasm is lost on signing and ratifying or acceding international conventions. Out of 16 international conventions on counter terrorism, only two are signed by more than 50% of ASEAN state members: the 1997 International Convention for the Suppression of Terrorist Bombings, and the 1999 International Convention for the Suppression of the Financing of Terrorism.

The third strategy on capacity building is where ASEAN really plays a big role, as its mechanisms (the ARF, ADMM, and ADMM-Plus) have been conducting various capacity building programmes as outlined in the 2002 Plan of Action to Counter Terrorism, and the 2007 Convention on Counter Terrorism. Some of them are on cyber terrorism, or explosions, civil aviation in dangerous times, and even bio-terrorism.

The fourth strategy is on the suppression of the financing of terrorist groups, in which ASEAN urges its state members to comply to the international standards. The international standards and regulations here refer to the ones outlined in the UN’s 1999 International Convention for the Suppression of the Financing of Terrorism, and the United Nations Security Council (UNSCR) 1373 Resolution. This includes regulations and surveillance on banks, and cooperation between the state, the banks, and International Monetary Fund (IMF) and World Bank, FATF and FATF-style bodies, FSF, Basle Committee of Banking Supervisors (BCBS).

All in all, ASEAN as a regional organization have done what they are capable of doing to counter-terrorism in the region. Starting from using all the mechanisms available to them as space for states to be able to exchange their information or best practices in countering terrorism, as they have used ADMM-Plus and hold a regular Inter Sessional Meetings on counter-terrorism where states
can share their best practices. Or work with ASEANAPOL to build a database to connect all the national databases on counter-terrorism called e-ADS. ASEAN also holds capacity building programmes in collaboration with other states and organizations through their mechanisms such as the ADMM-Plus’s Counter Terrorism Exercise, or ASEAN’s counter terrorism exercises.

ASEAN does play a huge role in making sure that the solution to counter terrorism is as comprehensive as it can be on the state-to-state level under ASEAN’s rules. However, there are still some issues with the strategy that is being used. As ASEAN has always put sovereignty above everything else, and hold on to the principle of non-interference, terrorism is not something that can be fixed by only one or two or three parties working on it, but all the parties in the region should actually be working as well. Especially since the strategy from ASEAN is mostly eradicating terrorists instead of terrorism. The idea that sparks the radicalism would still be there, even if all the strategy works well. If the idea, or the ideology is still there, new radical believers would keep popping up and terrorism would never end in the region.
REFERENCES

Books


Reports


Websites


2001 ASEAN Declaration on Joint Action to Counter Terrorism

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

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

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

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

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

Do hereby,

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

*Extend* our deepest sympathy and condolences to the people and Government of the United States of America and the families of the victims from nations all around the world, including those of our nationals;
View acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security which require concerted action to protect and defend all peoples and the peace and security of the world;

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

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

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

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

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

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

Approve fully the initiatives of the Third ASEAN Ministers Meeting on Transnational Crime (AMMTC) held in October 2001 to focus on terrorism and deal effectively with the issue at all levels and endorse the convening of an Ad Hoc Experts Group Meeting and special sessions of the SOMTC and AMMTC that will focus on terrorism;
Warmly welcome Malaysia’s offer to host the Special AMMTC on issues of terrorism in April 2002. This meeting would represent a significant step by ASEAN to the United Nations’ call to enhance coordination of national, sub-regional and international efforts to strengthen a global response to this serious challenge and threat to international security;

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

1. Review and strengthen our national mechanisms to combat terrorism;

2. Call for the early signing/ratification of or accession to all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism;

3. Deepen cooperation among our front-line law enforcement agencies in combatting terrorism and sharing “best practices”;

4. Study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism;

5. Enhance information/intelligence exchange to facilitate the flow of information, in particular, on terrorists and terrorist organisations, their movement and funding, and any other information needed to protect lives, property and the security of all modes of travel;

6. Strengthen existing cooperation and coordination between the AMMTC and other relevant ASEAN bodies in countering, preventing and suppressing all forms of terrorists acts. Particular attention would be paid to
finding ways to combat terrorist organisations, support infrastructure and funding and bringing the perpetrators to justice;

7. Develop regional capacity building programmes to enhance existing capabilities of ASEAN member countries to investigate, detect, monitor and report on terrorist acts;

8. Discuss and explore practical ideas and initiatives to increase ASEAN’s role in and involvement with the international community including extra-regional partners within existing frameworks such as the ASEAN + 3, the ASEAN Dialogue Partners and the ASEAN Regional Forum (ARF), to make the fight against terrorism a truly regional and global endeavour;

9. Strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirm that at the international level the United Nations should play a major role in this regard.

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

Adopted this Fifth Day of November 2001 in Bandar Seri Begawan, Brunei Darussalam.
Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime Kuala Lumpur, 17 May 2002

1 Illicit Drug Trafficking

1.1. Exchange of Information

a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to illicit drug trafficking leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

Action Line: All ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

b. Projects and activities on drug matters under ASEAN Plan of Action are coordinated with the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD) Plan of Action.

Action Line: ASEAN Secretariat should coordinate project activities on drug matters between ASOD and ACCORD.

c. A country specific study/survey of illicit drug trafficking by coordination with the institutions concerned such as the national focal points on drug matters and the National Police.

Action Line: All ASEAN Member Countries to do the survey & submit to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to all Member Countries.
d. Conduct typology studies to determine trends and “modus operandi” of illicit drug trafficking in the ASEAN region based on the country’s specific studies.

Action Line: All Member Countries should do the survey & submit it to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

e. Familiarisation of law and legislation on illicit drug trafficking at the grass-roots level.

Action Line: All ASEAN Member Countries should be encouraged to enhance public awareness of laws and legislation pertaining to illicit drug trafficking.

f. Establish a directory of contact persons in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral coordination among persons and agencies with similar functions.

Action Line: Contact points are the drug control agencies from each Member Country and the information is to be submitted to the ASEAN Secretariat within 6 months after the endorsement by the 2nd Annual SOMTC for compilation and distribution.

g. Maximize the use of modern information and communications technology in facilitating the exchange of data on, among others, criminal methodologies, arrests, legal documents, requests for assistance, and respecting the restriction of transmission subject to each country.

**Action Line:** To include websites of the drug control agencies of all Member Countries (public information basis) on the ASEANWEB and to be linked by all Member Countries. Agencies that already have English-version websites are to submit the address to the ASEAN Secretariat by the end of 2002.

1.2 Legal Matters
a Work towards criminalisation in all ASEAN Member Countries of transnational organised criminals involved in illicit drug trafficking

**Action Line:** All Member Countries are recommended to explore the feasibility of criminalising illicit drug trafficking, where applicable.

b Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.

**Action Line:** ASEAN to explore the feasibility of developing and strengthening bilateral/multilateral treaties and Memorandum of Understanding from Member Countries. Practices, documents and reports from Member Countries to be submitted to and compiled by the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

1.3 **Law Enforcement Matters**

Appoint Police Attaché or drug liaison officers, whenever feasible, in the capitals of ASEAN Member Countries.

**Action Line:** All ASEAN Member Countries should be encouraged to appoint Police attaché or drug liaison officers.

1.4 **Training**

Develop regional training, personnel exchange programs and conduct regular conferences on illicit drug trafficking.

**Action Line:** ASEAN Secretariat to assist in conducting regional training, personnel exchange programs and regular conferences on illicit drug trafficking.

1.5 **Institutional capacity-building**
Strengthen institutional linkages with the various ASEAN mechanisms involved in combating illicit drug trafficking such as the ASEAN Senior Officials on Drug Matters (ASOD).

**Action Line:** All ASEAN Member Countries to strengthen linkages between their respective institutions and the various ASEAN mechanisms involved in combating illicit drug trafficking.

1.6 Extra-Regional Cooperation

Seek assistance from ASEAN Dialogue Partners, regional organisations, relevant specialised agencies of the United Nations and other international organisations, on combating illicit drug trafficking and on the identities, movements and activities of known transnational criminal organisations involved in illicit drug trafficking.

**Action Line:** ASEAN Secretariat should be encouraged to actively seek assistance from dialogue partners in combating illicit drug trafficking.

2. Trafficking in Persons

2.1. Information Exchange

a. Establish a compilation of national laws of ASEAN Member Countries pertaining to trafficking in persons leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

b. A country specific study/survey of trafficking in persons by coordination with the institutions concerned such as the Immigration and the National Police and
conduct typology studies to determine trends and “modus operandi” of trafficking in persons in the ASEAN region based on the country specific studies.

**Action Line:** ASEAN Member Countries to submit country studies, and where available case studies by NGOs, to the ASEAN Secretariat for compilation within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat will further review the studies for presentation at the next meeting.

c. Enhancement of public awareness of laws, legislations and international agreements on trafficking in persons at the grass-roots level.

**Action Line:** ASEAN Member Countries to work at enhancing public awareness nationally including campaigns.

d. Establish a directory of focal points in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral coordination among persons and agencies with similar functions.

**Action Line:** ASEAN Member Countries to submit their list of national focal points in this area to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and dissemination to Member Countries.

e. Maximize the use of modern information and communication technology in facilitating the exchange of data on, among others, criminals, methodologies, arrests, legal documents, requests for assistance, and ensure its restricted transmission.

**Action Line:** ASEAN Secretariat to facilitate the sharing among Member Countries of the national laws, regulations, international treaties, if feasible, and any other relevant information in relation to trafficking in persons by creating a page in the ASEANWEB to allow Member Countries to access the information online. Member Countries may choose to post information direct on the website or download the information through the ASEAN Secretariat. ASEAN Secretariat to
report progress within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC

2.2 Legal Matters

a Work towards criminalisation in all ASEAN Member Countries of trafficking in persons.

Action Line: ASEAN Member Countries should provide information among each other and to the ASEAN Secretariat on the progress of their efforts to enact domestic legal instruments, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC

b Work towards the harmonisation of relevant national policies, where applicable, among ASEAN Member Countries by exchange of information.

Action Line: ASEAN Member Countries to submit to the ASEAN Secretariat all their respective national policies on trafficking in persons as a basis for regional policy for trafficking in general within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

c Consider the feasibility in developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.

Action Line: Interested ASEAN Member Countries to look into developing bilateral or multilateral legal arrangements on mutual legal and administrative assistance.

d Coordinate with the ASEAN Senior Law Officials Meeting (ASLOM) on the implementation of the ASEAN Legal Information Network System (LINKS).

Action Line: The ASEAN Secretariat to coordinate with ASLOM on LINKS.

2.3 Law Enforcement Matters
Develop programmes for joint exercises against trafficking in persons and simulations.

**Action Line:** Interested ASEAN Member Countries to submit project proposals to the SOMTC for endorsement and to the ASEAN Secretariat for the project appraisal process.

2.4 Training

a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, surveillance, detection and monitoring and reporting.

**Action Line:**

(i) Develop a regional curriculum/module on trafficking in persons based on existing national training programs of member-countries and those of the international community; and

(ii) Train law enforcement officials based on the regional curriculum in the investigation, surveillance, detection and monitoring, and reporting of cases of trafficking in persons.

(iii) Another meeting of the task force to formulate a regional curriculum/module on trafficking in persons is also proposed.

b. Develop regional training program for the post-repatriation rehabilitation and protection of the victims.

**Action Line:**

(i) Interested ASEAN Member Countries to develop regional training programmes within 6 months and to submit it to the SOMTC for endorsement and thereafter to the ASEAN Secretariat for the appraisal process.

(ii) Develop a regional curriculum/module on trafficking in persons geared towards the rehabilitation of victims based on existing national training programs of member-countries and those of the international community.
2.5 Institutional capacity-building

a. Promote the efficient networking of relevant national agencies/organisations in ASEAN Member Countries.

**Action Line:** Member Countries to submit to the ASEAN Secretariat the existing framework within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

b. Promote and strengthen institutional linkages with the various ASEAN mechanisms involved in combating trafficking in persons, for example the ASEAN Committee on Women.

**Action Line:** ASEAN Member Countries to submit names of national focal points on combating trafficking in persons to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and dissemination to ASEAN Member Countries.

2.6 Extra-regional Cooperation

Subject to each country’s prevailing domestic laws and regulations, enhance information exchange with ASEAN Dialogue Partners, regional organisations, relevant specialised agencies of the United Nations and other international organisations, particularly towards the sharing of critical information on the activities, movements and activities of known transnational criminal organisations involved in the trafficking of persons.

**Action Line:** ASEAN Secretariat to seek technical assistance from dialogue partners in developing a mechanism for information exchange.

3. Sea-Piracy

3.1 Information Exchange

a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to piracy and armed robbery at sea leading towards
establishing a regional repository of such national laws and regulations within a certain time frame to be made available on the ASEANWEB.

**Action Line:** ASEAN Member Countries (with the exception of landlocked country – Lao PDR) to submit all national laws and regulations and international agreements and Conventions as applicable on piracy and armed robbery at sea to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and dissemination.

b. Exchange of information and enhance cooperation with the specialised UN agency – the International Maritime Organization (IMO) – as well as with other bodies involved in combating piracy and armed robbery at sea such as the International Maritime Bureau (IMB), Federation of ASEAN Ship-owners Association (FASA) and ASEANAPOL.

**Action Line:** ASEAN Member Countries to submit directory of Focal Points to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

c. Compile national studies to determine trends and “modus operandi” of piracy in South-east Asian waters.

**Action Line:** The ASEAN Secretariat to write to INTERPOL as well as other think-tanks in the region to undertake these studies within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC and at the same time to determine the costs of these studies.

3.2. Legal Matters

Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, hot pursuit, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.
**Action Line:** The ASEAN Secretariat together with the Chair of the Task Force to work within a year to develop the mechanism to consider the feasibility of the matter.

3.3. **Law Enforcement Matters**

a. Enhance programmes for anti-piracy coordinated patrols.

**Action Line:** Member Countries to submit existing programme and activities to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for dissemination.

b. Enhance cooperation and coordination in law enforcement and intelligence sharing of piracy and armed robbery at sea activities and that of other unlawful transnational crimes.

**Action Line:** To involve National Focal Point/National Maritime Authorities of the respective countries in the above initiative.

3.4. **Training**

To enhance and seek training programmes within ASEAN and ASEAN Dialogue Partners to equip Maritime, Customs, the Police, Port Authorities and other relevant officials on the prevention and suppression of sea piracy and other maritime crime.

**Action Line:** Malaysia will explore the possibility of conducting feasible training programmes with the cooperation of ASEAN Dialogue Partners.

3.5. **Institutional Capacity-building**

Strengthen and enhance the existing cooperation among National Focal Points of ASEAN Countries involved in combating and suppressing piracy and armed robbery at sea.

**Action Line:** The ASEAN Secretariat to work closely with Member Countries in identifying the National Focal Points with regard to piracy and armed
robbery at sea within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

3.6. Extra-regional cooperation

a. Seek technical assistance from ASEAN Dialogue Partners, users of the waterways and other relevant specialised agencies of the United Nations and international organisations, particularly with regards to training and acquisition of effective communication equipment and assets. This would be in consideration of Article 43 of the UN Convention on the Law of the Sea 1982

**Action Line:** ASEAN Member Countries to identify and prioritise workable programme, where applicable, to be submitted to the Chairman of the Task Force with a view of seeking assistance from ASEAN Dialogue Partners.

b. Financial assistance for increased patrolling of particular vulnerable sea areas and assistance in terms of training programmes for law enforcement officials at sea and agencies concerned.

**Action Line:** The ASEAN Secretariat together with the Chairman of the Task Force to identify and match relevant programmes, where applicable, with a view of proposing them to the ASEAN Dialogue Partners.

4. Arms Smuggling

4.1. Information exchange

a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to arms smuggling leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual
SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries

b. Conduct typology studies to determine trends and modus operandi of arms smuggling in the ASEAN region.

**Action Line:** ASEAN Member Countries to submit studies conducted by each member country to the ASEAN Secretariat for compilation within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat will further review the studies for presentation at the next meeting.

c. Enhance the exchange of information and cooperation among the ASEAN officials e.g. ASEANAPOL, customs, immigration, and legislators on international and regional arms smuggling activities.

**Action Line:** Member Countries to provide names of focal points to be submitted to the ASEAN Secretariat, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC, for its compilation into a directory.

d. Coordinate with ASEANAPOL on information on regional arms smuggling activities.

**Action Line:** Cambodia to refer this to the next ASEANAPOL meeting to be held in Phnom Penh in May 2002 with a view to include it as an item to be discussed during the meeting. Other Member Countries are also to bring this up to their respective Police Chiefs for early consideration.

e. Establish a comprehensive database of international treaties and agreements pertaining to arms smuggling/transnational crime.

**Action Line:** ASEAN Secretariat to approach dialogue partners and other donor countries and funding agencies on assistance to set up the database.

4.2. Legal Matters

ASEAN works toward the harmonization of marking systems for ammunition, arms, their parts and their components in line with the international
system developed by Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime.

**Action Line:** ASEAN member states to endeavour to discuss this matter so that ASEAN undertaking is in harmony with the international system.

4.3. Law Enforcement Matters

a. Intelligence exchange and cooperation not only in border and customs control between countries in ASEAN but also with Europol, Interpol and any other organisations.

**Action Line:** ASEAN Secretariat to initiate and make contact with these organisations.

b. Strengthen law enforcement capabilities, especially the need for comprehensive domestic legislation against illicit arms trafficking.

**Action Line:** ASEAN Member Countries to submit their domestic legislations to the ASEAN Secretariat for compilation within the time frame of 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

4.4 Training

a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence surveillance, detection, monitoring and reporting.

**Action Line:** Compilation of national training programmes of each Member Country by the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

b. Sharing of experience on best practices in investigation, monitoring and reporting of smuggling of arms and explosives materials to contain and suppress such activities in our effort to fight arms smuggling.
**Action Line:** Indonesia is to propose a programme on this subject matter within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

**4.5 Institutional Capacity-Building**

a. Establish a database on illicit trafficking of arms and explosives with a view to address the current lack of information/database and research indicating the volume of trade, types of cases pursued, the trends, routes and manner of smuggling.

b. Establish procedures for countries to declare surplus arms destroyed, missing and lost from government stockpiles to be reported and compiled to facilitate tracking measures in line with the development of international procedures and the exchange of information.

**Action Line:** ASEAN Secretariat to be responsible for compiling and keeping the data which will be updated regularly by member states. The ASEAN Secretariat will approach potential donor countries such as Japan for assistance in setting up the database sector.

**4.6 Extra-regional cooperation**

a. Enhance information exchange with ASEAN Dialogue Partners, regional organisations, relevant specialised agencies of the United Nations and other international organisations, particularly towards the sharing of critical information on the identities, movements and activities of known transnational criminal organisations involved in arms smuggling.

**Action Line:**

(i) ASEAN Secretariat to seek technical assistance from dialogue partners in developing a mechanism for information exchange

(ii) Establish a database system to share with other regional bodies.
b. Seek technical assistance and funding considerations for weapons collection and destruction, the strengthening of law enforcement and institutional capacity building.

**Action Line:** ASEAN Secretariat will pursue this matter with interested parties.

c. Implement the programme of action, where practicable, in accordance with the outcome of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001

**Action Line:** Encourage individual countries to implement, where practicable, the programme of action of the 2001 UN Conference.

5. Money Laundering

5.1. Exchange of information

a. Establish a compilation of national laws and regulations of ASEAN Member Countries in pertaining to anti-money laundering legislation leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries.

**Action Line:** To compile a matrix of all the laws and regulations relating to money laundering by Member Countries, building upon the information already available with the Asia/Pacific Group on Money Laundering in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.
b Conduct typology studies to determine trends and “modus operandi” of money laundering activities in ASEAN Member Countries.

**Action Line:** ASEAN Member Countries to refer to typologies and trends available on the Asia/Pacific Group on Money Laundering and the Financial Action Task Force on Money Laundering websites.

c Identify relevant contact persons in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral coordination among persons and agencies with similar functions.

**Action Line:** Member Countries to submit list of contact persons and focal points to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

5.2 **Legal Matters**

a. Work towards the criminalisation in ASEAN Member Countries of money laundering activities.

**Action Line:** Each Member Country to explore the feasibility of criminalising money laundering, where applicable.

**Action Line:** Each Member Country to explore the feasibility of having bilateral treaties and MOU subject to domestic laws and policies. A progress report should be submitted to the ASEAN Secretariat.

5.3 **Law Enforcement Matters**

a. Enhance cooperation and coordination in law enforcement and intelligence sharing.

**Action Line:** Member Countries to submit relevant Focal Points and details of contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for collation and dissemination

5.4 **Training**
a Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring and reporting for ASEAN Member Countries officials concerned on anti-money laundering.

**Action Line:** Malaysia will propose training modules for money laundering investigations and suspicious transactions activity relating to money laundering in banking and non-banking institutions within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat will submit the proposal to the SOMTC for endorsement and thereafter for the appraisal process.

The money laundering investigations training will include modules on asset tracing, forensic accounting and the efficient collection, analysis and distribution of financial intelligence and effective use of the same by law enforcement units and the training of financial evaluators of anti-money laundering measures.

5.5 **Institutional capacity-building**

a Coordinate with ASEANAPOL for the analysis of information on regional money laundering activities.

**Action Line:** ASEAN Secretariat will be liaising directly with ASEANAPOL to study the feasibility of this and to report at the next SOMTC Meeting.

b Promote the efficient networking of relevant national agencies/organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination.

**Action Line:** Member Countries to submit to the ASEAN Secretariat the existing framework within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

c. Member Countries to establish financial intelligence/ investigative units consistent with domestic laws and policies.
**Action Line:** Member Countries to report on the status of establishment of the FIU (Financial Investigation Units) at the next Meeting.

5.6 Extra-regional cooperation

a. Seek assistance from ASEAN Dialogue Partners and relevant specialized agencies of the UN and other international organizations, particularly with regards to training.

**Action Line:** ASEAN Secretariat to give priority to the technical assistance sought to be used for funding of the training needs set out in paragraph 5.3 within the year.

6. Terrorism

6.1 Information Exchange

a. Establish a compilation of national laws and regulations of ASEAN Member Countries, including international treaties and agreements, pertaining to terrorism leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries

b. Explore ways for ASEAN to cooperate with ASEANAPOL and relevant international organizations concerned with terrorism matters to further facilitate sharing of information and analysis of critical intelligence information such as “modus operandi” and offences involving terrorist activities.
Action Line: ASEAN Secretariat to explore linkages with ASEANAPOL and relevant international organizations within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

c. Enhance cooperation in the exchange of information among Member Countries as well as with international agencies to combat terrorism.

Action Line: ASEAN Member Countries to submit to the ASEAN Secretariat, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC, their respective focal points on terrorism. The ASEAN Secretariat will then publish a directory for dissemination to all ASEAN Member Countries.

d. Exchange of information on technologies to detect and deter the use of materials of mass destruction, including biological agents or toxins, in terrorist attacks and develop means to deter terrorist attacks on electronic and computer infrastructure.

Action Line: ASEAN Member Countries shall enhance the exchange of the above-mentioned information on technologies.

e. Exchange of information on security practices for international special events, strengthen and expand international cooperation and consultation in anti-terrorist activities.

Action Line: ASEAN Member Countries shall enhance the exchange of the above-mentioned information on security practices.

f. A comprehensive database of international treaties and agreements pertaining to terrorism/transnational crime be established.

Action Line: ASEAN Secretariat to approach dialogue partners and other donor countries and funding agencies on assistance to set up the database.

g. Enhance information/intelligence exchange to facilitate the flow of information, in particular, on terrorists and terrorist organizations, their movement
and funding, and any other information needed to protect lives, property and the security of all modes of travel.

**Action Line:** ASEAN Member Countries to begin exchange of information on the above initiative.

### 6.2 Legal Matters

a. Work towards the criminalisation of terrorism in ASEAN Member Countries.

**Action Line:** ASEAN Member Countries should provide information among each other and to the ASEAN Secretariat on the progress of their efforts to enact domestic legal instruments, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

b. Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN Member Countries.

**Action Line:** Interested ASEAN Member Countries to explore the modalities through exchange visits, seminars and other means.

c. Work towards the early signing/ratification of or accession to all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism.

**Action Line:** ASEAN Member Countries to work towards the early signing/ratification by first reviewing the current anti-terrorist conventions.

d. Study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism.

**Action Line:** ASEAN Secretariat shall finalise, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC, the compilation of the relevant international conventions and further conduct, within six months
after this finalisation, a study on the feasibility of integrating them with ASEAN mechanisms on combating international terrorism.

e. Working on a regional operational convention or agreement to combat terrorism.

**Action Line:** ASEAN Secretariat shall conduct a study within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to consider the formulation of a regional operational convention or agreement to combat terrorism.

f. Work towards a bilateral or multilateral mutual legal assistance agreement or arrangement to enhance cooperation in combating terrorist acts and deliberating on various aspects of the issue in a comprehensive manner including its definition and root causes.

**Action Line:** ASEAN Secretariat to consult with Member Countries on the feasibility of holding an ASEAN Meeting to formulate an ASEAN agreement or arrangement in Mutual Legal Assistance among ASEAN Member Countries on combating terrorism as soon as possible.

6.3 **Law Enforcement Matters**

a. Enhance cooperation and coordination in law enforcement and intelligence sharing on terrorism issues affecting ASEAN Member Countries.

**Action Line:** ASEAN Secretariat to publish a directory of focal points and contact persons in charge of terrorism for dissemination to all ASEAN Member Countries within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

b. Deepen cooperation among front-line law enforcement agencies in combating terrorism and sharing best practices.

**Action Line:** ASEAN Secretariat to explore the possibility of conducting a seminar on terrorism.

6.4 **Training**
a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, counter-terrorism, detection and monitoring and reporting of terrorist activities.

**Action Line:** Interested ASEAN Member countries are urged to submit their project proposals on training programmes/conferences to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat to seek funding from dialogue partners/international organizations for the projects.

ASEAN Member Countries conducting national training programmes may extend invitations to other ASEAN Member Countries to join their existing programs.

b. Hold a multilateral seminar on emergency response to terrorist threats.

**Action Line:** Interested ASEAN Member countries are urged to submit their project proposals on convening such a seminar to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat to seek funding from dialogue partners/international organizations to convene the seminar.

6.5 **Institutional Capacity Building**

a. Review and strengthen national mechanisms of ASEAN Member Countries to combat terrorism.

**Action Line:** ASEAN Secretariat shall assist Member Countries in strengthening their national mechanisms of Member Countries to combat terrorism. Assistance from ASEAN Member Countries in providing necessary documentation and information would be welcome.

b. Strengthen existing cooperation and coordination between the AMMTC and other relevant ASEAN bodies in countering, preventing and suppressing all forms of terrorist acts. Particular attention would be paid to finding ways to combat
terrorist organizations, support infrastructure and funding and bringing the perpetrators to justice.

**Action Line:** ASEAN Secretariat to explore the possibility of inviting the chair the of task forces or heads of other ASEAN bodies that are directly involved in the fight against terrorism, for example DGICM, ASEANAPOL, to attend SOMTC meetings

c. Develop regional capacity building programs to enhance existing capabilities of ASEAN Member Countries to investigate, detect, monitor and report on terrorist acts.

**Action Line:** Interested ASEAN Member countries are urged to submit their project proposals on capacity building programmes to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC. The ASEAN Secretariat to seek funding from dialogue partners/international organizations for the programmes.

d. Convene specialized workshops, seminars and training courses for ASEAN law enforcement officials on new forms of terrorism such as bio-terrorism and cyber-terrorism. The areas for discussion could include the review of laws and legislation in these new areas with a view towards harmonization where feasible.

**Action Line:** ASEAN Member Countries will provide the ASEAN Secretariat a list of research institutions in each country with the capabilities of carrying out chemical analysis of biological agents and toxins, which would be useful in combating bio-terrorism. The list would be circulated to all Member Countries.

6.6 Extra-regional cooperation

a. Discuss and explore practical ideas and initiatives to increase ASEAN’s role in and involvement with the international community including extra-regional partners within existing frameworks such as the ASEAN + 3, the ASEAN Dialogue Partners and the ASEAN Regional Forum (ARF), to make the fight against terrorism a truly regional and global endeavor.
**Action Line:** AMMTC Chair and the ASEAN Secretariat may look into the possibility of inviting the Plus Three Countries – China, Japan and the Republic of Korea – and other dialogue partners to the SOMTC and AMMTC meetings.

b. Strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirm that at the international level the United Nations should play a major role in this regard.

**Action Line:** ASEAN Secretariat to conduct a study on how ASEAN programmes/projects could complement/support UN resolutions.

7. **International Economic Crime**

7.1 **Exchange of information**

a. Establish a compilation of national laws and regulations of ASEAN Member Countries pertaining to international economic crime legislation leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** All ASEAN Member Countries to submit laws, regulations and international treaties, where applicable, relating to credit card fraud, counterfeit currency, forgery of bank instruments, illicit trading of shares, smuggling of money and Intellectual Property Rights (IPRs) to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to ASEAN Member Countries.

b. Conduct typology studies to determine trends and “modus operandi” of international economic crime activities in ASEAN Member Countries.

**Action Line:** All ASEAN Member Countries to submit their respective trends and “modus operandi”, where applicable, to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.
c. Identify relevant contact persons in the policy, legal, law enforcement and academic institutions of ASEAN Member Countries and facilitate networking and lateral co-ordination among persons and agencies with similar functions.

**Action Line:** All ASEAN Member Countries to submit list of contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

d. Maximize the use of modern information and communications technology in facilitating the exchange of data on, among others, criminal methodologies, arrests, legal documents, requests for assistance, and ensure its restricted transmission.

**Action Line:** All ASEAN Member Countries to submit list of contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

7.2 Legal Matters

Work towards the criminalization in ASEAN Member Countries of international economic crime activities.

**Action Line:** All ASEAN Member Countries to study the legislation compiled by the ASEAN Secretariat and review their respective legislation, where applicable, subject to domestic laws and national policies.

7.3 Law Enforcement Matters

Enhance cooperation and coordination in law enforcement and intelligence sharing.

**Action Line:** All ASEAN Member Countries to submit relevant focal points and contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.
7.4 Training

a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring and reporting for ASEAN Member Countries officials concerned on international economic crime.

**Action Line:** Where applicable, all members can consider inviting other members to participate in their existing training courses and conferences pertaining to credit card fraud, counterfeit currency, forgery of bank instruments, illicit trading of shares, smuggling of money and Intellectual Property Rights (IPRs).

b. Exchange “best-practices” of relevant institutions in ASEAN Member Countries involved in combating international economic crime.

**Action Line:** Where applicable, all Member Countries to submit relevant information and trend on credit card fraud, counterfeit currency, forgery of bank instrument, illicit trading of shares, smuggling of money and Intellectual Property Rights (IPRs) to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution to the Member Countries.

7.5 Institutional Capacity-Building

a. Coordinate with ASEANAPOL for the analysis of information on international economic crime activities.

**Action Line:** ASEAN Secretariat to liaise with ASEANAPOL on the feasibility of this and report within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

b. Promote the efficient networking of relevant national agencies/organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination.

**Action Line:** All Member Countries to forward relevant framework to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme
by the 2nd Annual SOMTC for compilation and dissemination to all Member Countries.

7.6 Extra-regional cooperation

Seek assistance from ASEAN Dialogue Partners and relevant specialized agencies of the UN and other international organizations, particularly with regards to training and other important activities

**Action Line:** Where applicable, all Member Countries to submit their training requirement in the area to the ASEAN Secretariat. ASEAN Secretariat to liaise with the dialogue partners to seek training opportunities and report in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

8. Cyber Crime

8.1 Exchange of information

a. Establish a compilation of national laws, regulations and international treaties, where applicable, of ASEAN Member Countries pertaining to cyber crime legislation leading towards establishing a regional repository of such laws within a certain timeframe on-site and on the ASEANWEB.

**Action Line:** ASEAN Member Countries to submit their respective national laws, regulations, bilateral agreements, if feasible, and information on international treaties that have been ratified and/or signed, where applicable, within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC to the ASEAN Secretariat for compilation and distribution to Member Countries

b. Conduct typology studies to determine trends and “modus operandi” of cyber crime activities in ASEAN Member Countries.

**Action Line:** All Member Countries to submit their respective trends and “modus operandi”, where available, in the area of cyber crime to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd SOMTC for compilation and distribution.
c. Coordinate with ASEANAPOL so as to further facilitate sharing and analysis of critical intelligence information such as “modus operandi” and syndicates.

**Action Line:** ASEAN Secretariat to enhance coordination with ASEANAPOL

d. Maximize the use of modern information and communication technology in facilitating the exchange of data on, among others, criminals, methodologies, legal documents, request for assistance and ensure its restricted transmission.

**Action Line:** ASEAN Secretariat to facilitate the sharing among Member Countries of the national laws, regulations, international treaties, where feasible, and any other relevant information in relation to cyber crime by creating a page in the ASEANWEB to allow Member Countries to access the information on-line. Member Countries may choose to post information direct on the website or download the information through the ASEAN Secretariat. ASEAN Secretariat to report progress within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

8.2 Legal Matters

a. Work towards the criminalization in ASEAN Member Countries of cyber crime activities.

**Action Line:** All Member Countries to study the cyber crime legislation compiled by the ASEAN Secretariat and review their respective legislation, where applicable subject to domestic laws and national policies.

b. Consider the feasibility of developing multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN Member Countries in combating cyber crimes.
**Action Line:** All Member Countries to explore the feasibility of developing and strengthening multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, exchange of witnesses, sharing of evidence, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN Member Countries in combating cyber crimes.

**8.3 Law Enforcement Matters**

a. Enhance cooperation and coordination in law enforcement and intelligence sharing.

b. Develop programmes and activities for joint exercises and simulations.

**Action Line:** All Member Countries to submit relevant focal points and contact persons to ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for collation and dissemination.

**8.4 Training**

a. Develop regional training programmes and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring and reporting for ASEAN Member Countries officials concerned on cyber crimes.

**Action Line:** Where applicable, Member Countries can invite other Member Countries to participate in their existing training courses in combating cyber crimes.

(Afternote: Singapore would be conducting a course on computer forensic in the last quarter of 2002 and would offer places to Member Countries subject to availability of vacancies. Except for course fees, all other costs would be borne by the respective participating countries.)

b. Exchange “best-practices” of relevant institutions in ASEAN Member Countries involved in combating cyber crime.
**Action Line:** All Member Countries to submit relevant “best practices”, which should include ways of dealing with credit card fraud, email tracing (including cyber terrorism), DDOS attack, defacing, worm/virus attack, and also international cooperation including joint investigation and joint training, to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for compilation and distribution.

8.5 **Institutional capacity-building**

a. Coordinate with ASEANAPOL for the analysis of information on cyber crime activities.

**Action Line:** ASEAN Secretariat to liaise with ASEANAPOL on the feasibility of this and report progress in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.

b. Promote the efficient networking of relevant national agencies/organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination.

**Action Line:** All Member Countries to submit their respective framework to the ASEAN Secretariat within 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC for dissemination to all Member Countries.

8.6 **Extra-regional cooperation**

a. Seek assistance from ASEAN Dialogue Partners and relevant specialized agencies of the UN and other international organizations, particularly with regards to training.

**Action Line:** ASEAN Secretariat to liaise with ASEAN Dialogue Partners to seek training opportunities in the area of combating cyber crime. ASEAN Secretariat to report progress in 6 months after the endorsement of the Work Programme by the 2nd Annual SOMTC.
ASEAN CONVENTION ON COUNTER-TERRORISM (ACCT)

Cebu, Philippines, 13 January 2007

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

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

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

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

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

DEEPLY CONCERNED over the grave danger posed by terrorism to innocent lives, infrastructure and the environment, regional and international peace and stability as well as to economic development;
REALISING the importance of identifying and effectively addressing the root causes of terrorism in the formulation of any counter terrorism measures;

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

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

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

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

Have agreed as follows:

Article I

Objective

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

Article II

Criminal Acts of Terrorism

1. For the purposes of this Convention, “offence” means any of the offences within the scope of and as defined in any of the treaties listed as follows:
b. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971;
e. Convention on the Physical Protection of Nuclear Material, adopted in Vienna on 26 October 1979;
h. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;
l. Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July 2005;
m. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at London on 14 October 2005; and
2. On depositing its instrument of ratification or approval, a Party which is not a Party to a treaty listed in paragraph 1 of this Article may declare that, in the application of this Convention to that Party, that treaty shall be deemed not to be included in paragraph 1 of this Article. This declaration shall cease to have an effect as soon as the treaty enters into force for the Party having made such a declaration, which shall notify the depositary as stated in paragraph 2 of Article XX of this entry into force.

3. When a Party ceases to be a party to a treaty listed in paragraph 1 of this Article, it may make a declaration as provided for in this Article, with respect to that treaty.

**Article III**

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

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

**Article IV**

**Preservation of Sovereignty**

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

**Article V**

**Non-Application**

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

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

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

Article VII

State Jurisdiction

1. A Party shall take such measures as may be necessary to establish its jurisdiction over the offences covered in Article II of this Convention when:
   a. The offence is committed in the territory of that Party;
   b. or b. The offence is committed on board a vessel flying the flag of that Party or an aircraft which is registered under the laws of that Party at the time the offence is committed; or
   c. The offence is committed by a national of that Party.

2. A Party may also establish its jurisdiction over any such offence when:
   a. The offence is committed against a national of that Party; or
   b. The offence is committed against a state or government facility of that Party abroad, including its embassy or other diplomatic or consular premises; or
   c. The offence is committed in an attempt to compel that Party to do or to abstain from doing any act; or
   d. The offence is committed by a stateless person with habitual residence in the territory of that Party.

3. A Party shall likewise establish its jurisdiction over the offences covered in Article II of this Convention in cases where the alleged offender is present in its territory and it does not extradite that person to any of the Parties that have established their jurisdiction in accordance with paragraph 1 or 2 of this Article.

4. This Convention does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic laws.

Article VIII
Fair Treatment

1. Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the laws of the Party in the territory of which that person is present and applicable provisions of international law, including international human rights law.

2. Upon receiving information that a person who has committed or who is alleged to have committed an offence covered in Article II of this Convention may be present in its territory, the Party concerned shall take such measures as may be necessary under its domestic laws to investigate the facts contained in the information.

3. Upon being satisfied that the circumstances so warrant, the Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic laws so as to ensure that person’s presence for the purpose of prosecution or extradition.

4. Any person regarding whom measures referred to in paragraph 3 of this Article are being taken shall be entitled:
   a. To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person’s rights;
   b. To be visited by a representative of that State;
   c. To be informed of that person’s rights under subparagraphs (a) and (b) of paragraph 4 of this Article.

5. The rights referred to in paragraph 4 of this Article shall be exercised in conformity with the laws and regulations of the Party in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 4 of this Article are intended.
6. When a Party, pursuant to the present Article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of ASEAN, the Parties which have established jurisdiction in accordance with paragraph 1 or 2 of Article VII, and, if it considers it advisable, any other interested Parties, of the fact that such person is in custody and of the circumstances which warrant that person’s detention. The Party which is carrying out the investigation referred to in paragraph 2 of this Article shall promptly inform the said Parties of its findings and shall indicate whether it intends to exercise jurisdiction over the said person.

Article IX

General Provisions

1. The Parties shall adopt such measures as may be necessary, including, where appropriate, national legislation, to ensure that offences covered in Article II of this Convention, especially when it is intended to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

2. Pursuant to Article VI of this Convention, the Parties shall, where possible, establish channels of communication between their competent agencies to facilitate the exchange of information to prevent the commission of offences covered in Article II of this Convention.

3. The Party where the alleged offender is prosecuted shall, upon the request of the other Parties claiming jurisdiction over the same, communicate the status of the case at any stage of the proceedings to those other Parties.

Article X

Status of Refugees

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

Article XI

Rehabilitative Programmes

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

Article XII

Mutual Legal Assistance in Criminal Matters

1. The Parties shall, in conformity with their respective domestic laws, afford the widest measure of assistance in connection with investigations or criminal proceedings brought in respect of the offences covered in Article II of this Convention.

2. The Parties shall, where they are parties to the Treaty on Mutual Legal Assistance in Criminal Matters done in Kuala Lumpur on 29 November 2004, carry out their obligations under paragraph 1 of this Article in conformity with that Treaty.

Article XIII

Extradition

1. The Party in the territory of which the alleged offender is present shall, in cases to which Article VII of this Convention applies, if it does not extradite that person, be obliged, without exception what so ever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the domestic laws of that Party. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the domestic laws of that Party.

2. The offences covered in Article II of this Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Convention. The Parties
undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

3. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, at its option, and in conformity with its domestic laws, consider this Convention as a legal basis for extradition in respect of the offences covered in Article II of this Convention.

Article XIV

Political Offences Exception

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

Article XV

Designation of Central Authorities or Coordinating Structures

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

Article XVI

Implementation, Monitoring and Review

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

Article XVII

Confidentiality
1. Each Party shall preserve the confidentiality and secrecy of documents, records and other information received from any other Party, including the source thereof.

2. No document, record or other information obtained pursuant to this Convention shall be disclosed to or shared with any other Party, State or person except with the prior written consent of the Party which provided such document, record or information.

Article XVIII

Relationship with Other International Instruments

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

Article XIX

Settlement of Disputes

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

Article XX

Ratification, Approval and Depositary

1. This Convention shall be subject to ratification or approval in accordance with the internal procedures of the Parties.

2. The instruments of ratification or approval shall be deposited with the Secretary-General of ASEAN who shall promptly inform the other Parties of such deposit.

Article XXI
**Entry into Force and Amendment**

4. This Convention shall enter into force on the 30th (thirtieth) day following the date of the deposit of the 6th (sixth) instrument of ratification or approval with the Secretary-General of ASEAN in respect of those Parties that have submitted their instruments of ratification or approval.

5. For any Party ratifying or approving this Convention after the deposit of the 6th (sixth) instrument of ratification or approval, but before the day the Convention enters into force, the Convention shall also apply to that Party on the date the Convention enters into force.

6. In respect of a Party ratifying or approving this Convention subsequent to its entry into force pursuant to paragraph 1, it shall enter into force for that Party on the date its instrument of ratification or approval is deposited.

7. This Convention may be modified or amended at any time by mutual written consent of the Parties. Such modification or amendment shall enter into force on such date as shall be mutually agreed upon by Parties and shall form part of this Convention.

8. Any modification or amendment shall not affect the rights and obligations of the Parties arising from or based on the provisions of this Convention before the entry into force of such modification or amendment.

**Article XXII**

**Withdrawal**

1. Any Party may withdraw from this Convention at any time after the date of the entry into force of this Convention for that Party.

2. The withdrawal shall be notified by an instrument of withdrawal to the Secretary-General of ASEAN.

3. The withdrawal shall take effect 180 (one hundred and eighty) days after the receipt of the instrument of withdrawal by the Secretary-General of ASEAN.

4. The Secretary-General of ASEAN shall promptly notify all the other Parties of any withdrawal.

**Article XXIII**
Registration

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

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

For Brunei Darussalam:

HAJI HASSANAL BOLKIAH
Sultan of Brunei Darussalam

For the Kingdom of Cambodia:

SAMDECH HUN SEN
Prime Minister

For the Republic of Indonesia:

DR. SUSILO BAMBANG YUDHOYONO
President

For the Union of Myanmar:

GENERAL SOE WIN
Prime Minister

For the Republic of the Philippines:

GLORIA MACAPAGAL-ARROYO
President

For the Republic of Singapore:

LEE HSIEN LOONG
Prime Minister

For the Lao People’s Democratic Republic:

BOUASONE BOUPHAVANH
Prime Minister

For Malaysia:

DATO’ SERI ABDULLAH AHMAD BADAWI
Prime Minister

For the Kingdom of Thailand:

GENERAL SURAYUD CHULANONT (RET.)
Prime Minister

For the Socialist Republic of Viet Nam:

NGUYEN TAN DUNG
Prime Minister