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**Comprehensive Security and Resilience
in Southeast Asia: ASEAN's Approach
to Terrorism and Sea Piracy**

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ABSTRACT

This paper explores how the Association of Southeast Asian Nations (ASEAN) has sought since 9/11 and the Bali Bombings to tackle the threats of terrorism and sea piracy. It claims that ASEAN has applied its traditional approach to security, based on comprehensive security and the principle of resilience, when addressing these challenges. The association has been employed by individual members as a diplomatic avenue to define their position toward external actors, whereas internally, ASEAN has allowed its members freedom to pursue their individual security strategies. This paper is not optimistic as to ASEAN's role as a promoter of a collective strategy against terrorism and sea piracy. Instead, it argues that individual strategies matter most when tackling these concerns. The response to terrorism and sea piracy in Southeast Asia has mostly occurred at the national and sub-regional level through bilateral and trilateral cooperation. ASEAN has operated as an umbrella organization where multilateral consultation is meant to complement domestic and sub-regional efforts. This is not to say, however, that ASEAN has had no role to play against terrorism and sea piracy. Consultations at the ASEAN level have had some political significance. ASEAN has been committed rhetorically, has produced frameworks of action, as well as reached agreements with the great powers.

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Comprehensive Security and Resilience in Southeast Asia: ASEAN's Approach to Terrorism and Sea Piracy¹

Introduction

Terrorism and sea piracy are important issues that need to be addressed in the context of Southeast Asian security and the activities of the Association of Southeast Asian Nations (ASEAN). Militancy and violence related to the activities of separatist and religious groups have long existed in a number of Southeast Asian states. The Philippines, Indonesia and other regional countries have been victims to terror attacks on their territories in the past. Abu Sayyaf and the Moro Islamic Liberation Front (MILF) have, for example, been fighting on the southern islands of the Philippines to create an independent Islamic state. In Indonesia, Laskar Jihad has been sending radical Muslim militants to Ambon, the provincial capital of Maluku, where Christian and Muslim communities are in conflict. Although 9/11 led to a diminished sense of security among many Southeast Asian nations, it was the Bali bomb blasts on 12 October 2002 that demonstrated the shift from hard to soft targets and highlighted the threat of radical Islamist terrorism in Southeast Asia. Since 2002, Jemaah Islamiah (JI) has been identified by some analysts as a significant grouping with links to Al-Qaeda.² JI is said to be fighting for the creation of a Daulah Islamiah Nusantara, a pan-Asian Islamic state that would incorporate Indonesia, Malaysia, Singapore and Brunei, as well as parts of Cambodia, the southern Philippines and southern Thailand.³ JI is considered to be responsible for an attack against the Philippine Ambassador to Indonesia in August 2000, the 2002 Bali bombings and the bombing of the J. W. Marriott Hotel in Jakarta on August 2003. More recent attacks have included the 2004 bombing of the Australian Embassy in Jakarta and the 2005 bombings in Bali.

¹An earlier version of this paper was prepared for the Conference on “40 Years of ASEAN: Performance, Lessons and Perspectives”, organized by the University of Freiburg and the Herbert Quandt Foundation, Freiburg, Germany, 10–11 May 2007. The author wishes to thank Juergen Rueland and Anja Jetschke for their comments and Katherine Quah for her editorial assistance.

²See, for example, Rohan Gunaratna, “Al-Qaeda: The Asian Connection”, *Jane's Intelligence Review*, January 2002; and Kumar Ramakrishna, “Terrorism in Southeast Asia: The Ideological and Political Dimensions” in Daljit Singh and Chin Kin Wah (Eds.), *Southeast Asian Affairs 2004*, Singapore: Institute of Southeast Asian Studies, 2004.

³Ramakrishna, “Terrorism in Southeast Asia: The Ideological and Political Dimensions”, p. 55.

Indonesia, Malaysia, the Philippines and Singapore are the ASEAN countries most affected by sea piracy. The problem of piracy in Southeast Asia has often been described as a threat to regional and international economic security. The free and safe navigation of commercial vessels in Southeast Asia is essential for international trade. Southeast Asia has several sea lanes of communication (SLOCs): the Strait of Malacca, the Singapore Strait, the Sunda Strait and the Lombok Strait. The Malacca Strait is of particular importance. It is a 550-nautical-mile-long waterway that links the Indian and Pacific Oceans and through which a quarter of the world's trade and half of its oil passes. Sea piracy therefore represents a threat to the free and safe navigation of commercial vessels in the Strait of Malacca. Moreover, it is feared that a piracy attack on an oil super-tanker crossing the strait could lead to an environmental disaster. Since 9/11, piracy has also been linked to the threat of maritime terrorist attacks.

This paper explores how ASEAN has sought in recent years to tackle the threats of terrorism and sea piracy. It claims that the association has applied its traditional approach to security, based on comprehensive security and the principle of resilience. ASEAN's security cooperation has not changed fundamentally. The association is still used by individual members as an avenue to explicitly define their position towards external and more powerful actors, whereas internally, ASEAN allows its members maximum freedom to pursue their individual security strategies. Moreover, a bottom-up approach to security progressing from the national to the regional level is implemented. ASEAN operates as an umbrella organization where multilateral consultation is meant to complement domestic and sub-regional efforts. The response to terrorism and sea piracy in Southeast Asia has mostly occurred at the national and sub-regional levels through bilateral and trilateral cooperation. The national base has sometimes been weak, which has undermined measures adopted at the multilateral level. This is not to say, however, that ASEAN has had no role to play. Consultations at the ASEAN level have had some political significance. ASEAN has been committed rhetorically, has produced frameworks of action and cooperation, as well as reached agreements with the great powers.

While acknowledging the role of the association, this paper does not engage in overly optimistic analyses as to ASEAN's role as a promoter of a collective strategy against terrorism and sea piracy. Instead, it argues that individual strategies matter most when tackling these concerns. The capacities of the various countries to deal with terrorism and sea

piracy also vary due to the differences in threat perceptions, domestic contexts and national will. Yet, sea piracy and terrorism cannot be fought purely on a national and sub-regional basis either. A complementary multilateral response that includes the active participation of the key member countries, especially Indonesia, Malaysia, the Philippines, Thailand and Singapore, is required. This paper focuses on the years that followed 9/11 and the Bali bombings, as it was during this period that most national, sub-regional and multilateral efforts were initiated. It consists of three sections. It first introduces comprehensive security and the principle of resilience as ASEAN's traditional approach to security. It then reviews domestic and sub-regional political reactions to terrorism and sea piracy, before examining the role played by ASEAN at a multilateral level.

Comprehensive Security and the Principle of Resilience

ASEAN adopted from its early years the concept of comprehensive security. The latter 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. Comprehensive security was recognized by some Southeast Asian states in the 1970s, primarily Indonesia, Malaysia and Singapore, and included in their security doctrines. In contrast to the Japanese interpretation of the concept, however, the approach adopted by the ASEAN states was inward looking. When discussing ASEAN's comprehensive approach, Lizée and Peou explain that 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".⁴

The inward-looking approach to domestic regime security and regional stability was introduced in ASEAN through the principles of national and regional resilience. The notion of resilience entered the ASEAN vocabulary as a translation of an Indonesian term, "*Ketahanan Nasional*". Influenced by Indonesia's struggle for independence and socio-economic vulnerability, the term was advanced by the new military leadership in Jakarta when it came to power in 1965 and was officially endorsed as a national security doctrine in

⁴Pierre Lizée and Sorpong Peou, *Cooperative Security and the Emerging Security Agenda in Southeast Asia: The Challenges and Opportunities of Peace in Cambodia*, YCISS Occasional Paper No. 21 (p. 2), Toronto: Centre for International and Strategic Studies, York University, November 1993.

1973. At a seminar organized in Jakarta in October 1974, Indonesian President Suharto stated that 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”.⁵ Rather than focusing on external military threats, the principle of national resilience favoured a non-traditional and inward-looking approach to security. It registered an ambition to underpin domestic and regional stability through the use of economic and social development. By improving the living conditions of local populations, ASEAN leaders had expected to check subversive influences.⁶ It was also anticipated that resilient states would lead to regional resilience, which would constitute a foundation against internal and external threats in the long run.⁷ Suharto argued in October 1974 that if “each member-country develops its own ‘national resilience’, gradually a ‘regional resilience’ may emerge, i.e. the ability of member-countries to settle jointly their common problems and look after their future and well-being together”.⁸ One should note therefore the underlying premise of the synergy between national and regional resilience.

The principle of resilience was officially introduced in the ASEAN rhetoric at the first summit of ASEAN heads of state and government held in Bali in 1976. At the opening of the summit, President Suharto declared: “Our concept of security is inward looking, namely, to establish an orderly, peaceful and stable condition within each territory, free from any subversive elements and infiltration, wherever their origins may be”.⁹ The Bali Summit of February 1976 led to two statements: the Declaration of ASEAN Concord and the Treaty of Amity and Cooperation (TAC) in Southeast Asia. The ASEAN Concord is particularly relevant for this paper. It formally proposed the principle of resilience as a shared approach to domestic and regional security. It affirmed that the “stability of each member state and of the ASEAN region is an essential contribution to international peace and security. Each member state resolves to eliminate threats posed by subversion to its stability, thus strengthening

⁵Suharto, “Address by the President of the Republic of Indonesia”, *Regionalism in Southeast Asia* (p. 8), Jakarta: Centre for Strategic and International Studies, 1975.

⁶Michael Antolik, *ASEAN and the Diplomacy of Accommodation* (p. 98), Armonk, NY: ME Sharpe Inc, 1990.

⁷Tim Huxley, *Insecurity in the ASEAN Region* (p. 4), London: Royal United Services Institute for Defence Studies, 1993.

⁸Suharto, “Address by the President of the Republic of Indonesia”, *Regionalism in Southeast Asia* (p. 8), Jakarta: Centre for Strategic and International Studies, 1975.

⁹Suharto, President of the Republic of Indonesia, address at the opening of the Summit of the ASEAN Heads of State and Government, Bali, Indonesia, 23 February 1976. Quoted in Solidum, *Bilateral Summitry in ASEAN* (p. 31).

national and ASEAN resilience”.¹⁰ The concord formalized political cooperation within the ASEAN framework and called for a “strengthening of political solidarity by promoting the harmonization of views, coordinating positions and, where possible and desirable, taking common actions”.¹¹ It also excluded military cooperation on an ASEAN basis. In short, the concord provided ASEAN with a shared approach to security emphasizing domestic regime consolidation and regional consultation.

This ASEAN approach to security has been translated into policy prescription. Individual member states are responsible for their own security and preservation of national sovereignty. The achievement of national resilience is expected to be translated into reduced intra-regional tensions and regional vulnerabilities, thus contributing to regional resilience. Similarly, ASEAN enhances regional stability through its informal process of interaction, enabling member countries to concentrate on their domestic development. It is interesting to note, however, that the notion of resilience is less commonly used today in Southeast Asia, especially in Indonesia, due to its association with the Suharto regime. The paper argues nonetheless that ASEAN’s approach to security has not fundamentally changed. Indeed, it claims that this consensual approach to security has been applied to ASEAN’s handling of terrorism and sea piracy since 9/11. ASEAN still operates as an umbrella organization, enabling its members to pursue individual rather than collective security strategies. This claim is based on the assumption that terrorism and sea piracy in Southeast Asia remain primarily domestic sources of insecurity that challenge national institutions and political regimes.

National and Sub-regional Responses to Terrorism and Sea Piracy in Southeast Asia

Terrorism

When examining national responses to terrorism in Southeast Asia, it is important to focus on several key countries, namely, Indonesia, the Philippines, Thailand, Singapore and Malaysia. Indonesia’s President Megawati Sukarnoputri travelled to Washington shortly after 9/11 and promised support in its anti-terrorism campaign. Yet domestic politics, public sentiment and her own ambivalence prevented her from taking effective steps. Moreover, the fall of the

¹⁰Declaration of ASEAN Concord, Bali, Indonesia, 24 February 1976.

¹¹Declaration of ASEAN Concord, Bali, Indonesia, 24 February 1976.

Suharto regime in 1998 and the brief term of J.B. Habibie as president had not only transformed Indonesia's domestic political environment, but also resulted in the return of exiled radical Muslims demanding political space. Until the Bali bombings of October 2002, the government had denied the existence of a terrorist network within Indonesia. The Bali blasts changed the country's perception, however. Leo Suryadinata explains that the "Indonesian government, which had continued to deny that there was a terrorist network in Indonesia, now had to openly admit its existence".¹² Following the bombings, the anti-terrorism law was rapidly revised, leading to the arrest of suspected militants. Yet the light sentencing of Abu Bakar Ba'asyir, regarded internationally as the spiritual leader of JI, was criticized in the region and beyond.

Indonesia's first-ever direct presidential election in 2004 led to the victory of former Security Minister and retired three-star General Susilo Bambang Yudhoyono. He has, since his election, adopted a series of anti-terrorism measures. A major development towards the end of separatist violence in Indonesia was the signing of a memorandum of understanding between the Indonesian government and the rebel group GAM (Gerakan Aceh Merdeka or Free Aceh Movement) in August 2005 in Helsinki. The signing of the peace agreement followed both the tsunami disaster of 26 December 2004 and the tedious peace talks led by former Finnish President Martti Ahtisari.¹³ While the danger of separatism has diminished, the threat of terrorism has remained significant. A new series of bombings in Bali on 1 October 2005 killed 23 people. In March 2007, anti-terrorism raids led to the arrest and killing of suspected JI militants, the seizure of bombs and weapons to be used in future attacks, as well as charts mapping the structure of the extremist group.¹⁴ The Indonesian police stuck a major blow against JI, however, in June 2007 with the arrest of Abu Dujana, a leader of the terror group.¹⁵

Philippine President Gloria Macapagal-Arroyo was quick after 9/11 to describe Abu Sayyaf as an international terrorist movement and to accept from Washington a US\$100 million military aid package and direct military assistance to eliminate its fighters on Basilan

¹²Leo Suryadinata, "Indonesia: Continuing Challenges and Fragile Stability" in Daljit Singh and Chin Kin Wah (Eds.), *Southeast Asian Affairs 2004* (p. 90), Singapore: Institute of Southeast Asian Studies, 2004.

¹³Irman G. Lanti, "Indonesia: Accomplishments Amidst Challenges" in Daljit Singh and Lorraine C. Salazar (Eds.), *Southeast Asian Affairs 2006* (p. 96), Singapore: Institute of Southeast Asian Studies, 2006.

¹⁴"Indonesia Raids uncover Charts of JI's Structure", *The Straits Times*, 5 April 2007.

¹⁵"Wounded but still Dangerous", *The Economist*, 16 June 2007, p. 56.

Island.¹⁶ The Bush administration deployed, under the umbrella of the Balikatan military exercises, around 1,000 U.S. troops to southern Philippines in January 2002 for a period of six months to train, advise and provide logistical assistance to the Philippine army combating Abu Sayyaf. The Philippines is the only Southeast Asian nation that has so far welcomed U.S. soldiers on its territory since 9/11. In addition, Philippine authorities formed an anti-terrorism task force in March 2004 to coordinate national efforts. Nonetheless, the MILF, defined by Collier as “Southeast Asia’s strongest secessionist group”,¹⁷ remains a significant guerrilla force. Moreover, Abu Sayyaf has continued to carry out bomb attacks, including some in Manila in February 2005, and fuel the level of violence and lawlessness on the Sulu archipelago, as demonstrated in April 2007 by the beheading of seven captive workers.¹⁸

Since 2004, Thailand has had to face the escalation of Islamic militancy in its three southern provinces of Narathiwat, Pattani and Yala. The area has traditionally been affected by the long-running insurrection led by the Pattani United Liberation Organization (PULO). The conflict escalated in January 2004 after a raid on a Thai army camp in the province of Narathiwat led to the imposition of martial law and the deployment of additional troops. The former government of Prime Minister Thaksin Shinawatra, overthrown by a military coup in September 2006, was criticized at that time for mishandling the crisis and exacerbating the grievances of the local Muslim population.¹⁹ The conflict has since been characterized by an intensification of violence.

In Singapore, the arrest of JI militants in December 2001 and the discovery of bomb plots has fuelled the city-state’s own sense of vulnerability. The Singaporean government fears the domestic consequences that a terrorist act perpetrated by an extreme Muslim group could have on the country’s social fabric. In response to the threat, Singapore has promulgated the doctrine of “homeland security”. The latter has included the setting up of the National Security Coordination Secretariat to improve inter-agency and inter-ministerial cooperation and facilitate intelligence assessment and policy formulation. The city-state has

¹⁶Nicholas D. Kristof, “The Philippine Front of the Terror War Looks Like a Con Game”, *International Herald Tribune*, 9–10 February 2002, p. 4.

¹⁷Kit Collier, “Terrorism: Evolving Regional Alliances and State Failure in Mindanao” in Daljit Singh and Lorraine C. Salazar (Eds.), *Southeast Asian Affairs 2006* (p. 30), Singapore: Institute of Southeast Asian Studies, 2006.

¹⁸“Militants behead Seven Workers on Jolo Island”, *The Straits Times*, 21 April 2007.

¹⁹Thitinan Pongsudhirak, “Thaksin’s Political Zenith and Nadir” in Daljit Singh and Lorraine C. Salazar (Eds.), *Southeast Asian Affairs 2006* (p. 293), Singapore: Institute of Southeast Asian Studies, 2006.

also detained terrorist suspects under the Internal Security Act. In short, Singapore “has spared little effort in heightening national security”.²⁰ In addition to the adoption of domestic measures, Singapore was the first Asian country to sign the Declaration of Principles for the Container Security Initiative (CSI) with the United States in September 2002 and join the Proliferation Security Initiative (PSI) core group in March 2004.

In Malaysia, Prime Minister Mahathir Mohamed took advantage of 9/11 to discredit the Islamic Party of Malaysia (PAS) by portraying it as a party of Islamic militants. Welsh explains that from 2001 onwards, “Malaysia began to exercise a more vigorous enforcement role in addressing terrorist issues, which mirrored stronger regional enforcement, particularly in Singapore”.²¹ In 2003, the government introduced a series of new counter-terrorism laws while the Malaysian security services have also relied on the country’s Internal Security Act to arrest suspected militants. Yet, similar to Indonesia, Malaysia has had to balance the demands of its Muslim majority while ensuring its engagement in the international anti-terrorism campaign.

Besides national counter-terrorism efforts, intelligence sharing and cooperation have also occurred at bilateral and trilaterals level in Southeast Asia. Singapore and Malaysia exchanged information during and after their respective arrests of suspected militants in December 2001. Both countries have also shared information with Indonesia. The Philippines and Malaysia cooperated successfully on the deportation of Nur Misuari, leader of the MNLF, from Malaysia in January 2002 to face trial in the Philippines. More recently, in April 2007, Singapore and Indonesia signed an Extradition Treaty through which terrorist suspects can be handed over from one country to the other. Despite these examples of bilateral cooperation, Simon reminds us that Southeast Asian states “resist sharing sensitive information on domestic matters that could embarrass or challenge the political positions of ruling elites”.²² At the trilateral level, it is worth noting the Agreement on Information Exchange and Establishment of Communication Procedures signed by the foreign ministers of Malaysia, Indonesia and the Philippines in Malaysia in May 2002. Cambodia and Thailand

²⁰Terence Chong, “Singapore: Globalizing on its own Terms” in Daljit Singh and Lorraine C. Salazar (Eds.), *Southeast Asian Affairs 2006* (p. 270), Singapore: Institute of Southeast Asian Studies, 2006.

²¹Bridget Welsh, “Tears and Fears: Tun Mahathir’s Last Hurrah” in Daljit Singh and Chin Kin Wah (Eds.), *Southeast Asian Affairs 2004* (p. 143), Singapore: Institute of Southeast Asian Studies, 2004.

²²Sheldon Simon, “Realism and Regionalism in Southeast Asia: The ARF and the War on Terror” in Joseph Chinyong Liow and Ralf Emmers (Eds.), *Order and Security in Southeast Asia: Essays in Memory of Michael Leifer* (p. 101), London: Routledge, 2006.

adhered to the agreement at the Seventh ASEAN Summit in Phnom Penh in August 2002. This accord focuses on intelligence sharing, better collaboration and coordination among security forces, and the holding of joint police operations.

In sum, Southeast Asian governments continue to fear the threat of terrorism and the challenge of radicalism. Simon points out that because “terrorists operate both *within* and *among* states, effective counter-terror cooperation must begin with strong domestic legislation and enforcement capacity”.²³ The various Southeast Asian countries discussed have adopted different security strategies and reached diverse levels of national resilience against terrorism. Singapore and Malaysia and their counter-terrorism activities can be contrasted to Indonesia, the Philippines and Thailand. The former have securitized the issue of terrorism. Strong measures have been adopted, including the use of their Internal Security Acts (ISA). In contrast, the attainment of national resilience against terrorism in Indonesia, the Philippines and, to a lesser extent, Thailand, has been affected by porous borders, weak domestic institutions, economic difficulties and communal problems. The Philippines and Indonesia have also suffered from weak capacity in terms of police and intelligence agencies. Reforms in the security sector are therefore necessary to address the terrorism threat more effectively.

Sea Piracy

When discussing the question of sea piracy in Southeast Asia, the bulk of the attention needs to be given to the three littoral states of the Strait of Malacca: Indonesia, Singapore and Malaysia. The number of attacks in the Malacca Strait peaked in the late 1990s and during the first few years of this decade, with, for instance, 75 reported cases in 2000.²⁴ In 2005, the British insurance company Lloyd’s, even declared the strait vulnerable to “war, strikes, terrorism and related perils”. The rise of piracy attacks in Indonesian waters in particular has resulted from the socio-economic difficulties faced by the country after the 1997 financial crisis. Greater poverty and increased unemployment had transformed piracy into an attractive source of income for the coastal communities along the sea border areas. Young and Valencia explain that piracy is “an economic crime done for financial gain, and therefore the principal

²³Simon, “Realism and Regionalism in Southeast Asia: The ARF and the War on Terror”, p. 101.

²⁴International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report 2000*, London: IMB, 2001.

causes can be sought in prevailing economic conditions”.²⁵ Recent figures of piracy attacks in the strait have indicated an improvement in maritime security, however.²⁶ A report published by the Institute of Defence and Strategic Studies (IDSS) refers to 12 reported attacks in Southeast Asia, including three along the Malacca Strait, in the first quarter of 2007 and comments that these figures “continue to suggest that the overall number of attacks in the region appears to be trending downward”.²⁷

The individual capabilities and security strategies of the littoral states vary. Indonesia has in recent years been cracking down on piracy along its coasts. In particular, it has extended its police operations on land to deter and arrest pirates. Some significant constraints remain, however. The Indonesian Navy (TNI-AL) is poorly equipped to address sea piracy. The Indonesian air force also suffers from a lack of funding, which further undermines Indonesia’s capability to ensure its maritime security. The navy and the police in general need more manpower, funds, sophisticated technology and weaponry to fight the sea-piracy problem effectively. Furthermore, rivalry over jurisdiction between the Indonesian police and navy undermines efforts to prevent piracy attacks. The police has full jurisdiction over piracy incidents, while the navy disposes over more enforcement capabilities but lacks the power of arrest. A coast guard has been established but its role has been limited to the safety of navigation and precludes security and law enforcement issues, which remain under the control of the navy and the police. This limitation derives from a refusal to undermine the role of the TNI-AL. Finally, anti-piracy laws in Indonesia tend to be weakly implemented and sea pirates arrested often receive light sentences.

The two other littoral states have tackled sea piracy more aggressively. Singapore has traditionally been concerned for its economic prosperity, which is dependent on international trade. The city-state is eager to see the safety of navigation ensured in the Malacca Strait. The Singapore Police Coast Guard (PCG), which has gone through an upgrading programme since the early 1990s, is directly involved in preventing piracy acts in its territorial waters. In addition, the city-state has, since 9/11, increased air and navy patrols in its air space and territorial waters. Malaysia has further developed its naval capacity to ensure maritime

²⁵Adam J. Young and Mark J. Valencia, “Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility”, *Contemporary Southeast Asia*, Vol. 25 No. 2, August 2003, p. 269.

²⁶“Security Much Better in Malacca Strait: U.S. Commander”, *The Straits Times*, 16 April 2007.

²⁷Joshua Ho and Jane Chan, *Report on Armed Robbery and Piracy in Southeast Asia 1st Quarter 2007* (p. 2), Singapore: Institute of Defence and Strategic Studies, 2007.

security in its territorial waters. The Royal Malaysian Marine Police (RMMP) has increased its patrols against piracy and the risk of maritime terrorism in the Malacca Strait.

To tackle sea piracy, the littoral states have since 1992 signed bilateral agreements to organize coordinated patrols, ensure information sharing and maintain direct communication links with one another. The Indonesia-Singapore Coordinated Patrols in the Singapore Strait were established in 1992, involving the setting up of direct communication links between their navies and the organization of coordinated patrols every three months in the Strait of Singapore.²⁸ Both states have continued since 1992 to work together to improve and coordinate their efforts against sea piracy. The defence ministers of Singapore and Malaysia, Rear-Admiral Teo Chee Hean and Datuk Seri Najib Tun Razak, agreed, for example, in September 2003 to further strengthen the defence ties and cooperation between the two countries, especially with regards to sea piracy and other security challenges.²⁹ Indonesia and Malaysia decided in 1992 to establish a Maritime Operation Planning Team to coordinate patrols in the Malacca Strait. Coordinated naval patrols have also been introduced at the trilateral level. Operation MALSINDO, involving Malaysia, Indonesia and Singapore, was introduced in July 2004. In 2005, the three littoral states also established the “Eyes in the Sky” operation, consisting of cooperative air surveillance missions in the Malacca Strait.

In sum, as in the case of terrorism, Southeast Asian countries affected by sea piracy have pursued individual strategies and attained different levels of national resilience. Singapore has generally succeeded in eradicating the problem within its territorial waters, while Malaysia has in recent years given special attention to this issue. In contrast, sea piracy has continued to affect maritime security in Indonesian waters. The gap in capabilities has complicated the establishment of any sustained bilateral and trilateral cooperation. The Indonesian air force has, for example, not been able to contribute much to the Eyes in the Sky operation. The long-term management of sea piracy in Indonesia will be subject to socio-economic development in the coastal areas, combined with more naval patrol capabilities and the implementation of tougher anti-piracy laws.

²⁸Robert Go, “Singapore Strait Patrols keep Pirates at Bay”, *The Straits Times Interactive*, 16 May 2002.

²⁹Leslie Lau, “Malaysia-Singapore Defence Chiefs Vow to Boost Ties”, *The Straits Times Interactive*, 3 September 2003.

ASEAN's Response to Terrorism and Sea Piracy: The Long Road Towards Regional Resilience

This section argues that ASEAN seeks to build on and complement the domestic and sub-regional efforts against terrorism and sea piracy undertaken by its member states. ASEAN relies therefore on its traditional bottom-up approach to security, as illustrated by its resilience principle. National resilience is meant to be achieved first before it can be translated into wider regional resilience. As seen so far, however, the national base is weak in some cases, which directly undermines any initiative adopted at the multilateral level. ASEAN's response is essentially constrained to a rhetorical and political role meant to reinforce the strategies of its individual member-countries. Moreover, the association has tried to develop structures of joint cooperation and capacity building as well as to reach agreements with its dialogue partners, primarily the United States, China and Japan.

ASEAN and Terrorism

The ASEAN states have in recent years formulated a common rhetorical position and indicated their willingness to work together to combat terrorism. Joint declarations have included the Declaration on Joint Action to Counter Terrorism issued in November 2001³⁰ and a second Declaration on Terrorism signed at the ASEAN summit in Phnom Penh in early November 2002.³¹ Numerous other declarations have been signed by ASEAN countries in connection with the subsequent terror attacks in Bali and Jakarta.³² With only limited relevance in terms of counter-terrorism, such declarations still have some symbolic and political value.³³ In addition to their intra-mural significance, they send signals to the international community and act as a regional voice on the issue of terrorism.

Set up in December 1997,³⁴ the ASEAN Ministerial Meeting on Trans-national Crime (AMMTC) brings together the respective home ministers and constitutes the core of

³⁰ ASEAN Declaration on Joint Action to Counter Terrorism, Bandar Seri Begawan, 5 November 2001.

³¹ Declaration on Terrorism by the Eighth ASEAN Summit, Phnom Penh, 3 November 2002.

³² See the statement by H.E. Somsavat Lengsavad, Deputy Prime Minister and Minister of Foreign Affairs of the Lao's People Democratic Republic, Chairman of the 38th ASEAN Standing Committee in connection to the terrorist bombing in Jakarta on 9 September 2004; and "ASEAN Strongly Condemns Terrorist Attacks in Bali, Indonesia", statement by the 39th Chair of the ASC, Kuala Lumpur, 2 October 2005.

³³ Kumar Ramakrishna, "The Southeast Asian Approach to Counter-Terrorism: Learning from Indonesia and Malaysia", *The Journal of Conflict Studies*, Vol. 25 No. 1, 2005, p. 31.

³⁴ ASEAN Declaration on Trans-national Crime, Manila, 20 December 1997.

ASEAN's counter-terrorism collaboration. The AMMTC held a Special Meeting on Terrorism in May 2002. Special areas for more intensive regional cooperation were highlighted, including intelligence, extradition, law enforcement, airport security, bomb detection, the formation of national anti-terrorism units, and curbing arms smuggling and drug cartels.³⁵ ASEAN also stated the need to endorse measures against money laundering and the financing of terrorism. The necessity of adopting a joint approach to counter-terrorism was repeated at the Eighth ASEAN Summit in Phnom Penh in November 2002. However, the more recent AMMTC meetings have been disappointing, failing to contribute to the fight against terrorism. Their joint communiqués readopted well-known rhetorical stands and repeated formerly made commitments without introducing new cooperative measures.³⁶ It is thus not surprising that many of the responses to terrorism have occurred at a sub-ASEAN level through bilateral and trilateral agreements. The latter seems to be “an indication that the association is unable to achieve a coordinated response among its entire membership”.³⁷

Attention has also been given to intelligence sharing both within and outside of an ASEAN framework. ASEAN heads of state and government agreed in November 2001 to exchange information, strengthen cooperation between their respective security forces, and increase consultation and coordination in fighting terrorism. The military intelligence directors of Malaysia, Singapore, Indonesia, Thailand and Brunei met in Kuala Lumpur in late January 2002 to informally discuss the sharing of intelligence and the danger of regional terrorism posed by militant Islamic groups.³⁸ It was agreed to hold a series of informal meetings on those questions and to address security threats. This first gathering of security officials represented a new form of multilateral cooperation in Southeast Asia. In addition, the ASEAN foreign ministers met in Thailand in February 2002 for a two-day retreat to intensify regional collaboration against terrorism. Finally, the 22nd Meeting of the ASEAN Chiefs of National Police (ASEANOPOL), held in Phnom Penh in May 2002, focused on

³⁵Joint Communiqué of the Special Ministerial Meeting on Terrorism, Kuala Lumpur, 20–21 May 2002.

³⁶See the Joint Communiqué of the Fourth ASEAN Ministerial Meeting on Trans-national Crime (AMMTC), Bangkok, 8 January 2004; and the Joint Communiqué of the Fifth ASEAN Ministerial Meeting on Trans-national Crime (AMMTC), Hanoi, 29 November 2005.

³⁷Alan Collins, *Security and Southeast Asia: Domestic, Regional, and Global Issues* (p. 207), Singapore: Institute of Southeast Asian Studies, 2003.

³⁸Michael Richardson, “ASEAN Split on Anti-Terror Tactics”, *International Herald Tribune*, 4 February 2002, 4; and Leslie Lau, “ASEAN Believes Terror Network Dealt Severe Blow”, *The Straits Times Interactive*, 30 January 2002.

finding new ways to address terrorism and other forms of trans-national crime. Consecutive meetings, held in Chiang Mai, Bali and Singapore in August 2004, May 2005, and June 2007, respectively, focused on the same objective. Nonetheless, Huxley points out that counter-terrorism cooperation in Southeast Asia had “remained patchy, and based essentially on bilateral rather than region-wide intelligence links”.³⁹

The ASEAN Security Community (ASC) is a cooperative project partly linked to the challenge posed by terrorism. Indonesia suggested at the 36th ASEAN Ministerial Meeting (AMM), in Phnom Penh in June 2003, the establishment of an ASC in Southeast Asia by 2020, following a Singaporean proposal to establish an ASEAN Economic Community (AEC). The ASC was later endorsed at the Ninth ASEAN Summit in Bali in October 2003. The ASC stresses the willingness of ASEAN members to “rely exclusively on peaceful processes in the settlement of intra-regional differences”.⁴⁰ Huxley points out that it reflects therefore the association’s “established collective emphases on comprehensive security and the principle of non-interference”.⁴¹ The project is very much an attempt by ASEAN countries to respond more effectively to a series of trans-national threats facing Southeast Asia today, ranging from terrorism, sea piracy, undocumented migration and pandemics, to environmental degradation. The ASC refers, for instance, to the formulation of an ASEAN Convention on counter-terrorism. Eventually adopted in January 2007, the ASEAN Convention provides a common definition on terrorism and refers to a series of obligations. But it still needs to be ratified by the respective parliaments. The ASC initiative also indicated a re-engagement of Indonesia with ASEAN after having been absorbed with domestic difficulties since 1998. Simon notes that the “proposal is designed to restore Jakarta to ASEAN leadership by acknowledging the importance of fighting terrorism transnationally to the association’s future”.⁴²

It is too soon to assess the institutional strength of the ASC or its possible impact on the management of terrorism and sea piracy. The operationalization of the ASC is still being negotiated by ASEAN members, and the community is not expected to be established before

³⁹Tim Huxley, “Southeast Asia in 2004: Stable, but Facing Major Security Challenges” in Chin Kin Wah and Daljit Singh (Eds.), *Southeast Asian Affairs 2005* (p. 12), Singapore: Institute of Southeast Asian Studies, 2005.

⁴⁰Declaration of ASEAN Concord II (Bali Concord II), Bali, 7 October 2003.

⁴¹Tim Huxley, “Southeast Asia in 2004: Stable, but Facing Major Security Challenges” in Chin Kin Wah and Daljit Singh (Eds.), *Southeast Asian Affairs 2005* (p. 18), Singapore: Institute of Southeast Asian Studies, 2005.

⁴²Simon, “Realism and Regionalism in Southeast Asia: The ARF and the War on Terror”, 105.

2020. Yet the regional response to 70 proposals set forward by Indonesia to forge an ASC may be an indication of its future institutional limitations and restraints. The proposed plan of action included a call for the establishment of an ASEAN peacekeeping force, the setting up of an anti-terrorism centre, as well as the promotion of democracy and human rights. Proposals related to domestic political governance were flatly rejected by Vietnam, Myanmar and other members, which undermined the so-called Indonesian leadership in ASEAN.⁴³ A watered-down version of the ASC Plan of Action was eventually agreed to by the 2004 AMM and later adopted at the ASEAN Summit in Vientiane in November 2004.⁴⁴ The plan no longer included the idea of introducing a more flexible application of the non-interference principle and other controversial points.

Finally, ASEAN has succeeded in defining a common position towards external powers. On 1 August 2002, the ten ASEAN members and the United States signed a Joint Declaration for Cooperation to Combat Terrorism. The agreement was a political statement that confirmed ASEAN's commitment to the war against terrorism. It stipulated "the importance of having a framework for cooperation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence and capacity building".⁴⁵ The signatories were asked to improve intelligence sharing and collaboration among their law enforcement agencies, provide assistance on border surveillance, immigration and financial issues, and comply with UN resolutions on terrorism. Stubbs argues that the agreement provided Southeast Asian states with "the structure for intelligence sharing with the Americans".⁴⁶ Yet the declaration was a non-binding agreement comparable to the anti-terrorism accord reached by Indonesia, Malaysia and the Philippines in May 2002. Concern over U.S. interference in domestic affairs was also translated into the agreement. The latter did not refer to military operations or the deployment of American troops in Southeast Asia. Prior to its adoption, Vietnam and Indonesia had rejected any clause that might be regarded as allowing the involvement of U.S. forces in the region and thus

⁴³Donald Weatherbee, "Indonesian Foreign Policy: A Wounded Phoenix" in Chin Kin Wah and Daljit Singh (Eds.), *Southeast Asian Affairs 2005* (p. 163–164), Singapore: Institute of Southeast Asian Studies, 2005.

⁴⁴Chairman's Statement of the Tenth ASEAN Summit, Vientiane, 29 November 2004.

⁴⁵ASEAN-United States of America Joint Declaration for Cooperation to Combat International Terrorism, Bandar Seri Begawan, 1 August 2002.

⁴⁶Richard Stubbs, "ASEAN in 2003: Adversity and Response" in Daljit Singh and Chin Kin Wah (Eds.), *Southeast Asian Affairs 2004* (p. 5), Singapore: Institute of Southeast Asian Studies, 2004.

undermine the principles of national sovereignty and non-intervention in the affairs of other states.

Besides the United States, ASEAN has sought collaboration with China on a wider spectrum of challenges. At the Sixth ASEAN-China Summit in November 2002, the association signed a joint declaration with China on non-traditional security issues⁴⁷ and a first Informal AMMTC Plus China Consultation meeting was organized in Hanoi in November 2005 to promote cooperation against terrorism and trans-national crime.⁴⁸ At the East Asian level, a joint ASEAN+3 (APT) meeting on Trans-national Crime was held in Bangkok in January 2004. The participants agreed that cooperation should be based on the following principles: “consensus through consultation on the basis of equality, mutual respect for sovereignty, gradual process, and flexibility and effectiveness in our cooperation”.⁴⁹ Finally, ASEAN countries have sought to build ties with the European Union (EU). A Joint Declaration on Cooperation to Combat Terrorism was signed at the Fourteenth ASEAN-EU Ministerial Meeting in Brussels in January 2003, in which all parties reaffirmed their commitment to fight terrorism.⁵⁰

ASEAN and sea piracy

It is difficult to speak of an ASEAN strategy on sea piracy. The members have yet to endorse a common declaration or implement common recommendations. In addition, no separate body or meeting has been established to focus on the problem. Sea piracy has instead been incorporated into the larger combat against trans-national crime, without the formation of an institutional arrangement to confront it. Some ASEAN countries are not affected by sea piracy and have no incentive in supporting the adoption of political declarations and measures to fight the problem. Moreover, there are differences worth noting between the three littoral states that help us explain the lack of a collective position by ASEAN. While Singapore has pushed for the securitization of sea piracy by linking it to the threat of

⁴⁷Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues, Sixth ASEAN-China Summit, Phnom Penh, 4 November 2002.

⁴⁸Joint press statement of the Informal ASEAN Ministerial Meeting on Trans-national Crime Plus China Consultation. Hanoi, 30 November 2005.

⁴⁹Joint communiqué of the First ASEAN Plus Three Ministerial Meeting on Trans-national Crime (AMMTC+3), Bangkok, 10 January 2004.

⁵⁰Joint Declaration on Cooperation to Combat Terrorism, Fourteenth ASEAN-EU Ministerial Meeting, Brussels 27–28 January 2003.

terrorism, Malaysia and Indonesia have preferred to examine the issue in terms of law enforcement due to concerns over the respect for sovereignty and the prevention of external interference by the great powers in the Malacca Strait.⁵¹ This suggests that a reaction to sea piracy in Southeast Asia essentially depends on bilateral and trilateral cooperation between Singapore, Malaysia and Indonesia.

The question of sea piracy was incorporated in the 1997 ASEAN Declaration on Trans-national Crime and later mentioned in the joint communiqués of successive AMMTCs.⁵² During his speech to the third AMMTC in October 2001, Singapore Deputy Prime Minister Lee Hsien Loong declared: “Not only does piracy endanger navigational safety and disrupt trade, but it also poses a serious threat to life at sea, and can cause serious damage to the marine environment if ships are left unmanned during attacks.”⁵³ The 2002 ASEAN Work Programme on Terrorism introduced some action lines to respond to sea piracy.⁵⁴ These included increasing information sharing on piracy, cooperating with United Nations agencies, the International Maritime Bureau (IMB) and the International Maritime organization (IMO), and studying trends of sea piracy in Southeast Asia. With regards to law enforcement, the programme suggested increasing anti-piracy patrols and improving the spread of intelligence as well as the level of coordination among the various law enforcement agencies. Finally, it proposed the holding of training programmes and for ASEAN to seek technical and financial assistance from dialogue partners, relevant UN bodies and other specialized organizations.

Sea piracy has been more consistently discussed at the ARF and APT, primarily as a result of Japanese diplomacy. The ARF first considered sea piracy at a Maritime Senior Officials Meeting in Honolulu in November 1999 and at the subsequent Inter-Sessional Support Group on Confidence Building Measures (CBMs). Piracy is also one of the three categories of trans-national crime focused on by the Experts’ Group Meeting (EGM). Significantly, at the 2003 ARF meeting held in Phnom Penh, the foreign ministers endorsed a Statement on Cooperation Against Piracy and Other Threats to Maritime Security, which

⁵¹J. N. Mak, “Securitizing Piracy in Southeast Asia: Malaysia, the International Maritime Bureau and Singapore” in Mely Caballero-Anthony, Ralf Emmers and Amitav Acharya (Eds.), *Non-Traditional Security in Asia: Dilemmas in Securitization* (pp. 66–92), London: Ashgate, 2006.

⁵²ASEAN Declaration on Trans-national Crime, Manila, 20 December 1997.

⁵³Speech by Deputy Prime Minister Lee Hsien Loong at the Third ASEAN Ministerial Meeting on Trans-national Crime (AMMTC), Singapore, 11 October 2001.

⁵⁴Work Programme on Terrorism to Implement the ASEAN Plan of Action to Combat Trans-national Crime, Kuala Lumpur, Malaysia, 17 May 2002.

included a series of anti-piracy cooperative measures.⁵⁵ Created in 1997, the APT brings together all the East Asian actors affected by the problem. In comparison to the ARF, the APT is a forum that focuses primarily on economic cooperation, but to a lesser extent also on political and security matters within a more restricted geographical area of the Asia Pacific. Significantly, Beijing has supported the loose arrangement, as the APT offers a structure of dialogue that excludes the United States and provides China with alternative economic and strategic partners.

Japan has been particularly active in the APT. At the 1999 summit, Japan's Prime Minister Keizo Obuchi first suggested the creation of a regional coastguard as an anti-piracy measure.⁵⁶ Contrary to the existing bilateral agreements discussed above, it was proposed that these patrols be based on a multilateral approach and involve Japan, South Korea, China, Malaysia, Indonesia and Singapore. China openly opposed Obuchi's proposal, which was perceived in Beijing as an effort to reduce its rising maritime influence in Southeast Asia. Piracy was not mentioned in the Joint Statement on East Asia Cooperation adopted at the end of the summit.⁵⁷ Nonetheless, Japan again took the initiative at the summit held in Singapore in November 2000. Prime Minister Yoshiro Mori proposed the organization of an Asian Cooperation Conference on Combating Piracy and Armed Robbery, which was eventually held in Tokyo in October 2001. At the 2001 APT summit in Brunei, Prime Minister Junichiro Koizumi suggested the setting up of a governmental experts' meeting on piracy. This proposal evolved in the eventual signing of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) in Tokyo in 2004, bringing together Japan, China, South Korea, India, Bangladesh and Sri Lanka and all the ASEAN countries with the notable exception of Indonesia and Malaysia. The two littoral states oppose the internationalization of the sea-piracy issue.

⁵⁵ ARF Statement on Cooperation Against Piracy and Other Threats to Maritime Security, Phnom Penh, Cambodia, 17 June 2003.

⁵⁶ Mark J. Valencia, "Joining Up With Japan to Patrol Asian Waters", *International Herald Tribune*, 28 April 2000, p. 6.

⁵⁷ Joint Statement on East Asia Cooperation, ASEAN+3 Summit, Manila, the Philippines, 28 November 1999.

Conclusion

This paper has reviewed national, sub-regional and multilateral responses to terrorism and sea piracy in Southeast Asia. It claims that these challenges have been tackled through ASEAN's traditional approach to security, based on comprehensive security and the principle of resilience. The association's model of security cooperation has thus not changed fundamentally. Terrorism and sea piracy remain primarily domestic sources of instability for Southeast Asian states; national and sub-regional efforts have therefore mattered most when seeking to tackle these concerns. ASEAN's role has had some political significance nonetheless. At the multilateral level, we have seen the adoption of a common rhetorical stand, the setting up of frameworks of cooperation and action, and the engagement of dialogue partners. This last point means that ASEAN, in addition to being a platform for cooperation, has also acted internationally as a regional voice on the issue of terrorism and sea piracy.

When assessing ASEAN's response to terrorism and sea piracy, it is important to apply the right kind of criteria. The association offers the region some institutional capacity to cooperate on trans-national issues. The cooperative process has been uneven, however, and it has lacked mechanisms for implementation and sanctions in case of non-compliance. The association is simply not equipped to offer a sustained response to such challenges. Besides its own structural and institutional limitations, ASEAN's involvement has been restricted by a series of domestic and regional constraints. The links between domestic political factors, communal instability and poverty need to be remembered. Most Southeast Asian countries have remained states that suffer from fragile domestic institutions as well as socio-economic problems and inequalities. Corruption and poorly financed law enforcement agencies undermine attempts at combating terrorism and sea piracy domestically. Moreover, intra-ASEAN relations are still influenced by feelings of suspicion and competition. Such an environment limits collaboration and intelligence sharing, which are key elements in the combat against terrorism and sea piracy. These difficulties derive from domestic and regional circumstances that are largely external to the structures and modalities of the association. They help us understand, however, the problems facing ASEAN in its efforts to respond to terrorism and sea piracy. When evaluated on its own terms in light of the limited domestic

and institutional means available, it can be concluded that ASEAN has at least succeeded in defining a position on terrorism and sea piracy towards external powers while allowing its members to pursue individual strategies against these challenges.

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