MARITIME SECURITY IN SOUTHEAST ASIA

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ABSTRACT

The ASEAN Defense Ministers Meeting Plus (ADMM+)³ is an important forum dedicated to strengthening security and defense cooperation for peace, stability, and development in the Asia Pacific region. In this sense, the present study guide is intended to bring information about the first topic that shall be discussed in the ADMM+ of the XIV UFRGSMUN. This topic is “Maritime Security in Southeast Asia” and it addresses issues related to regional and international security in the waters of the region of Southeast Asian, namely the South China Sea.

In the first section, a Historical Background is presented, addressing since the formation of the East Asian countries until the nowadays inter-regional relations, besides the historical evolution of maritime security questions in the area. Then, in the section of the Statement of the Issue, a conceptualization about issues related to maritime security is done, and the threats to the maritime security in Southeast Asia are presented. At the end of this section, means for solving the aforementioned problems are exposed. Afterwards, the Previous International Actions and the Bloc Positions are presented.

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³ ASEAN is the Association of Southeast Asian Nations, formed by Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. The ASEAN countries plus Australia, China, India, Japan, New Zealand, Republic of Korea, Russian Federation and the United States form the ADMM+.
1 HISTORICAL BACKGROUND

In order to fully understand the current conflicts and dynamics occurring in the waters of Southeast Asia, it is imperative to analyze what reasons back the States’ interests and practices. This analysis, essentially, must take into consideration the historical process that shapes the countries’ present foreign and domestic policies. When addressing the disputes concerning South China Sea islands, waters and natural resources, a study must acknowledge the background starting in the very formation of the Asian National States and unrolling it until the end of the XX century. In this sense, the first section of this study guide is subdivided into the following chronological parts: (i) the formation of the Asian National States; (ii) the era of colonialism; and (iii) the dynamics governing the Asian interstate system in the XX century.

1.1 THE FORMATION OF THE NATIONAL STATES

Until the moment when the Western powers designated the term “Asia” to describe the geographic and political continent that we now conceive, no Asian people had a conception of regional unity or even a word referring to the alleged continent. Accordingly, “the term ‘Asia’ ascribes a deceptive coherence to a disparate region” (Kissinger 2014, 172). There has never been, as it has in the West and specifically in Europe, a common religion or a fully dominant empire in Asia, prevailing diversity among the peoples. Bearing that in mind, it is evident that a concept of regional order in Asia cannot exist in the same terms and conditions as it existed in the West.

Historically, the European-based Westphalian system\(^4\) (1648) did not extend itself to the Asian regional dynamics. Hence, the Westphalian-ruling concepts of sovereignty, non-interference and balance of power that built a multistate order in the West did not effectively reach Asian peoples

\(^4\) The Peace of Westphalia (1648) was a series of treaties that put an end to the Thirty Years War. In fact, more than a series of treaties, Westphalia introduced a new concept of international order. From 1648 onwards, the idea of a community of sovereign states dominated Europe. It has represented the triumph of the State, exclusive owner of its internal affairs and sovereignly independent of the external agents (Watson 1992). Moreover, the provisions set in Westphalia managed to approximate several of the features of the contemporary world, with a special highlight to the emergent “multiplicity of political units, none powerful enough to defeat all other, […] in search of neutral rules to regulate their conduct and mitigate conflict” (Kissinger 2014, 3).
until the colonialist era (Kissinger 2014). In addition, even the concept of borders itself was blurry or inexistent. Instead – and here the analysis focuses on Eastern, Southern and Southeastern Asia –, the contemporary Asian states base themselves upon two main and distinct civilizational patterns: the Chinese and the Indian – Confucian and Hindu, respectively (Visentini 2011).

The Chinese Empire has operated within its system for more than four thousand years. Its history dates back to 3,000 B.C., when a significant amount of population settled down on the banks of the *Huang Ho* (Yellow) River. The state has always played a central role in the so-called Middle Kingdom (*Zhong Guo*), holding up strong, centralized government, anchored in its ancient cultural traditions. Since the Han dynasty (206 B.C. to 220 A.C.), the political power has been based upon the Confucian concepts of wide individual responsibility towards the social welfare, respect to the ancestors and expected loyalty and honesty from those engaged in the public administration. In spite of several external invasions and devastating crises, the building blocks of the Chinese government and society always ended up reestablished eventually, mainly through the process of Sinicization – such as the occasion of the Mongol invasion⁵ (Senise 2008). Notwithstanding several dynasties have occupied the Chinese throne, the Empire has always expressed strong historical continuity, prevailing political-administrative centralization, homogeneity and stability (Visentini 2011).

The doctrine of “All Under Heaven”, which granted divine nature to the Emperor, was used to legitimate Chinese dynasties in power, functioning as a control apparatus similar to the Western notion of sovereignty. Acknowledging that neither a well-structured army provided with advanced technologies, nor strong and magnificent defense facilities were enough to prevent all “barbaric” peoples to invade their territory, the Chinese authorities adopted a system that would maintain peace and stability by making the invaders embrace the Chinese culture and become subordinate to the Emperor’s celestial mandate. This system was called a *tributary system* and, therefore, China can be considered a *tributary civilization*. Within such system, not rarely the tribute had only a symbolic value, since its main reason to exist was in fact to confirm and to remember the superiority of

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⁵ The Mongols invaded the Middle Kingdom and, after a great deal of violence and destruction, they ended up reorganizing the Empire and founding the Yuan dynasty, which would govern China for almost a hundred years (1279-1367). However, they did not give up the fundamental pillars of the Chinese government and society (Senise 2008).
the Emperor to those subjugated – also, China and somehow Japan did not exclude the use of force to dominate their vassal societies. According to Chesneaux (1976), Korea and Vietnam were the main reigns engaged in a vassalage relationship with China, but other regional monarchies such as Laos, Burma, Nepal and Siam (mostly current Thailand) had also paid tributes to confirm the Chinese superiority. On the other hand, although Japan was indeed under Confucian culture sphere of influence, it has not engaged in the Chinese tributary system (Visentini 2011) (Senise 2008). Thus, “China was the center of its own hierarchical and theoretically universal concept of order. This system [...] based itself not on the sovereign equality of states but on the presumed boundlessness of the Emperor’s reach” (Kissinger 2014, 4).

In turn, the Indian civilization was significantly different from the Chinese. Even though an Indian tributary system existed, it did not occur in the same patterns as in the Middle Kingdom. While China based its system upon territorial and security-focused pillars, the Indians dominated other reigns mainly, however not exclusively, through the cultural and economic engagement which led to subjugation and hierarchy eventually. Moreover, India was characterized by ethnic, cultural and religious diversity, instead of the widespread homogeneity that dominated the Chinese Empire. Therefore, the Hindu Reigns and Empires have never possessed a geographic center or an ethnic core of their own (Visentini 2011). It was the British who forged the contemporary concept of India by the gradual domination, which began with the colonialism of the region. In addition, India has become a powerful Empire throughout time, but, for a long period, it has remained deeply dependent upon London (Panikkar 1953).

Summarizing, previously to the Colonial era, Southeast Asia was divided into three main zones of influence: (I) Vietnam was under China’s dominance; (II) Burma, Laos, Thailand and Cambodia under Indian control; (III) and Indonesia and Malaysia, in a period relatively later, under Muslim influence (Visentini 2011). In agreement with Pinto (2011), in spite of the fact that the maritime region of Southeastern Asia – Malaysia, Singapore, Brunei and Philippines – soon separated itself from the tributary

6 Although we acknowledge there are disagreements among scholars on Vietnam’s situation, Chesneaux (1966) and Visentini (2011) attests the country has been one of China’s main vassal nations. 7 Some nations were indeed majorly under one civilization’s sphere of influence. It does not mean, however, it was exclusive. Burma and Laos, for instance, were mainly dominated by the Hindu, but, at the same time, they have been bound to China in a minor scale (Chesneaux 1966) (Visentini 2011).
foreign influence, the vassal bonds with Burma, Laos and Vietnam lasted until 1912.

1.2 UNEQUAL TREATIES AND COLONIALISM

When the colonial era began, the Asian states started to face severe impositions from the foreign invaders. China itself, a nation used to dominating other societies and based upon a centralized government, was not able to prevent this process to happen. Furthermore, the rise of Japan in 1868 represented an important movement to the Asian regional interstate system, at that time permeated by external influence. Therefore, the present subsection addresses both the traditional Chinese policy and the further subjugation of this very same country, as well as Japan’s rise and its implications in 1968.

1.2.1 CHINESE ISOLATIONIST POLICY AND FORCED OPENING

As previously mentioned, several dynasties have occupied the Chinese throne. The Mongols governed the Empire for almost a hundred years (1279-1367), constituting the Yuan dynasty. Not long after, the Ming dynasty have defeated the Mongols, rising to power in 1368. Under the new administration, China started to sail further than its own coast. Such initiative represented an effort to achieve new commercial relations with foreign peoples (Senise 2008). It is now known the Empire has led around seven long voyages through and beyond the South China Sea, passing through the Paracel and the Spratly Islands – both constituted of more than 400 islands, cays, reefs and banks. “It was these expeditions […] that made it possible for China to discover, gain and deepen knowledge about, name, patrol, regulate, utilize and otherwise display her authority over the South China Sea Islands” (Shen 2002, 108).

However, in 1433, in spite of the great amount of wealth these maritime expeditions have provided to China, the Empire authorities gradually revoked this policy. Thus, they destroyed most of the naval fleet and restarted to consider the commercial contact with foreigners as a threat to the integrity of the Empire (Senise 2008). The one and only nation allowed to settle and practice trade in the South China Sea was Portugal, and it only happened in 1557, after several years of intense pressure and negotiation (Boxer 1969).

It is important, here, to highlight the concept of allowing other nations to be present in the Chinese coast, especially in the South China Sea.
Throughout history, China has considered itself the legitimate owner of the islands southern to its mainland, performing several acts of sovereignty over the Islands of the region. These acts include, among others, the deployment of facilities for fishing, navigation, vessels’ repair and granting and revoking licenses to private companies, which usually explored natural resources or established trading posts. At least until the colonial era, overseas and regional powers generally accepted and recognized the Chinese claims concerning the Islands (Shen 2002). In this sense, as already stated, the Portuguese owned a concession given by the Chinese Emperor to navigate and practice trade in Chinese waters. Under distinct conditions (i.e. without a concession), the foreigners were considered invaders and had to deal with severe protests from the Chinese government.

The Portuguese trading post in Macao did not last long mainly due to the formation of the Union of the Iberian Crowns, event that turned the Dutch into enemies of the Portuguese\(^8\) (Senise 2008). After that, the increasing presence of the Dutch in Southeast Asian coast started to be undeniable, characterizing a period of several invasions in a few islands along the region. However, it is necessary to state that not only the Dutch were increasing activities in there. Instead, other western nations joined the chaotic dispute concerning the potentially wealthy Asian markets. In addition to that, China was going through a severe internal instability, which led to the suicide of the last Ming Emperor in 1620. His successor, nonetheless, turned out to be from a distinct dynasty, the Qing, from the Manchu ethnicity, and rose to power in 1644 (Senise 2008). Under Qing’s administration, the Middle Kingdom achieved its highest level of greatness. The Empire was then a military power, able to enter a program of territorial expansion towards large lands in the North and in the East (Kissinger 2011).

The more powerful China became under the Qing administration, the higher the interest of the western nations and trade companies in the Empire’s land and wealth. For the first time, China was not dealing with barbaric peoples trying to rob its throne; instead, the foreigners intended to shift the sinocentric system into an entirely new vision of world order, in which

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8 The Portuguese set up in Macao after agreeing to pay a rent for the land to the Chinese. There, they achieved the position of trade intermediates, functioning as a bridge between China and other peoples, especially Japan (Boxer 1969).

9 Historically, the Dutch had a litigious relationship with Spain. On the other hand, they used to have friendly relations with the Portuguese. Since the beginning of the Iberian Union (1580-1640), however, this situation has changed. The Portuguese and the Dutch have gone from allies to enemies (Senise 2008).
free trade would substitute the tribute and diplomatic relations would be established. Within this context, it is important to state that the Europeans had just developed brand-new industrial and scientific methods, and China was not able to go along with this process, fact which attests the beginning of the vulnerabilities that led to the penetration of western powers into the Chinese system (Kissinger 2011).

Facing such situation, the Chinese government, in order to establish control over the inevitable and increasing foreign presence, decided to open the city of Canton – also known as Guangzhou – to the foreign trade in 1720. There, the Chinese merchants created a corporation of their own, the Cohong, which operated the monopoly of the import-export activities in the region. Furthermore, in 1760, the authorities proclaimed a list of very steady, tough and restrictive norms to regulate not only the commercial movements of the foreigners, but also their entire lives in the Chinese ports. For instance, it was established that no western person could neither purchase Chinese books nor learn their language. In addition, it was not every nation that was allowed to dock in Canton: the Russian were prohibited to approach. The English, the Dutch and the French operated the main trade activities there, but Austrians, Prussians, Danish, Swedish and Spanish were some of the allowed nations as well. It is important to state, from 1784 onwards, the United States has also emerged as a powerful trade competitor (Senise 2008).

1.2.2 CHINESE SUBJUGATION AND THE RISE OF JAPAN

Despite all the Chinese actions towards the trade control, no Asian government was able to sustain such kind of regulative policy for a long-lasting period. Indeed, they had not developed the same techniques and politics the West had. Thus, they did not have conditions to face and defeat the challenge represented by the brutal intrusion of the Europeans (Chesneauax 1966). In this sense, it is important to highlight the role of Britain – the greatest naval and commercial western power – in the colonialism of the Asian region. Firstly, it is a fact the British were virtually the owners of India. However, they were not in a comfort position regarding the Chinese restrictions, which allowed them only to practice trade in the south-east coast. Accordingly, they sent a diplomatic mission in 1793, looking forward to relieving the situation. The so-called Macartney mission failed, but, for the British, “if China remained closed, the door would have to be torn down” (Peyrefitte 1989). In fact, the path the British decided to follow
was not directly belligerent. Instead, they used a very odd, inglorious and sticky weapon: the unrestricted smuggling of opium into China (Kissinger 2011).

In the beginning of the XIX century, the trade balance with China was still in deficit for the British. For this reason, they intended to increase the exports of other Indian products to China by the East India Company, and the opium played a central role in this process. Although the Chinese government prohibited it, the use of the good was already spread within the population due to its narcotic function (Senise 2008). From 1820 to 1830, the smuggling of opium into China increased in a large scale, especially because of the combined action of American and British merchants alongside Chinese black marketers. For obvious reasons, such situation did not please the mandarins, who decided to send, in 1839, a clever and trustworthy officer to Canton in order to take down the illicit activities happening there. While following his superiors’ instructions, Lin Zexu sentenced several foreigners to prison, demanded the confiscation of tones of opium and threatened to cut the export of Chinese goods (Kissinger 2011).

This operation prompted the British Crown to retaliate. Thus, the government dictated that a fleet would immediately block the main Chinese ports and seize any vessel that crossed their path. Moreover, the Crown demanded that a convenient part of the Chinese territory would have to be dominated. It was indeed the beginning of the First Opium War. Since the Chinese had no means to defend themselves from such a powerful nation, the British managed to bomb Canton and march towards the North, conquering Shanghai, Zhenjiang, blocking the Great Canal and preparing to take over Nanking (Senise 2008).

Despite all the efforts to modernize their military arsenal since the escalation of the armed conflict, the Qing were not able to constrain the foreign forces. Therefore, in August 29th, 1842, the Chinese officially opened the Empire to the trade and exploration of the western imperialistic nations, signing the Treaty of Nanking. It was the first of the so-called “Unequal Treaties” due to its unilateral nature of the privileges. The Treaty demanded five main requirements: (i) the opening of the ports of Canton, Fuzhou, Xiamen, Ningbo and Shanghai; (ii) the island of Hong Kong would now be British possession; (iii) the 6 million indemnity to be paid by China; (iv) the status of most favored nation to the British; (v) and the right of extraterritoriality that Britain would enjoy from that moment. Two years later, in 1844, the Middle Kingdom had to ratify two more treaties. The first one was the Treaty of Wanghia, which had the Treaty of Nanking
as its pillar, but it also added several clauses that expanded the possibility of American insertion in China. The French, as well, did not intend to be left behind, signing the Treaty of Whampoa (1844), which granted similar privileged rights\(^{10}\) (Senise 2008).

Within this context, it is also necessary to analyze the opposite situation of Japan in the rise of the colonialist race that was permeating Asia. In 1853, the American Matthew Perry docked in Japanese land willing to establish commercial relations. His attempts were eventually complied with the Treaty of Kanagawa (1854) and with the Harris Treaty (1858), both unlocking several ports and opening Japan to the free trade – from this point onwards, the United States owned a strategic spot in the Pacific Ocean. These concessions culminated in the fall of the Tokugawa Shogunate regime due to the economic crisis that the nation was dealing with. In 1868, willing to disrupt the feudal past and restore the imperial authority, the Meiji Restoration broke out. The main consequence of this movement was the shifting position that the government started to adopt regarding foreigners. In order to go through a process of self-fortification, Japan started to incorporate foreign technologies, ending up modernizing and industrializing the country (Senise 2008). The Meiji Restoration transformed Japan into the first Asian nation to introduce western-style reforms, what includes being the first Asian to strongly adopt the Westphalian nation-state system. Moreover, it has represented a turning point in the country’s way of interacting with the international environment: although being located in the geographical periphery, Japan was not vulnerable to the imperialist intrusion within its territory any longer (Cotterell 2014).

The empowered policy adopted by the Japanese started to be evident since 1879, when national troops annexed the Ryukyu Islands – on the boundary between the Philippine Sea and the East China Sea – and threatened to do the exact same move with Korea – a strategic reign, owner of a great deal of natural resources (Senise 2008). However, Korea was a reign historically embodied in the Chinese tributary system and its domination by foreign forces would represent a big vulnerability to the Chinese territorial defense in maritime regions. In this sense, the conflicting interests of the Japanese and Chinese eventually led to military actions in Korean territory. In 1894, taking advantage of a period of instability in Korean internal po-

\(^{10}\) Furthermore, in spite of the already ratified agreements, the western nations were not fully pleased, what culminated in the Second and the Third Opium Wars (1856 and 1858). These two military operations opened eleven new ports and obligated the establishment of diplomatic relations between Beijing and foreign governments (Chesneaux 1966).
litics, both Japan and China proceeded to the armed conflict in Seoul, resulting in a Japanese victory, consequence of the country’s more developed industrial and military facilities (Kissinger 2011).

This conflict is now known as the First Sino-Japanese War. The Chinese defeat was confirmed in 1895 by the Treaty of Shimonoseki, which granted (i) the annexation of Taiwan and Pescadores Islands to Japan, (ii) the end of the tributary ceremony between China and Korea, establishing a pro-Japan government in the latter, (iii) an indemnity to be paid by China to Japan and (iv) the cession of both the Liaodong Peninsula – in Manchuria – and Port Arthur to Japan (Kissinger 2011). However, it is important to highlight that Japan had just arrived in the imperialistic race, and the remaining nations would not allow such an incisive position. Thus, the Russians, supported by the Germans and the French, forced them to back off. In this sense, the political disputes in Asia were not only about opening and conquering markets any longer. Instead, from this period onwards, the foreign powers started to compete among themselves for territories and colonies. France and Britain, now, had to face new adversaries: Germany, Russia, the United States and Japan itself. This process of “world redistribution” lasted until the end of the First World War (Chesneaux 1966).

1.3 THE XX CENTURY

1.3.1 THE BOXER REBELLION AND THE SECOND SINO-JAPANESE WAR

In the late XIX century, Southeast Asia was entirely divided and ramshackle. “With the exception of Japan, Asia was a victim of the international order imposed by colonialism, not an actor in it. Thailand sustained its independence but, unlike Japan, was too weak to participate in the balance of power […]” (Kissinger 2014, 174). On the other side of history, there were China and the Southeast Asian nations. The former was not fully colonized due to its large territorial extension, but it lost control over key aspects of its domestic affairs. The later, in turn, experienced a severe imperialistic environment, being completely subjugated by the Colonial powers. The United States owned its strategic spot in the Philippines; the French, in Laos, Cambodia and Vietnam (Indochinese Peninsula) – the later was also shared with Japan; the British, in Burma, Malaysia and Singapore; and at last but not least, the Dutch, in Indonesia (Bianco 1976).
However, it is evident that, after a long period of subjugation, the colonized nations would eventually proceed to self-determination and independence processes (Kissinger 2014). In 1898, China experienced a nationalist uprising against foreign colonization. It was the Boxer Rebellion, a popular movement that established a warfare situation in China against all the foreign powers at once (Kissinger 2011). It did not last long. A coalition formed by eight countries – France, Britain, the United States, Japan, Russia, Germany, Austria-Hungary and Italy – forced the rebels to surrender in 1901, imposing another inglorious treaty to the Chinese. Nevertheless, reformist ideas were already permeating the society. Its society had become welcoming to western ideas, using them to establish national development projects. Thus, in 1912, the world witnesses the fall of the Qing dynasty and the rise of the Republican regime of the Guomindang (Kuomintang) nationalists (Senise 2008).

Considering the new Chinese government’s regime, the Japanese policy for its neighbor on the edge underwent several swings throughout and after the First World War (1914–1918). There were indeed periods of more conciliatory positions towards the Chinese, but, in 1927-1928, the belief that antiforeignism was rising once again in China – fact that potentially would harm Japan’s privileged position in Central China and jeopardize its
military domains in southern Manchuria\textsuperscript{11} – worried Japanese authorities. Accordingly, in 1931 occurred the Mukden Incident, when the Japanese set off explosives alongside a railway line in Mukden, breaking out intense tension between the Japanese and Chinese. As a result, by the end of 1933, Manchuria was under complete Japanese control (Spence 1990).

Despite a cease-fire, the period of 1933-1936 represented an escalation of the conflict, formally breaking out the Second Sino-Japanese War in 1937-1945. Even though Chinese nationalists and communists joined forces to combat Japanese troops, the invaders managed to occupy strategic spots in the Chinese territory, including Beijing and Tianjin. Japan has also engaged in atrocities and massacres against Chinese civilians, including mass rapes in the Nanjing (Nanking) Massacre after seizing the city itself (Paine 2014). However, the Japanese not only dominated pieces of the Chinese mainland; they also took over the entire South China Sea chain of islands in 1939, replacing the French, who were occupying these islands since 1933\textsuperscript{12}, and placing them under Taiwan’s jurisdiction – which was then administrated by Japan since 1895 (Shen 2002).

In 1941, the situation changed in favor of the Chinese when the Allied forces of World War II declared unrestricted war on Japan on the rise of the Pacific War. In 1943, a joint effort of China, United States and United Kingdom announced in the Cairo Declaration that Japan would have to restore the totality of the stolen territory to China, including Manchuria, Taiwan, Pescadores, Spratly and Paracel Islands. All the Japanese conquests in the Pacific Ocean and in Southeast Asia mainland were suddenly defeated by the American superiority, leading to the Japanese surrender in 1945. Furthermore, in the San Francisco Peace Treaty of 1951, Japan officially renounces all of its claims to the South China Sea Islands (Shen 2002).

Hereby, the Republic of China has been a major ally of the United States in World War II, constituting a strategic spot in Asia against the Japanese militarism and the European colonialism. The privileged relation

\textsuperscript{11}Japan’s economy was deeply dependent upon Manchuria, mainly due to the natural resources (coal and iron) found there. In this sense, Japanese occupation of the region was a response to two situations: (i) the economic hardship after the Crash of 1929; (ii) the necessity to combat communism and to stabilize China in face of a Civil War in the country (Paine 2014).

\textsuperscript{12}In 1933, the French invaded and occupied nine of the Spratly Islands, including Taiping. This event occurred due to (i) the French presence and domains in the Indo-Chinese Peninsula and (ii) the instability caused both by internal dynamics and by full-scale Japanese aggression that the Chinese government had to face, thus being unable to effectively defeat French government’s provocations in the region (Shen 2002).
between Washington and China dates back to 1930, when the Americans supported the Guomindang (Kuomintang) nationalist at the expense of the Chinese Communist Party. However, such American foreign policy would not last long. The communist would win the Chinese civil war, establishing the People’s Republic of China, and the Americans would not be able to rely on its former ally in Asia any longer (Visentini 2011).

1.3.2 EMANCIPATION MOVEMENTS AND REGIONAL RELATIONS UNTIL THE END OF THE XX CENTURY

It was only after the end of World War II and the ceasing of the Japanese invasion that decolonization movements started to affect decisively the colonial periphery. In fact, this process was latent since World War I and the Soviet Revolution, but the internal forces of each country only achieved significant power after 1945. Alongside the unstoppable growth of nationalist movements in Asian nations, the former colonialist powers were devastated by the generalized wars. In this sense, “the historical basis of the [...] process of decolonization rests upon the fall of the old colonial empires [...] and upon the maturation of the national emancipation movements” (Visentini 2011, 29).

In this sense, it is essential to point out that the decolonization of Eastern and Southern Asia in around 1950 had in socialism a motivation to oppose the western powers. For instance, in 1949, the communists, guided by Mao Zedong (Mao Tse-Tung), won the Chinese civil war and established the People’s Republic of China. In addition, Korea and Vietnam have also faced armed conflicts and revolutions. In India and Indonesia such belligerency occurred as well, although with the absence of communist ideals. Well-succeeded revolutions occurred in Vietnam and in Indonesia, while in Malaysia and in the Philippines they did not. Malaysia remained a Federation under British domination and The Philippines, former U.S. colony, achieved independence through a process supported by the United States itself, characterizing an evident neocolonial bias (Visentini 2011).

The process of emancipation from the prevalent regional order was violent and bloody: the Chinese civil war (1927-49), the Korean War (1950-53), [...] revolutionary guerrilla insurgencies all across Southeast Asia, the Vietnam War (1961-75), four India-Pakistani wars [...] a Chinese-Indian war (1962), a Chinese Vietnamese war (1979), and the depredations of the genocidal Kh-
mer Rouge, Cambodia (Kissinger 2014, 175).

China started to support the efforts of the Southeastern Asian nations in the process of independence. It means that, in spite of the long period of European domination in the region, the Chinese still considered themselves as political authorities capable of managing the vast population surrounding the country towards their interests – exactly as it used to happen in the pre-colonial era. However, such assessment was not only wrong, but it was also naive. Southeast Asian nations did not consider China as a model to be copied any longer, since the powerful neighbor had failed to protect itself and its attached nations – the ones engaged in the tributary system – from the foreign invasion (Pinto 2000).

In this sense, with the decolonization, finally the Asian nations were able to develop concrete Westphalian concepts of State and a national-interest-based foreign policy. The process that happened in Europe in 1648 eventually reached Asia in the second half of the XX century. In Asia the state now plays the central and most important role as the basic unit of international and domestic politics. Besides, sovereignty is treated as having an absolute character. The post-colonial era itself unrolled around the sense of non-interference in one another’s domestic affairs, building up regional economic, social and political organizations (Kissinger 2014).

Hereby, the realistic approach – the view that national interest and security is the States’ main purpose of action – to International Relations (IR) seem to exert significant importance concerning Asian regional dynamics (Morgenthau 1948). Therefore, the element of implicit threat is ever surrounding the Asian regional interstate system. Accordingly, it is not rare to witness the growth of Asian nations’ military budget. “National rivalries, as in the South China Sea and Northeast Asian waters, have generally been conducted with the methods of nineteenth-century European diplomacy; force has not been excluded [...]” (Kissinger 2014, 179).

As previously stated, after the Japanese surrender in 1945, China re-occupied the Islands in the South China Sea. However, as the recognition of the economic and strategic importance of the region grew, the potential for confrontations has also emerged. In the mid-1950s, Philippines laid claims over a few islands of the Spratly group. In parallel, Vietnam began to occupy a few others in both Spratly and Paracel Islands – China has restlessly expressed strong protests against these dominations. Throughout the 1960s, 1970s and 1980s, Malaysia and Brunei also joined the race for
maritime territories. Several isolated clashes have occurred, but the possibility of a generalized conflict appears to be escalating (Shen 2002).

In 1974, ignoring a series of Chinese warnings, South Vietnamese troops intruded into China’s territorial waters, claiming sovereignty over Paracel. In an armed conflict that began with attacks to Chinese fishing vessels, South Vietnamese army was defeated 5 days after the beginning of the conflict. In a declaration in the same year, Chinese Foreign Ministry reiterated that both Paracel and Spratly Islands have always been Chinese territory, issuing similar statements in several other occasions after. China and Vietnam experienced other armed conflicts over the Islands in 1987 and in 1995, with both events causing mutual casualties. In 2001, there were reports that Vietnam was planning to deploy administrative facilities in the Spratly Islands. Furthermore, repeatedly, the Philippines and Malaysia have also stepped up their military and nonmilitary activities in the region. The Philippines have destroyed Chinese facilities and harmed fishermen in the Spratlys several times. Reports state that Malaysia is building structures upon some reefs. Brunei, in turn, also claims a small portion of the area, however every other claimant overlaps the country’s demands (Shen 2002).

It is evident, however, that the region would not rest upon complete realistic anarchy (Mearsheimer 2001). For this reason, and considering all the previously mentioned features of the emergent States, the Association of Southeast Asian Nations (ASEAN) rises in 1967 as an initiative of five anti-communist states: Indonesia, Malaysia, the Philippines, Singapore and Thailand. Later on, after the end of the Cold War, Brunei, Vietnam, Myanmar, Laos and Cambodia also joined the organization, fulfilling the totality of Southeast Asian countries. ASEAN’s principles and practices are based on four elements: sovereign equality and consensus, non-interference, informality and quiet diplomacy, and defense cooperation.

Relevant to the analysis is ASEAN’s continued adherence to the norms of non-interference and quiet diplomacy. Non-interference draws from the concept of sovereignty. Through non-interference in the internal affairs of other member states, members can avoid further aggravating internal tensions to prevent disputes from escalating into wider inter-state conflicts. This is logical, particularly in the Southeast Asian region, because of the multitude of volatile and explosive ethnic, racial, and religious differences. For
the same reason, a norm of quiet diplomacy is promoted. Quiet diplomacy means that policymakers are able to consult each other respectfully, make compromises, and reach consensus on a regular basis (Masilamani e Peterson 2014, 10).

Furthermore, in 1994, it was created the ASEAN Regional Forum (ARF), a multilateral setting for dealing with East Asia’s security problems (Beuke 2008). Its main purposes were to “promote continuing American involvement in East Asia, to avoid an independent Japanese security role and to encourage a cautious and responsible Chinese policy towards smaller neighbors in the region” (Beuke 2008, 29).

2 STATEMENT OF THE ISSUE

Southeast Asia is located in the East part of the Asian continent, below China and above Australia. This study guide will address the maritime area of this region, which is located in the Asian part of the Pacific Ocean. The importance of Southeast Asia for the International System is related to economic, political and security issues. In short, important commerce routes are located in the waters of Southeast Asia, and the security of these lanes is crucial not only to the Asia-Pacific countries, but also to the whole international community, since the process of economic globalization made all economies intrinsically intertwined. However, the South China Sea (the maritime part of Southeast Asia) faces many security threats. Thus, in this study guide the conceptual issues related to maritime security in Southeast Asia will be addressed, as well as the actual threats that exist to the stability in the region and possible ways to solve – or at least soften – these problems.

2.1 MARITIME SECURITY: SLOCS, CHOKE POINTS AND MARITIME STRATEGY

According to Barry Posen (2003), the global commons (sea, space and air) are areas that do not belong to any State and that provide access to great part of the globe. His theory argues that the country which can use these areas freely and can threaten to deny its use to an adversary has the “command of the commons”. Nowadays, this country would be the United States. However, there are certain parts of the globe where the United States do not have the capacity to exercise this command. These areas are
called “contested zones”, where an adversary would be able to fight the hegemonic state (United States) with some chance of success. The maritime surface of Southeast Asia fits in the Posen’s concept of contested zone, since China poses a threat to the American command of the sea in the region. (Posen 2003)

The Southeast Asian maritime commons, identified as the seas, bays, gulfs and straits of the Pacific Ocean, are also object of dispute among many Asian countries. Moreover, the region of the South and East China Seas has territorial disputes as well. There are many reasons that explain the competition over dominance in these maritime commons and territories, related to the economy, politics and security of the Asia-Pacific States. In short, all states seek for survival in an anarchy system, and the control over these areas ensures more power in the regional balance. (Cole 2013)

The economies of the Southeast Asian states, since the last century, have grown exponentially. These remarkable developments, associated with the process of globalization of the economy, have largely increased the amount of commerce done by maritime routes. More than 40% of all international seaborne trade occurs in Asia, and eight of the world’s busiest container ports are located there. (Cole 2013) The South China Sea is route of passage of around one-quarter of all international trade, and one-third of global seaborne oil trade. (Lin and Gertner 2015)

Due to geographical and economic reasons, there are few shipping routes used in international trade. These routes are called Sea Lines of Communications (SLOCs). According to Klein (2007), SLOCs are maritime routes between ports used for trade, logistics and naval forces. Roy (2002) conceptualizes SLOCs as “the route taken by a ship to transit from point A to point B”, and it should be the shortest distance for economic reasons. Due to its great participation in the global economy, allied to the geography in the region, the SLOCs in Southeast Asia are of great importance, both economically and for international security. The issue that attributes such importance is the choke points, specific areas in the SLOCs where the passage narrow to such a degree that the normal flow of navigation is susceptible to blockades and interceptions by naval forces. (Cole 2013) East Asia is a region full of choke points, such as the Straits of Malacca\(^\text{13}\), Singapore, Sunda, Lombok, Makassar, Tsushima, Tsugaru, Osumi and Soya (La Perouse) (Guoxing 2000). These and the SLOCs of the region can be observed in the images 2 and 3:

\(^\text{13}\) The Strait of Malacca is the world’s busiest shipping lane, and the main ship route between the Pacific and Indian Oceans.
Image 2: Sea Lines of Communication in East Asia.

Source: (Tempest 2012)
It is vital to the international community, and above all to the Southeast Asian countries, to keep these SLOCs and choke points secure and navigable. Roy (2002 85) affirms that the SLOCs are “the arteries of a region and serve as an umbilical cord for the country’s economy”. Any blockade would generate great losses in international trade, besides the economic isolation that would be imposed to the region. Moreover, beyond the economic factor that surrounds the security of SLOCs and choke points, a blockade in these is a threat to the security of some Southeast Asian countries, since an economic blockade in conflict times also means the failure in supply. Nowadays, in a scenario of war, a country that does not have the capacity of export and import is probably doomed to be defeated. (Khalid 2012) Thus, to the military, SLOCs are also a maritime instrument of power. This is especially true to the Southeast Asian countries, since the imported oil from Middle East is the dominant source of energy for them. A cut in the SLOCs would be chaotic. (Roy 2002)

The threats that may affect the SLOCs are not just related to political instabilities between States. Nonconventional threats, such as sea piracy and maritime terrorism are also reasons of concern in the security of these lanes. Therefore, Wu and Zou (2009 3) conclude that “in the modern era, maritime security mainly concerns the safety of navigation, the cracking down on transnational crimes including sea piracy and maritime terrorism, and conflict prevention and resolution”. This conceptualization can be improved if we study also the great thinkers of Maritime Strategy: the American Alfred Mahan and the British Julian Corbett. They both wrote about the “Command of the Sea”, that was defined as the ability of a nation to use the sea while denying that use to its enemies. However, their approaches were different: Mahan saw the Command of the Sea as absolute and Corbett identified it as a limited condition to be achieved – more as a “control of passage and communications”. (Cole 2013)

Mahan believed that a national greatness depended on sea power, since the prosperity of a nation was achieved by international trade and communications. To ensure these, a powerful navy was necessary. Besides that, he defended that the fleet should never be divided when confronting the enemy, emphasizing the concentration of forces and the decisive battle. Corbett agreed with Mahan on the importance of maritime strength to national greatness, being essential to secure the SLOCs. However, he believed in the limited use of naval power and the importance of combined operations, emphasizing more flexibility that concentration. (Cole 2013)

The application of these great thinkers in the current Southeast Asia
scenario fits better in Corbett’s assumptions: his emphasis on limited use of naval power for limited objectives\textsuperscript{14} is more applicable to the South China Sea context. Besides that, the idea of the essentiality of safeguarding SLOCs is also actual. (Cole 2013) Using Mahan and Corbett propositions, besides the Wu and Zou (2009) conceptualization mentioned above, we can conclude that Maritime Security is the maintenance of the oceans and seas stability, achieved by the combat to nonconventional threats and the pursuit of peaceful resolution to interstate conflicts, to ensure the effective use of SLOCs, the free navigation and the respect for national sovereignties.

2.2 THREATS TO MARITIME SECURITY IN SOUTHEAST ASIA

The Maritime Security in Southeast Asia is threatened by numerous factors. Guoxing (2000) resumes the threats that may affect the SLOCs stability in five factors: (i) regional rivalries between the Asia-Pacific countries; (ii) differences in the interpretation of the freedom of the seas principle; (iii) disputes of islands’ sovereignty and overlapping maritime jurisdictional claims; (iv) emerging naval buildup; and (v) nonconventional threats (such as pollution, piracy, terrorism, drug trafficking, etc). All of them are interconnected and will be discussed below.

2.2.1 REGIONAL RIVALRIES BETWEEN THE ASIA-PACIFIC COUNTRIES

The political relationship between the Asia-Pacific countries is marked by tensions and disputes, especially the conflicts involving China, Japan and the United States. The Southeast Asian political landscape is shaped by traditional security factors, as great powers have strong interests in the South China Sea. This can be exemplified by the conflict between China and United States in March 2009, when American vessel conducted intelligence and surveillance activities in the Chinese Economic Exclusive Zone\textsuperscript{15}. (Wu and Zou 2009)

A current starting point to study recent regional rivalries in Asia-Pacific would be the American “Pivot to Asia”. In 2011 the United States announced a rebalancing policy to the Asia Pacific, known as the “Pivot to Asia”. It had great impact in the Asian maritime relations, not only because

\textsuperscript{14} This idea is related to the Clausewitz’s argument of the use of limited military force to achieve limited objectives.

\textsuperscript{15} For more information, see section 2.2.2.
the United States declared that its attention would be turned to Asia, but also because this affects the strategic balance of the region. It is expected a greater flow of resources to military capacities to act in the South and East China Seas. According to Lin & Gertner (2015) by 2020 some 60% of U.S. naval forces will be deployed in the Indo-Pacific region. The Pivot can be considered an American reaction to the growing military presence of China in the Asia-Pacific waters, directed to contain the raise of a regional power that may threaten its hegemony. Besides that, the great economic importance of Asia in the current international situation is also a reason for the increase of the American attention to the area. (Lin and Gertner 2015)

The reactions to the American Pivot to Asia were different: China considered it highly provocative, while Australia, Japan and the Philippines welcomed the increase of the American military presence in the region. Important effects of the American Pivot to Asia are the renewed security partnerships the US had signed with its Asian allies and the increase in investments in naval capabilities. (Lin and Gertner 2015) Another important event in recent years for the Asian security was the new decision on collective self-defense (CSD) made by Japan in 2014. It allows the Japanese military to involve in CSD activities with other states – the major change in the national doctrine since the Word War II, paving the way to allow Japan to engage along with the United States in an armed conflict scenario in Asia. (Lin and Gertner 2015)

Besides security issues, the Pivot also affected the game of political alliances in Asia: the United States have bilateral agreements for mutual defense with Australia, Japan, the Republic of Korea and the Philippines. The U.S. also maintain significant military relations with Singapore, Taiwan and Thailand. China, in turn, keep close relations with the Democratic People’s Republic of Korea and the members of the Shanghai Cooperation Organization, which includes India\textsuperscript{16} and Russia. (Cole 2013) Besides these, the political relations between the South China Sea countries is also destabilized by competitive sovereignty claims of China, Vietnam, Philippines, Brunei, Indonesia, Malaysia and Taiwan in this area. (Cole 2013)

The American rebalancing has also a strong economic side, which is more evident in the recent American proposal for a regional free trade agre-

\textsuperscript{16} Although India maintains close relations with China, its foreign policy is not limited to the alliance with that country, extending to other important actors in the international system. In addition, the relations with China, although promising in recent years, are also marked by disputes (as in their land border).
ement that excludes China, the Trans-Pacific Partnership (TPP). However, China reacted with the proposal of alternatives known as the Free Trade Area of the Asia-Pacific (FTAAP) and the Regional Comprehensive Economic Partnership (RCEP). Furthermore, the recent creation of the Asian Infrastructure Investment Bank (AIIB), led by China to counter the US dominance in the Asian Development Bank (ADB) and in the World Bank, also can be seen as an effect of the American Pivot to Asia. (Lin and Gertner 2015)

All these recent security, political and economic events are transforming the way that the great powers and the regional actors behave in Southeast Asia and, unfortunately, it is not leading to a more stable environment. (Lin and Gertner 2015) Actions with unclear intentions and mutual distrust contribute to the increase of instability, threatening the regional peace, mainly the maritime security in Southeast Asia. (Guoxing 2000).

2.2.2 DISAGREEMENTS OVER THE FREEDOM OF THE SEAS PRINCIPLE

The international law that rules about almost every aspects of the maritime activities, in, under and over the seas, are gathered in the United Nations Convention of the Law of the Sea (UNCLOS), that entered into force in 1984. It was ratified by all Asia-Pacific countries, with the exception of the United States. The UNCLOS addresses sovereignty limits, Exclusive Economic Zones, continental shelf limits, navigation standards, archipelagic status, and transit regimes. (Cole 2013) Below are indicated some important concepts, according to the Convention itself (UN 1982).

(I) Internal waters: all waters and waterways in the nation’s landward side. The sovereignty of these areas is totally of the State and foreign vessels have no right of passage.

(II) Territorial waters (or Territorial Sea): the waters of the State from its coastal baseline to twelve nautical miles. The State has full sovereignty of these areas and foreign vessels have the right of innocent passage.

(III) Archipelagic waters: waters of archipelagoes have the same status as internal waters; however, foreign vessels have the right of innocent passage.

(IV) Contiguous zone: a strip of water that extends twelve nautical miles beyond the territorial sea. In case of violations of national laws in the territorial sea, the country can pursue the offender throughout the conti-
guous zone.

(V) Exclusive Economic Zone (EEZ): it extends out two hundred nautical miles from the nation’s coastal baseline. In this area the State has sovereign rights for exploring, exploiting, conserving and managing natural resources (living or nonliving). The State also has jurisdiction over artificial islands, installations and structures located in its EEZ, besides the protection and preservation of the environment in these waters. The State, however, has no sovereignty over airspace of the EEZ.

(VI) Continental Shelf: it may extend until 350 nautical miles from the nation’s coastal baseline, and it is defined by the sea-bottom gradient. The State has the exclusive right to minerals and other nonliving resources in the subsoil, and living resources on the seabed. The State, however, does not have legal rights over the waters and airspace in the continental shelf.

(VII) Islands: naturally formed area of land, surrounded by water. It possesses territorial sea, continuous zone, EEZ and continental shelf.

States that have conflicting EEZ or continental shelf’s claims should achieve an equitable solution. If an agreement is not reached, they must submit the dispute to UNCLOS bodies to solve the conflict. (Cole 2013) In the case of the South China Sea, which is a semi-enclosed sea with multiple coastal states, the maritime boundary delimitation is complicated and highly
disputed, making it a maritime security issue. (Wu and Zou 2009)

Besides these areas, the UNCLOS establishes three important regimes in securing the freedom of navigation: (i) innocent passage through territorial waters; (ii) transit passage through international straits; and (iii) archipelagic sea-lanes passage through archipelagos. The freedom of navigation is assured in these situations, as also in the contiguous zone, in the Exclusive Economic Zone, and on the high seas. (Roy 2002)

Even though the UNCLOS is designed “to balance the rights of users or maritime states to a reasonable degree of freedom of the seas, with the interests of coastal states to protect and safeguard their sovereignty, marine resources and environment”, (Paik apud Guoxing 2000, 5) it only establishes general rules and principles. There is a lack of strong mechanisms for enforcement and conflict resolution, leaving space for ambiguity and disputes of interpretation. These are related to, for example, the innocent passage of warships through the territorial waters – countries like Myanmar, China, India, Indonesia, South Korea and North Korea require previous notifications to authorize this activity in their waters, however the United States disagree. Other controversy is related to the transit passage through international straits, because the navigation of submerged submarines in such area is not regulated. Besides these, issues related to archipelagic sea-lanes passage are also sources of dispute, since the UNCLOS is not clear about who has the right to determine the maritime routes through archipelagos. (Roy 2002; Cole 2013)

The freedom of action of foreign navies within Exclusive Economic Zones (EEZs) is another point of disagreement in the UNCLOS. The countries disagree about whether foreign navies can conduct military maneuvers within the EEZ without notification or authorization from the coastal State and whether it is legal for a country to place non-economic installations (like submarine detection devices) in the EEZ of other State. Lastly, another controversy that the UNCLOS is not clear about is the shipment of nuclear wastes through EEZs, territorial seas and straits. (Guoxing 2000; Roy 2002)

Above all these controversies in the application of the UNCLOS, Lin and Gertner (2015 22) affirm that the “UNCLOS lacks sensitivity towards the region’s historical inter-sovereign and tributary relations, and ignores the traumatic colonial experiences of most Asian powers.” Moreover,

The central problem of UNCLOS is that it does not deal with ter-
territorial sovereignty disputes, only maritime zone delimitation. It allocates maritime rights and jurisdictions on the basis of defined land rights. However, Asian territorial disputes centre precisely on the question of the rightful ownership and definition of the rocks and islands involved. (Lin and Gertner 2015, 22)

Therefore, the disputes over interpretation of the UNCLOS’ freedom of the seas principle, allied with the difficulty to establish consensus maritime delimitations, pose a great threat to stability and, in consequence, to the maritime security in the region. All these issues are worsened by the apparent unsuitable position that some Southeast Asian countries find themselves in the UNCLOS regime.

2.2.3 DISPUTES OF ISLANDS’ SOVEREIGNTY AND OVERLAPPING MARITIME JURISDICTIONAL CLAIMS

All Asian seas have maritime disputes. Although there is actually no military conflict over the sovereignty of land features, all of them offer opportunities for political and military escalation. Clashes frequently occur over fisheries and intelligence, surveillance and reconnaissance activities, occasionally leading to violent actions. (Cole 2013) The islands’ sovereignty disputes and overlapping maritime claims in the South and East China Sea threatens the maritime security in Southeast Asia. Clashes between the Asia-Pacific countries over these disputes would certainly threat the security of SLOCs that pervade the region. (Guoxing 2000)

These disputes start in Northeast Asia, with Japan and Russia competing over the Kuril Islands sovereignty. The Liannan Rocks are also object of dispute, but between Japan and the Republic of Korea. In the East China Sea, both China and Japan claim the Diaoyu-Senkaku Islands. (Cole 2013) The South China Sea attracts more attention, due to the SLOCs that pass through it and the number of claimants. The South China Sea land features are claimed by six countries: China, Vietnam, the Philippines, Indonesia, Brunei and Malaysia. Their disagreements are related to (i) disputes over the territorial sovereignty of the land features, (ii) disputes over jurisdiction of waters and seabed, and (iii) disputes over coastal-state and international rights to use the seas. (Cole 2013).

17 The dispute over the Diaoyu-Senkaku Islands has escalated in 2012, after the purchase by the Japanese government of the islands. Nationalist protests and political tensions increased, causing great instabilities in the East China Sea. (Cronin and Dubel 2013)
The relations of the Asia-Pacific States have been deteriorating since 2009 due to economic factors, nonconventional threats and the US rebalancing policy. It contributes to the fiercer of the disputes in the South China Sea, and threatens the stability of the region. (Lin and Gertner 2015) The stability in this region and the peaceful resolution of these disputes are essential to the maritime security in Southeast Asia. These disputes of islands’ sovereignty and overlapping maritime jurisdictional claims should be handled in diplomatic ways so as to avoid escalation that could lead to an
armed conflict, threatening the important regional SLOCs and the entire maritime security in Southeast Asia.

### 2.2.4 EMERGING NAVAL BUILDPUP

The development of Asian countries, allied to their export-oriented economy, led to the increase of maritime investments of these countries. Moreover, not only their merchant marine has grown, but also their investments in maritime defense have increased. Since the security of the SLOCs is vital to the East Asian countries, it is important to them to patrol and to deter any threat. Besides that, due to the great amount of commerce practiced in their shores, the national security of their lands and maritime territories also depends on naval power. However, the increase of defense spending may create mistrust among East Asian states, since the SLOCs are shared by these countries and the region hosts many territorial disputes, both in the South and East China Seas.

These investments in naval capabilities done by the Asia-Pacific countries can intensify regional rivalries in Southeast Asia. The increasing numbers of ships and submarines in the region can be explained by the States’ perception of the need to protect its sovereignty and interests in the South and East China Seas. Although defense expenditures are natural in an anarchical system, the accentuated grown in such investments may contribute to regional instability, since the more a country is armed, the more its neighbors are likely to spend in defense. Notwithstanding these increases in naval capacities be alleged to be for defensive purposes, the distrust level in the region arises. (Guoxing 2000; Liff and Ikenberry 2014)

This is an example of the classical “security dilemma”: a situation when the states wish to increase their military capabilities or defense alliances to become more safe in the anarchic international system; however, by doing so, they may encourage other states to do the same, since they feel threatened by the power increase of the first states. The consequences are an escalation of rivalries and increased possibilities of armed conflicts. (Lin and Gertner 2015; Liff and Ikenberry 2014)

The process of naval modernization is under way in all Asia-Pacific countries, in different degrees. According to Liff and Ikenberry (2014), China has increased its military spending and enhanced its military capabilities in the past twenty years. Regardless of the Chinese intentions, many Asia-Pacific States see it as threatening, and invest in their own national naval buildups. The other way is also true: with the American rebalancing
policy towards Asia, China also feels threatened and increases its military investments. In the context of this security dilemma dynamic, the disputes of islands’ sovereignty and overlapping maritime jurisdictional claims in South China Sea lead to naval buildup. (Liff and Ikenberry 2014; Lin and Gertner 2015)

This buildup of naval capabilities in Southeast Asia, allied to regional rivalries, may create an arms race, which can lead to a potentially more unstable regional environment, increasing the chances of armed conflicts. This situation threatens the SLOCs of the South China Sea and the maritime security of the area. (Liff and Ikenberry 2014).

2.2.5 NONCONVENTIONAL THREATS

Finally, nonconventional threats such as pollution, natural disasters, piracy, terrorism and drug/human trafficking, also affect the maritime security in Southeast Asia. (Guoxing 2000) These threats have increased in recent years, posing new challenges to the Asia-Pacific countries.

The major threat regarding pollution issues is the risk of oil spill in one of the South China Sea straits. A big accident of this kind could disrupt or even close important straits, like the Malacca one. Other pollution problem that could affect the Southeast Asia SLOCs is forest fires in Indonesia, which have already hazarded visibility in the Malacca Strait. (Roy 2002) Natural disasters, such as tsunamis and earthquakes, also threaten the security and normal status of the SLOCs, as well as aviation and maritime disasters – like the fall of the Malaysia Air Lines flight in 2014. (Lin and Gertner 2015)

Another nonconventional threat to the maritime security in Southeast Asia is transnational organized crime. The region with more cases of transnational crimes, such as piracy, terrorism and drug/human trafficking is Southeast Asia. (ICC International Maritime Bureau 2016) The South China Sea, and particularly the Malacca Strait, is the most affected area. (Wu and Zou 2009) In addition, the actions of non-states actors, such as pirates and terrorists, also impact on commerce. The maritime insecurity contributes to the increase of shipping costs: besides the disruption in maritime trade supply chains, ransoms must be paid to release kidnapped crew and stolen ships and cargos. Other issue related to these nonconventional threats is the fact that the transnational organized crime often infiltrates itself in the fishing industry, because of the lack of governance and rule of law in this economy sector, creating more difficulties to combat it. (Khalid
2.3 HOW TO ENSURE MARITIME SECURITY IN SOUTHEAST ASIA?

Because of their “global common” status, the SLOCs are defended by many countries, and the cooperation among them is necessary for the good use of such important assets. The maritime security in South and East China Seas is of great importance to every country in the region. The SLOCs are vital to them, and no one can defend it alone. Thereby, cooperation among the Asia-Pacific countries is needed to assure the stability in the region and the security of the SLOCs. (Guoxing 2000; Cole 2013)

However, to ensure the maritime security in Southeast Asia, some issues should be solved first, such as, (i) reaching a consensus interpretation of the UNCLOS and (ii) finding a definition for the islands’ sovereignty disputes and overlapping maritime claims in the South and East China Seas. (Guoxing 2000) Another problem that needs attention in order to achieve a more stable environment in the South China Sea – besides the improvement of interstate cooperation – is effective information sharing and notification mechanisms (Khalid 2012). Furthermore, security cooperation in Southeast Asia depends on the States willing to put aside disputes for a joint combat of nonconventional threats. It also depends on the promotion of economic and social developments to avoid crimes such as piracy and terrorism. (Wu and Zou 2009)

Multilateral efforts must build confidence among the Southeast Asian States.

Such initiatives may include enhancing naval cooperation, sharing information, promoting and jointly engaging in economic activities, combating transnational crime, protecting the environment, and engaging in search and rescue efforts and humanitarian assistance and disaster relief initiatives, among many others. (Khalid 2012, 5)

To guarantee a stable environment in Southeast Asia, and in particular in the South China Sea, the political instability between Asia-Pacific countries and the disputes of islands’ sovereignty and overlapping maritime jurisdictional claims must be addressed. However, the countries also disagree in how these problems should be handled: although some countries
prefer to discuss it in bilateral meetings, others may appeal to international organisms. This is the case of Philippines versus China, being arbitrated by the International Tribunal for the Law of the Sea (ITLOS). The problem is that China refuses to recognize the legitimacy of this process, claiming that ITLOS lacks jurisdiction in the case. (Lin and Gertner 2015) The attempts to solve these territorial disputes fail due to the intransigency of the claimers’ States. Notwithstanding, some solution will have to be achieved to ensure the maritime security in Southeast Asia. (Cole 2013)

On the other hand, a mechanism that aims to enhance the maritime security in South China Sea is the 2002 Declaration on the Conduct of Parties in the South China Sea, signed by ASEAN members\(^\text{18}\) and China. The Declaration was designed to improve the relations and actions of these states in the South China Sea, maintaining peace. Nevertheless, this Code of Conduct was never really adopted, and unilateral actions of claimants of the South China Sea never ceased. The 2002 Declaration has not legal binding force, thus its actual effectiveness is impaired. Wu and Zou (2009) affirm that “a multilateral maritime security cooperation framework has not yet been established in the South China Sea region.” (Wu and Zou 2009)

The combat to nonconventional threats is an important point of cooperation among the Asia-Pacific countries. Multilateral efforts are the only way to effectively combat pollution, natural disasters, piracy, terrorism and drug/human trafficking, due to their asymmetrical nature. Beyond interstate cooperation, the security of the Asia-Pacific SLOCs depends on the cooperation among all stakeholders – governments, naval forces, shipping industry and coastal communities. (Khalid 2012) These joint actions may occur in activities to save human lives, such as Save and Rescue operations (SAR) and assistance in times of natural disasters; or fighting sea piracy, terrorism and illegal acts in general that happen in the Asia-Pacific waters. Every cooperation action contributes to ensure the maritime security in Southeast Asia. (Cole 2013)

An important example of institutional cooperation between the Asia-Pacific countries is the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships (ReCAAP), which has been in force since 2006. Fourteen nations signed the ReCAAP and an Information Sharing Center (ISC) was established in Singapore, being responsible for

\(^\text{18}\) The ten members of ASEAN are Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
the improvement in information sharing among the countries that use the Singapore and Malacca Straits. (Cole 2013)

Conflict and cooperation are two different paths that can be adopted in the South China Sea. All countries can chose the path to follow, but to achieve a more stable and security place, the nations must stop their intran- sigencies. A lasting peace and security in the region depends on cooperation among states, while respecting their sovereignties. (Cole 2013; Wu and Zou 2009) In conclusion, the states in Southeast Asia must cooperate to ensure the maritime security in the region, by managing their territorial disputes in a diplomatic way, or by working together to combat nonconventional treats, such as piracy, terrorism and environment degradation. In the end, all states want and depend on the safe navigation in the SLOCs. (Lin and Gertner 2015)

3 PREVIOUS INTERNATIONAL ACTIONS

The United Nations Convention on the Law of the Sea (UNCLOS) is an important international mechanism established to address the global maritime security. However, as stated above, there are some difficulties in applying the UNCLOS to maritime security issues in Southeast Asia. In this sense, regional initiatives have been taken to enhance the maritime security.

The first important document regarding the maritime security in Southeast Asia is the ASEAN Declaration on the South China Sea, from 1992. Considered a declaration of principles, it provides guidelines to the states behavior in the South China Sea, stimulating all of them to cooperate in several areas, such as: peaceful resolution of disputes, environmental protection and search and rescue (SAR) operations. As stated in the first, second and third clauses, the Declaration:

1. EMPHASIZE the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means, without resort to force;
2. URGE all parties concerned to exercise restraint with the view to creating a positive climate for the eventual resolution of all disputes;
3. RESOLVE, without prejudicing the sovereignty and jurisdiction of countries having direct interests in the area, to explore the possibility of cooperation in the South China Sea relating to
the safety of maritime navigation and communication, protection against pollution of the marine environment, coordination of search and rescue operations, efforts towards combating piracy and armed robbery as well as collaboration in the campaign against illicit trafficking in drugs; (ASEAN 1992, 1)

However, the 1992 ASEAN Declaration on the South China Sea was signed only by Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand.

In 2002, the ASEAN countries and China signed the Declaration on the Conduct of Parties in the South China Sea (DOC). The document reinforced the necessity to diminish territorial disputes in the South China Sea, repudiating the use of force and encouraging confidence building and transparency in actions regarding the South China Sea, as stated in the fourth, fifth and seventh clauses:

4. The Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;

5. The Parties undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.

Pending the peaceful settlement of territorial and jurisdictional disputes, the Parties concerned undertake to intensify efforts to seek ways, in the spirit of cooperation and understanding, to build trust and confidence between and among them […]

7. The Parties concerned stand ready to continue their consultations and dialogues concerning relevant issues, through modalities to be agreed by them, including regular consultations on the observance of this Declaration, for the purpose of promoting good neighborliness and transparency, establishing harmony, mutual understanding and cooperation, and facilitating peaceful resolu-
tion of disputes among them; (ASEAN 2002, 1-2)

Nevertheless, the declaration does not have a binding character, being just a preliminary step in the process to solve the conflicts in Southeast Asia. According to Thao (2003), “the DOC is meant to diminish the threat of war or a military clash in the South China Sea”, creating a cooperative and peaceful environment. “However, the implementation of the principles contained in the DOC depends upon the good will and efforts of its parties” (Thao 2003, 281).

Since the signature of the 2002 Declaration on the Conduct of Parties in the South China Sea some efforts have been made to enhance the maritime security and stability in Southeast Asia. Discussions concerning the establishment of a binding code of conduct (COC) in the South China Sea have happened in recent years. However, they have not generated concrete results. (Pal 2013) (Panda 2015)

Besides these multilateral documents, the question of territorial disputes in the South China Sea has also been addressed in the United Nation’s Arbitral Tribunal in The Hague. Philippines has submitted the case of its maritime disputes with China to the tribunal, notwithstanding China does not recognize the jurisdiction of it in such matter. (The Philippine Star 2013) On July 12, 2016, the Tribunal decided in favor of Philippines. However, China remained with its previous position of not recognizing the court’s jurisdiction. (DW 2016)

The establishment of the ASEAN Defense Ministers Meetings Plus (ADMM+) is an important step to improve the maritime security in Southeast Asia. It is a fundamental place to discuss actions aimed to the peaceful resolution of conflicts and the cooperation among the Asia-Pacific countries against nontraditional threats in Southeast Asia. However, the fact that no joint declaration was released after the third ADMM+, in Kuala Lumpur in November 2015, is an indicative that the consensus among the security in Southeast Asia is not easy to be achieved.

Regarding nontraditional threats, many cooperative actions have been settled to combat transnational crimes such as piracy and smuggling. In 2004, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) was signed by all 10 members of Association of Southeast Asian Nations (ASEAN) plus Bangla-

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19 Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
desh, China, India, Japan, the Republic of Korea and Sri Lanka. ReCAAP is based on three main pillars: information sharing, capacity building and operational cooperation. Two years later, in 2006, an Information Sharing Center (ISC) was established in Singapore, in order to coordinate responses to piracy and armed robbery incidents. In 2007 the Cooperative Mechanism for the Straits of Malacca and Singapore was launched, in order to enhance the security and the environmental protection in the straits, among States and non-state actors. (Cook, et al. 2010)

4 BLOC POSITIONS

The South China Sea covers an estimated number of 11 billion barrels of oil, 190 trillion of cubic feet of natural gas and $5.3 trillion in total annual trade passing through the region (Council on Foreign Relations 2016). Acknowledging it, the People’s Republic of China, under its nine-dash line, historically lays claims over the totality of both Spratly and Paracel Islands and their adjacent waters, not rarely refusing other claimants’ efforts to settle personnel in the territories. Beijing believes the only way to achieve a sustainable resolution is through bilateral negotiations between the coastal States, avoiding to engage in multilateral discussions concerning territorial and maritime disputes. Beijing also rejects the mediation of the Permanent Court of Arbitration concerning the issue. On 12th July 2016, this very court issued a ruling in favor of the Philippines. The Chinese government argues that the request of the Philippine authorities for arbitration was a unilateral move and, as such, the award will not be either accepted or recognized by Beijing (Ministry of Foreign Affairs 2016). This policy antagonizes the position adopted by most ASEAN Member-States and the United States (Glaser 2012). Besides, China has been adopting an assertive rhetoric concerning the United States’ freedom of navigation operations (FONOP). The Chinese defense ministry has suggested that these American operations are the reason itself for the construction of defense facilities in the South China Sea. Within this context, the ministry has also expressed complete opposition to the American action of attempting to sail military vessels through territorial waters, situation which the Chinese consider to be against international law and UNCLOS (Ku, Fravel and Cook 2016). In addition, the Chinese State Councilor, Yang Jiechi, has urged the United States to keep their promise and do not take sides in the territorial disputes (Xinhua 2016).

Abiding by the “Pivot to Asia” rebalancing policy, the United States
The United States of America considers the maintenance of peace and stability and the right to freedom of navigation in the South China Sea as crucial matters of national interest (U.S. Department of State 2013). In 2014, Washington emphasized it does not side with one claimant against another. However, in the very same statement, the authorities stressed that, under international law, maritime claims must be derived from land features, thus attesting the Chinese claims over the historical “nine-dash line” to be inconsistent and fundamentally flawed (U.S. Department of State 2014). The U.S. and China also disagree on the interpretation concerning the matter of freedom of navigation established by UNCLOS. On the one hand, the Americans believe UNCLOS permits nations to exert peaceful military operations within foreign Exclusive Economic Zones (EEZs). On the other hand, Beijing assertively objects to U.S. surveillance activities in its EEZ, interpreting these operations as aggressive military activities. In addition, Washington has been developing closer relations with littoral countries, officially designated strategic/comprehensive partners, looking forward to improving the country’s ability to perform patrolling and monitoring activities in the region (McDewitt 2014). Although currently not supporting any claimant against China, the U.S. maintains a Mutual Defense Treaty with the Philippines, a Major Non-NATO Ally, which establishes Washington’s commitment to support Manila in the case of an external invasion in sovereign territory (U.S. Department of State 2015).

When India adopted the Act East policy, it initially intended to deepen Indian economic ties with Southeast Asia. As the years went by, this policy has acquired a strategic extent with a significant naval emphasis (Rajendram 2014). The country has expressed its will to play a greater role in Asia, including as a security provider. In this sense, New Delhi has been “cautiously expanding its influence in the region, while attempting to avoid overt rivalry with China” (Rajendram 2014, 5). For India, increasing its presence in the South China Sea means balancing Chinese presence in the Asia-Pacific region and signaling its displeasure at high level naval activity in the Indian Ocean by Beijing (Kubo 2016). India has recently established closer ties with the United States, reaching an agreement on mutual defense cooperation that allows “each nation’s militaries to use the other’s naval, land and air bases […]” to specific functions (Johnson e de Luce 2016). Alongside New Delhi’s shifting relations with Washington, India is also targeting an approach to Japan and Australia, countries with whom it seeks naval cooperation (Johnson e de Luce 2016). Furthermore, according to Rajendram (2014), the India-Vietnam is the most strategically significant
partnership, due to mainly three factors: (i) their combined potential to balance China, (ii) oil exploration in the South China Sea by Indian companies and (iii) joint support for freedom of navigation.

Over time, the **Russian Federation** has expressed a traditional position towards the ongoing disputes in the South China Sea. Moscow repeatedly expressed support for a peaceful and diplomatic solution, compliance with the United Nations Convention on the Law of the Sea (UNCLOS) and urgency in the conclusion of a binding Code of Conduct (Tsvetov 2016). Moreover, Russian Foreign Minister has recently criticized the pressure to internationalize the disputes, pointing out that a solution must be established exclusively and bilaterally between the direct parts. Thus, Moscow objects to the attempts of addressing the disputes within international forums such as the ASEAN Regional Forum (ARF) (Tsvetov 2016). In this sense, Russia-China relations are warming up, guided by the common cause of establishing a well-structured opposition to the West (Bodeen 2016). In 2016, Moscow and Beijing held, on both land and sea, a joint naval drill in the South China Sea, highlighting the mutual will to enhance both Navies capabilities in dealing with maritime security threats. At the same time that it is deepening ties with China, Russia has not yet expressed a very assertive opinion towards the issue, due to its reliable strategic partnership with Vietnam, a key arms trade partner of Moscow (Tsvetov 2016). In 2016, Moscow promised to deliver two frigates and six submarines to Hanoi authorities. Undoubtedly, these equipments will be used to patrol Vietnam’s claimed territories in the South China Sea (Tiezzi 2016).

The current approach of **Japan** to the South China Sea has been much more active and multi-dimensional than it once was, representing an effort to assertively balance Chinese presence and to foster closer ties with the United States. Tokyo has repeatedly emphasized the importance of ensuring freedom of navigation based upon the rule of law. The country has also supported U.S.’ position and ASEAN’s efforts to address the situation via peaceful means. Moreover, Japan is looking forward to establishing bilateral cooperation with claimants, particularly Vietnam and the Philippines (Shoji 2014). According to Parameswaran (2016), Tokyo is intending to boost even more its presence in the South China Sea in 2016. Authorities have decided patrol aircrafts are going to transit along those waters, what means advanced monitoring capabilities will now cover a great portion of the region. It is effectively one way that Japan is safeguarding the freedom of navigation, coordination activities with the U.S. and, at the same time, approaching claimants such as Vietnam and the Philippines (Parameswaran
Nearly two thirds of Australia’s exports pass through the South China Sea. In this sense, the country strongly condemns territorial claims and maritime rights that are not in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), expressing particular concern over Chinese land reclamation activities (Department of Defense 2016). Moreover, Canberra frequently reiterates its will to ensure the freedom of trade and navigation through airborne surveillance operations in the region. Even though Australia has still not conducted a surface Freedom of Navigation Operation (FONOP), it regularly exerts its naval presence through naval patrols and port calls (Lowy Institute 2015). The country also performs as one of the greatest allies of Washington in the region, pointing out “the pivotal role of the United States in supporting stability” (Department of Defense 2016). The government of New Zealand has released its Defense White Paper for 2016. In the document, authorities state the disputes in the South China Sea are likely to remain unresolved, alleging they will not side with any claimants. However, New Zealanders urge the peaceful resolution of conflicts, whether through international institutions or direct negotiations. In addition, over half of the country’s maritime trade passes through the South China Sea. In this sense, the maintenance of freedom of navigation and secure sea lines of communication are crucial interests of the country (Ministry of Defense 2016).

The Philippines lay claims over the Spratly Islands and the Scarborough Shoal, performing as the most outspoken opponent of what the Philippine government calls “China’s expansionist activities”, alongside Vietnam. Also, the Philippine authorities call the region “West Philippine Sea”, claiming the area is within its Exclusive Economic Zone and its continental shelf (Council on Foreign Relations 2016). Besides the country’s deep partnership with key allies such as the United States, Japan and Australia, Manila also steadily relies upon UNCLOS and rules-based approaches regarding South China Sea disputes (Department of Foreign Affairs 2016).

In 2013, the Philippines addressed the Arbitral Tribunal regarding the case filed on the South China Sea issue. In 2016, this Permanent Court of Arbitration (PCA) issued a ruling in favor of the Philippines. Manila stresses the arbitral award is final and binding, thus arguing the decision is now part of international jurisprudence related to the maritime domain (R. Department of Foreign Affairs 2016). China, in its turn, strongly objects to this arbitration, stating that such judicial process violates international and bilateral norms, being done without mutual consent (Center for Strategic...
Moreover, in April 2016, both U.S. and Philippines militaries revealed they have been conducting joint naval patrols, also indicating that these activities and other maritime security assistances are going to occur on a regular basis from now on (Parameswaran 2016).

Another assertive claimant in the region is Vietnam. The country claims sovereignty over both Paracel and Spratly Islands, arguing the area is within its Exclusive Economic Zone (EEZ). Also, Hanoi has released statements announcing that the disputes must be addressed involving all relevant parties, opposing the idea of the Russian and the Chinese that the conflict must be resolved exclusively through bilateral negotiations. In addition, Vietnamese authorities constantly reiterates they will remain consistent in dealing with the matter through peaceful means, in compliance with UNCLOS and with the Declaration on the Conduct of Parties (DOC) (Tuoi Tre 2016). On the one hand, Vietnam-Russia relations are going through a period of relative frustration, due to what appears to be a Sino-Russian approach (Dang 2016). On the other hand, in the recent years, Washington and Hanoi have been establishing non-traditional close ties, with the latter being included in the former’s Southeast Asia Maritime Security Initiative. However, despite this shifting landscape concerning alliances, it is important to highlight Vietnam asserts a relatively strong independent position. In other words, the country can, to some extent, manage its level of cooperation and relations (Tong 2016).

Malaysia claims territories in the southern Spratlys and, since 2009, it has been occupying five of them (Council on Foreign Relations 2016). The country maintains a less confrontational relationship with China, choosing to defend its position in a diplomatic way, rather than damaging its bilateral relationship with Beijing, its largest trading partner. Accordingly, Kuala Lumpur’s interests in the South China Sea are the following: (i) preserving its territorial integrity and safeguarding its access to platforms of hydrocarbon exploiting, which are within China’s nine-dash line; (ii) cultivating its highly important relationship with Beijing; and (iii) promoting the rule of international law under UNCLOS governing the disputes. Even though Malaysia prefers to perform discreetly, it works to ensure ASEAN’s basic level of unity on the South China Sea matter (Parameswaran 2015).

Although Brunei Darussalam lays claim to two formations in the southern Spratlys (Council on Foreign Relations 2016), the country has reached a four-point consensus with Cambodia, People’s Democratic Republic of Laos and China. Altogether, the four countries agreed upon the common base that territorial disputes in the South China Sea must not be
addressed through a multilateral ASEAN-China approach. In other words, they agreed that maritime and territorial disputes must be resolved under consultations and negotiations between the directly involved parts, urging countries outside the region to perform a constructive and secondary role towards the matter. Furthermore, the four parts have stated that hazardous activities that could potentially harm China’s developing relation with the Association must be avoided (Kundu 2016).

Although a traditional U.S. ally in the Asia-Pacific, the Republic of Korea does not play an incisive and active role in the current dynamics of the South China Sea region (Kelly 2015). Seoul seeks to avoid any major disturbances to its foreign relations with both Beijing and Washington, generally preferring to adopt a quiet position. According to Jackson (2015), the country’s diplomacy plays an important role in indicating the future of regional order, in a sense that Seoul strategic choices are significantly relevant to conciliation and consensus among ASEAN members and their dialogue partners (Jackson 2015). On the other hand, despite having a more discreet policy, the Republic of Korea has been managing to deepen ties with Southeast Asian nations, particularly in the realm of defense with the Philippines. Seoul signed a five-year pact with Manila, which establishes the exchange of classified military information and cooperation efforts against non-traditional and transnational threats (Parameswaran 2015).

A country that has neutral and moderate positions concerning the disputes over the South China Sea is Myanmar. It has been constantly covered by China regarding international criticism. However, the bilateral relations between both countries still lack a deeper process of trust-building (Sutter 2012). Myanmar has also stated “ASEAN Member States have to cooperate in enhancing the regional peace including stability of the South China Sea […]” (ASEAN Security Outlook 2015, 56).

Given the increasing maritime connectivity, Thailand urges for peaceful solutions regarding overlapping maritime and territorial claims. It stresses the importance of dialogue and negotiations on the basis of international law and under the specificities of UNCLOS. It believes in ASEAN-China discussions as the most proper and effective mean to fully implement the Declaration on the Conduct of Parties in the South China Sea (DOC), thus urging for the early conclusion of such document. Besides, Bangkok gives great importance to the protection of the freedom of navigation through secure sea lines of communication (ASEAN Security Outlook 2015). The government of Singapore has also expressed strong support to the urgent establishment of a Code of Conduct, believing in a
common set of principles and norms in order to foster mutual trust and higher effectiveness in multilateral forums (NewsAsia 2015).

Indonesia is not a claimant party; however, it does not mean that the country is uninterested party in the South China Sea disputes. The country is focused in safeguarding its own sovereignty, since the Chinese nine-dash line overlaps its EEZ. Jakarta also plays an important role in the regional peace and stability as an ASEAN founding member and a maritime nation that uses those waters to assure its economic activities and its national security. Moreover, the country is deeply involved in protecting and assuring the compliance with UNCLOS. Recently, Indonesia has been engaging in more assertive military activities such as the construction of a base in the Natuna Islands, rich in natural resources (Parameswaran 2016).

5 QUESTIONS TO PONDER

1. Bearing in mind Sea Lines of Communications (SLOCs) are vital to safeguard international stability, in what ways the ASEAN Defence Ministers’ Meeting can cooperate in order to secure the SLOCs and choke points in Southeast Asia?

2. Acknowledging the United Nations Convention on the Law of the Sea (UNCLOS) establishes broad and general rules concerning freedom of navigation, are the States allowed to demand prior notification to foreign warships conducting innocent passage maneuvers within their territorial waters and Exclusive Economic Zones (EEZ)?

3. Looking forward to avoiding escalation of existing disputes over islands and maritime territories, is it possible to achieve peaceful and sustainable solutions, in accordance with sovereignty claims and abiding by international law?

4. In spite of the recent process of marine modernization and naval buildup, which measures ought to be adopted in order to avoid an arms race in the waters of the South China Sea?

5. Recognizing the rising challenge of terrorism, piracy, pollution and international trafficking, is it viable for the states to put aside disputes and cooperate in combating these non-conventional threats?

6. Which approach should be applied to the conflicts and disputes occurring in the South China Sea: (i) a multilateral approach, with discussions within international and regional forums such as ASEAN; or (ii) a bilateral approach, under consultations between only the directly involved parts?
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COUNTERTERRORISM IN SOUTHEAST ASIA

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ABSTRACT

This work aims to assist on a simulation of an ASEAN Defense Ministers Meeting Plus (ADDM+) with the subject of “Counterterrorism in Southeast Asia” for UFRGS Model United Nations (UFRGSMUN). Therefore, it is divided in four sections: a short Historical Background; a Statement of the Issue; Previous International Actions; and Bloc Positions. Terrorism is not new in Southeast Asia; indigenous, religious and separatists groups have been active since colonial era. But, recently, the self-proclaimed Islamic State (ISIS) has stretched its branches to the region. ISIS represents one major threat to Southeast Asia, since hundreds of Southeast Asians have joined it and many regional groups have pledged allegiance to it. Bearing this context in mind, traditional problems of the fight against terrorism acquire renewed importance, such as the lack of regional cooperation and lack of confidence between ASEAN members and its Dialogue Partners. Therefore, it is fundamental that ASEAN enhances the cooperation to prevent, counter and suppress the transnational danger posed by terrorism.

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1 HISTORICAL BACKGROUND

Examining counterterrorism (CT) in Southeast Asia requires foremost a better understanding about terrorism and militant groups in the region and the main countries where they act.

1.1 TERRORISM IN SOUTHEAST ASIA

Terrorism in Southeast Asia is not new: it represented a source of domestic insecurity and violence even before the 1990s. This region has been home for ethnic, nationalistic and religious militant groups, in most cases claiming for separatism – especially during the Cold War. These organizations can be perceived as a reaction to the unwillingness of many Southeast Asian governments to acknowledge or to recognize the right of minority self-determination, mostly Islamic (Chalk et al. 2009). Traditionally, the linkages among these groups were relatively weak, and most operations restricted to their own country or islands, focusing on domestic issues, such as seeking independence from central government control (Vaughn et al. 2009).

It is important to highlight the strength of Islamism in Southeast Asia, since it is home for 240 millions of Muslims (almost 20% of the world). This ideology has always been a significant part of most of the insurgencies in the region – although there are several groups that are not connected to any religion. It is crystallized by the desire of the Muslim Southeast Asian population on creating independent Islamic states based on the Islamic Law, the sharia (Kern 2002). These extremist groups are perceived as a threat to the status quo of the region, once they have two main intentions: (i) to create independent Islamic states (as aforementioned) and (ii) deposing secular governments to install in their place a supra-national Islamic State (Kern 2002).

The so-called “old” terrorism appears in Southeast Asia in the form of insurgencies, which can be perceived as a consequence of the Post-Colonial period, in which ethnic-nationalist minorities were forgotten by the central government during the nation-state building process (Lim and Vani 1984). For a better understanding of the dynamics and claims of the “new terrorism” in Southeast Asia, three insurgencies must be mentioned: the Moro rebellion in the Southern Philippines (with the Moro Islamic Liberation Front, or simply MILF); the Aceh insurgency in Indonesia (with the Gerakan Aceh Merdeka or GAM) and the Malay Muslim separatist
insurgency in southern Thailand. These three insurgencies besides sharing political, economic and social grievances, have a strong sense of local identity, where Islam is used mainly as a focal rallying point in opposing the government (Tan 2008).

In the beginning of the 1990s, the radicalization of some Islamic militant movements and the emergence of the “new” terrorism were consequences of the combination of several factors: (i) the reaction to the Globalization, once it is associated with an increase of Western influence on the region, especially over the local elites; (ii) the reaction to the Israel-Palestine conflict; (iii) the frustration with years of repression promoted by secular governments over minorities, once they were seen as a threat to the very basis of statehood that underscored Southeast Asian post-colonial identity (Acharya 1993); (iv) the desire to create a pan-Islamic Southeast Asia, as a result of the political influence of Islam (Christie 1996); (v) the arrival of the Mujahideen from the Afghanistan War (1979-1989) (Vaughn et al. 2009).

The consequences of the Afghanistan War were of extreme impor-

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4 A massive Catholic migration from the north of the Philippines overwhelmed the native Moros so that by the 1960s they had become a minority in their own traditional homeland. There are also problems arising from landlessness, discrimination, poverty and unemployment. Thus, the Moro National Liberation Front (MNLF) led by Nur Misuari was founded in 1972 to preserve both Moro identity and the rights of the Moro people. This event was followed by a huge civil war (Tan 2008).

5 Aceh was historically an independent kingdom. After its incorporation into Indonesia, there has been a great deal of resentment over Javanese domination and corruption. This resentment has been accentuated by the widespread poverty and regional discrimination. The transmigration program has also introduced large numbers of Javanese migrants into Aceh territory, replacing local Acehnese in government and also in commerce, causing great resentment amongst them. These fundamental grievances led to armed rebellion against the Indonesian state, led by the Gerakan Aceh Merdeka (or GAM). However, GAM has consistently emphasized that its struggle was not religious but territorial and nationalist in nature (Tan 2008).

6 The southern provinces were part of the old historical kingdom of Patani, which was invaded by Siam in 1786 and then incorporated through the Anglo-Siamese Treaty of 1909. The Malays have always viewed this as unjust, seeing Bangkok as an occupying power. The introduction of secular Thai education and language also challenged traditional Malay Muslim culture. The Thaksin government also centralised control in 2002 after it came to power. It took a tough, almost reckless approach to the separatist problem, emphasizing the use of military force to deal with the upsurge in insurgent attacks in early 2004. This led to the killing of 108 Muslims in April 2004, some of whom were sheltering at the historic Krue Se mosque. In October 2004, 78 unarmed Muslim protesters died after they suffocated in police vans at Tak Bai (Tan 2008).
rance to the process of radicalization of the militant groups of the region. Thousands of foreign volunteers (many from Southeast Asia) that fought there saw the defeat of the Soviet Union as an Islam’s victory against a Great Power, which had invaded a Muslim country. Upon the return of Southeast Asian combatants to their home countries, as victors, they achieved legitimacy and prestige within the Muslim community, besides that, they also got enough reliance to expand the holy war to other countries. It is relevant to note that when these veterans returned, they brought with them their experience and a no-more-moderated ideology to the region. Since then, the Southeast Asian countries began to be destabilized by the spread of a more fundamentalist strand of Islam (coming from Middle East), one that gave a new dimension to Islamic separatism (Kern 2002).

The first couple of years of the 1990s were marked by the rise and establishment of an al-Qaeda network in the region. Its operations appeared to have performed three primary tasks. First, they set up local cells which would give support to the global operations. When setting up the cells, they prioritized areas where border control was minimal, capable of hosting transiting agents and being a safe haven for other operatives fleeing from intelligence services. Second, they helped to create the first indigenous regional terrorist network: the Jemaah Islamiyah (JI). Finally, al-Qaeda’s local cells worked to cooperate with regional radical Islamic groups by providing them with money and training. The accomplishment of these tasks was facilitated by structural factors namely a weak central government control, corruption, porous borders and a loose financial control. Also some conjunctural factors were present at the time and ended up contributing to the establishment of a terrorist network in Southeast Asia, namely the personal relationships established in the 1980s with the Afghans and the

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7 Literally, the word "mujahideen" comes from the same Arabic root as jihad, which means "struggle". Thus, a mujahid is someone who struggles or someone who fights. In Afghanistan, during the late twentieth century, the mujahideen were Islamic warriors defending their country from the Soviet Invasion (Szczepanski 2016).

8 The Soviet–Afghan War lasted over nine years (1979–1989) and started when the USSR entered neighboring Afghanistan, attempting to shore up the newly-established pro-Soviet regime in Kabul. In short order, nearly 100,000 Soviet soldiers took control of major cities and highways. Rebellion was swift and broad, and the Soviets dealt harshly with the Mujahideen rebels and those who supported them, leveling entire villages to deny safe havens to their enemy. Foreign support propped up the diverse group of rebels, pouring in from Iran, Pakistan, China, and the United States. In the nine-year conflict, an estimated number of one million civilians were killed, as well as 90,000 Mujahideen fighters, 18,000 Afghan troops, and 14,500 Soviet soldiers (Taylor 2014).
withdrawal of foreign states sponsors that supported some local groups in the 1970s (Vaughn et al. 2009).

1.2 OPERATING GROUPS IN THE REGION

Whilst the level and organization of violence of these groups have increased since the first decade of this century, the Southeast Asian insurgencies remain local and nationalistic orientated (Tan 2008). In this sense, Southeast Asian militant and terrorist groups can be classified by their goals. Their scope may vary from global (the ‘anti-Western agenda of al-Qaeda’) to a more regional and nationalist agenda (insurgencies and separatists movements). Such terrorist groups operate mostly in Indonesia, Malaysia, Philippines, Singapore and Thailand (Kern 2002). Most of the rebel Muslim groups (including the radical ones, as JI) emerged, in fact, before Al Qaeda, as a response to local conditions (Tan 2008).

As a transnational network, founded in 1988, Al Qaeda started its incursions into Southeast Asia in the 1990s, although there have been clear indications that Al Qaeda had already ideologically penetrated and established a base of operations in the region since the late 1980s (Gunaratna 2007). Even not being an indigenous terrorist group, it operates quite significantly in the region through local cells, especially Malaysian and Philippine ones (Kern 2002). Their main role in the region was to help the creation of a regional network, the Jemaah Islamiyah (JI), and providing them with professional training. It is estimated that, in 2002, a fifth of al Qaeda’s stretch was concentrated in Southeast Asia (Vaughn et al. 2009). However, it is known that al-Qaeda’s action in Southeast Asia focuses much more on supporting the indigenous groups. In other words, al-Qaeda managed to influence the strategic objectives of regional separatist and religious groups in Southeast Asia to direct them to the universal jihad. The extremist group also made efforts to connect the groups not only regionally, but also relate them with global networks (Gunaratna 2007).

The main indigenous terrorist group operating in Southeast Asia is Jemaah Islamiyah (JI), founded in 1993. JI has its root back in the 1960s with Darul Islam movement\(^9\) (Muslim guerrilla). Jemaah Islamiyah goals revolve around the establishment of an Islamic State in Southeast Asia,

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\(^9\) Darul Islam was a rebellion in Indonesia in the 1950s, which aimed to establish an Islamic state in Indonesia. It resulted in the loss of some 25,000 lives. It was crushed in 1960, but its ideals remained alive: Both Abu Bakar Bashir and Abdullah Sungkar, the alleged co-founders of the JI, see themselves as its ideological successors (Tan 2008).
covering all the Muslim countries of the region (Kern 2002). JI established relations with other Islamic militant groups, focusing mainly on training its members (Vaughn et al. 2009). With a more regional approach, JI firstly had the intention to radicalize the Southeast Asian Muslims (especially in Indonesia). Despite the different main goals, the JI cooperates extensively with al-Qaeda, for example, when planning conspiring against western objectives on the region. In 2002 JI maintained cells in Australia, Indonesia, Malaysia, Pakistan, the Philippines, Thailand and Singapore. JI was responsible for the attack in Bali in 2002, in which 202 people were killed – this attack will be better discussed further (Kern 2002).

The second most important terrorist group to be highlighted is Abu Sayyaf Group (ASG), founded in early 1990. ASG is a small, faction-ridden and violent terrorist group, which operates over the western part of Mindanao Island and over Sulu Island, in southern Philippines (Vaughn et al. 2009). Its founder, Abdurajak Janjalani, fought in the Afghan-Soviet Conflict. The main objective of the group is to gain autonomy from the Philippine government. Moreover, it was well supported financially by al-Qaeda (Kern 2002). Abu Sayyaf has ties with military factions of the Moro Islamic Liberation Front (MILF) and JI (Abuza 2005).

Another insurgent-terrorist group of great relevance is Moro Islamic Liberation Front (MILF), which is a result of the breakdown of Moro National Liberation Front (MNLF) in the 1970s. Its main political objective has been the separation and independence for the Muslim region of the southern Philippines (Vaughn et al. 2009). Despite having strong links with JI and ASG, MILF denies any connection with al-Qaeda. However, it is believed that several ASG members were trained by al-Qaeda in Afghanistan (Kern 2002).

Finally, the last major organization to be cited is the New People’s Army (NPA), which was declared “terrorist” by the United States in 2002. It is the military wing of the Philippine Communist Party (PCP), formed in 1969 with the aim of overthrowing the Philippine government through guerrilla warfare, targeting the Philippines Security Forces, corrupt politicians and drug dealers (Kern 2002).

It is also important to highlight the Malay-Muslim Insurgency in the Thailand’s southern provinces of Pattani, Yala, and Narathiwat. Separatists believe in the greatness of the ancient Kingdom of Patani Darussalam (which covered the three separatist provinces) and have a strong identification with the Malay people and the Islamic religion. These factors combined with dissatisfaction and discrimination suffered since the times in which
the Thai State had been established are the reasons that strengthened the feeling separatist (Chalk 2008). The government has had problems with these insurgencies since 1960, but from 2004 the incidents have become more recurrent and violent. Nevertheless, there is no indicative that the insurgency has spread to the rest of the country. This separatist movement has no organizational core behind their activities or events promoted by insurgents. When needed some militants create ad hoc entities so that there is minimal coordination (Chalk et al. 2009).

1.3 THE “NEW” TERRORISM IN SOUTHEAST ASIA

A new form of terrorism-insurgency emerged after the radicalization of Islamic militant groups in the 1990s, the 9/11 attacks and the Bali bombings in 2002. From then on, Southeast Asia was classified as a “second front” of the US “Global War on Terrorism” (Tan 2007). According to some analysts, Southeast Asia is a launching pad for terrorist groups operations. This aspect would, somehow, threaten western economic, political and security interests in the region (Chalk et al. 2009).

This “new” form of terrorism presents the transnational mode of operation as one of its most important characteristic. Even knowing that this new form of terrorism has increased in the region, it is not the first time that Southeast Asia has to deal with violent groups (as shown in the previous sections). Nevertheless, non-traditional security problems have emerged mainly after the Cold War, generating new consequences (international crime and transnational networks) from old causes (poverty, social and economic inequality and resources shortage), and that worries the world (Tan 2007).

The al-Qaeda is representative of this new form of terrorist organization (Tan 2008). Although the presence of al-Qaeda has increased in the last decade, it is also important to notice that the militant extremist groups operating in the region have created a very significant regional network, in which they can cooperate, even in ad hoc form (Vaughn et al. 2009). Even though the influence of al-Qaeda in the region is evident, it is extremely important to notice that not all indigenous groups have pledged allegiance

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10 The War on Terror, also known as the Global War on Terrorism, refers to the international military campaign that started after the September 11 attacks on the United States. The Bush administration was retooling its slogan for the fight against al-Qaeda and other terrorist groups, pushing the idea that the long-term struggle is as much an ideological battle as a military mission (Schmitt and Shanker 2005).

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to the group. Most of the religious movements present in Southeast Asia were founded due to ethno-political causes involving separatist disposition. These movements use the Islam as a common unifier to attract supporters in Muslim communities. Furthermore, political, economic, and social injustices – such as discrimination, prejudice, mismanagement and corruption by the government, sense of relative deprivation, insensitivity toward Muslim communities by the authorities – have fueled the separatist movements long before the 9/11 developments (Tan 2008).

As part of the “new” terrorism, there were two groups that remained very active in the 2000s, and demand a greater attention, the Jemaah Islamiyah (JI) and the Abu Sayyaf Group (ASG). In October 2002, the global attention was driven to the island of Bali, where the deadliest terrorist attack of Indonesian history occurred. There were three coordinated bombings carried out by members of the JI which killed 202 people from 21 different countries (BBC 2012). According to Rohan Gunaratna, in the five years following the 9/11, the number of both planned and successfully executed attacks by JI on Western targets has markedly increased (Gunaratna 2007). Following the Bali attacks of 2002, the JI have claimed responsibility for the explosion at the Marriott Hotel in Jakarta in August 2003, the bomb attack on the Australian High Commission also in Jakarta in September 2004, and the second Bali attack in October 2005. In 2005, the JI has been responsible for bomb blasts in a market in the town of Tentena in May, for bomb explosions at three restaurants in the island of Bali in October and for the December blasts at a market in Palu. The group acted again in July 2009, when two hotels of Jakarta – the Marriott Hotel, targeted in 2003, and the Ritz Carlton Hotel – were hit by suicide bombers, killing eight people and injuring more than 40. Finally in April 2011, a suicide bomber killed thirty people, mostly policemen, in the city of Cirebon in the island of Java (Straits Times 2016).

The Abu Sayyaf Group (ASG), whose main area of action is the Philippines, is in constant battle against Philippine government soldiers and were responsible for innumerable attacks, kidnappings, and executions. In 2002, the ASG detonated a bomb in Zamboanga city, a military fortress, killing one American serviceman and two Filipinos. In 2003, the group claimed responsibility for the explosions in the Davao International Airport in the Southern Philippines, which killed 21 and injured 148. In 2004, the bombing of the SuperFerry 14 in the coast of Manila caused it to sink and killed 116 people. This was the worst terrorist attack in Philippine’s history, and the world’s deadliest terrorist attack at sea. In 2005, there were coordinated
bombings in three different cities of the Philippines at Valentine's Day, causing numerous deaths and a paramount loss in tourism and foreign investment. In 2011, the faction acted again, detonating two simultaneous bombs in a hotel in the southern Philippines. The attack occurred in Zamboanga, a city where a US counterterrorism base is located (Al Jazeera 2011).

This increase in frequency and lethality of terrorist attacks in Southeast Asia illustrates how the 9/11 symbolized the emergence of a new wave of terrorism. Hence this “new terrorism” has proved to be far deadlier and more transnational than the “old terrorism” (Tan 2008). According to Rohan Gunaratna, there were three major developments in the threat brought by jihadist terrorism since 9/11: (i) “the evolution of al-Qaeda into an ideological movement, strengthened by effective dissemination of propaganda”, (ii) “the recruitment of a new generation of mujahideen,” and (iii) “the dispersal of jihadist training centers across the world” (Gunaratna 2007, 3).

In addition to the violence of the groups, the geography of the region jeopardizes the effectiveness of border controls. Especially in the archipelagic states such as Indonesia, Malaysia and the Philippines, the porous borders makes the illegal movement of personnel, equipment and funds easier (United States Department of State 2006). Therefore, another characteristic of these groups is the quick mobility: when a region is not suitable anymore, they shift places to better operate. For instance, when al-Qaeda and JI operations in Singapore were disrupted in late 2001, they transferred their cells to Taiwan, Seoul, Cambodia and Bangkok. As long as the surroundings of Southeast Asia remained under loose control, the region would continue to be conducive to their plans (Gunaratna 2007).

The increase of terrorist attacks in the early 21st century caused a counterterrorist reaction from the Southeast Asian governments, with large influence of the United States (Kern 2002). The sustained pledge to counterterrorism by the governments in the region has decidedly weakened the regional terrorist groups, although they still present a serious threat to peace and stability in Southeast Asia. For all of these reasons, the regional cooperation concerning counterterrorism and its effectiveness has emerged as a priority goal among the Southeast Asian countries (ASEAN 2007).

2 STATEMENT OF THE ISSUE

Southeast Asia once again is greatly threatened by transnational ter-
rorism, represented by Islamic State. To face old and new regional challenges, ASEAN must deepen its cooperation at the regional both within its members as well with external partners. But some issues regarding cooperation arises: how overcome the lack of consensus on defining terrorism; which counterterrorism approach should be adopted; how foreign powers can cooperate without disrespecting ASEAN’s principles – especially sovereignty; and how achieve an effective regional cooperation, even with several challenges.

2.1. THE ISLAMIC STATE THREAT IN SOUTHEAST ASIA

In 2014, the consolidation of the Islamic State of Iraq and Syria (ISIS) introduced a new factor of destabilization in Southeast Asia. The claimed jihad of ISIS caught the attention of extremists worldwide. Hence, the group’s appeal for recruitment is causing trouble for many countries to contain ISIS adherents from leaving to Syria or from conducting attacks at home (Hunt 2015). The relation between ISIS and Southeast Asia comes, thus, in two interacting movements: the flow of Southeast Asian citizens to engage in ISIS’s jihad and the establishment of the group in the region.

According to The Soufan Group’s study of December 2015, at least 600 Southeast Asian citizen are fighting in Syria. The majority of them are Indonesian, followed distantly by Malaysian. Since July 2014, the Islamic State posts propaganda videos showing Malay-speaker members aimed at persuading Southeast Asian people to join the fight in Syria. The motivations for them to join these extremist groups in the Middle East are far more personal than political. For instance, many Malaysians arrested before leaving for Syria did not have previous association with jihadist groups. They were motivated by the will of being good Muslims and believed that the Islamic State caliphate offered them “a life of piety that would increase their chances of rewards in the afterlife” (The Soufan Group 2015, 19). It is also important to highlight that Indonesia is progressively being used as a transit point for people from nearby countries who plan to leave for the Middle East (Parameswaran 2014).

There is a particularity of the Southeast Asian combatants in Syria. Initially grouped with central Asian émigrés, since September 2014 the Indonesian and Malay-speaking fighters formed a unit by themselves: the Katibah Nusantara – Malay Archipelago Combat Unit (The Soufan Group 2015). Firstly, this unit has the purpose of facilitating communication. In
an Arab-speaking environment, a group concentrating Malay-speakers facilitates the daily tasks. Moreover, the Katibah Nusantara is a fighting force that has been recognized for its battlefield success. In April 2015, the unit seized five Kurd-held territories, and in January 2016, two Malaysian suicide bombers killed thirty people in Syria (Singh 2015). These “accomplishments” are largely advertised in Malaysian language to attract new recruits to fight for the cause. The Katibah fighters are not indicated for lesser duties such as cleaning. Instead, they are selected for specialized missions. For all of these reasons, this cell of the extremist group has achieved importance in the ISIS hierarchy (Straits Times 2016).

A question raised about the Southeast Asian émigrés fighting in Syria and Iraq is what would happen when they return home. Although many go back for becoming disillusioned with the Islamic State, there is a huge concern that they could represent a threat to national security (The Soufan Group 2015). Thus, returned militants could play a decisive role in expanding ISIS’s operations in the region.

Katibah Nusantara’s success in the Middle East has replaced the declining regional jihadist appeal in Southeast Asia. Since the regional extremist groups were weakened, with their leaders arrested and short margin for action, ISIS managed to replace Jemaah Islamiyah as the source of regional jihadism. The emir of JI, currently in jail, and the Abu Sayyaf Group significantly pledged allegiance to ISIS in 2014. More specifically, the ASG head is considered ISIS’s leader in the Philippines (Liljas 2016). Furthermore, ISIS has not only aligned itself with regional groups of equal ideology, but also inherited JI’s regional structure and strategy. Consequently, Southeast Asia became a key recruitment zone for ISIS and “an integrated Islamic region to promote its version of a ‘far caliphate’” (Jones e Smith 2016, 1).

Although during 2015 the government of Malaysia was able to abort at least four attempts of terrorist attacks in its territory, the Indonesian authorities did not have the same capacity in the beginning of 2016. The January 14 incident in Jakarta represented the milestone of the real entrance of ISIS in Southeast Asia. The first terrorist attack on Indonesian soil claimed by the group consisted in multiple explosions and gunfire in Jakarta’s downtown causing twenty injured and the death of four civilians and the four attackers. Hours later, ISIS stated that “a group of soldiers of the caliphate in Indonesia targeted a gathering from the crusader alliance that fights the Islamic State in Jakarta” (Putz 2016, 1).

This terrorist attack highlights the danger that ISIS represents for pe-
ace in Southeast Asia as the influence of group’s ideology grows. According to Rohan Gunaratna (2016), preparations for proclaiming an ISIS branch in the region are underway. As Indonesia pre-empted the group’s intention to announce a regional satellite in the Eastern part of the country, the jihadists turned their attentions to southern Philippines. In January 2016, ISIS declared the unification of four battalions in the Philippines and the allegiance of their leaders to the group’s caliph (Gunaratna 2016). In April 2016, members of Abu Sayyaf killed 18 soldiers and wounded more than 50 in the island of Basilan in the Philippines. These killings were significantly claimed by ISIS (Liljas 2016).

Along June 2016, members of the Katibah Nusantara released videos threatening attacks in Southeast Asian nations such as the Philippines, Malaysia and Indonesia. In June 28th, ISIS sympathisers carried out a grenade attack on a nightclub near Kuala Lumpur, capital of Malaysia, injuring eight people. This event represented the first ISIS attack in Malaysia. On July 5th, just one day before the holiday that marks the end of Ramadan, a suicide bomber attacked a police station, injuring one officer. According to the police, the attacker was linked to ISIS (Ho 2016).

As the number of Southeast Asians captured by ISIS’s appeal increases, so does the concern of the occurrence of deadlier terror attacks. There are fears that a satellite of the caliphate in the region of southern Philippines will be declared by Abu Sayyaf Group, which could constitute a safe haven for extremists from across Asia (Liljas 2016). Hence, the ISIS plans to declare a State in the region represent a very real threat to the stability and security of Southeast Asia (Gunaratna 2016).

2.2 ISSUES ON CONCEPTUALIZING TERRORISM

Although many scholars, experts and policymakers have tried and many studies, documents and conventions have been issued, “terrorism” remains a widely debated term with little consensus over its definition. According to Walter Laqueur (2003, 8), there is “no authoritative systematic guide to terrorism, [...] and perhaps there never will be one simply because there is not one terrorism but a variety of terrorisms and what is true for one does not necessarily apply to others”. This obstacle is also present in ASEAN’s discussions, as complex domestic and external issues have prevented the countries from reaching an agreement (Banlaoi 2009).

Immediately after the 9/11, ASEAN members signed a joint declaration about counterterrorism. Nevertheless, the document did not reach
a common definition of terrorism nor mention the names of the regional groups. The declaration stated that terrorism is a “direct challenge to the attainment of peace, progress and prosperity of ASEAN” (ASEAN 2001). It also asserts that the phenomenon constitutes “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” (ASEAN 2001).

Thus, ASEAN failed in reaching consensus at the regional level as it used characterizations too broad and unclear to define terrorism (Soesilowati 2011). This failure, in a certain perspective, was only apparent as an expressive number of countries had reasons for not pursuing a solid definition. For instance, providing a definition of terrorism could cause a Muslim reaction against the government as the communities might recognize the initiative as anti-Islamic. The dichotomy between terrorist and freedom fighter\(^\text{11}\) is also a relevant aspect in dealing with the issue in Southeast Asia (Banlaoi 2009).

As in the regional level there were many deadlocks, it was not surprising that some of the discussions on terrorism occur in the sub-regional level. In 2002, for instance, Malaysia, Indonesia and the Philippines signed a trilateral agreement in which there is a pertinent attempt to define terrorism (Emmers 2009). The Agreement on Information Exchange and Establishment of Communication Procedures states that terrorism is:

> Any act of violence or threat thereof perpetrated to carry out within the respective territories of the Parties or in the border area of any of the Parties an individual or collective criminal plan with the aim of terrorizing people, threatening to harm them or imperiling their lives, honor, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States (ASEAN, Agreement on Information Exchange and Establishment of Communication Procedures 2002).

\(^{11}\) Freedom fighters, differently from terrorists, would be those who are engaged in a resistance movement against what they believe to be an oppressive and illegitimate government (Merriam-Webster 2016).

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Although this declaration definitely represented progress, the definition still lacked conceptual clarity. The statement criminalizes the terrorist act but do not differ it from ordinary criminal acts. According to Sartika Soesilowati (2011, 223), “most significantly the definition fails to acknowledge that terrorism differs from criminal activities because they use or attempt to employ acts of force aimed at achieving political goals”.

After years of attempts, ASEAN reached a milestone in regional counterterrorism when, in January 2007, its members signed the ASEAN Convention on Counter Terrorism (ACCT). The Convention brings a list of UN treaties in which the definition of terrorism contemplates ASEAN’s countries considerations. Instead of formulating its own official definition of terrorism, the document considers terrorism from the criminal behavior perspective (ASEAN 2007).

Therefore, ASEAN managed to use a pragmatic approach which allowed the Association to make progress on counterterrorism discussions. The accordance with various UN agreements ensured that the Convention meets with international requirements, and, by considering the criminal behavior perspective, controversial issues were avoided. Besides being a proof of the effectiveness of the mechanism of decision making by consensus, the ACCT communicates ASEAN’s political will to commit with counterterrorism measures (Soesilowati 2011). The Convention also demonstrates the perceptiveness of the members in acknowledging that terrorism in Southeast Asia cannot be solidly evaluated in limited definitional terms nor in a set of generalizations and, then, narrow authoritarian countermeasures (Tan 2007).

2.3 APPROACHES TO COUNTERTERRORISM IN THE REGION

After 2001, many countries began to improve their domestic security tools, as a result of the need to counter the terrorism that had emerged. This securitization process in the region was legitimized by the 9/11 incident. Although there were variations in the countries' responses to terrorism, four ways to combat terrorism were thought ever since: (i) strengthening national capacities (Comprehensive Security and Principle of Resilience); (ii) counterterrorism measures; (iii) military response and (iv) law enforcement. Once the terrorist groups operate both within and between States, strengthening some domestic capacities while cooperating in developing counterterrorism tools might become the best strategy to contain this “new” violence (Emmers 2009).
Counterterrorism (CT) is defined, according to Barry Kolodkin (2010), as the practices, tactics, techniques, and strategies that governments, militaries, police departments and corporations adopt in response to terrorist threats and/or acts, both real and imputed. Recently, CT measures adopted by ASEAN members appear to have significantly reduced the ability of terrorist groups to launch attacks against targets in the region (Vaughn et al. 2009). Counterterrorism strategy can be divided in short-term and long-term according to its objectives. The short-term mechanisms focus on increasing state capacities and on promoting intelligence cooperation to identify and eliminate terror cells and their logistic lines within the region; that is, to destroy the network on the region. In its turn, the long-term mechanisms focus on disrupting the ability of terror networks to regenerate, eliminating as far as possible its political and ideological roots. To fully combat terrorism it is required the use of mechanisms that cause results in both short and long term (Ramakrishna 2005).

It is well known that the United States spends a lot of energy and resources to combat terrorism. Usually, US strategies are “top-down”: they’re formulated in Washington and are characterized as “one-size-fits-all”. In this sense, the US has developed the “US National Strategy for Countering Terrorism (NSCT)”, which aims to block terrorist attacks against the United States territory, or against its interests and allies around the world (Ramakrishna 2005). In this document the “4D Strategy” is presented, which intends to: (i) defeat terrorist organizations, (ii) deny further sponsorship, support and sanctuary to terrorists, (iii) defend the American homeland, its citizens and its interests abroad and (iv) diminish the underlying conditions that terrorists seek to exploit (NSCT 2002). These four elements in combating terrorism suggest, somehow, that in their essence exists a direct strategy (the use of military power as a primary instrument on a “total strategy” war on terror), focusing, then, on short-term CT measures.

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12 The concept of “Comprehensive Security” had first been formulated in Japan in the 1970s and focused on political, economic and social problems at different levels of analysis. It thus offered an alternative to concepts of security based on national defence against external military threats. It was “based on the proposition that national security does not only reside in the absence of external military hostility but also in the presence of socio-economic development within national boundaries” (Emmers 2009; Lizé and Peou 1993).

13 National resilience covers the strengthening of all the component elements in the development of a nation in its entirety, thus consisting of resilience in the ideological, political, economic, social, cultural and military fields” (Suharto 1975). Rather than focusing on external military threats, the principle of national resilience favoured a non-traditional and inward-looking approach to security (Emmers 2009).
In regional terms, it is argued that this “top-down” strategy do not have the same effectiveness of a “down-up” strategy. The later allows more targeted and effective measures to terrorism problems in Southeast Asia, since it is formulated according to the experiences of the region, especially in Indonesia and Malaysia. Unlike the American anti-terrorism strategies, Southeast Asia adopts a posture of combating terrorism that includes elements such as close civil-military administrative and intelligence cooperation on the government side and a political warfare campaign. It can be said that Southeast Asia prioritizes the "Diminish" strategy, this means that differently from the US strategy for countering terrorism, the Southeast Asian countries believe that diminishing poverty and inequalities, domestically and regionally, by means of improving basic education, increasing employment, by creating small to medium-scale industries for example, would be more effective in combating terrorism (Ramakrishna 2005). This is an indirect strategy, once the main objective is to end the conditions that favor terrorism emergence, focusing in long-term CT measures.

2.4 COOPERATION WITH FOREIGN POWERS: SOVEREIGNTY OR EXTERNAL INTERVENTION?

One major issue regarding the combat on terrorism in Southeast Asia is the relation with foreign powers. Especially after the rise of transnational terrorism, countries such as United States and Australia sought to increase cooperation in counterterrorism with ASEAN members, since they had several economic interests in the region and perceived regional groups as a direct threat to their security. They first declared the “Global War on Terror” after the attacks of 9/11, and perceived Southeast Asia as a source of bases, resources and militants of groups with global reach, such as al-Qaeda. Australia sought to enhance its cooperation mainly due to its geographical proximity and vulnerability of its citizens (more than 80 Australians died in the Bali bombings and the Australian embassy in Jakarta was target of a terrorist attack in 2004) (Banlaoi 2009).

Recently, other countries are giving more attention to terrorism in Southeast Asia, such as China. Terrorism has been included as one of the priorities for ASEAN-China cooperation since the early 2000s. After the rise of Islamic State, some Uighurs (an ethnic minority from China), created ties with the IS and other extremists groups, including some in Southeast Asia. This support for Southeast Asian jihadi groups translated into Uighur-related violence in the region, with their direct involvement in ter-
rplorer bombings in 2015. Therefore, China has given special importance to enhanced cooperation regarding counterterrorism with ASEAN and its members (Singh 2016).

Most Southeast Asian nations do not have the capacities and resources to fight and suppress powerful terrorist groups such as JI and ISIS by their own. Thus, they seek cooperation among themselves and with foreign powers. But some countries, as Indonesia and Malaysia, due to their strong Muslim community, have expressed concern with the presence of US in the region. Many Muslims see Washington’s policies with suspicion, since they perceive it as imperialism, an excuse to intervene in the region and to persecute Islam worldwide. This discourse gained strength after the Gulf War in 1991, the invasion of Afghanistan in 2001 and especially the 2003 Iraq War (Weatherbee and Emmers 2005).

Most of the region is concerned with Washington’s influence and policies, since its external pressure exacerbates domestic problems. One example is the pressure to label some groups as terrorists and outlaw them. It enrages domestic groups, especially Islamic ones, once in some of them radicals are a minority and do not represent them. External pressure also deals with the sensitive issue of sovereignty. An external intervention based on the war on terrorism is seen as a real possibility (Soesilowati 2011). Also, many critics affirm that the resources obtained from external help are being used to counter insurgencies and political oppositions, and not terrorists groups (International Crisis Group 2008). Furthermore, some authors understand that the terrorist threat is being used as an excuse to increase US military presence in the region, which aims to balance China's power and influence (Goh 2008).

The cooperation with external partners varies from a country to another, a consequence of Southeast Asia’s political diversity. The Philippines and Singapore rapidly endorsed the US-led war on terror, sharing intelligence and supporting US presence to fight terrorism. Others, with Indonesia and Malaysia as representatives, have given an ambivalent response, receiving external assistance while criticizing the US interventions and wars through the world. Therefore, the most symbolic alignments and non-alignments with foreign powers will be shortly analyzed.

Most US CT assistance in Southeast Asia is directed toward building and sustaining national capacity. The biggest share of assistance given in the last decade went to Indonesia and the Philippines (Chalk et al. 2009). Between 2002 and 2013, the first one received $262 million in security assistance and the second received $441 million from Washington. Rather
than taking the fight, US generally adopted a background role, providing advisers, equipment, support on the institutionalization and financial resources to local governments (Kurlantzick 2007).

The Philippines was the first Southeast Asian country to fully support the US-led global war on terror. The government even allowed US forces to use its air space and facilities for transit and staging ground for military forces supporting “Operation Enduring Freedom” in Afghanistan (Chang 2011). Also, several laws were passed after pressure from the United States, such as the 2001 Anti-Money Laundering Act and Human Security Act of 2007. President Bush declared the Philippines as a major non-NATO ally in 2003, thus increasing access to resources and equipment. Besides training and advising local forces, hundreds of US special operations troops had participation in several counterterrorism exercises and military operations under the Joint Special Operations Task Force-Philippines (JSOTF-P)\(^{14}\) (Banlaoi 2009). The JSOTF-P was concluded in 2015, however some US military personnel still remain in the Philippines to advise in counterterrorism efforts (Panda 2016). US-Philippines cooperation is considered an example of success in the combat against terrorism, mainly because of the military victories over ASG in Mindanao (Chalk et al. 2009). The Southeast Asian country also received considerable support and aid from Australia.

This cooperation with US was contested by Filipino nationalists and left-wing groups, which protested against the Iraq War and the US persecution of Islam. They claimed that US forces in direct combat against the ASG violated constitutional provisions that banned foreign military in combat on national soil thus violating Philippines's sovereignty (Chang 2011). Furthermore, some authors argue that the US troops deployment in the Philippines have aggravated the problem of terrorism and increased local instability (Hafidz 2016).

Indonesia represents another kind of relations with US and Australia. Initially, Jakarta condemned the attacks of 9/11 and pledged support to combat terrorism. But the invasion of Afghanistan distanced both countries regarding the “war on terror”, with Indonesia demanding “that US should not to target a specific country in the campaign against terrorism” (Banlaoi 2009, 73). Internally, Indonesia resisted against external pressure to block possible sources of financial support to terrorism, mainly because of the

\(^{14}\) The Visiting Forces Agreement allows US to maintain military personnel in the Philippines's territory, although the VFA prohibit direct participation of foreign troops in combat (Panda 2016).
thousands of Islamic charities organizations in Southeast Asia. To interfere in those charities would risk a significant Muslim backlash (Banlaoi 2009).

Although there were divergences between Indonesia and the US in dealing with terrorist threats, practical security cooperation was enhanced throughout the decade. After the 2002 Bali attacks and the election of President Susilo Bambang Yudhoyono in 2004, bilateral cooperation between Jakarta and the US in counterterrorism made significant progress. Also, the US aid after the 2004 tsunami improved the perceptions and relations between both countries (Banlaoi 2009; Chang 2011). Although direct political-military assistance to Indonesia was relatively small, Washington provided financial resources to enhance its law-enforcement institutions (Kurlantzick 2007). Australia also played an important role enhancing the counterterrorist capabilities of Indonesia, providing advisors and financial resources. With Australian direct support and funds from US, Indonesia was able to create the elite CT force, Detachment 88\(^{15}\) (McKay and Webb 2015).

At the regional level, after 2001, ASEAN diverged from the US-led war on terror, based on its principle of non-intervention and respect for sovereignty. But the organization and its members never denied the importance of external cooperation to fight terrorism (Lee 2009). This is shown by the several declarations and statements adopted with external partners – such as China, United States, European Union, Japan, ASEAN +3, India and Australia (Banlaoi 2009). However, there was a lack of consensus over the degree and kind of foreign participation and presence (Lee 2009).

2.5 CHALLENGES TO REGIONAL COOPERATION ON COUNTERTERRORISM

Most of the region’s counterterrorism policies were in the national or bilateral level, lacking a regional perspective. This fact, a consequence of the region’s diversity, poses an obstacle to an effective battle against transnational terrorism. Since there is a lack of regional cooperation, extremists groups with a regional – or global – network exploit this and operate between and within countries, managing to escape CT forces and law judgment. For instance, several members of JI that were wanted and convicted in one country managed to escape to a neighbor country where they had no

\(^{15}\) The Detachment 88 is an elite police squad responsible for CT operations, investigations, intelligence, and hostage rescue.
crime to respond for (United States Department of State 2015). Thus, it is vital to understand the main differences on each country’s counterterrorism policy to achieve a regional response to combat terrorism, respecting each nation’s sovereignty and the principles expressed in the ASEAN Charter, such as the principle of non-intervention.

At the same time, the difference in counterterrorism policies of each country also represents an obstacle to achieve a more effective regional response. Indonesia, for example, relies more on law enforcement agencies to suppress terrorism, such as the Detachment 88, aforementioned. Differently, the Armed Forces of the Philippines (AFP) are the main responsible for counterterrorism operations in the country, since it has decades of experience fighting extremist groups. Although relatively successful in fighting terrorism directly, weak local governments and law enforcement in the Philippines still are a problem to degrade terrorism in the long term. Since 2010, Manila has adopted policies to transform the national police into the main CT force, but the transition has been slow and also jeopardized by disputes between the military and civilian agencies. To summarize, each country has a different central agency to coordinate national counterterrorism efforts, varying on their focus and guidelines. This represents an obstacle to cooperation, since it is harder to coordinate, at the regional level, such different institutions (McKay and Webb 2015).

ASEAN members and its Dialogue Partners have a consensus on the threat represented by terrorism both at the national and the regional level. Also, they have been successful in suppressing main terrorist activities in the region, through reforming the law system, enhancing counterterrorism forces capabilities and aiming at the root causes of terrorism. But the regional cooperation on the operational level – exchange of intelligence, joint border control, and joint operations – is still not well-coordinated and need to be improved.

One major problem that demands practical international cooperation is in the waters encompassing the Sulu Sea, in the Philippines, waters off Sabah, in Malaysia, and the Celebes/Sulawesi Sea, in Indonesia. Since this is a porous region, several criminal groups – such as terrorists, extremists, arms traffickers – operate freely between the three countries. To hinder these illicit activities, enhanced regional cooperation through joint operations and joint border control are necessary. This is also an opportunity for foreign powers to help and provide assistance, improving their relations with ASEAN and its members (Liow 2016).

Regional cooperation between national intelligence agencies is also vi-
tal to hamper terrorist acts, but Southeast Asian nations still have problems in this issue. Although the region has increasingly shared information regarding extremist’s activities since 9/11, there is still lack of confidence and mechanisms to effectively exchange intelligence (Banlaoi 2009).

Image 1 - Sulu Sea, waters off Sabah and the Celebes/Sulawesi Sea


3 PREVIOUS INTERNATIONAL ACTIONS

Most of ASEAN’s measures to combat and suppress terrorism were in accordance with the UN Charter, UN counter-terrorism initiatives, and international law. ASEAN always emphasized that the UN should be the major role in the fight against international terrorism, while criticizing unilateralism from some countries. This shows that “ASEAN wants to be seen as part of the international system” (Ahmad 2013, 101). ASEAN desires to be

the leading force in the regional dialogue and cooperation, and compliance with the UN initiatives helps deliver ASEAN’s credibility in continuing to play such a role. For the above reasons, ASEAN has a strategic security role in the region especially in managing the threat of terrorism. ASEAN’s keen interest in the counter-terrorism initiative also reflects a realization that, because
of the transnational character of the threat, multilateral cooperation is crucial and ASEAN should provide leadership in building such cooperation (Ahmad 2013, 97).

Other regional institutions did not achieve or did not seek a major role in combating terrorism at regional level. The ASEAN Regional Forum (ARF), for example, does not have institutional practical mechanisms to address this issue. The Asia Pacific Economic Cooperation (APEC), in its turn, is mainly an economic forum, thus, not dealing with security issues such as terrorism. According to Ahmad (2013), “although the UN, through the Counter-Terrorism Committee (CTC), has been playing a prominent role in monitoring and encouraging international action, it nevertheless has no regional role” (Ahmad 2013, 96). Therefore, ASEAN seemed the most suitable institution to handle regional security issues. The main measures of ASEAN regarding terrorism will be further analyzed.

3.1 ASEAN RESPONSE

As aforementioned, before the 9/11, ASEAN had a different perception of terrorism. As Southeast Asian countries perceived terrorism as a mainly domestic threat, ASEAN has given relatively little importance to terrorism, discussing it as transnational crime (alongside subjects like drug trafficking and piracy) (Ahmad 2013). Documents such as the 1997 Declaration on Transnational Crime and the 1999 ASEAN Action Plan to Combat Transnational Crime stressed the need to suppress regional terrorist activities, but gave marginal importance as it was listed among many other crimes.

Shortly after the World Trade Center attack, ASEAN has issued a joint declaration to counter terrorism, on November 2001, showing a new approach and discourse over the problem. Also, ASEAN followed an UN-led global trend, formulating counterterrorism initiatives and legislation (Ahmad 2013). The 2001 joint declaration – which was non-legally binding – considered terrorism “in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security” and rejected “any attempt to link terrorism with any religion or race” (ASEAN 2001, 1). Also, it declared that any counterterrorism policy must take “into account the importance of all relevant UN resolutions” and other international law (ASEAN 2001, 1). Furthermore, it stressed that every joint regional counterterrorism measure shall be “in
line with specific circumstances in the region and in each member country” (ASEAN 2001, 1). However, some analysts affirmed that this document has presented several flaws, such as the lack of a clear definition of terrorism and the absence of a defined list of terrorists groups. Although the main response to the terrorist threat at Southeast Asia was at the national and bilateral level, this joint declaration showed a new rhetoric and political will to deal with terrorism in a regional perspective (Soesilowati 2011).

In 2002, ASEAN held a Special Ministerial Meeting on Terrorism. While still placing the terrorism problem mainly as a transnational crime, it received a higher place in the agenda. In this meeting, ASEAN countries pledged to fulfill and implement the practical measures of the 2001 joint declaration. Also, ASEAN emphasized “that the sovereignty, territorial integrity and domestic laws of each ASEAN Member Country shall be respected and upheld in undertaking the fight against terrorism” (ASEAN 2002a, 1). Furthermore, it recognized the right of ASEAN countries to implement policies to address the causes of terrorism. Finally, ASEAN members committed to follow the 2002 ASEAN Plan of Action to Combat Transnational Crime, which includes exchange of information, intelligence sharing, law enforcement and legal cooperation and development of regional training programs (ASEAN 2002a).

The 2002 Bali, Zamboanga and Quezon bombings greatly changed the perceptions and policies of Southeast Asian nations regarding terrorism, as it was proved that groups like JI had a strong regional network and the ability to pose a threat to many countries. ASEAN then concluded that the current arrangements and mechanisms were not sufficient to respond effectively the wave of terrorist acts (Ahmad 2013). Thus, in the same year, ASEAN issued a Declaration on Terrorism. This document, besides condemning “the tendency in some quarters to identify terrorism with particular religions or ethnic groups”, pledged to intensify the efforts to combat terrorism through “practical cooperative measures” within ASEAN members and “with the international community” (ASEAN 2002b, 1). ASEAN leaders also expressed concern with the impacts of the terrorist attacks on Southeast Asian economies (ASEAN 2002b).

The Treaty on Mutual Legal Assistance in Criminal Matters (MLA) was signed by ASEAN members in November 2004, after new terrorist attacks in Indonesia. With this document, “states also sought to strengthen the regional legal framework for combating terrorism” (Soesilowati 2011, 237). Also, the ASEAN MLA “bridge the differences in the respective countries’ legal systems and procedural requirements with a view to facilitating
effective law enforcement” (Soesilowati 2011, 237). One major issue was the respect for the sovereignty of each state and their domestic laws (ASEAN 2004). Although the treaty covers the investigation and prosecution of terrorist actors, it did not apply to extradition (Weatherbee 2009).

The introduction of the ASEAN Convention on Counter Terrorism (ACCT) in 2007 was a major milestone in the regional combat of terrorism. It came into force in 2011 and was ratified by the last member – Malaysia – in 2013. The ACCT was the region’s first legally binding and region-wide agreement on terrorism (Soesilowati 2011). It’s main objectives were to promote tangible security cooperation among ASEAN countries and provide one framework “for regional cooperation to counter, prevent and suppress terrorism” (ASEAN 2007, 3).

ACCT recalled previous principles and ideas of declarations and agreements. It recalled the importance to follow UN principles and initiatives. Also, it stressed that ASEAN principles must be respected, such as non-interference in domestic affairs, respect for sovereignty and territorial integrity. Although not providing a clear definition of “terrorism”, the document incorporated the definitions of terrorist “offence” of 12 international treaties. The ACCT has given special attention to cooperation in capacity-building, intelligence sharing and information exchange. The document also settled how and when a state must establish its jurisdiction over an offense.

Also, ASEAN proclaimed commitment to international human rights standards. The ACCT introduced the issues of human rights and fair treatment when it established that any person who suffers prosecution under 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 (ASEAN 2007, 9).

Furthermore, the ACCT aimed at the causes of terrorism, legislating that ASEAN states “shall endeavor to promote the sharing of best practices on rehabilitative programs including, where appropriate, social reintegration of persons involved in the commission of any of the offences” (ASEAN 2007, 12). These programs are seen as a cornerstone of the fight against the social causes of terrorism, aiming to reintegrate terrorists to
society and prevent them from perpetrating terrorist acts again. Most of experiences with these policies came from Indonesia, Malaysia and Singapore (Hafidz 2016).

Finally, ASEAN members agreed in the ACCT that, in absence of an extradition treaty between two countries, they can use the “Convention as a legal basis for extradition in respect of the offences” (ASEAN 2007, 13). The ACCT considers every offence within the scope of the Convention an “extraditable offence”. Furthermore, if one country does not extradite an alleged offender that is located in its territory, it must be judged and persecuted within the domestic laws of that country (ASEAN 2007).

In 2009, the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) issued the ASEAN Comprehensive Plan of Action on Counter Terrorism (CPOA). This document aims to enhance cooperation among the law enforcement and intelligence agencies, and other relevant authorities of ASEAN Member States to counter, prevent and suppress terrorism, terrorist organizations and their associations, to disrupt their support networks and impede their plan of terror acts, and to bring them to justice (...). (ASEAN 2009a).

Other objectives are: (i) to prevent new terrorists acts by addressing its root causes (such as poverty and political alienation); (ii) to complement national efforts in combating terrorism; (iii) to strengthen national capabilities of ASEAN members through exchange of knowledge and information; (iv) to enhance ASEAN cooperation on counter terrorism and establish mechanisms to improve cooperation between law enforcement agencies and organizations; (v) to develop collective capability at the regional level; (vi) to promote international cooperation with international organizations and ASEAN Dialogue and Sectoral Partners (ASEAN 2009a).

3.2 COOPERATION WITH EXTERNAL PARTNERS AND ADMM

Regarding cooperation with external partners, ASEAN has issued a Joint Declaration for Cooperation to Combat International Terrorism, with all of its Dialogue Partners (Australia, Canada, China, European Union, India, Japan, Republic of Korea, New Zealand, Russian Federation and the United States of America) and one Sectoral Dialogue Partner (Pakistan). Most of these documents reaffirmed the importance to respect ASEAN
and UN principles and previous resolutions, rejected “any attempt to associate terrorism with any religion, race or nationality” and recognized that “successfully eliminating terrorism requires a comprehensive approach that includes addressing its underlying causes”\(^{17}\) (ASEAN 2012, 34). The main objective of these declarations was to provide a framework for cooperation to prevent disrupt and combat international terrorism through the exchange and flow of information, intelligence, technical assistance in the area of law enforcement, capacity building and sharing of best practices as well as to enhance the effectiveness of efforts to combat terrorism (ASEAN 2012).

Most of practical cooperation in counterterrorism in Southeast Asia was made through bilateral and trilateral efforts. ASEAN played an important role regarding counterterrorist norms through its declarations and statements. However, many of these were not implemented immediately by some ASEAN members (Banlaoi 2009). An important initiative in this matter is the Trilateral Agreement on Information Exchange and Communication Procedures, signed in 2002 by Malaysia, Indonesia and Philippines. Thailand, Cambodia, and Brunei joined the agreement on 2003. The main objective of this treaty is to “provide the framework for cooperation in the exchange of information and the establishment of communication procedures” (Philippines, Malaysia and Indonesia 2002). This way, the six countries implemented mechanisms for cooperation to share information and act jointly in pursuing terrorist and other illicit activities (Soesilowati 2011).

Within the scope of ASEAN Defense Ministers Meeting (ADMM) and the ASEAN Defense Ministers Meeting Plus (ADMM+), ASEAN sought to promote mutual trust and confidence between its members, to enhance practical cooperation and to improve the counterterrorism capacity of all its members. ADMM and ADMM+ has given a more regional and delimited approach than other organizations, such as ARF. Since it is focused on

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\(^{16}\) ASEAN and China’s cooperation is established in different documents: the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues (2002) and the Memorandum of Understanding between the Governments of the Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of the People’s Republic of China on Cooperation in the Field of Non-traditional Security Issues (2004 and 2009).

\(^{17}\) The Joint Declaration with US does not contain these clauses.
defense, it has more resources and military assets to improve cooperation and achieve successful joint operations and exercises.

Counterterrorism had a high place on ADMM+ agenda, since it was one of the five areas to have an Experts’ Working Group (EWG) to deal specifically with this issue. A major counterterrorism exercise (CTX) was carried out in 2013 under the coordination of this EWG. In a five-day exercise, 872 military and civilian personnel from the 18 members of the ADMM+ conducted practical training and shared best practices on combating terrorism, aiming to improve regional capacity and to achieve a common regional procedure to fight terrorism. This was the first joint multinational counter-terrorism exercise in the world (The Jakarta Post 2013). In May 2016, Brunei and Singapore hosted the ADMM+ Maritime Security and Counter Terrorism Exercise (MS & CT FTX), where about 3,500 personnel, 18 naval vessels, 25 aircraft and 40 special forces teams participated (The Brunei Times 2016). The exercise aimed at confidence building and interoperability of ADMM+ members’ forces to fight terrorism (Singapore 2016).

4 BLOC POSITIONS

Members of ASEAN must always bear in mind ASEAN’s principles such as respect of sovereignty, non-interference on domestic affairs, equality, solidarity and territorial integrity (ASEAN 2008). As established in the ASEAN Political-Security Community Blueprint, its members must seek to enhance cooperation with other members and with external parties to combat terrorism (ASEAN 2009b). Also, they shall defend ASEAN’s centrality and the regional perspective in the ADMM+. Furthermore, besides respecting previous declarations and conventions (including those of UN and other international organizations), ASEAN’s members must seek to enhance practical cooperation and build confidence between ADMM+ members through dialogue and consensus.

Australia makes great efforts on counterterrorism regionally. In the 2002 Bali attack 88 Australians were killed. The country hosted the Regional Summit on Countering Violent Extremism in mid 2015 and co-hosted the first Southeast Asian Counter-Terrorism Financing Summit in the end of the same year (Australian Government 2010). Currently, ISIS is considered the country’s major threat, as stated by Julie Bishop, Australia’s Foreign Minister. She has also recently claimed that regional coordination and capacity building are key points on addressing terrorism in Southeast Asia.
(Clark 2015). Thus, in 2015, Australia, as a key United State’s partner, took part of the Global Coalition to Counter ISIS, contributing with military personnel to advise and assist Iraqi forces, besides conducting airstrikes against ISIS targets in Iraq and Syria (Fantz and Pearson 2015).

Although most of Brunei Darussalam security problems are domestic, usually linked to religion creeds, the external environment also has their attention, especially after the 9/11 attacks. There is no evidence of indigenous terrorist organizations operating in Brunei and the country isn’t a base for international terrorism (Brunei 2015 Crime and Safety Report, 2015). However, Brunei remains alert for terrorism and proactive in promoting counterterrorism measures, as a form to ensure security (UN Counter-Terrorism Committee 2011) – due to its geographical proximity of some key countries for the terrorist cells in the region, e.g Indonesia and Philippines, and the fear that these cells could begin to operate in Brunei (Carpenter and Wienczek 2005). Recently, the country has expressed concern with the revival of terrorism, since the current economic downturn and its implications has the potential to affect the safety of many countries. Therefore, Brunei has strengthened its mechanisms and intelligence agencies to improve counterterrorism practices, especially by sharing knowledge and experience with other countries (Bruneo Bulletin 2016). Brunei understands the importance of multilateral action for an efficient combat against terrorism, mainly through regional organizations, such as ADMM+.

Although there are no indicatives of specific domestic terrorist groups operating in Cambodia, terrorism is a security concern to the country. Cambodia’s vulnerability to terrorism (due to its porous borders), its potential to be used as safe haven and its geographic proximity to key areas for terrorist operations network demand that the country engage in activities against terrorists (Ear 2010). It is worth noting that the presence of the Cambodian Freedom Fighters (CFF) is a cause of concern for the Cambodian government, since the group has carried out attacks in the country. Cambodia created in 2005 the Cambodia’s National Counterterrorism Committee (NCTC) in order to prevent incidents with terrorist groups. Further vitiating the militant threat in Cambodia is the significant progress that has been made in terms of internal security and CT. While problems remain, the available space for outside extremists has definitely shrunk over the past several years and is certainly not as great as commonly depicted (Chalk et al. 2009, 212).

Despite China’s concerns regarding external terrorism, its primary focus is on domesticy groups, as the East Turkestan Islamic Movement
(ETIM), which according to Chinese government is behind some violent incidents in the country. Also the non-Han Chinese populations—such as the Uighurs—and other Muslim ethnic groups of Central Asia are seen now as a part of the global terrorist infrastructure (Xu, Fletcher and Bajoria 2014). China opposes efforts to link terrorism with any specific country, ethnic group or religion and supports enhanced dialogue among civilizations and the elimination of the breeding grounds for terrorism by various comprehensive means (Min 2014). The Chinese government prioritizes the cooperation with Southeast Asian countries in terms of terrorism, especially strengthening multilateral and bilateral exercises to improve their own counterterrorism capabilities and that of its neighbors (ASEAN 2002c). China has expressed its concern with the Islamic State of Iraq and Syria (ISIS) and has sought to prevent its citizens to operate with this group. In 2015, the National People’s Congress Standing Committee approved the country’s first comprehensive counterterrorism law. Chinese government also has been working on strengthening their intelligence mechanisms and preventing the financing of terrorist groups (Tiezzi 2015). China’s counterterrorism support to Southeast Asia is pursued through the broader framework of China-ASEAN Strategic Partnership for Peace and Prosperity of 2003 (Banlaoi 2009). In May 2015, the country hosted the 13th ASEAN Regional Forum Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime, which demonstrated China’s commitment to the region in combating terrorism (Xinhua 2015).

As terrorist attacks continued to take place in the Republic of India, the country is extremely interested in information and intelligence sharing over counterterrorism. It is important to take in consideration that India accuses Pakistan of being the main supporter of terrorist groups that act within the country. India is one of the founding members of the Global Counterterrorism Forum and is committed to make efforts to address terrorism not only domestically, but also internationally. It is important to recall that India has porous borders, which implies difficulties on its control, allowing illegal transit and maybe even “terrorist safe havens”. Indian authorities are unhesitatingly concerned about the threat emerged from groups such as al-Qaeda and ISIS. The country is committed with measures like de-radicalization and combat to extremists group’s propaganda. Over the year of 2015, India sought to deepen counterterrorism cooperation with the United States, People’s Republic of China and Australia. India also values regional cooperation, especially by interagency coordination and information sharing (Press Information Bureau 2016). In the beginning of
India hosted the India Foundation’s Counterterrorism Conference, where representatives of 25 countries met to discuss terrorism. The Home Minister, Rajnath Singh, has stated that “no innocent should suffer and no guilty should escape” and this would be the pillar to India’s counterterrorism policy (Gateway House 2016, 1).

Indonesia has changed its position towards terrorism since the 2002 Bali bombings. The country has strongly managed to disable terrorists’ capabilities and their networks operating within its borders. Lately, the return of terrorist fighters from Syria and Iraq has emerged as a threat to Indonesian stability. The returnees come home with new training, skills and experience and could conduct attacks in Indonesian soil. This concern has been confirmed when an ISIS’s attack happened in Jakarta in January 14, 2016 (Putz 2016). In a Shangri-La Dialogue meeting, the Indonesian Defense Minister Ryamizard Ryacudu called on nations in Southeast Asia to make “a more serious and concerted effort” to defeat ISIS (Xinhuanet 2016). Domestically, the majority of the Muslim community in Indonesia is moderate and rejects the so proclaimed ISIS’s caliphate. After the January 14 incident many Muslims took the streets to protest against the Islamic State and its intentions in the region. Two of the biggest Muslim mass movements in the world, both from Indonesia, have initiated programs to counter radicalism and ISIS appeal. This tradition has helped the country to adopt a combination of military power and soft ideological offensive against terrorism (Kundu 2016).

As a response to the attack, the Indonesian government is aiming at more coordination between counterterrorism organizations – such as the National Intelligence Agency, the Counterterrorism Cell of the police, the Military Intelligence Agency and National Cyber Agency – and is also seeking to expand existing laws about terrorism. Nowadays Indonesian authorities cannot detain suspects with the purpose of investigation without previous trial and it is not illegal to be a member of ISIS. The central idea is “to allow security forces to pre-empt acts of terrorism rather than merely react to them after they have occurred” (Liow 2016, 1). Luhut Pandjaitan, Indonesian Minister for Security, Legal and Political Affairs, has stated that pre-emptive legal action is needed. The Minister also defended the amendment of counterterrorism laws to “empower police to detain suspects for up to two weeks in order to ensure adequate investigation” (Kundu 2016, 1). The government’s counterterrorism measures, however, have to be carried out with caution since Indonesia is still marked by the memories of authoritarianism from the General Suharto era. Bearing that in mind, President
Joko Widodo is making efforts to apply a combined hard and soft power policy. The tradition of moderate Islam favors this approach and is used as the base for anti-radicalism campaigns (Kundu 2016).

Japan praises for a security policy grounded on the path of a peace-loving nation. The country actively participates on regional, multilateral and bilateral levels of engagement against terrorism, mostly focused on financial aid to other countries. Following the execution of two Japanese citizens by ISIS in the beginning of 2015, Japan authorities have stated that “the international community must unite and resolutely condemn” terrorist groups (Ministry of Foreign Affairs Of Japan 2015, 1). Relating to the ISIS threat, the nation intends to collaborate with other countries aiming to fulfill its responsibilities with the international community. Japan is part of the US-led Global Coalition to Counter the Islamic State of Iraq and Syria and has donated $6 million to help displaced people in Northern Iraq. As Japanese Foreign Minister, Fumio Kishida, claims, protecting borders and providing capacity building assistance are very important measures to counterterrorism (Ministry of Defense 2015).

There is no indicative of the presence of terrorist groups in Laos (Global Terrorism Index 2014). Although Laos may not be considered a target for terrorist groups, the weak control on its borders, as well as the weak enforcement procedures, the insufficient security organization and the negligible border security make the country vulnerable to international terrorism (US Country Report 2006). Laos also suffers with domestic insurgencies, particularly in the central area, which made use of terrorist tactics against civilian in 2003 and 2004 (US Country Report 2008). Once the country can’t afford to ensure its own defense – due mostly to its small and weak Armed Forces – it seeks to establish cooperative relations with its neighbors and extra-regional powers (Carpenter and Wieneck 2005). Just as Cambodia, the rise of terrorism in the country would threat a major source of income, tourism; then, fighting this threat is important for the economy of Laos. Since 2002, the country has denounced international terrorism and has been willing to cooperate with the international community in the fighting against it.

Myanmar has a long history of insurgencies and civil war. However, it has never had any serious problems with terrorist groups – even though the country is considered by Andrew Selth (2003) vulnerable to international terrorism. Among the few insurgent Myanmarese Muslim groups which advocate the use of armed struggle, only one faction, the separatist Rohingya Solidarity Organization (RSO) may have links with international
Islamic organization (Carpenter and Wiencek 2005, 77). The government of Myanmar classified most of the anti-regime activities “acts of terrorism”, once they are seen as threats to the internal order. It is important to note that Myanmar’s defense policies are based on a heightened sense of vulnerability to external attacks (US Country Report 2007). In terms of counterterrorism, one of the biggest challenges Myanmar faces is related to its capacity of intelligence gathering. Besides its big and well-equipped army, the military junta has built a vast military structure and a vast military arsenal during the regime (Carpenter and Wiencek 2005). Also, Myanmarese Special Branch police created a new counterterrorism unit headquartered in Rangoon. Yet, the government’s willingness to cooperate on counterterrorism activities remains limited (US Country Report 2007).

Malaysia, one of the most stable regimes in Southeast Asia, is deeply involved in the combat of terrorism. Since 9/11 attacks, the external environment of the country has changed a lot, once Malaysia was acknowledged as a central country for terrorist groups, such as Jemaah Islamiyah (JI) – which has in Malaysia its largest cell in Southeast Asia (Banlaoi 2009). It is worth noting that the country’s political and economic conditions attract terrorist groups, since they facilitate the transit of foreigners and capital flows. Also, the close proximity to southern Philippines and the response to the Muslim fighters in Mindanao allowed East Malaysia to become a sanctuary for both the Moro Islamic Liberation Front (MILF) and Abu Sayyaf Group rebels. In this sense, Malaysia has been rethinking its security strategy, which would focus on rooting out domestic militants and forging effective intelligence-sharing with its neighbors (Carpenter and Wiencek 2005). Malaysian authorities made efforts to improve interagency cooperation and information sharing, participating in regional meetings, Global Counterterrorism Forum (GCTF) regional workshops, and training conducted through Malaysia’s Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT), which is part of Malaysia’s Ministry of Foreign Affairs (US Country Report 2015). Malaysia has well-developed mechanisms to regulate and enforce action against unauthorized money services that operate in the informal economy and, eventually, would finance terrorist groups in the region. As part of the ASEAN Regional Forum (ARF) 2014–2015 Work Plan for Counterterrorism and Transnational Crime, Malaysia is one of the leading countries for two key priority areas: cyber security and terrorists’ use of the internet and counter-radicalization (US Country Report 2014).

New Zealand is committed to regional and international counterter-
terrorism cooperation once the rising of ISIS has changed the international security scenario and nowadays terrorism is a significant threat. Although the risk of terrorist attacks within New Zealand’s borders is really low, the country authorities acknowledge that it is important to remain vigilant and to take part in counterterrorism efforts abroad. New Zealand engages in counterterrorism in the Asia-Pacific region by supporting other nations in their efforts against terrorist groups. Recently, New Zealand authorities established an Ambassador for counterterrorism in order to strengthen engagement with partners in Southeast Asia and to develop counterterrorism policy cooperation and capacity building (Ministry of Foreign Affairs and Trade 2016).

According to the Ministry of Defense of the Russian Federation, the government, with other agencies, should conduct counterterrorism operations in order to combat terrorist groups (Ministry of Defense of the Russian Federation). Separatists and Islamist extremists calling for a pan-Islamic Caliphate in the North Caucasus continued to act against Russian authorities (Nichol 2010). The country has a comprehensive counterterrorism legal framework that includes the provisions of the Criminal Code and various federal laws to include: countering terrorism, money laundering and terrorism financing, countering extremist activity, security on transport and security in the fuel and energy complex (US Country Report 2015). The Russian President, Vladimir Putin, notices that the fight against terrorism will be more effective in the means that the global community develops a common framework as to whom to consider terrorist (Russia Today 2016). Besides the Joint Declaration on Cooperation in Combating International Terrorism—which was signed at the ASEAN Post Ministerial Conference +1 Session with Russia in 2004 – the ASEAN members and the Russian government have been promoting activities to build capabilities on counterterrorism and against transnational crime (Overview ASEAN-Russia Dialogue Partnership 2016). In 2012, Moscow conducted a training course about “National Security Services’ Counter-Terrorism Activities” for the ASEAN members, which was focused on the Russian experiences on countering terrorism (ASEAN Secretariat News 2012). Russia has demonstrated concern with the Islamic State of Iraq and Syria (ISIS) attacks around the world (UN Press 2016).

Singapore sees the expansion of information sharing and the increase of international engagement as crucial to address terrorism worldwide. Domestically, Singapore has its Internal Security Act (ISA), which allows the arrest and detention of suspected terrorists without judicial trial. In 2015,
five Singaporean citizens were arrested under the ISA. Singaporean laws also permits the Restriction Order which allows the prohibition of international travels without government consent, the requirement of religious counseling and the forbiddance of the purchase of violent or extremist material online. Singapore endorses US-led Global War on Terror, praising cooperation and information sharing with its long-lasting North-American partner (Gunaratna and Hassan 2015). The country has joined the Global Coalition to Counter ISIS last year. Singapore has recently improved its border controls after the creation of the new Integrated Checkpoints Command. After the third ADMM+, Dr Ng Eng Hen, Singapore’s Defense Minister, has claimed that the countries of ASEAN and its eight Dialogue Partners need to sustain a common set of principles and norms in order to promote mutual trust and effectiveness (Channel New Asia 2015).

In Thailand, direct presence of ISIS is doubtful and lacks further evidence. Although analysts say the possible allegiance of local insurgencies with ISIS is a growing concern, the Thai government has stated that the Malay-Muslim separatist insurgency in Southern Thailand is an isolated issue (Parameswaran 2016). The possible ISIS spillover from other countries in the region such as Indonesia, Malaysia and the Philippines also presents a threat to the nation. In 2015, there were some terrorist incidents in Bangkok, all of them politically motivated. On August 17, an explosion killed 20 and injured 120 at a tourist destination in the capital. Initially thought to be an ISIS accomplishment, the attack was carried out by Uighurs who were supposedly motivated by Thailand’s deportation of their companions to China (Crispin 2016). Since the 2014 military coup, domestic unrest has increased in Thailand. Also, US restrictions on arms sale to the military government have been drawing Thailand towards Russia to seek defense cooperation, including counterterrorism (The Nation 2016). Since Thailand is a famous tourist destination, it could easily be used as transit point for returnees from Middle East or even for other neighboring country’s nationals aiming to go fight for ISIS in there. The Thai government has stressed, in recent pronouncement, the necessity of technology exchange and cooperation to better combat terrorism in Southeast Asia (Parameswaran 2016).

The most important security challenges in the Philippines are domestic terrorist groups associated with the Communist Party of the Philippines (CPP) and its military arm, the New People’s Army (NPA), and from the Muslim secessionists in the southern part of the country, primarily the Abu Sayyaf Group (ASG) and the Moro Islamic Liberation Front (MILF).
An important factor to be considered is the operational links between some of these terrorist groups, as ASG and MILF, with other international or regional terrorist groups, as al Qaeda and JI. These linkages became clearest after 9/11 attacks, and the country became a primary focus on the War on Terror in Southeast Asia. The United States has provided support for the country such as counterterrorism training and equipment, funds to support economic development and money for defense articles (Carpenter and Wieneck 2005). The Philippines, since 2011, has sought to implement its Internal Peace and Security Plan, which is the transition of internal security functions from the Armed Forces of the Philippines (AFP) to the Philippine National Police (PNP). However, the counterterrorism efforts still come from the AFP. The National Bureau of Investigation (NBI) and the PNP Special Action Force (SAF) operate in order to improve efficiency of investigations, crises responses and border security. Recently, the Philippine government has demonstrated serious concern with the possibility of elements of ISIS traveling to the country to promote terrorist activities. Therefore, the Philippines have improved its monitoring mechanisms (US Country Report 2015).

After the 9/11 attack, the United States of America have defined Southeast Asia as the “Second Front” on counterterrorism. During the last years, U.S. were the biggest sponsors of Southeast Asia counterterrorism measures. The countries most benefited by U.S. help are Indonesia and the Philippines. The United States efforts in the region have been in general effective, based on building and sustaining national capacity. U.S. counterterrorist policies in the region have aided local governments to disable terrorist organizations and to eliminate or arrest their leaders (Chalk et al. 2009). As ISIS has recently emerged as the greatest global terrorist threat, the United States of America is extremely concerned about the spread of the group to other regions, such as Southeast Asia. Therefore, the U.S. seek cooperation with Asia-Pacific countries through the exchange of information, intelligence and capacity building. Also, the United States strongly encourage Southeast Asian governments to work on a more effective domestic law enforcement and on the reinforcement of legal frameworks to better investigate suspects of terrorism (Rogozhina 2015).

In Vietnam there is no significant terrorist threat against the country from indigenous groups and individuals or from abroad, although the Hanoi government classifies as terrorist groups the Montagnard tribes, which operate within the country (US Country Report 2010; Carpenter and Wieneck 2005). Vietnam can’t be considered a safe haven for terrorist groups.
for two main reasons: the relatively tight internal security presence and the undeveloped financial markets. These two aspects show that it has few of the conditions necessary to attract the attention of terrorists. However, the corruption and the transnational crime networks may become a potential problem in the future, which would make Vietnam a possible home for terrorist (Carpenter and Wiencek 2005). The Vietnamese mechanisms of counterintelligence are very limited, having little to contribute in the fight against terrorism. Nevertheless, since 1990s Vietnam has prioritized modernization of its naval and air forces and its police and security officials have participated in series of training promoted by the US (Carpenter and Wiencek 2005; US Country Report 2010).

5. QUESTIONS TO PONDER

1. What can be done to increase confidence among the countries of the region regarding counterterrorism?

2. Which measures can be planned to expand operational and practical cooperation between ADMM+ members?

3. How to improve cooperation between ASEAN and external powers in terms of defense considering ASEAN’s principles?

4. What can be done to hamper new terrorist attacks, especially from ISIS, bearing in mind comprehensive security?

5. How can the countries prevent the spread of ISIS ideology, its appeal to recruitment and operational capability in Southeast Asia nations?

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