Asean and Counterterrorism

A Study on ASEAN Convention on Counter Terrorism2009

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Abstract

Global, trans-national and cross-border threats posed b y terrorism have led a significant number of regional organizations to become more involved in countering this menace.ASEAN member-states has promoted to realize ASEAN security community in this regard. The ASEAN Convention on Counter-Terrorism (ACCT) 2009 was ratified and enforced among the Association of Southeast Asian Nations (ASEAN) countries primarily focused through an ASEAN Regional approach in countering the violent extremism or in 'countering terrorism' in this region.ASEAN's security model has been defined by an inward-looking approach to security and regional stability. Rather than concentrating on external military threats, the ASEAN members have favored a comprehensive security agenda. ASEAN's bottom-up approach to security has been applied to the threat of terrorism. Away from the traditional security threat assessments, the emergence of the Islamic State in Syria and the Syria (ISIS) presents a new and dangerous threat to regional stability and global security in relation to the magnitude of participation of foreign fighters. While terrorism refers to actual acts of violence, violent extremism and radicalization describe the way by which people come to embrace views and ideas which could then lead to violent action. Consequently, while counter terrorism (CT) generally refers to the "hard" measures to tackle terrorists (e.g., targeted killings), CVE is generally thought of as the "soft" side of CT, or the use of non-coercive means to dissuade individuals or groups from mobilizing towards violence. This paper examines the effectiveness of the counter terrorism approach of ASEAN especially through the ASEAN Convention on Counter-Terrorism (ACCT) 2009. It also analyzed the preparedness of this regional organization in countering the new nature of terrorist threat element like foreign fighters, and testify its concern about CVE followed by some recommendations which might be found empirically suitable in formulating and implementing the future strategic plan for the regional CT actions.

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Introduction

The world is today witnessing a rise of terrorist activities in different parts of the world. A number of groups, owing allegiance to some political ideology or some particular religious beliefs, have chosen the path of violence and terror to achieve their objects. These vested interests are rabid fundamentalists or fanatics having no sanctity for life. They know no principles or values. They believe in the power of the gun and want to achieve their objects overnight. While some of these groups are fighting for control over some pieces of land, others are fighting for spreading their own ideology or religious philosophies.

Terrorism activities and threats have emerged in different forms and incidents. These have increased in number and different areas and in the national, transnational and societal levels. Terrorism affects all sectors and levels of society and such threats could occur in the aviation, maritime, tourism, finance and banking, transport and communications sectors including cyber security, and in the society level, just to name some. The nation and economy as well as social life will be seriously disrupted, causing severe anxiety and uncertainty, and even fear, in the nation and society.

Regional security complex theory (BarryBuzan and Ole Wæver) holds that security is a regional phenomenon, since most threats travel more easily over short distances than long ones. Indeed, in a globalized world, it would be difficult to comprehend the security dynamic of one country without inserting it into a broader regional context and without grasping the conflicting or cooperative patterns that defines the external policy of that country with its neighbors. From that critical perspective, a regional approach to counter terrorism is imperative in new world order of terrorism especially after 9/11.

The 2001 terrorist attacks in U.S. provided a strong impetus for ASEAN to review its focus on terrorism, especially in the light of proven links between regional and international terrorist networks. On 13 September 2001, immediately after the New York and Washington attacks, ASEAN sent a letter to the then U.S. Secretary of State, Colin Powell, expressing "deepest sympathy and profound condolences" and promising to "seek closer cooperation with the U.S." to combat terrorists (ASEAN standing committees chairman's letter 2001). This short letter seemingly demonstrated the willingness of ASEAN to work with U.S.

Objectives of the Study

The aim of this paper is to analyze the ASEAN Convention on Counter-Terrorism (ACCT) 2009, which was ratified and enforced among the Association of Southeast Asian Nations (ASEAN) countries. The paper looked into how effective is this ASEAN Regional approach in countering the violent extremism or in 'countering terrorism'. It also talks about the

existing approaches taken by ASEAN to tackle the present challenges in combating terrorism and extremism.

Methodology

The study has mainly followed content analysis method. The methodology employs histories, archival documents, secondary interview transcripts and other secondary sources to see whether the causal process or theory hypotheses implied to meet the research questions set for this literature. Collection of primary source document materials where central to the ASEAN Convention on Counter-Terrorism (ACCT) 2009, and relevant treaties and conventions. A deep analytical approach followed to compare the formal documentation effort of ASEAN in counter terrorism with the reality output of combating terrorism in this region. All possible research and literature analysis had been consulted and reasoned out against the research questions crafted for this literature. The paper ultimately concluded with some realistic recommendations, which would be helpful in meeting the agendas of the ASEAN Convention on Counter-Terrorism (ACCT) 2009, the main concern of the paper.

Conceptual analysis

Terrorism is a criminal act that influences an audience beyond the immediate victim. The strategy of terrorists is to commit acts of violence that draws the attention of the local populace, the government, and the world to their cause. The terrorists plan their attack to obtain the greatest publicity, choosing targets that symbolize what they oppose. The effectiveness of the terrorist act lies not in the act itself, but in the public's or government's reaction to the act.

The United Nations produced the following definition of terrorism in 1992; "An anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets." The United States Department of Defense defines terrorism as "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological."

Less specific and considerably less verbose, the British Government definition of terrorism from 1974 is "...the use of violence for political ends, and includes any use of violence for the purpose of putting the public, or any section of the public, in fear."

Within these definitions, there are more or less three key elements—*violence*, *fear*, and *intimidation*—and each element produce terror in its victims.

Counter Terrorism(CT) generally refers to the "hard" measures to tackle terrorists (e.g., targeted killings).

*ASEAN*stands for Association of South East Asian Nations consists of 10 member states of South-East Asian Region. It was formed on August 8th, 1967 by Indonesia, Malaysia, the Philippines, Singapore, and Thailand. At present the number of member states increased to 10. The member states are: Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam

Counter Violent Extremism (CVE) is generally thought of as the "soft" side of CT, or the use of non-coercive means to dissuade individuals or groups from mobilizing towards violence. CVE activities typically include prevention (e.g., by promoting a democratic culture) de-radicalization (often in prisons), empowering communities to address radicalized members, and intervention and interdiction of people who publicly support / preach for terrorism.

Background of the ASEAN Convention on Counter-Terrorism (ACCT), 2009

A key purpose of Association of Southeast Asian Nations (ASEAN)is to respond effectively and timely to transnational crimes and trans-boundary challenges, in accordance with the principles of comprehensive security. Efforts are being made to accelerate the entry into force of the ASEAN Convention on Counter-Terrorism (ACCT) as well as its ratification by all Member States.

Member Countries of theASEAN are Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam. They arereferred to as "Member States".

The ASEAN Leaders viewed terrorism as a profound threat to international peace and security and "a direct challenge to the attainment of peace, progress and prosperity of ASEAN and the realization of ASEAN Vision 2020". They expressed commitment to combat terrorism in accordance with the Charter of the United Nations, international laws and relevant UN resolutions. They also stated that "cooperative efforts in this regard should consider joint practical counter-terrorism measures in line with specific circumstances in the region and in each member country".

In the aftermath of 9/11, the definitional problem of terrorism continues to haunt scholars, experts and policymakers. This situation continues to make many counter terrorism measures not only problematic but also contested.Southeast Asia is not immune to the definitional problemof terrorism. Immediately after 9/11, members of theASEANsigned on 5[th]November, 2001 the Declaration on Joint Action to CounterTerrorism (DJACT). However, this Declaration does not provide any clear definition of terrorism other than stating that terrorism a "direct challenge to the attainment of peace, progress andprosperity of ASEAN.

Nonetheless, the Agreement on Information Exchange andEstablishment of Communication Procedures initially signed byIndonesia, Malaysia and the Philippines (The Tri-lateralAgreement) on 7 May, 2002 attempts to define terrorism as:

> *Any act of violence or threat thereof perpetrated to carry out within the respective territories of theParties or in the border area of any of the Partisan individual or collective criminal plan with the aim of terrorizing people of 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 national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independentStates.*

Based on DJACT, the Tri-lateral Agreement and otherASEAN declarations related to terrorism, ASEAN reached amilestone in regional counter terrorism when members signed theASEAN Convention on Counter Terrorism (ACCT) on 13January, 2007.

ASEAN Approaches to Counter Terrorism

ASEAN Leaders, at their 7th Summit on 5 November 2001 in Brunei Darussalam, adopted the 2001 ASEAN Declaration on Joint Action to Counter Terrorism. The ASEAN Leaders viewed terrorism as a profound threat to international peace and security and "a direct challenge to the attainment of peace, progress and prosperity of ASEAN and the realization of ASEAN Vision 2020". They expressed commitment to combat terrorism in accordance with the Charter of the United Nations, other international laws and relevant UN resolutions. They also underlined that "cooperative efforts in this regard should consider joint practical counter-terrorism measures in line with specific circumstances in the region and in each member country".They also identified specific measures for ASEAN to implement the Declaration, namely:

1 Review and strengthen national mechanisms to combat terrorism;

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

3 Deepen cooperation among ASEAN's front-line law enforcement agencies in combating terrorism and sharing "best practices";

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

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

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

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

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

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

10 The specific measures outlined in the Declaration have been incorporated in the Terrorism component of the Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime adopted in May 2002. The Work Programme is based along 6 strategic thrust namely:

     i.   information exchange;
     ii.   cooperation in legal matters;
     iii. cooperation in law enforcement matters;
     iv. institutional capacity building;
     v.   training; and
     vi. Extra-regional cooperation.

ASEAN is also carrying out training programmes and projects in counter terrorism in 2003, including that on psychological operation/psychological warfare courses for law enforcement authorities and on intelligence procuring. Courses on bomb/explosive detection, post-blast investigation, airport security and passport/document security and inspection are also planned. In addition, ASEAN focal points on counter-terrorism have also been established. The recent ASEAN strategy on counter terrorism has been translated through ASEAN Convention on Counter-Terrorism (ACCT), 2009.

ASEAN's Security Model

ASEAN's security model has been defined by an inward-looking approach to security and regional stability. Rather than concentrating on external military threats, the ASEAN members have favored a comprehensive security agenda. This ASEAN approach has over the years been translated into policy prescription. A bottom-up approach progressing from the national to the regional level has been implemented. Individual member

states have been responsible for their own security and preservation of national sovereignty. Members have enhanced their security through socio-economic development. This has led to reduced intra-regional tensions and regional vulnerabilities. Similarly, ASEAN has enhanced regional stability through its informal process of interaction, enabling member countries to concentrate on their domestic development.

ASEAN's Response to Terrorism

ASEAN's bottom-up approach to security has been applied to the threat of terrorism. The latter remains primarily a domestic source of instability for Southeast Asian states. National and bilateral efforts have therefore mattered most when seeking to tackle these concerns. Southeast Asian countries have also adopted different security strategies and attained diverse levels of resilience against this challenge.

The ASEAN states have in recent years formulated a common rhetorical position and indicated their willingness to work together to combat terrorism. The Declaration on Joint Action to Counter Terrorism of November 2001 and the Declaration on Terrorism signed in early November 2002 were issued in response to 9/11 and the Bali Bombings respectively. Other joint statements have been signed by the ASEAN leaders in connection with subsequent terror attacks in Bali and Jakarta. With only limited relevance in terms of counter-terrorism, such declarations still have some symbolic and political value. They send a collective signal to the region and the wider international community.

New Trends in Terrorism

1. Foreign Fighters, And

2. Counter Violent Extremism (CVE)

Foreign Fighters :Many individuals have left their home countries to take part in armed conflicts abroad. The conflicts in question include those in Afghanistan, Iraq, Mali, Nigeria, Somalia, Syria, and Yemen. Particularly since 9/11, the term 'foreign fighter' entered the public consciousness because many foreigners fought with both the Taliban, al-Qaeda and IS, including some of Western origin.

Islam and the Globalization of Jihad, Hegghammer proposes a refined four-pronged definition of 'foreign fighter'. "I build on this formulation [Malet's definition] and define a foreign fighter as an agent who (1) has joined, and operates within the confines of, an insurgency; (2) lacks citizenship of the conflict state or kinship links to its warring factions; (3) lacks affiliation to an official military organization; and (4) is unpaid.

These four criteria set foreign fighters apart from other types of violent actors who cross borders. Criterion (4) excludes mercenaries, who are paid and follow the highest bidder. Criterion (3) excludes soldiers, who are usually salaried and go where their generals send them. Criterion (2) excludes returning Diaspora members or exiled rebels, who have a preexisting stake in the conflict. This distinction, which disappears in IdeanSalehyan's term 'transnational insurgent' or JohnMackinlay's 'global
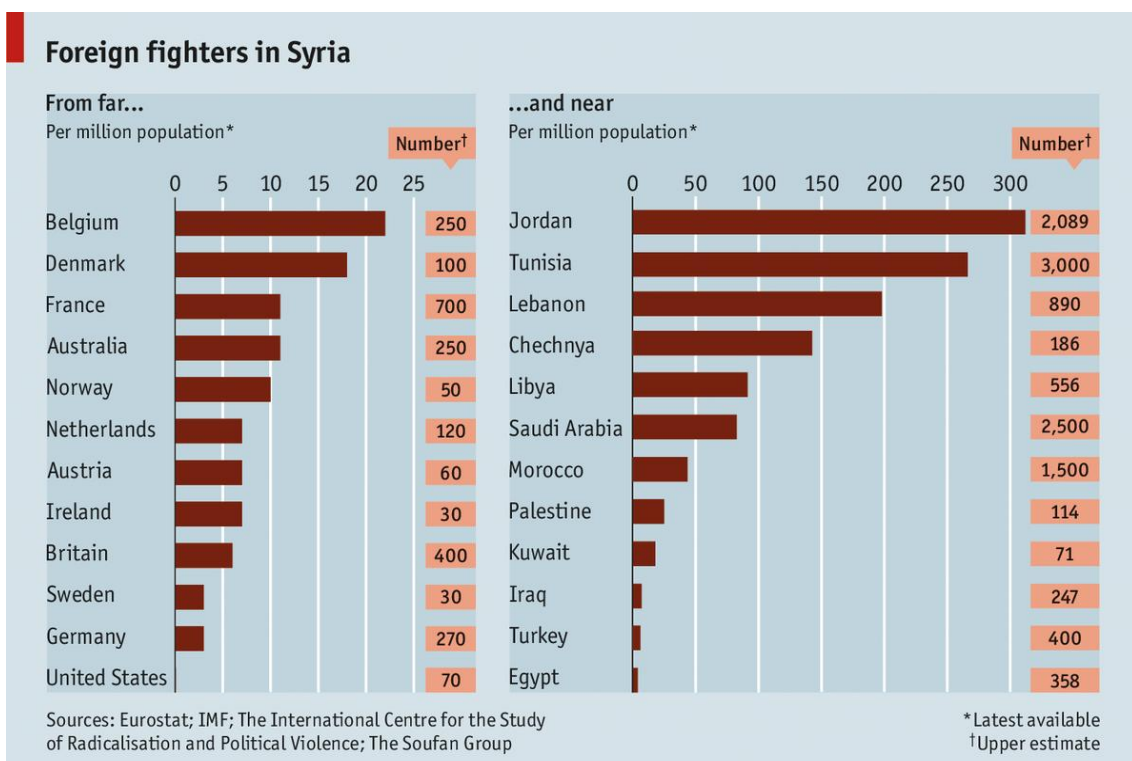
insurgent', matters because ethnic or kinship links to insurgents presumably facilitate mobilization considerably. Finally, criterion (1) distinguishes foreign fighters from international terrorists, who specialize in out-of-area violence against noncombatants." To distinguish foreign fighters from other transnational actors, including terrorists and mercenaries, Hegghammer and Colgan adopt a slightly different definition which clarifies that foreign fighters may be paid, but payment is not their primary motivation. "The distinguishing features of foreign fighters are that (a) they are not overtly state-sponsored; (b) they operate in countries which are not their own; (c) they use insurgent tactics to achieve their ends; (d) their principal objective is to overthrow a single government/occupier within a given territory; and (e) their principal motivation is ideological rather than material reward."

The emergence of the Islamic State in Syria and the Syria (ISIS) presents a new and dangerous threat to regional stability and global security in relation to the magnitude of participation of foreign fighters. ISIS has proven successful in luring young people to its ranks with polished propaganda, sophisticated online messaging and an increasingly complex network of terrorist group alliances. Thousands of young people from around the world have traveled to Syria and Iraq to join ISIL's campaign to establish a caliphate in the Middle East, committing atrocities with a vicious inhumanity that has left the world both horrified and resolved to stem this growing threat.

Statistics of Foreign Fighters in Syria

ASEAN Perspective

As far as the ASEAN is concerned, a statistical analysis reveals the following:

Foreign fighters in Syria

From far... Per million population*	Number†	...and near Per million population*	Number†
Belgium	250	Jordan	2,089
Denmark	100	Tunisia	3,000
France	700	Lebanon	890
Australia	250	Chechnya	186
Norway	50	Libya	556
Netherlands	120	Saudi Arabia	2,500
Austria	60	Morocco	1,500
Ireland	30	Palestine	114
Britain	400	Kuwait	71
Sweden	30	Iraq	247
Germany	270	Turkey	400
United States	70	Egypt	358

Sources: Eurostat; IMF; The International Centre for the Study of Radicalisation and Political Violence; The Soufan Group

*Latest available
†Upper estimate

- 123 fighters returned to Malaysia from Syria – 66 actually fighting
- In Indonesia, it is estimated that 514 Indonesians have gone to Syria and Iraq to fight with IS
- In the Philippines, the concern is more with foreign fighters in the Philippines, rather than Filipinos going to Syria and Iraq (On 26 November 2015, eight (8) suspected Islamic State group sympathizers, including one (1) Indonesian, were killed in a joint law enforcement operation by the Philippine National Police (PNP) and the Philippine Marines Corps (PMC))

Response of ASEAN States

In response to the rise in Indonesian and Malaysian fighters joining the extremist Islamic State(IS) group, Jakarta and Kuala Lumpur have taken action to criminalize membership. The IndonesianUlema Council (MUI), the nation's top Muslim clerical body, also released statement that it was haram, or forbidden, for Muslims to participate in IS activities. MalaysianPrime Minister NajibRazak has also issued a strongly worded statement condemning IS forits actions, which 'run counter to Islamic faith, culture and to common humanity'.These are positive moves. But they have been inadequate, given the popularization of IS ideological beliefs via social media.

Indonesia has stressed a hard approach to countering the threat of terrorism, primarily through the lens of law enforcement. Over 600 terrorists have been prosecuted in the wake of the 2002 Bali bombings. Currently, the Indonesian police are responsible for counter terror operations, particularly the elite counter-terrorism unit, Detachment 88.But Indonesia's hard approach has resulted in the growing incidence of terrorist attacks targeted at the police. Allegedly, it has also created convergence between jihadist fighters and religious vigilante groups — such as JamaahAnsharutTauhid (JAT) — providing opportunities forthe jihadist groups to recruit and enhance their influence in society.Malaysia has also stepped up its counterterrorism efforts and arrested several individuals joined or intended to join IS. The distinct divergences in the causes for motivating these Indonesian and Malaysian fighters to join the IS, as well as the differences in contexts, highlight the need for tailored responses by the state and regional community like ASEAN.

Counter Violent Extremism (CVE): While terrorism refers to actual acts of violence, violent extremism and radicalization describe the way by which people come to embrace views and ideas which could then lead to violent action. Consequently, while counter terrorism (CT) generally refers to the "hard" measures to tackle terrorists (e.g., targeted killings), CVE is generally thought of as the "soft" side of CT, or the use of non-coercive means to dissuade individuals or groups from mobilizing towards violence. CVE activities typically include prevention (e.g., by promoting a democratic

culture) de-radicalization (often in prisons), empowering communities to address radicalized members, and intervention and interdiction of people who publicly support / preach for terrorism.

The Emergence oftheCVE Narrative

In the past decade, numerous Governments, civil society organizations and UN bodies have presented new CVE strategies, national plans of action or guidelines. At the international level, a double-tracked CVE process has picked up significant momentum, within the UN (with a US-organized leaders meeting on CVE in the margins of the 2015 UNGA), and in other multilateral forum.

The global CVE process is seen by many as a US-led process. Others stipulate that after giving the agenda an initial push, the US will now "take the back seat" and let other Governments, civil society organizations, the UN and other multilateral bodies continue the work. More generally, Western Governments have taken the lead in shaping the global CVE agenda; however, other countries (i.e., the Gulf Countries) have been sympathetic to this narrative as well.

Countering Violent Extremism

Some of the typical strategies in current CVE programs are:

1. **Preventing radicalization:** Activities aiming at prevention, or building a community's resilience to extremism, may include promoting a democratic culture, strengthening the rule of law, dismantling radical ideologies, raising awareness, etc. These programs often share common objectives with conflict prevention, democratization and peace-building efforts.

2. **De-radicalization:** De-radicalization programs target individuals or groups that are already involved in radical social movements or terrorist organizations. Thus, these programs are typically carried out in the context of prisons and detention centers. Over 40 countries, Western and non-Western, offer de-radicalization programs for prisoners who have already committed extremist violence. These may include scholars engaging in doctrinal debate with detainees, correcting religious "misconceptions" of militants, psychological counseling, etc. As many prisons serve as hotbeds of radicalization, it is becoming clearer to Governments that imprisoning convicted violent extremists without rehabilitation is an incomplete solution.

3. **Online measures:** Social media platforms provide the most uncontested space for extremism recruiters. Many Governments, as well as private actors, try to eradicate the misuse of social media platforms by radical groups, through monitoring, censorship and filtering, spying, raising awareness and counter messaging.

4. **A Community-based Approach:** Counter violent extremism strategies often assume that communities are best positioned to take the lead because they know their members best. Measures may include community policing and strengthening community-police relations,

identifying political and economic opportunities for communities vulnerable to radicalization, and empowering local organizations to fight extremism within their communities.

5. **Role of Women and Youth:** Increasingly, Governments and civil society have taken to the view that women can play a positive and proactive role as agents of change to build resilience to radicalization to violent and conflict. A number of CVE initiatives and programs are also specifically targeting youth.

6. **Legislative Measures:** Legislative measures may include restrictions on movement but also intervention and interdiction of people who publicly support/preach for terrorism. These "harsher" measures sometimes amount to classical CT measures, but are increasingly being framed by Governments as CVE measures.

ASEAN's Response to CVE

ASEAN, known to take the 'middle path' approach to resolve crises and conflicts in the region, is seen as a success story and has the potential to emerge as a zone of moderation, and it can share its expertise and experiences with the world and help in shaping global peace and security in combating CVE. On the extremism threat, Malaysia is sharing its experience in Counter Violent Extremism (CVE) with ASEAN, as there ios a dire need for the region to step up efforts in CVE.

Most recently, at the 26th ASEAN Summit in Langkawi, Malaysia on 27 April 2015, ASEAN leaders reiterated in the so-called Langkawi Declaration that the GMM initiative promotes a culture of peace and complements other initiatives. The Langkawi Declaration identifies several clusters of functional activities to promote the moderation norm, via collaboration between the GMM, the ASEAN Foundation and the ASEAN Institute of Peace and Reconciliation. The first cluster of activities includes organizing outreach programmes, interfaith and cross-cultural dialogues at the national, regional and international levels. The second cluster involves the convening of forums to share best practices in understanding and countering violent extremist ideologies. An example is the East Asia Summit Symposium on Religious Rehabilitation and Social Reintegration held in Singapore in April 2015. A third cluster encourages enhanced information-sharing on best practices in promoting moderation among ASEAN member states. A fourth cluster involves creating mechanisms to cultivate emerging leadership especially amongst women and youth that can help invigorate ASEAN's drive and innovation in effectively addressing CVE issues as well as other global challenges.

ASEAN Convention on Counter-Terrorism (ACCT), 2009

The main aim of ASEAN Convention on Counter-Terrorism (ACCT), 2009 is to provide the framework for regional cooperation to counter, prevent and suppress terrorism in all its forms and manifestations and to deepen

cooperation among law enforcement agencies and relevant authorities of the Parties in countering terrorism. The following acts have been considered as the criminal offences under ACCT 2009:

a. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

b. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971;

c. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, adopted in New York on 14 December 1973;

d. International Convention Against the Taking of Hostages, adopted in New York on 17 December 1979;

e. Convention on the Physical Protection of Nuclear Material, adopted in Vienna on 26 October 1979;

f. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

g. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10 March 1988;

h. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

i. International Convention for the Suppression of Terrorist Bombings, adopted in New York on 15 December 1997;

j. International Convention for the Suppression of the Financing of Terrorism, adopted in New York on 9 December 1999;

k. International Convention for the Suppression of Acts of Nuclear Terrorism, adopted in New York on 13 April 2005;

l. Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on 8 July 2005;

m. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at London on 14 October 2005; and

n. Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at London on 14 October 2005.

All ten ASEAN Member States have ratified the ASEAN Convention on Counter-Terrorism (ACCT) 2009. Signed by the ASEAN Leaders in 2007, the ACCT is a significant achievement of ASEAN's counter-terrorism

efforts as it serves as framework for regional cooperation to counter, prevent and suppress terrorism and deepen counter-terrorism cooperation. The ACCT enhances the region's strategic role in the global strategy on counter-terrorism.As stipulated in the ACCT, the Convention entered into force 30 days after the sixth ASEAN Member State submits its instrument of ratification with the Secretary-General of ASEAN. Brunei Darussalam became the sixth country to ratify it on 28 April 2011 and the ACCT came into force on 27 May 2011, whereas Malaysia became the tenth Member State to deposit its instrument of ratification with the Secretary-General of ASEAN on 11 January 2013.With all ASEAN Member States aboard on the ACCT, ASEAN has taken another step in fulfilling the ASEAN Political and Security Blueprint, and in developing a safer and more secure ASEAN for everyone.

Effectiveness of the ASEAN response to Counter Terrorism:

The response to terrorism in Southeast Asia has mostly occurred at the national and sub-regional levels through bilateral and trilateral cooperation. This does not mean that ASEAN has been insignificant. Consultations at the ASEAN level have had some political significance. The Association has issued joint declarations, produced some frameworks for cooperation, as well as reached agreements with external powers. Yet, while acknowledging its political role, ASEAN should not at this stage be regarded as a promoter of a collective strategy against terrorism.

Challenges

Challenges of ASEAN to Effective Regional Counterterrorism Cooperation: The possibilities for bilateral counterterrorism cooperation are obviously limited. At least three possible barriers to regional counterterrorism cooperation in ASEAN can be identified. They can be classified as institutional, normative, and organizational hurdles.

First, South East Asia is a region with thin institutional frameworks. With the exception of ASEAN, there is no strong viable region-wide architecture for dealing with common regional problems and issues. Yet ASEAN is institutionally constrained from undertaking the task of multilateral counterterrorism cooperation. Given existing political conditions in the region, it is unlikely that this convention could be meaningfully expanded to encompass genuine counterterrorism cooperation. Such cooperation would involve intelligence sharing on various terrorist organizations, efforts to actively suppress terrorist activities on national soil, and above all eschewing the use of terrorism groups and tactics as a instrument of state policy.

Second, the normative climate of regional cooperation, whether under the aegis of ASEAN or otherwise, does not inspire confidence in the ability and willingness of the region, leaders to forge a multilateral mechanism for

dealing with counterterrorism. Some states within the region have yet to entirely eschew their ties with various terrorist organizations. If the region demonstrates a firm and unequivocal willingness to distance themselves from all terrorist organizations, the prospects for counterterrorism cooperation will continue to be hobbled. In this context it should be underscored that reaching a free-trade agreement, a relatively caring and mostly functional subject, within the ASEAN framework proved to be a substantial endeavor, and the full implementation of the agreement, terms and conditions may still be in abeyance.

Third, the organizational weaknesses that exist are considerable. Even if all states in the region were to commit themselves to counterterrorism cooperation, it is not self-evident that they possess the requisite forensic, intelligence, and coercive capabilities and requisite legal frameworks to implement such a strategy. It is not unreasonable to conclude that none of the states in the region have the requisite organizational and physical infrastructure to tackle terrorist groups on a war footing.

Recommendations

In need of deploying ASEAN Convention on Counter-Terrorism as an executable policy action, the following recommendations are put forward.

- Information-sharing: This includes exchanging technical assistance matrices, identifying capacity needs and gaps as well as best practices for technical assistance delivery, conducting joint country visits, and jointly assessing terrorist threats. In addition, as mandated by General Assembly Resolution 54/110, regional and intergovernmental organizations have submitted information to the secretary-general of UN for his annual report "Measures to Eliminate International Terrorism" and an effective execution of the report is of paramount importance.

- Capacity-building: This includes organizing training programmes, workshops, seminars and study visits, supporting the development of databases, conducting joint projects, programmes and field exercises, and assisting member states, in fulfilling their obligations under ASEAN Convention on Counter-Terrorism treaty or in becoming party to and implementing the universal instruments against terrorism. One excellent example is that the United Nations Office of Drugs and Crime (UNODC) has developed regional counter-terrorism model laws in compliance with the universal legal instruments against terrorism, held sub-regional technical assistance and training workshops, and collaborated with regional and sub-regional organizations in the implementation of its global project on "Strengthening the Legal Regime against Terrorism".

- Outreach and Liaising: This includes establishing regional offices and training centres. Such arrangements include aviation security training centres of the International Civil Aviation Organization, Regional

Centres for Peace and Security, and Financial Action Task Force (FATF)-style Regional Bodies.

- Engagement with civil society: This includes involvement with regional and sub-regional political, cultural, faith-based, trade-related, and media organizations. ASEAN Socio-Cultural Community, for example, may work with regional and sub-regional professional media and press freedom monitoring organizations to maintain a healthy debate on professional standards in reporting on terrorist activities.

- Further strengthening of political will: Counter-terrorism issues may not be high on the political agenda of some country in this regional organization, and concerns about encroachments on sovereignty and the diversion of resources sometimes incur resistance.

- Ensuring provision of resources: Some countries in this regional organization lack human and financial resources for counter-terrorism activities, as counter-terrorism represents a small part of their overall mandates. This leads to uneven counter-terrorism capacity across regions and results in underutilized potential and missed opportunities for rallying resources, expertise and contacts.

- Further improvement of coordination: Coordination among ASEAN countries is sometimes inadequate, resulting in duplication and the waste of already scarce resources. A close communal outlook in this regard must be provided.

Conclusion

ASEAN cooperation in the combating of terrorism can be summarized by highlighting these specific characteristics. Firstly, such cooperation represents a discrete and viable position in the global war on terror. This position is not predicated as much on definition of the threat as it is on tangible cooperation to reduce the threat's regional impact. Second, ASEAN has functioned best in the counter-terrorism arena when it develops bilateral or trilateral avenues of cooperation among the core member states. The trilateral Agreement between Indonesia, Malaysia and the Philippines reflects this trend. Finally, ASEAN has become a 'pioneer' in reconciling the intra-state and inter-state dynamics that shape terrorist threats, counter-terrorism policies and overall regional cohesion towards the policy challenges-at-large. The outcome of its balancing approach will have a decisive impact not only on ASEAN's own quest for realizing a more tangible community building process. If successful, it will displayASEAN as a model for similar quests in other developing regions to apply counter-terrorism as an instrument of successful regional integration.

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