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# **NAVAL POSTGRADUATE SCHOOL**

## **Monterey, California**



## **THESIS**

**POLITICAL TERRORISM IN SOUTHEAST ASIA AND US  
POLICY ISSUES: CASE STUDIES OF THAILAND AND  
INDONESIA**

by

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December 1998

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INDONESIA**

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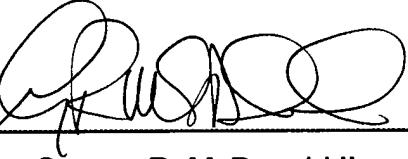
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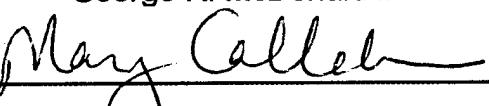
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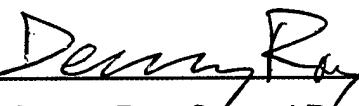
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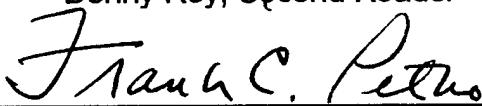
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## **ABSTRACT**

The end of the Cold War has brought about a decrease in global tensions while regional disorder has increased. In particular, Southeast Asia has become an area of economic and political instability. As a result, the possibility of an increase in terrorism, separatist violence, ethnic disputes, and strained regional relations takes on greater significance, both for United States foreign policy and regional Southeast Asian relations. The main purpose of this thesis is to first, examine political terrorism in Southeast Asia, with particular attention paid to terrorism conducted by separatist groups in Thailand and Indonesia. Secondly, this paper will discuss what actions are needed to contain political terrorism in the region. Additionally, this paper will examine US Government anti-terrorist/counter-terrorist policy and how it affects political terrorism in the region. Finally, this thesis will demonstrate that there is a growing threat of terrorism in Southeast Asia that can no longer be addressed unilaterally and that ASEAN can use US policy and global initiatives as guidelines for greater cooperation. It is therefore recommended that US policy towards terrorism need not change to accommodate Southeast Asia and that ASEAN and its individual states take greater steps toward containing the spread of terrorism in the region.



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## **EXECUTIVE SUMMARY**

The end of the Cold War has brought about a decrease in global tensions while regional disorder has increased. In particular, Southeast Asia has become an area of economic and political instability. As a result, the possibility of an increase in terrorism, separatist violence, ethnic disputes, and strained regional relations takes on greater significance, both for United States foreign policy and regional Southeast Asian relations.

While much attention has focused recently on international terrorism, there has been little discussion about whether or not terrorism actually threatens vital US interests. Although political terrorism in Southeast Asia is not new, the fear that a rise in terrorism could lead to further instability in the region requires increased attention on this matter.

The main purpose of this thesis is to first, examine political terrorism in Southeast Asia, with particular attention paid to terrorism conducted by separatist groups in Thailand and Indonesia. Secondly, this paper will discuss what actions are needed to contain political terrorism in the region. Additionally, this paper will examine US Government anti-terrorist/counter-terrorist policy and how it affects political terrorism in the region. Finally, this thesis will demonstrate that there is a growing threat of terrorism in Southeast Asia that can no longer be addressed unilaterally and that ASEAN can use US policy and global initiatives as guidelines for greater cooperation. It is therefore recommended that US policy towards terrorism need not change to accommodate Southeast Asia and that

ASEAN and its individual states take greater steps toward containing the spread of terrorism in the region.

To address concerns about the spread of terrorism and to enhance regional cooperation designed to fight terrorism, the inevitable questions of definitions, standards, and style of language must be addressed. In defining the concept of terrorism it is critical to isolate terrorism from specific political goals. We need to recognize that not all nationalists, revolutionaries, or far-right extremists are terrorists, and that no particular ideology or religion is responsible for terrorism. Terrorist behavior must be distinguished from its causes in order to control it. This distinction has been necessary to formulate international law and foreign policy.

From independence until the 1990s, the issues and challenges that preoccupied the nations of Southeast Asia were fairly well defined in Cold War terms. These countries were either part of the group of states seeking to change the world through revolution or part of the other group of states attempting to contain revolutionary change. With the fall of the Berlin Wall and the dissolution of the Soviet Union, these old divides and structures are no longer relevant. The challenge for Southeast Asia is to identify new ways to enhance regional stability and global economic cooperation.

This thesis uses two case studies of political terrorism carried out by separatist movements in Thailand and Indonesia. These two cases are significant because a possible rise in political terrorism, as a result of the current economic turmoil and moves toward political reform, could further destabilize the

region and slow its recovery. Terrorism in this region is also significant because of the growing integration of US and Southeast Asian economies. This thesis will attempt to outline successful approaches to reduce the likelihood of terrorism through domestic, regional, and international/US policy initiatives.

The case studies of Thailand and Indonesia demonstrate the necessity of a strong unilateral approach toward counter-terrorism. However, the weakness of such an approach is highlighted by its failure to extinguish the existence of terrorism, especially political terrorism carried out by separatist organizations. The Association of Southeast Asian Nations (ASEAN) member states must individually and collectively develop workable bilateral and multilateral conventions designed to isolate terrorist organizations from outside support. By doing this ASEAN and its members can increase political stability within the region.

It is therefore the recommendation of this thesis that US policy towards terrorism need not change to accommodate Southeast Asia and that ASEAN and its individual states take greater steps toward containing the spread of terrorism in the region through dialog and action.

## I. INTRODUCTION

*I regret that I have come to the conclusion that there is going to be tremendous growth in international terrorism over the next decade or so, not only directed against Americans but throughout the world.<sup>1</sup>*

John Deutch, former CIA Director

As the economic gap widens between US prosperity and the Asian gloom, rapidly changing political, economic, and social conditions may lead to an increase in political terrorism directed at the governments and citizens of Southeast Asia and possibly the United States.

With the end of the Cold War global tensions have decreased while regional disorder has been on the increase. Today, Southeast Asia, in contrast to its meteoric economic rise during the 1980s and much of the 1990s, has become an area of regional economic and political instability. As a result of this instability, the possibility of an increase in terrorism, separatist violence, age-old ethnic disputes, and strained regional relations takes on greater significance, both in the United States as well as in Southeast Asia.

Although much attention has focused recently on international terrorism, there has been little discussion on whether or not terrorism in other countries actually threatens vital US interests. This is rather surprising, given the proactive nature of US counter-terrorist policy and the recent use of preemptive and

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<sup>1</sup> Quote from former CIA Director John Deutch, told to the House Intelligence Committee. "US faces new wave of terrorism, CIA says," *The Detroit News*, 20 December 1995. Available [Online]: <<http://www.detnews.com/menu/stories/29297.htm>> [9 September 1998].

retaliatory strikes. Although political terrorism in Southeast Asia is not new, the fear that a rise in terrorism could lead to further instability in the region requires increased attention on this matter.

#### A. PURPOSE

One purpose of this thesis is to examine political terrorism in Southeast Asia during and after the Cold War, with particular attention paid to terrorism conducted by separatist groups in Thailand and Indonesia. Second, this paper will discuss what actions are needed to contain political terrorism in the region. Third, this paper will examine US Government anti-terrorist/counter-terrorist policy and how it affects political terrorism in the region. Finally, this thesis will demonstrate that there is a growing threat of terrorism in Southeast Asia that can no longer be addressed unilaterally. Additionally, this thesis provides some suggestions on how US policy and global initiatives can be used as guidelines for greater cooperation within ASEAN.

The ability of terrorists to launch high profile attacks has led some to view terrorism as a threat of the highest proportion in the post Cold War era. However, the remarks made following the terrorist attack at the Munich Olympic Games presents some of the same arguments that can be heard today:

Can anything be done to curb international terrorism, or must we accept that it will simply continue to grow – and if so, where can we expect it to end? ... The flare-up of international violence on the scale we are witnessing today is far more dangerous than anything that has gone before: because thanks to modern technology sophisticated weapons in the hands of both governments and protesting groups pose a much grater threat to international law and peace. ... No air traveler is secure from attacks by politically motivated, or paranoiac, or simply criminal individuals; no letter can be opened in safety; diplomats can no longer go about their business without fear of being kidnapped or of losing their

lives; nobody can be sure he is not a potential hostage; no international gathering ... is free from threats of violence.<sup>2</sup>

## B. DEFINING TERRORISM

To address these concerns and to enhance regional cooperation, the inevitable questions of definitions, standards, and style of language must be addressed. States must be consistent in their use of the term "terrorist." Many governments use this word indiscriminately to describe many phenomena (guerrilla warfare, civil violence, and ordinary crimes). There is also hesitation to clearly label a terrorist act as such if one's friends commit it. If this is the case, states that responded with silence on selected cases of terrorism should expect no better from those they criticize regarding other acts of terrorism.<sup>3</sup>

The difficulty in defining terrorism, aside from its variation across of numerous nationalities and cultures, is that terrorist acts may be perpetrated for numerous reasons. First, individual acts of terrorism may be designed to extract specific concessions, such as the payment of ransom or release of prisoners. Second, terrorism may also be an attempt by an organization to gain publicity. Third, terrorism's goal might involve the spreading of disorder, the demoralization of society, or the breaking down of social order. Fourth, terrorism might try to induce the government into repression, hoping that the government would then self-destruct. Fifth, terrorism can be used as a tool to enforce obedience and cooperation. Finally, terrorism is often meant to be a form of punishment.

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<sup>2</sup> Colin Legum, "What is Terrorism?" *London Observer*, 26 November 1972 (reprinted in *Current*, January 1973, 3-9), in Jeffery D. Simon, *Misperceiving the Terrorist Threat* (Santa Monica: RAND Corporation, 1987), 5-6.

Indeed, terrorists often declare that their victims are somehow guilty or responsible for the attack against them.<sup>4</sup>

Any single definition of terrorism is far from universal. However, in order to combat terrorism it is first necessary to define it. In doing so, thesis takes as its starting point the definition used by the Department of State since 1983:

- The term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents usually intended to influence an audience.
- The term "international terrorism" means terrorism involving citizens or the territory of more than one country.
- The term "terrorist group" means any group practicing, or that has significant subgroups that practice, international terrorism.<sup>5</sup>

Incidents of international terrorism have declined since 1987 (see Figure 1). However, the number of incidents and related casualties (see Figures 2 and 3) have fluctuated widely. It can be argued that aside from large peaks in casualties from year to year, international terrorism remains a constant and dangerous problem.

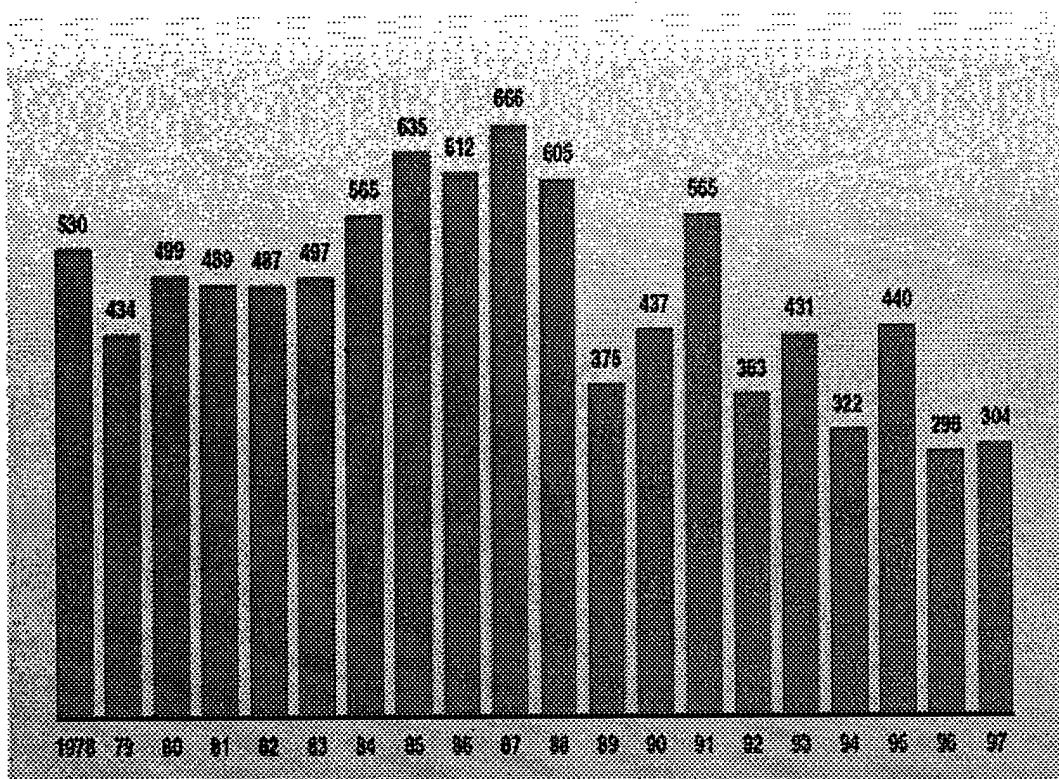
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<sup>3</sup> Grant Wardlaw, *Political Terrorism: Theory, Tactics, and Counter-Measures* (Cambridge: Cambridge University Press, 1989), 200.

<sup>4</sup> William Regis Farrell, *The US Government Response to Terrorism: In Search of an Effective Strategy* (Boulder: Westview, 1982), 10. For a discussion on the difficulty defining terrorism within the US government see David Tucker, *Skirmishes at the Edge of Empire: The United States and International Terrorism* (Westport, Connecticut: Praeger, 1997) 51-69.

<sup>5</sup> According to Title 22, United States Code 2656f(d). This information can be found in the Department of State's *Patterns of Global Terrorism: 1997*. It is also noted that for the purposes of this definition, the term "noncombatant" is interpreted to include, in addition to civilians, military personal who at the time of the incident are unarmed and/or not on duty. Department of State. "Introduction," *Patterns of Global Terrorism: 1997*. Available [Online]: <http://www.state.gov/www/global/terrorism/1997Report/1997index.html> [24 August 1998].

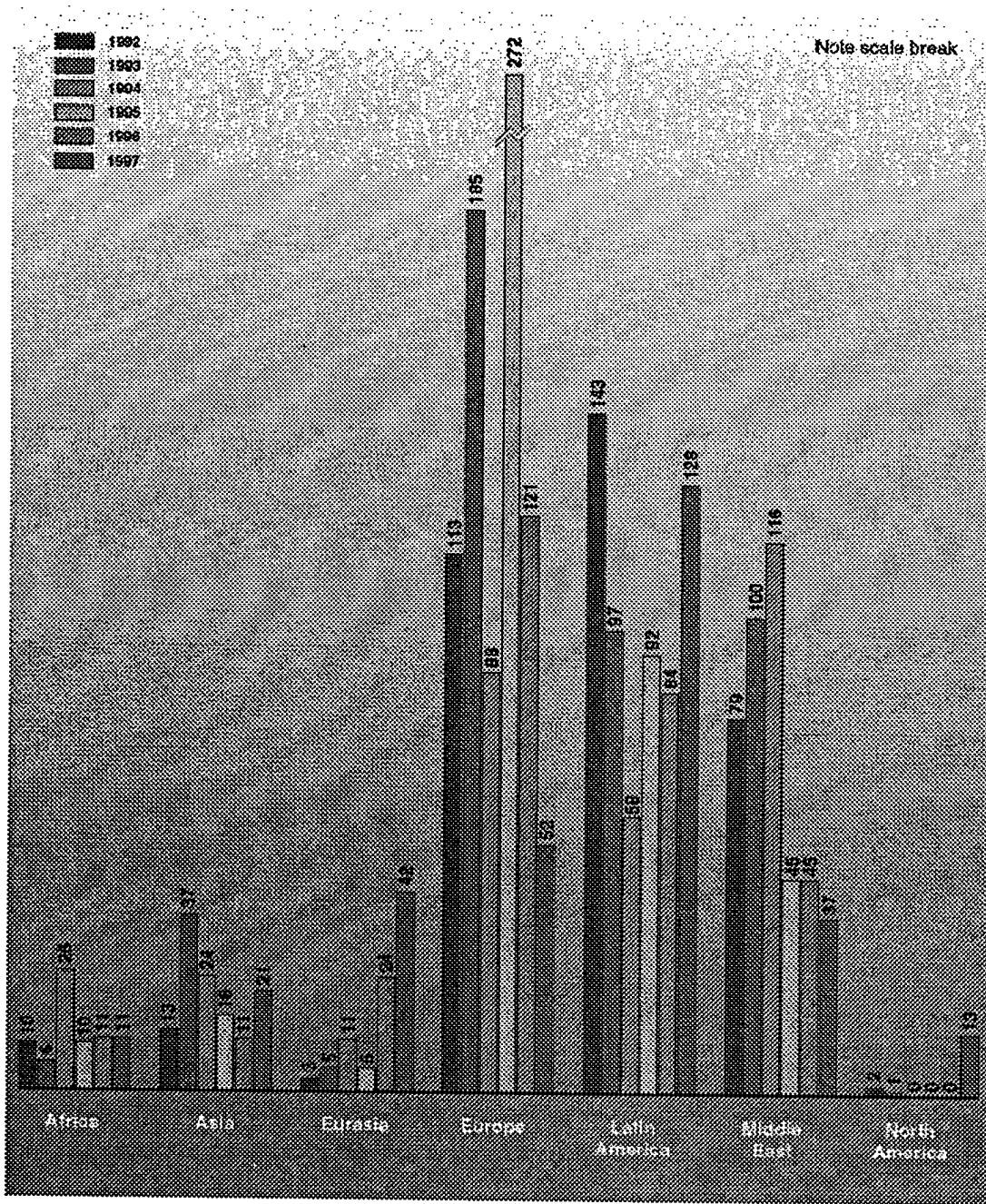
## International Terrorist Incidents, 1978-97



Source: Department of State, *Patterns of Global Terrorism: 1997*. Available [Online]: <<http://www.state.gov/www/global/terrorism/1997Report/incidents.html>> [24 August 1998].

**Figure 1: International Terrorist Incidents, 1978-97**

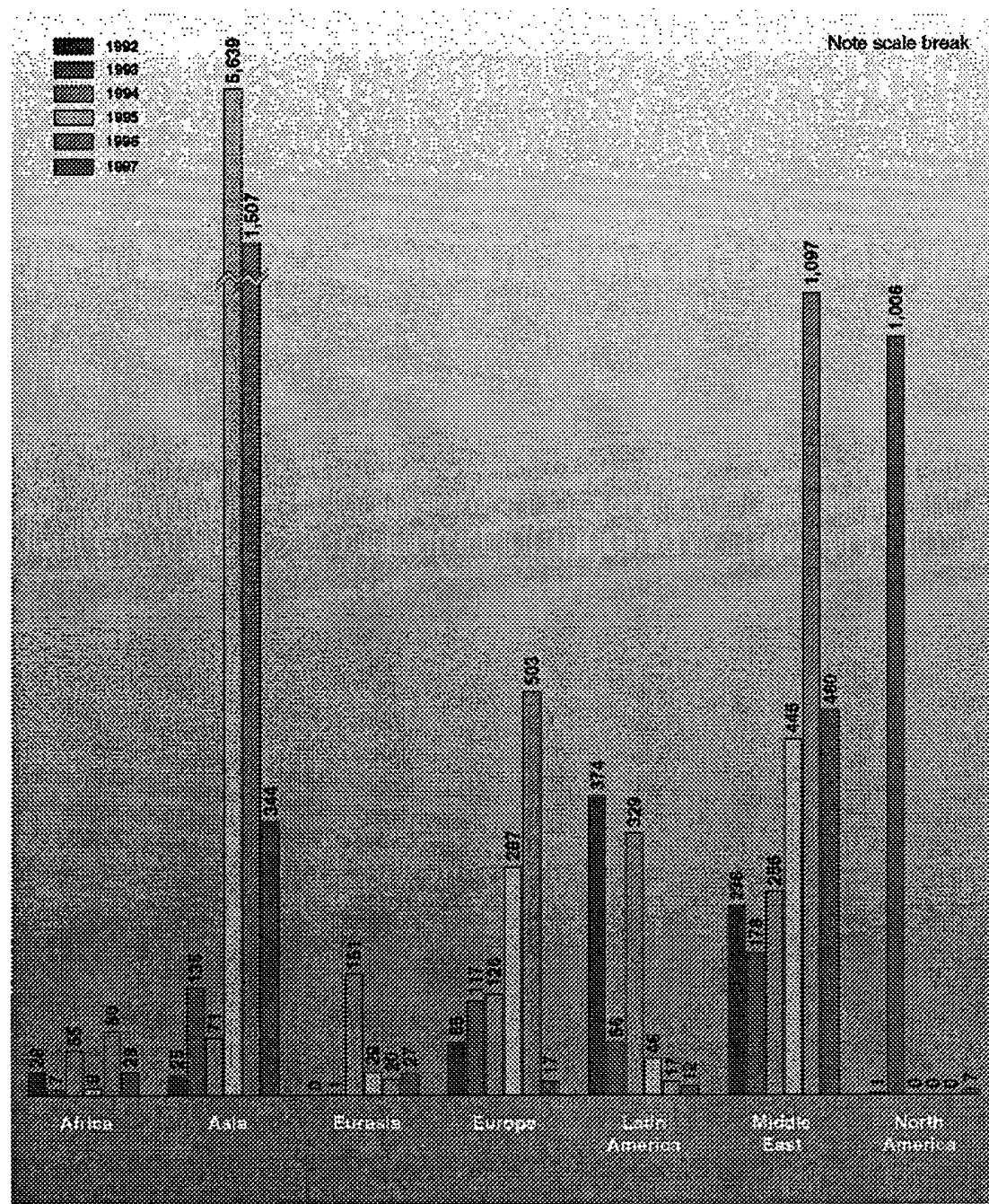
## International Incidents by Region, 1992-97



Source: Department of State, *Patterns of Global Terrorism: 1997*. Available [Online]: <<http://www.state.gov/www/global/terrorism/1997Report/region.html>> [24 August 1998].

**Figure 2: International Incidents by Region, 1992-97**

## Casualties of International Terrorist Incidents, 1992-97



Source: Department of State, *Patterns of Global Terrorism: 1997*. Available [Online]: <<http://www.state.gov/www/global/terrorism/1997Report/casualties.html>> [24 August 1998].

**Figure 3: Casualties of International Terrorism Incidents, 1992-97**

To many, “terrorism” has become a political label, used to condemn an enemy rather than to specify what terrorism is and what it is not. It is important to note that terrorism is not exactly the same as violence. Terrorism aims by the use of violence or the threat of violence to coerce governments, authorities, or populations by inducing fear.<sup>6</sup> As a result, the political nature of terrorism is irreversibly linked to questions of legitimacy in international as well as domestic politics.<sup>7</sup>

In defining the concept of terrorism, it is critical to isolate terrorism from specific political goals. First, it must be acknowledged that not all nationalists, revolutionaries, or far-right extremists are terrorists. Additionally, no particular ideology or religion is responsible for terrorism. Terrorism, as a means, is logically separable from the ends it purportedly serves. Terrorist behavior must be distinguished from its causes in order to control it. This has been necessary to formulate international law on the subject, which has focused on the component parts of terrorism, such as hijackings or diplomatic kidnappings, in order to treat them as crimes.<sup>8</sup>

### C. POLITICAL TERRORISM

While it is important to understand the nature and danger of international terrorism, it is the purpose of this thesis to examine the political terrorism within Southeast Asia. Political terrorism differs significantly from international terrorism. According to Peter Chalk, political terrorism is the “systematic use of

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<sup>6</sup> Richard Clutterbuck, *Guerrillas and Terrorists* (London: Farber, 1977), 21.

<sup>7</sup> Martha Crenshaw, *Terrorism and International Cooperation* (Boulder: Westview Press, 1989), 5.

<sup>8</sup> *Ibid.*, 5-6.

illegitimate violence that is employed by substate actors as a means to achieve specific political objectives – these objectives differing according to the group concerned. It is a psychological tactic that seeks to [induce fear] in a ... group wider than the immediate audience through the actual or feared indiscriminate targeting of civilians and other noncombatants.”<sup>9</sup>

The strategy of political terrorism can be defined as a method in which an organized group or party tries to get attention for its aims or force concessions in favor of its goals through the systematic use of deliberate violence. Politics and terrorism share a number of similarities. Both have developed in response to changes in the international environment. “The purpose of each is to persuade and prevail, and both rely heavily on symbolism.”<sup>10</sup> However, the overriding difference is the terrorists’ use of violence. To distinguish domestic political terrorism from international terrorism, this thesis limits its scope to actions that take place within the geographical boundaries of a single state, carried out by its citizens, in an attempt to influence that state’s behavior.<sup>11</sup>

Political terrorism is most prevalent and dangerous during periods of armed separatism.<sup>12</sup> Ultimately, separatist causes arise in cases where power has

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<sup>9</sup> Peter Chalk, *Western European Terrorism and Counter-Terrorism: The Evolving Dynamic* (London: MacMillan, 1996), 22.

<sup>10</sup> J. E. Karkashian, “Too Many Things Not Working,” in *Diplomats and Terrorists: What Works, What Doesn’t: A Symposium*, ed. M.F. Herz (Washington D.C.: Georgetown University, 1982), 6; quoted in Andrew Seltz, *Against Every Human Law: The Terrorist Threat to Diplomacy* (Rushcutters Bay: Australian National University Press, 1988), 3.

<sup>11</sup> Farrell, 13.

<sup>12</sup> *Armed separatism* can be described as the process whereby an ethnic group, or a coalition of ethnic groups, seeks to secede or gain autonomy from the control, *de facto* and *de jure*, of a given state, through an organized and purposeful use of force, alone or in combination with other means. Such use of force constitutes acts of revolutionary violence in that it expresses a rejection of the prevailing political and social system and a determination to bring about

changed hands or where international agreement, historically determined by the colonial power of the time, consolidated a number of distinct regional or national entities into single nations. A prominent example of this is the Palestinians whose national refugee status and discontent gave rise directly to the Palestinian Liberation Organization (PLO) and its terrorism.<sup>13</sup>

Historically, nationalist-separatist groups using political terrorism have demonstrated considerably greater durability in recent decades than all other kinds of political terrorists. In contrast, ideologically oriented, non-separatist groups, such as the Baader-Meinhof gang, the Italian Red Brigades, some Latin American groups, even the Turkish terrorist movements which were so strong throughout the 1970s and early 1980s, have come and gone whereas those expressing nationalist aims have been able to stay alive.<sup>14</sup> Some nationalist-separatist groups have been more enduring because: a) their ethnic-religious appeal guaranteed them wider popular support than did the ideological appeals of other groups, or b) because they received massive support from a foreign power, or c) because the government of their country was in an advanced state of decay, no longer capable of mobilizing the vastly superior resources of the state against terrorists. These causes continue to be a

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"progressive" changes by overthrowing this system. *Ethnic groups* can be defined as "collectivities of individuals who feel a sense of belonging based on cultural traits – usually some combinations of religion, language, and social mores – and a notion of common ancestry. The boundaries that separate 'we' and 'they' are not necessarily territorial. They consist of perceived bonds of shared loyalties and perceived differences from outsiders." M.R. Sukhumvong Paribatra and Chai-Anan Samudavanija, "Factors Behind Armed Separatism: A Framework for Analysis," in *Armed Separatism in Southeast Asia*, eds. Lim Joo-Jock and Vani S. (Singapore: Institute of Southeast Asian Studies, 1983) 34.

<sup>13</sup> Stephen Segaller, *Invisible Armies: Terrorism into the 1990s* (New York: Harcourt Brace Jovanovich, 1987), 32.

nuisance. However, many of these groups have been unable to achieve the ultimate goal of an independent nation-state. Terrorism continues, partly because it has existed on a small scale throughout history, but mainly because foreign support (state sponsored international terrorism) has prolonged the life span of terrorism which otherwise might well have been much shorter.<sup>15</sup> The political gains of the PLO in recent years demonstrate the greater utility of nonviolent confrontation and negotiation versus the threat or use of political terrorism.

Nationalist groups will continue to struggle to achieve a redistribution of wealth and power and the settlement of claims for ethnic, religious and social rights. Whatever form terrorism takes it will continue and will most likely expand to take advantage of new vulnerabilities within modern society.<sup>16</sup>

This thesis uses two case studies of political terrorism carried out by separatist movements in Thailand and Indonesia. These two cases are significant because a possible rise in political terrorism, as a result of the current economic turmoil and moves toward political reform, could further destabilize the region and slow its recovery. Terrorism in this region is also significant because of the growing integration of US and Southeast Asian economies. This thesis will attempt to outline successful approaches to reduce the likelihood of terrorism through domestic, regional, and international/US policy initiatives.

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<sup>14</sup> Walter Laqueur, *The Age of Terrorism* (Boston: Little, Brown, 1987), 206.

<sup>15</sup> *Ibid.*, 301.

<sup>16</sup> Gary R. Perlstein, "Defining International Terrorism," *Jane's Defence Weekly* Vol. 12, No. 24 (16 December 1989): 1339.

**Chapter II** provides an overview of the reasons for terrorism, the people who commit terrorism, and the typical operations carried out by terrorists.

**Chapter III** presents a broad overview of the state of terrorism in Southeast Asia in the 1990s and sets the stage for the case studies of Thailand and Indonesia presented in **Chapter IV**. The case studies will examine the respective approaches taken by Thailand and Indonesia at addressing the factors that have led to political terrorism in their countries. **Chapter V** assesses US and regional policy aimed at curbing the spread of political terrorism in Southeast Asia.

**Chapter VI** concludes with a summary of counter-terrorist policy and its implications, and recommendations for Southeast Asia's future security.

## **II. BACKGROUND**

### **A. REASONS FOR TERRORISM**

As David Rapoport points out, "terrorism's prime purpose, whether motivated by political, religious, social, economic or racial conflict, is to create public recognition for its creator and his or her claims and causes. Given the nature of a terrorist act – random selection of targets, unique means of delivering violence, unpredictability – its intended results will create immediate and immense shock with a population. Perpetrators then hope that the shock will develop into public hysteria."<sup>17</sup> The population perceives the target government to be ineffective, negligent or, at the very least, unacceptable because it is unable to protect them from the terrorists, or because the terrorists are seen as the solution and not the problem.

Scholars and experts disagree as to whether the terrorism that plagues the world community results from the extraterritorial spillover of local grievances or whether it is a deliberate attack on international order. The effects of terrorism on international security may be incidental to its intended impact on the local distribution of power.<sup>18</sup> What is clear and definable is that a terrorist is not a "freedom fighter." When the terrorist's stated aim is the overthrow of a government by direct violence, then the violence represents revolution. If the violence, however, is aimed at civilians and civilian property – an airport ticket

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<sup>17</sup> David Rapoport, "The Politics of Atrocity," *Terrorism: Interdisciplinary Perspectives* (New York: John Jay College Press, 1977), quoted in Richard Allan, *Terrorism: Pragmatic International Deterrence and Cooperation* (Boulder: Westview Press, 1990), 2.

counter, a school bus filled with children, a tourist bus, an airplane filled with civilians – then the violence constitutes terrorism.<sup>19</sup>

Terrorism does not necessarily reflect mass discontent or deep social divisions. More likely it represents the disaffection of a fragment of the elite who take it upon themselves to act on the behalf of a majority unaware of its plight, unwilling to take action to remedy its grievances, or unable to express dissent.<sup>20</sup> Terrorism is an attractive strategy for small organizations that want to attract attention, provoke the government, intimidate opponents, appeal for sympathy, impress an audience, or maintain the adherence of the faithful. The ease, simplicity, and rapidity of terrorism strengthens its appeal.

## B. THE TYPICAL TERRORIST

According to research conducted by Martha Crenshaw, most terrorists are young. This may account for their willingness to take risks and their ability to overcome the moral inhibitions that would prevent most people from using extreme violence in a way that defies social norms. It has also been suggested that terrorists are people whose identity formation is incomplete. Their immaturity makes them susceptible to extremist beliefs and to the power of the group and its leaders. Research has also indicated that the terrorist may be ashamed about violence, uncomfortable with his or her own aggressive tendencies and likely to blame others rather than to accept responsibility for unpleasant outcomes. Rather than being amoral, they are likely to believe in the

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<sup>18</sup> Crenshaw, 12.

<sup>19</sup> Allan, 10.

justice of their cause to the point that they are able to distance themselves from their victims. Their self-righteousness is absolute. Most terrorists conceive of their actions as defensive and justified. They often imagine themselves as sacrificial victims or as avengers. Their self-conceptions are displayed in their use of an elaborate military and legalistic terminology, a parody of the state.<sup>21</sup>

Typical terrorists are individuals trained and disciplined to carry out the violence decided upon by their organizations. If caught, true terrorists can be expected to speak and act during their trials not primarily to win personal freedom, but to try to spread their organization's political ideas.<sup>22</sup>

### C. TERRORIST ORGANIZATIONS

Terrorist organizations carry out actions in a purposeful manner, not in a spontaneous reaction to circumstances. Because of this, terrorism usually occurs in times of peace rather than war, and often comes as a surprise to its victims. Terrorist organizations are more likely to choose targets that bear no directly offensive intentions toward themselves – airline passengers, journalists, diplomats, educators, business executives and other civilians. This tactic is in contrast to traditional reliance on assassinations of prominent officials (who are typically well protected). Terrorists prefer easy targets.<sup>23</sup>

For terrorist organizations intelligence and secrecy are an essential prerequisite for a successful operation. Generations, therefore, routinely study

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<sup>20</sup> Crenshaw, "The Causes of Terrorism," in *International Terrorism: Characteristics, Causes, Controls*, ed. Charles W. Kegley, Jr. (New York: St. Martin's Press, 1990), 124.

<sup>21</sup> Crenshaw, *Terrorism and International Cooperation*, 18.

<sup>22</sup> Francis M. Watson, *Political Terrorism: The Threat and the Response* (New York: Luce, 1976), 1.

<sup>23</sup> Crenshaw, *Terrorism and International Cooperation*, 6.

the lessons learned from mistakes made by former comrades who have been killed or apprehended. Press accounts, judicial indictments, courtroom testimony, and trial transcripts are examined for information on security force tactics and methods and are absorbed by surviving group members.<sup>24</sup> Not only are successor generations often smarter than their predecessors, but they also tend to be more sophisticated, more ruthless, and less idealistic.<sup>25</sup>

The people within a terrorist organization perform a number of different roles. These tasks can be highly specialized, especially in large and complex organizations. The person who makes a bomb, for example, or buys a gun, is unlikely to be the person who uses it. Most importantly, the leaders who make decisions do not implement them.<sup>26</sup>

#### D. TERRORIST OPERATIONS

Terrorists continue to rely on two basic weapons: the gun and the bomb. The ability to explode bombs of sufficient force to kill hundreds of people appears to coincide with a lessening of moral inhibitions about the use of violence. This erosion of inhibitions may be due in part to the actions of a state whose brutality against its own citizens is seen as state terrorism.<sup>27</sup>

In all probability, any changes in terrorist tactics will be evolutionary rather than planned, and will represent the culmination of a series of incremental changes. It seems likely that terrorism will be a more serious problem in the near

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<sup>24</sup> Bruce Hoffman, *Responding to Terrorism Across the Technological Spectrum* (Washington DC: GPO, 1994), 12.

<sup>25</sup> Ibid., 13.

<sup>26</sup> Crenshaw, *Terrorism and International Cooperation*, 17.

<sup>27</sup> Ibid., 6.

future for two reasons. First, the incremental changes in the nature of terrorism and terrorist organizations will eventually lead some group to attempt to use weapons of mass destruction. Second, the way in which political socialization has occurred worldwide, over the past few decades, suggests that terrorism may come to be seen by a wider range of groups as an acceptable way to stop governments from operating in ways counter to their interests. The combination of radical political activism and easier access to powerful weapons brings greater dangers to more people.<sup>28</sup>

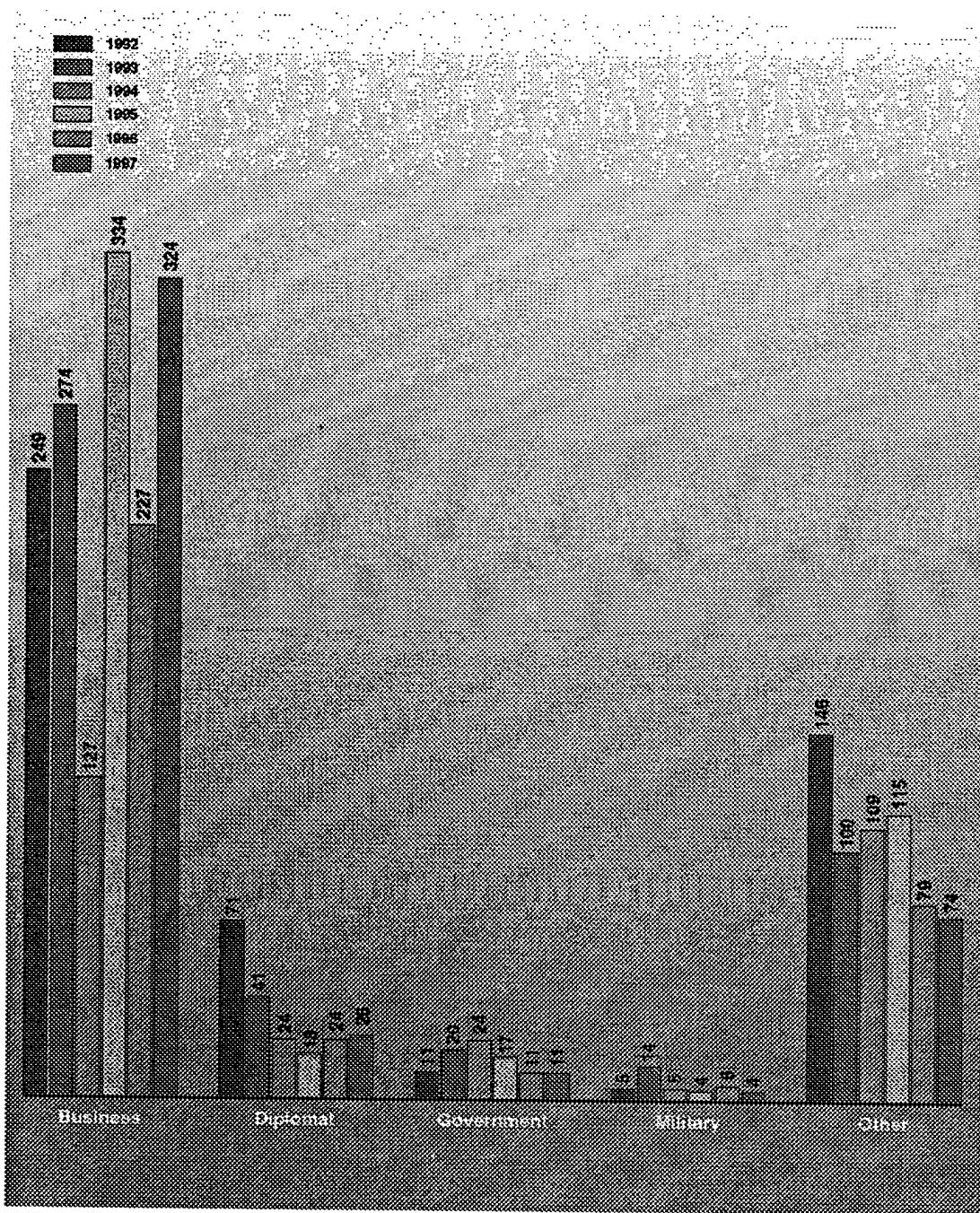
Aside from choice of weapons, terrorist operations are distinguished by secrecy and surprise. Characteristically, the victims of terrorism are not the targets (see Figure 4). That they are terrorized is important only in so far as their terror is communicated to a watching audience, whose emotions the terrorists seek to manipulate. Because of this, terrorism is often referred to as the weapon of the weak, since it is frequently the resort of small ideological groups that lack a mass base.<sup>29</sup>

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<sup>28</sup> Wardlaw, 195.

<sup>29</sup> Crenshaw, *Terrorism and International Cooperation*, 7.

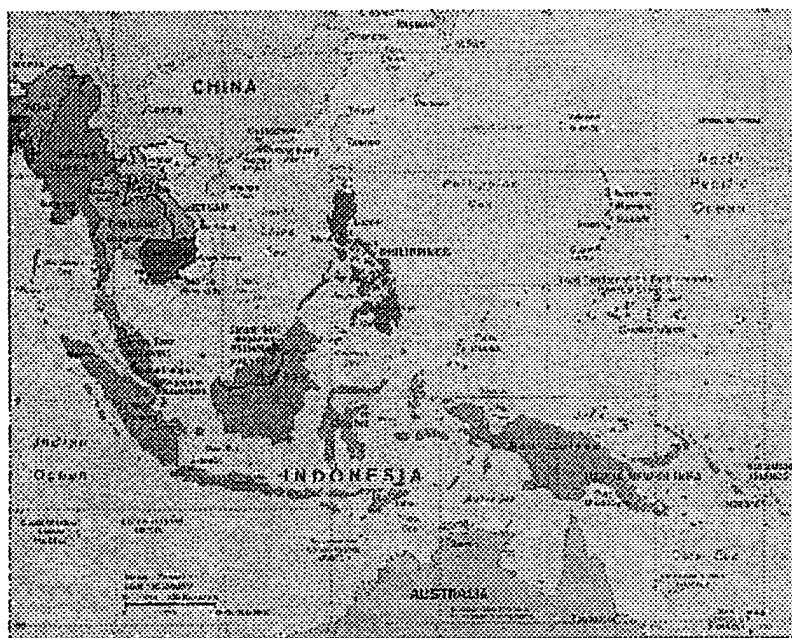
## International Incidents by Type of Facility, 1992-97



Source: Department of State, *Patterns of Global Terrorism: 1997*. Available [Online]: <<http://www.state.gov/www/global/terrorism/1997Report/facility.html>> [24 August 1998].

**Figure 4: International Incidents by Type of Facility, 1992-97**

### **III. TERRORISM IN SOUTHEAST ASIA**



**Figure 5: Map of Southeast Asia**

There are indications that the threat of terrorism is spreading in Southeast Asia despite being "traditionally" seen as a symptom indicative of Middle Eastern, Western European and Latin American problems. In the past, countries in Southeast Asia have dealt with threats to internal stability on their own or from assistance from former colonial rulers. Terrorism, in the post-Cold War era, has brought the threat of further instability to countries in Southeast Asia that no longer enjoy the benefits of rapid economic growth and long-standing political arrangements. Nowhere is this more evident than in Indonesia. If the "Asian economic flu" is any indication of how terrorism can spread throughout this region, Southeast Asia can not afford to combat terrorism without aid from one another. This chapter provides background for the case studies of Thailand and Indonesia.

## A. FACTORS INFLUENCING TERRORISM IN SOUTHEAST ASIA

Political terrorism is not new to Southeast Asia. Today, the reasons for political violence in the region can be linked to ethnic unrest, religious disputes, political deprivation, and economic frustration. However, it can be argued that most of post-colonial Southeast Asia's problems date back to the time when arbitrary borders were drawn up purely to satisfy the desires of Western colonizers. As a result, the governments of Southeast Asia are faced with the tasks of trying to contain significant sectors of population that do not identify strongly either with their national rulers or territorial boundaries. This phenomenon is evident in Indonesia, the Philippines, Malaysia, and Burma.<sup>30</sup>

From independence until the 1990s, the issues and challenges that preoccupied the nations of Southeast Asia were fairly well defined in Cold War terms. These countries were either part of the group of states seeking to change the world through revolution or part of the group of states attempting to contain revolutionary change. With the fall of the Berlin Wall and the dissolution of the Soviet Union, these old divides and structures are no longer relevant. The challenge for Southeast Asia now is to identify new ways to enhance regional stability and global economic cooperation.

Throughout history cultural and ethnic assimilation has taken place throughout the region. The idea that there would be resistance – even armed resistance in some cases – to demands made by the ethnic majority or colonial masters should not come as a surprise. But in many instances it is not clear why

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<sup>30</sup> Peter Chalk, *Grey-Area Phenomena in Southeast Asia: Piracy, Drug Trafficking and Political Terrorism* (Canberra: Strategic and Defence Studies Centre, 1997), 17.

some national, ethnic or religious minorities took up arms and others did not.<sup>31</sup> Certainly terrorist incidents occur more widely in democratic, free societies. This is partly because of opportunity of action and partly because of the potential advantage of publicity. While terrorism does occur in the more controlled societies (and the very nature of such societies means that we may hear far less about their terrorism than might be justified by actual events), the control of citizens' movements, work, political activities, and media, limits both opportunity and potential payoff.<sup>32</sup>

There are increasing indications that the threat of terrorism is spreading to Southeast Asia. The greatest potential for future terrorist threats lies predominantly in Burma and Indonesia. In Burma, cease-fires between indigenous ethnic groups and the ruling military junta are tenuous at best. In Indonesia, the country's current financial crisis may spark a general outbreak of political violence as the public reacts to higher food prices, lower wages, job losses, and the forced devaluation of savings. The potential political fall-out from this economic crisis should not be underestimated. Perhaps the discovery of a fake explosive package at the Sumatran airport of Polonia in February 1998 is just a glimpse of future troubles. Attached to the device was a note warning the Indonesian Government to lower food prices or face the consequences of a real bombing campaign.<sup>33</sup>

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<sup>31</sup> Laqueur, 233.

<sup>32</sup> Segaller, 31.

<sup>33</sup> Chalk, "Terrorism Spreads to Southeast Asia," *Jane's Intelligence Review* Vol. 5, No. 4 (1 April 1998): 1.

Another factor that may play a prominent role in the rise of political terrorism in Southeast Asia may likely be the increase in population. Unlike the United States, Japan, and the European Union, whose populations are aging due to low birth rates and increased longevity, Southeast Asia's youth population is growing. In Southeast Asia the employed members of the community will have to carry the burden of providing food, shelter, clothing, education, and healthcare of higher quality to this growing number of children and adolescents. In contrast, industrial democracies benefit from developed welfare systems. As a RAND analysis states, "The political implications of large numbers of alienated youth are very serious."<sup>34</sup> Indeed, as was pointed out earlier, the youth usually carry the sword of terrorism.

Although none of the terrorist organizations in Southeast Asia have practiced terrorism on the scale of Western European and Middle Eastern groups, many have been prepared to use limited terrorist tactics as part of their overall political operations, primarily for four reasons. First, terrorism is an inexpensive method of warfare that can achieve relatively effective results. Second, through the psychology of fear, terrorism can artificially inflate the perceived strength and power of the group. Third, by attracting maximum publicity, terrorism can bring a cause to national, regional, or even global attention. Finally, terrorist acts involve relatively little personal risk.<sup>35</sup>

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<sup>34</sup> Guy J. Pauker, *Policy Implications of Political Institutionalization and Leadership Changes in Southeast Asia* (Santa Monica: RAND Corporation, 1985), 1.

<sup>35</sup> Chalk, *Grey-Area Phenomena in Southeast Asia: Piracy, Drug Trafficking and Political Terrorism*, 55.

## **B. COLD WAR TERRORISM**

During the Cold War two main types of groups practiced terrorism in Southeast Asia: communist organizations and armed separatist movements involving indigenous ethnic or religious minorities. Communist organizations began to take on greater significance as part of the wider ideological struggle that was taking place between the East and West during the Cold War era. However, the rise of these organizations were directly the result of anti-colonial movements before and after the Second World War. Principal examples included the New People's Army (NPA) in the Philippines, the Communist Party of Burma (CPB), the Communist Party of Thailand (CPT), the Khmer Rouge (KR) and the Communist Party of Malaysia (CPM). The most overly terrorist in nature were the CPM and NPA.

The Malayan Races Liberation Army (MRLA) conducted terrorist activities in Malaya on behalf of the CPM. Formed in 1948, the MRLA was led by Chin Peng (Secretary General of the CPM) and was composed mostly of ethnic Chinese. Its prime objective was to oust the British from Malaya and was most active during the Malayan Emergency from 1948-1960. The MRLA finally conceded defeat in July 1960 when the state of emergency was officially declared over. Throughout the insurgency the MRLA targeted plantations, colonial facilities, the police and military, and ethnic Chinese-Malays who did not support the CPM. Although the MRLA's campaign of terror failed, it cost well over 11,000 lives as well as millions of dollars in much needed funds for social and economic development.

The New People's Army (NPA) conducted terrorist activities in the Philippines. The NPA was founded in 1968 and led by Bernabe Buscayno, otherwise known as Commander Dante. Its main objective was revolution. One of its primary goals was to coerce the Philippine and US Governments into terminating the 1947 Military Bases Agreement (MBA). In pursuit of this objective, the NPA carried out numerous acts of terrorism, inflicting considerable casualties in its primary areas of operation in and around Luzon, Mindanao, and Negros. Throughout the 1970s and 1980s, the NPA received considerable financial and logistical support from Libya as part of Qaddafi's program to establish a string of revolutionary movements in the Asia Pacific region. The NPA also received support from North Korea in return for providing information on US-leased Clark Air Force Base and Subic Naval Base, as well as on key American military figures.<sup>36</sup>

Armed separatist movements involving indigenous ethnic or religious minorities arose in reaction to the unwillingness of Southeast Asian governments to acknowledge the right of post-colonial self-determination. Throughout the Cold War, several groups engaged in armed campaigns and periodic instances of terrorism against state structures that they neither identified with nor perceived as illegitimate. Examples included Fretelin (East Timor, Indonesia), the *Organisasi Papua Merdeka* (OPM – Irian Jaya, Indonesia), the Moro National Liberation Front (MNLF – Mindanao, the Philippines), the Pattani United

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<sup>36</sup> Chalk, "Political Terrorism in Southeast Asia," (forthcoming, 1998), 2-3.

Liberation Organization (PULO – Thailand), and a variety of ethnic groups in Burma.<sup>37</sup>

### C. POST COLD WAR TERRORISM

The end of the Cold War has had both positive and negative effects in Southeast Asia with regard to internal insurgency and associated terrorist unrest. On the positive side, the collapse of the Soviet Union and Eastern Bloc has contributed to the rapid decline of Communism as a revolutionary political force.<sup>38</sup> However, as Figure 6 points out, the region is far from incident free.

Country	Number of Terrorist Incidents	Average Annual Incident Rate
Indonesia	126	18
Thailand	174	25
Cambodia	427	61
Philippines	1094	156

Source: Peter Chalk, *Grey-Area Phenomena in Southeast Asia: Piracy, Drug Trafficking and Political Terrorism* (Canberra: Strategic and Defence Studies Centre, 1997), 59. Original data from Pinkerton's Risk Assessment Services, *Annual Risk Database 1990-1996* (Pinkerton's Inc., 1991-1997).

**Figure 6: Terrorism Incidents in Selected Southeast Asian Countries, 1990-96**

Throughout East Asia, terrorism increased in 1997. In October 1997, the US Secretary of State designated the Khmer Rouge as a foreign terrorist organization pursuant to the Anti-terrorism and Effective Death Penalty Act of 1996. In the Philippines, the implementation of a peace agreement with insurgent groups has reduced fighting, but former members of these insurgent groups and members of Philippine terrorist organizations have continued attacks against army outposts and village officials. In Indonesia there has been

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<sup>37</sup> Ibid., 4.

<sup>38</sup> Ibid.

continued separatist violence, not targeted against foreigners but having the potential to claim foreigners as collateral victims.<sup>39</sup>

*Burma:* The explosion in April of a parcel bomb at the house of a senior official of Burma's military-led government was the most significant terrorist event in Burma in 1997. The blast killed the adult daughter of Lieutenant-General Tin Oo, Secretary Number Two of the ruling State Law and Order Restoration Council (SLORC). No group or individual claimed responsibility for the attack, but the Government of Burma attributes the act to Burmese antigovernment activists in Japan; the package bore Japanese stamps and postmarks. The Burmese expatriate and student community in Japan denied any involvement in the incident.<sup>40</sup>

*Cambodia:* Continued defections from the Khmer Rouge to the government and the split of the group into pro- and anti-Pol Pot factions have greatly reduced the threat it poses to the Phnom Penh government. Nevertheless, the hard-liners based in the Khmer Rouge stronghold at Anlong Veng regularly launch guerrilla-style attacks on government troops in several provinces. Guerrillas are also suspected in two deadly attacks against ethnic Vietnamese civilians in Cambodia, but they have denied playing a role in the disappearance of two Filipino and two Malaysian employees of a logging company in December 1997. The most significant terrorist incident in Cambodia in 1997 was the grenade attack on an opposition political rally on 30 March 1997. Nineteen persons were killed in the attack, and more than 100 were injured,

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<sup>39</sup> "Asia Overview," *Patterns of Global Terrorism: 1997*.

including one US citizen. Those responsible for the attack have not yet been apprehended.<sup>41</sup>

Furthermore, political violence stemming from a general breakdown in law and order remains a serious problem. Although weakened, the KR remains one of the main threats to internal security. The organization refused to accept the legitimacy of the CPP (Cambodian People's Party)-Funcinpec coalition government which was formed after UN supervised elections in May 1993. As an active guerrilla group, the KR is now weaker than it has been for many years, but still capable of terrorist violence. The absence of a strong unified central government suggests that there is little chance that the KR's historical shadow of political violence will be eliminated from the Cambodian landscape.<sup>42</sup>

Recently the Moneakseka Khmer political party announced that a team numbering some 50 people returned to Cambodia after three years of terrorist training acquired in Vietnam. The Moneakseka Khmer stated that its aim is to foment terrorism against journalists who oppose its policy and the politicians whom this party considers to be its enemies.<sup>43</sup>

*The Philippines:* Despite being weakened by factionalism and the collapse of communism in Europe, the Philippine communist movement appears to be regaining some lost ground. According to the military, there were about 6,700 armed NPA rebels as of June 1997. With the formerly secessionist Moro

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Chalk, "Political Terrorism in Southeast Asia," 8-10.

<sup>43</sup> *Moneakseka Khmer* (Phnom Penh), 21 May 1997, cited in "Vietnam-trained Terrorist Group Reportedly Established," *BBC Summary of World Broadcasts*, 27 May 1997.

National Liberation Front now in the government's fold, the military is left to deal with the extremist Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group. Both groups operate in Mindanao. The MILF, with a strength of 10,700 with around 8,000 firearms, is considered by the military to be a serious threat to security in Mindanao. The Abu Sayyaf, numbering fewer than 1,000 men, is also a source of concern, because it is feared that it could step up its terrorist and criminal activities to raise more funds. Additionally, the military fears the country "could be used as staging ground for the conduct of terrorism elsewhere."<sup>44</sup>

In 1996, the Philippine Government began implementing the terms of a peace agreement signed with the Moro National Liberation Front (MNLF) and continued efforts to negotiate a peace agreement with the Moro Islamic Liberation Front (MILF). The government's anti-Communist operations in 1997 had mixed results. In late 1997, following an upsurge in small-scale attacks by the NPA on police and government units, negotiations were suspended with the political arm of the communist New People's Army (NPA). The government pledged to revisit the issue of a dialogue with the communists if acceptable arrangements for a cease-fire could be met. Another communist rebel group, the Alex Bonacayao Brigade, is not participating in peace talks with the government.

Further complicating the situation in the southern Philippines is the fact that extremist Christians are actively opposed to giving Muslims any autonomy at all. Four Christian vigilante groups have proclaimed their intention to engage in acts of political violence and terrorism if any moves are made to create a

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<sup>44</sup> "Philippine Communists Appear to be Making a Comeback," *The Straits Times* (Singapore), 23 August 1997.

permanent autonomous Muslim area in the southern Philippines. One group, the Military Christian Unified Command (MCUC) has reportedly stated that it intends to launch attacks if any attempt is made to disarm the Christian community in Mindanao.<sup>45</sup>

In September 1997 a previously unknown group calling itself the Filipino Soldiers for the Nation claimed responsibility for grenade attacks at bus terminals in Manila and Bulacan City that killed six persons and wounded 65. Press reports indicated the group demanded a constitutionally prohibited second term for President Ramos. However, the Ramos government strongly condemned the attacks and blamed them on unknown agitators.<sup>46</sup>

An October 1997 attack on a Philippine army base on Mindanao by two foreign terrorists has rekindled concerns over the country's vulnerability to terrorism. The two attackers may have been part of a terrorist team that slipped into the country in late 1994 together with convicted terrorist Ramzi Ahmed Yousef, who allegedly plotted to kill Pope John Paul II and to bomb US airlines.<sup>47</sup>

*Vietnam:* Relatively little is known or written about political terrorism within Vietnam. However, a Vietnamese court recently sentenced two persons to death and three others to life in prison for carrying out a grenade attack on the waterfront in Ho Chi Minh City in 1994, in which twenty persons, including ten

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<sup>45</sup> Chalk, "Political Terrorism in Southeast Asia," 7-8.

<sup>46</sup> "Asia Overview," *Patterns of Global Terrorism: 1997*.

<sup>47</sup> Yousef's team, allegedly experts in bombs and explosives, were said to have become trainers of the MILF, the breakaway fraction of the MNLF, which signed a peace pact with the government in September 1996. Alternatively, they may have linked up with the more extremist Abu Sayyaf Group. "Attack on Army Camp Renews National Security Concerns," *Kyodo News Service: Japan Economic Newswire* (Japan), 17 October 1997.

foreigners, were injured. The five were part of the Vietnam Front for Regime Restoration, an antigovernment exile group based in the United States.<sup>48</sup>

*Southeast Asia:* Perhaps the most disconcerting aspect of terrorism in Southeast Asia is that it may be linked to international Islamic extremism. The Philippine terrorist group Abu Sayyaf, has created local logistical infrastructures for transnational Islamic organizations in exchange for arms and financing. The infrastructure includes safe houses, rest and recovery services, training areas, arms caches, money laundering, and possible recruitment opportunities. Concrete evidence of an international connection between Muslim extremists in the Philippines and other Islamic organizations first began to emerge in January 1995. The successful raid of convicted terrorist Ramzi Ahmed Yousef's room revealed sophisticated plans made by Yousef to carry out a series of high profile attacks in Southeast Asia during 1995. It does appear that the Abu Sayyaf has been plugged in to a flourishing Islamic international terrorist network. According to Philippine military intelligence, the group is now believed to have established comprehensive links with:

- The Abu Nidal Organization (ANO) in Syria;
- Hezbollah in Lebanon;
- Hamas cell in Gaza and the West Bank;
- Gama'a al-Islamiya in Egypt;
- The Armed Islamic Group (GIA) in Algeria; and

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<sup>48</sup> "Asia Overview," *Patterns of Global Terrorism: 1997*.

- Mohammed Jamal Khalifa (Arab businessman who is believed to have played a key role in helping to coordinate the activities of Islamic extremists in Pakistan, Egypt, Israel, and the US).<sup>49</sup>

The internationalization of Southeast Asia's terrorist threat dramatically increases the probability of the region being affected by conflicts and struggles far from its own borders as well as acting as a catalyst for wider internal and external conflict.<sup>50</sup>

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<sup>49</sup> Chalk, "Terrorism Spreads to Southeast Asia," 1.

<sup>50</sup> Ibid.



#### **IV. CASE STUDIES**

The current attention focused on Southeast Asia is in large part due to its current economic dilemma. The financial crisis that erupted in Asia in mid-1997 has led to sharp declines in the currencies, stock markets, and other asset prices of a number of Asian countries. The crisis developed in spite of several decades of outstanding economic performance in Asia. According to the International Monetary Fund, “[T]he crisis has put pressure on emerging markets outside the region; contributed to virulent contagion and volatility in international financial markets; and is expected to halve the rate of world growth in 1998 from the four percent rate that was projected pre-crisis to an estimated outcome of about two percent.”<sup>51</sup>

Thailand and Indonesia were selected as case studies because of their long history of dealing with separatist political terrorism, their drastically changed political landscape, and their current economic instability. From an economic perspective, Thailand was the first country hit by the financial crisis in Southeast Asia and Indonesia was the most affected by it. In November 1998, the financial crisis brought into power the most democratic government in Thailand in more than two decades. In May 1998, the longest serving leader in Southeast Asia,

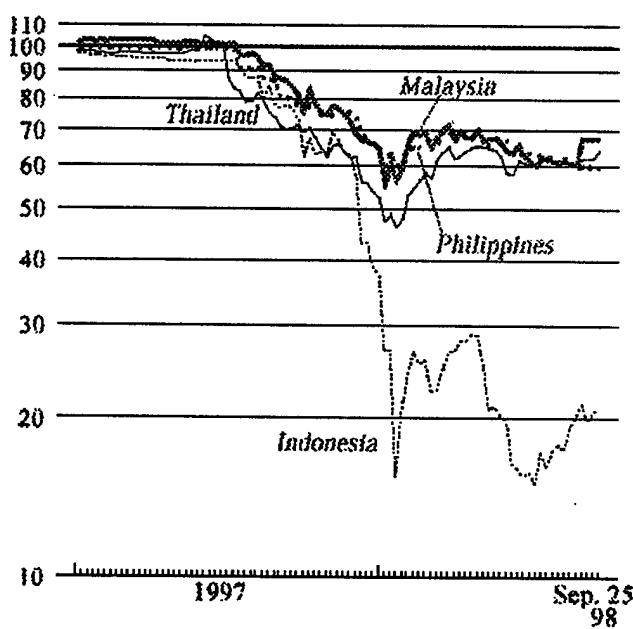
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<sup>51</sup> International Monetary Fund, “The IMF’s Response to the Asian Crisis,” October 1998. Available [Online]: <<http://www.imf.org/external/np/exr/facts/asia.htm>> [17 November 1998].

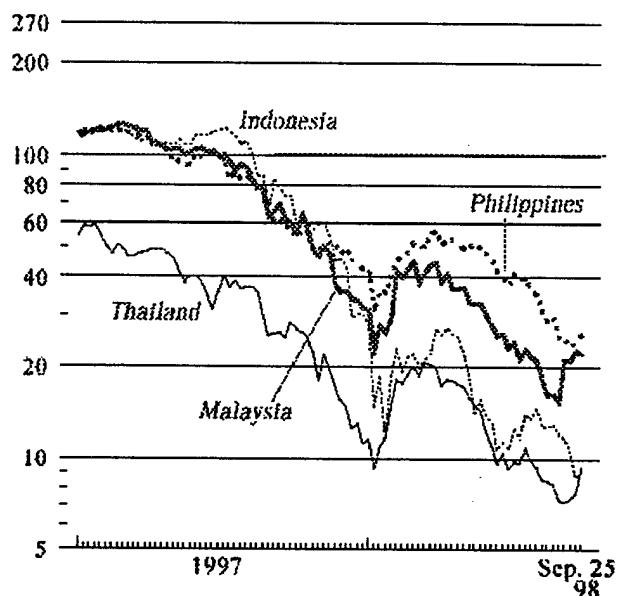
Indonesian President Suharto, resigned. His resignation has opened the door for political and economic reform in Indonesia for the first time since gaining its independence in 1949.

*(In U.S. dollars per currency unit; logarithmic scale:  
January 3, 1996 = 100)*

Bilateral U.S. Dollar Exchange Rates



Equity Prices



Source: International Monetary Fund, "The IMF's Response to the Asian Crisis," October 1998. Available [Online]: <<http://www.imf.org/external/np/exr/facts/asia.htm>> [17 November 1998].

**Figure 7: Selected Asian Economies: Bilateral US Dollar Exchange Rates and Equity Prices**

## A. THAILAND



**Figure 8: Map of Thailand**

### 1. Background

The terrorist threat that currently plagues the southern border of Thailand can be traced back to insurgency movements led by the CPT in support of the Malaysian Communist Party during the Emergency. After remaining pockets of the communist resistance fled to the Thai-Malaysian border, the two governments worked out agreements to ensure that any communist resurgence would be contained within the region of Pattani. However, Thai Muslims became weary of repression by Thai security forces in the region and sought to gain greater autonomy and freer access to the mostly Muslim nation of Malaysia to the south. The leading Muslim separatist group in this region after the 1970s

was the Pattani United Liberation Organization (PULO). The main objective of the PULO was the formation of an independent Muslim state. Because of its location, PULO enjoyed support from extremist Muslims in both southern Thailand and northern Malaysia. In the early 1970s, the Thai Government and the United States spent large amounts of money to counter both the separatists and communists. However, with the end of its involvement in Vietnam by 1975, the United States withdrew its large presence in Thailand as well. From that point on the Thai Government fought the separatists on its own with a combination of both police and military forces.

The PULO and various other smaller groups such as the New PULO, the *Barisan Revolusi Nationale* (BRN), and the *Gerakan Mujahidin Islam Pattani* (GMIP) continue to wage an ongoing Muslim separatist campaign in the southern part of the country. Extremist groups in the region continue to enjoy a residual level of popular support, largely because of linguistic and religious alienation from central Thailand. Moreover, PULO, New PULO, and the GMPI all retain a sufficient core of loyal followers to carry out a sustained campaign of terrorism.<sup>52</sup> A crackdown on illegal immigration across the Thai-Malaysian border has raised concern that these terrorist organizations are increasing their recruiting.<sup>53</sup>

## **2. Terrorist Activities**

These separatist groups carried out a series of bombings and other violent attacks from August to December 1997. This surge of terrorist activity took place

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<sup>52</sup> Chalk, "Political Terrorism in Southeast Asia," 7-8.

<sup>53</sup> "Trouble Looms on Southern Horizon," *Bangkok Post* (Thailand), 13 July 1997.

following the joint announcement of Operation Falling Leaves by PULO, New PULO, and the BRN. This was a combined operation aimed at killing government officials and bureaucrats in the southern Thai provinces of Pattani, Yala, and Narathiwat. In October, bomb attacks killed seven persons, and a bombing of a Chinese religious festival in December killed three and wounded 15. Government authorities blamed separatist groups for assassinating eleven policemen in a two-month period and blowing up a railroad in May.<sup>54</sup>

### **3. Government Responses**

The Thais have long been suspicious about links between PULO and Malaysian Muslims, especially in the border province of Kelantan, which is run by Malaysia's most strongly pro-Muslim opposition party. Thai officials believe that corrupt or incompetent border guards allow terrorists to flee to Malaysia after their attacks. Although PULO has little political influence outside the south, its sporadic bombings have frightened off investors from that part of Thailand. In fact, the Thai interior minister narrowly escaped death in December 1997, when a bomb destroyed a bridge he was due to travel over, as part of a tour of the region only an hour later. Recent activity by PULO seems to be trying to take advantage of the economic crisis in Thailand that has distracted the government.<sup>55</sup>

Throughout the 1960s and 70s, the Thai government launched military operations to destroy separatist strongholds and capture its leadership. In the

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<sup>54</sup> Department of State, "Asia Overview," *Patterns of Global Terrorism: 1997*.

<sup>55</sup> "The Terrorist in the Triangle," *Jane's Foreign Report*, No. 2490, 2 April 1998.

1970s, the government initiated massive economic projects to construct roads, schools, colleges, and universities in the Muslim majority provinces. However, along with police corruption, many Muslims believed that government programs were a deception to penetrate Pattani culture, economy, and society.<sup>56</sup> As a result terrorist activity continued on through the 1980s and 90s.

Thai Prime Minister Chuan Leekpai eventually called in the army to take over the anti-separatist campaign from the Interior Ministry and police. The police have had a poor reputation in the south, which was seen as the dumping ground for corrupt or poorly-performing officers from other parts of the country. To gain Malaysian support in its campaign, the Thai government reminded its southern neighbor of the help it provided a few years ago when it arrested a handful of members of the Al Arqam sect (a group then being sought by Malaysian authorities for extremist activity) in Chiang Mai and handed them over to the Malaysian government without allowing them any access to lawyers. Subsequently, Malaysian Prime Minister Mohammed Mahathir authorized the roundup of PULO members without any public mention within Malaysia for fear of upsetting local Muslim groups. In mid-January 1998, Malaysian security officials quietly picked up four known PULO leaders, including Haji Sama-ai Thanam, head of PULO's military arm, and flew them back to Thailand, where they now face treason and other criminal charges. What shocked PULO activists was that these four had actually been arrested not in the border areas but in the capital, Kuala Lumpur. The PULO is now in disarray. Thai intelligence officers also

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<sup>56</sup> Syed Serajul Islam, "The Islamic Independence Movements in Pattani of Thailand and Mindanao of the Philippines," *Asia Survey* vol. XXXVIII, no. 5 (May 1998): 447-448.

believe that several other PULO leaders have fled from Malaysia to Syria and Saudi Arabia. Deprived of a safe haven, small groups of PULO members still inside Thailand have begun giving themselves up to Thai authorities.<sup>57</sup>

PULO's Operation Falling Leaves demonstrated to the Thai government that terrorist activity in its southern province was far from latent. The decision to send the Royal Thai Army in to replace the Thai Border Police/Provincial Police addressed a major grievance of the population: corruption. Negotiations with the Malaysian government regarding transnational terrorism may lead to a framework of understanding that can be adopted by ASEAN.

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<sup>57</sup> Ibid.

## B. INDONESIA



**Figure 9: Map of Indonesia**

### 1. Background

Three separatist movements have been waged during the last two decades in Indonesia with varying degrees of intensity. Organizations in Northern Sumatra (*Aceh Merdeka* and the National Liberation Front-Aceh Sumatra), East Timor (*Fretelin/Falintil*), and Irian Jaya (the OPM) all continue to fight for increased autonomy from Jakarta. Perhaps the underlying reason for this is the fact that under normal circumstances the archipelago would not have been consolidated like it is had it not been for colonialism. To further inflame the problem in these regions of discontent, the Indonesian Government implemented a policy of transmigration in an effort to spread the influence of Javanese power.

Terrorist acts conducted by these groups have included kidnappings of foreigners (i.e. those carried out by the OPM on Irian Jaya in January 1996), arbitrary assaults against Javanese migrants who had been relocated under Indonesian Government programs (a wave of attacks occurred in Aceh between 1990 and 1992), and violent intimidation used to disrupt voting (which happened in East Timor in 1997).<sup>58</sup> Each of these areas has its own character and history that make its separatist movements unique.

*Aceh:* Aceh is located on the western part of Sumatra and is primarily Muslim. The Acehnese have a long history of challenging central authority. Indeed, the Dutch gave up trying to subjugate them from their center of power in Java. Not long after Indonesian independence in 1949, the Acehnese became disillusioned with the central government, which they saw as corrupt, indifferent and un-Islamic. Following the 1953 Darul Islam rebellion, the Acehnese demand for autonomy was partially recognized by the government's acceptance of it as a special region in 1959. In 1977, the *Aceh Merdeka* movement proclaimed independence for the region. *Aceh Merdeka* has kept alive the idea of an independent Islamic state. Opposition to the central government arose again in 1989. However, this movement, led by the National Liberation Front-Aceh Sumatra, was put down by immediate and overwhelming government force. The recent financial crisis in Indonesia has led to a resurgence in calls for an independent state and the immediate withdrawal of all government troops.

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<sup>58</sup> Chalk, "Political Terrorism in Southeast Asia," 6-7.

*Irian Jaya*: Irian Jaya, the former Dutch New Guinea or West New Guinea, remained under Dutch control after Indonesian independence in 1949. From 1950 to 1962, the Dutch colonial administration instituted policies designed to prepare the native Papuans for independence and self-governance. However, in 1962 full administrative control was handed over to Indonesia after pressure from the United Nations and the United States. In 1963, Papuan resistance to the central government in Java led to the creation of the *Organisasi Papua Merdeka* (OPM). This was in response to Indonesia's efforts to exploit the resources and assimilate the indigenous Papuan and Melanesian populations into the national administration and culture. The escalation of conflict between the Papuans and Indonesia during the 1960s led to the Act of Free Choice in 1969, which mandated the official incorporation of Irian Jaya into the Indonesian state. The level of resistance diminished in the 1970s after Indonesian armed forces (ABRI – *Angkatan Bersenjata Republik Indonesia*) arrived in large numbers. However, the OPM continues to operate in remote and inaccessible areas of Irian Jaya. Indeed, because many of the OPM's leadership remain imprisoned it has been only marginally been effective at gaining any political advantage.

*East Timor*: East Timor, the former Portuguese Timor, was incorporated into the Republic of Indonesia in 1976 as Timor Timur Province, although Portugal never recognized what it saw as the forcible annexation of its former territory. The incorporation followed armed Indonesian intervention in December 1975, which occurred as a reaction to the an unorganized decolonization process and the declaration of an independent Democratic Republic of East Timor by the

*Frente Revolutionaria Timorense de Libertacao e Independencia (Fretilin)* in November 1975. The heavy toll paid by the East Timorese over the next seven years was the result of conflict between *Fretilin* and the ABRI. A cease-fire was negotiated in 1983, but fighting resumed six months later and continues today, although on a lesser scale. Indonesia closed East Timor to foreigners from 1975-89 and again in November 1994, after students protested at the US embassy in Jakarta during a state visit by US President Bill Clinton. The protest commemorated the 12 November 1991 government massacre of 270 unarmed civilians at the Santa Cruz cemetery in Dili, East Timor's capitol.

## **2. Terrorist Activities**

Separatist groups in East Timor apparently continued to target non-combatants and were involved in several bomb-making activities in 1997. In Irian Jaya, an attack allegedly conducted by the *Organisasi Papua Merdeka* against a road surveying crew in April left two civilians dead.<sup>59</sup>

Between 1990 and 1992, the National Liberation Front-Aceh Sumatra (a violent offshoot of Aceh Merdeka) carried out a number of brutal mass attacks against Javanese civilians who had been resettled in Aceh. The NLF-AS became infamous for deliberately dismembering their captives while they were still alive.<sup>60</sup>

In December 1997, the Indonesian news agency Antara reported that members of *Fretilin* killed four members of a local Roman Catholic youth

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<sup>59</sup> "Asia Overview," *Patterns of Global Terrorism: 1997*.

<sup>60</sup> Chalk, "Political Terrorism in Southeast Asia," 8.

association after terrorizing residents of a small village on East Timor.<sup>61</sup> Earlier that year, an attack on a truck carrying 36 police and soldiers left 17 dead. The ambush was seen as a signal to the government that separatist violence in East Timor might expand.

### **3. Government Responses**

In an effort to regain some stability following the financial crisis and the resignation of Suharto, the interim government has taken some positive steps towards recognizing the grievances of these troubled provinces. To the embarrassment of the Suharto regime, Jose Ramos-Horta, the exiled separatist leader of the *Fretilin*, was awarded the 1996 Nobel Peace Prize. Horta has recently stated that terrorist attacks carried out against civilian collaborators within the *Fretilin* underscores the need for peace negotiations. In a step toward negotiation, Indonesia and Portugal have agreed to the "possibility" of discussing the situation in East Timor. In June 1998, President Jusuf Habibie said that he was ready to consider a "special status" for East Timor, but added this would have to be accepted as a solution by Portugal and the international community.<sup>62</sup> However, Indonesian opposition Amien Rais has stated that the people of East Timor should be allowed to choose independence.<sup>63</sup> Rais made the statement following a meeting with *Fretilin* leader Xanana Gusmao who has been in jail

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<sup>61</sup> BBC Summary of World Broadcasts, 6 December 1997. Original source: *Antara News Agency* (Indonesia), 4 December 1997.

<sup>62</sup> "East Timor Solution Depends on Military," *Asian Defence Journal*, August 1998, 42.

<sup>63</sup> "Indonesian Opposition Leader Backs Timor Vote," CNN Interactive, 20 November 1998. Available [Online]: <<http://cnn.com/WORLD/asiapcf/9811/20/BC-INDONESIA-TIMOR.reut/index.html>> [21 November 1998].

since November 1992. However, the *Fretilin* leaders in East Timor continue to attack Indonesian troops despite Indonesian troop withdrawals and diplomatic negotiations.

Recently, the Indonesian Government has also taken steps to improve the situation in Irian Jaya by releasing a member of the OPM, Yakob Rumbiak, after serving only nine years of a 17-year jail term for subversion. Upon his release, Rumbiak urged the government to give the people of Irian Jaya an opportunity to form a committee to convey the people's aspirations to the central government.<sup>64</sup>

In Aceh, the government has agreed to compensate victims of military atrocities in the region during the 1990s. According to the National Commission on Human Rights (Komnas HAM), the ABRI is responsible for the deaths of 781 people, 163 missing, and the torture of another 368.<sup>65</sup> The commander of ABRI, General Wiranto, flew to Aceh in early August 1998 to apologize for abuses committed by the military and announce the end of military operations in the province. However, the withdrawal of troops was suspended temporarily when rioting broke out in cities throughout Aceh.

The interim government of President Habibie has continued to state that it wants to negotiate peace in these troubled regions of Indonesia. However, the government still insists that it will control the terms of negotiation. The central government can ill afford to take many wrong steps. The growing problems in

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<sup>64</sup> "Indonesia Paroles Irian Jaya Separatist Rebel," *CNN Interactive*, 21 August 1998. Available [Online]: <<http://cnn.com/WORLD/asiapcf/9808/20/RB000765.reut.html>> [21 August 1998].

<sup>65</sup> "Indonesia to Compensate Atrocity Victims in Aceh," *CNN Interactive*, 25 August 1998. Available [Online]: <<http://cnn.com/WORLD/asiapcf/9808/25/RB000722.reut.html>> [25 August 1998].

Java, the most populated island in Indonesia, have temporarily focused attention away from addressing reform in its outer provinces. The iron hand of Suharto and the ABRI can no longer be relied upon to contain the possible spread of political terrorism and separatist violence.

## V. RESPONDING TO POLITICAL TERRORISM

### A. REGIONAL APPROACHES

The economic downturn in Southeast Asia has created concern within the region that the global market or other regional markets will shy away from investment in Southeast Asia and jeopardize its recovery. The nations of the region must set a new course for the future if they wish to regain the benefits of the past economic fraternity they had developed.<sup>66</sup> Although the US presence remains in Korea, Japan, and throughout Southeast Asia (in combined exercises), it is no longer a sufficient guarantee of security, nor is it appropriate for US forces to be involved in addressing such concerns as territorial disputes, local arms buildups, or ethnic tensions. There are limits and drawbacks to military response to terrorism. Any military response runs the risk of alienating the population, legitimizing the terrorists, and provoking backlash against the government.<sup>67</sup> Only discussions among the region's members can address these concerns effectively.<sup>68</sup>

Governments reacting to internal instability could cause fears among neighbors that the countries in question are unable to ensure containment of their

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<sup>66</sup> Brad Roberts and Robert Ross, "Confidence and Security Building: A USCSCAP Task Force Report," in *Asia Pacific Confidence and Security Building Measures*, ed. Ralph A. Cossa (Washington D.C.: CSIS, 1995), 141.

<sup>67</sup> An indepth survey of Western nations' responses to terrorism found in Ronald D. Crelinsten and Alex P. Schmid, "Western Responses to Terrorism: A Twenty-Five Year Balance Sheet," *Terrorism and Political Violence* 4:4 (1992) 320-323.

<sup>68</sup> Sheldon W. Simon and Robert L. Youngblood, "Problems of Asian Countries and the United States in the New Pacific Community," in *The New Pacific Community in the 1990s*, ed. Young Jeh Kim (Amonk: M.E. Sharpe, 1996), 150.

problems within their borders. The fear of terrorism spreading out from one country underscores the importance of regional approaches to combating terrorism, both directly and indirectly. This is a dilemma facing Southeast Asian countries individually and collectively. The Association of Southeast Asian Nations (ASEAN) must recognize the dangers of political terrorism and take steps to ensure that politically weak states have the support of the regional community. Just as ASEAN is tied together economically, cooperation and coordination of efforts to contain terrorism must be established to prevent an "Asian political meltdown."

As Walter Laqueur points out, if the terrorists' demand is all or nothing – as it often is – concessions based on a compromise will not put an end to bloodshed. For the most part terrorists are opposed to concessions:

True, political concessions may still to a certain extent dry up the water in which the terrorist fish swim; if it were a question of popular elections in order to win over the 'silent majority,' concessions could work. But unlike political parties, terrorists do not care about parliamentary majorities. A few hundred extremists based on a relatively small part of the population stand a good chance of preventing a policy of reconciliation – by their acts of provocation, assassinating moderate leaders, shouting 'betrayal' and so on.<sup>69</sup>

Within a democracy the methods of countering the phenomenon are rather limited. The government, in the defense of certain values must employ techniques that will preserve those values. Overreaction, general suppression of rights, censorship and the use of security forces could all backfire by alienating the population. Careful and judicious handling of terrorist campaigns are very difficult tasks, demanding timely and effective actions by the various government

agencies concerned.<sup>70</sup> For whatever reason terrorists conduct their activity, the government must ensure that their response is what is needed and not what the terrorists want. However, a government may show inherent weakness by overreacting or, by not reacting swiftly or forcefully. Those who decide to make use of soldiers in lieu of police must heavily weigh the costs and benefits of doing so. In fact, they may in fact be doing exactly what the terrorists want by further alienating and repressing the population.<sup>71</sup>

The correct strategy of a democratic regime depends entirely on the specific challenge it confronts. If it faces an attempt by a small, disaffected minority to impose its demands on the great majority, political concessions have to be ruled out. There is no alternative to eliminating those who challenge the democratic order. If the terrorism is a manifestation of grievances, national or social, which are at least in part legitimate, the ideal approach is a mixture of political reforms and counter-terrorist methods, acceding to those demands that are justified and realistic. In some cases this may lead to an armistice and eventually to the terrorist desisting from the armed struggle. Elsewhere there is no alternative but to fight terrorism until it is defeated.<sup>72</sup>

Whatever Southeast Asian governments attempt, the issue of human rights will be of particular interest to the United States. The US vision of human rights is derived from North American and European histories that emphasize the

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<sup>69</sup> Laqueur, 307.

<sup>70</sup> Farrell, 119.

<sup>71</sup> Ibid., 122.

<sup>72</sup> Laqueur, 308.

rights of the individual vis-à-vis governments and communities. Asian leaders argue that Asian cultures reverse these priorities, insisting that benefits for the collective society must come ahead of the protection of individual interests.<sup>73</sup> Moreover, many Asian leaders claim that a basic "human right" must be economic development, which again downplays individual rights.<sup>74</sup>

The existence of injustice or inequality within so-called democratic states provides fertile ground for the development of social movements that view terrorism as a legitimate tool for change. However, it is not the case that the elimination of these conditions (to the extent that such is possible) necessarily would eliminate the threat of terrorism. While such social improvements would reduce the incidence of terrorism, the increasing evidence of insurgent philosophies and distinctive motivations among terrorist groups combined with the disruptive/destructive potential inherent in nuclear, biological, and chemical material implies that these states will have to face new terrorist policy choices other than existing remedies for social change.<sup>75</sup>

Since 1997, ASEAN has taken important steps aimed at promoting regional and international cooperation to combat transnational crime. ASEAN's initiatives (see Appendix A and B) define transnational crime as terrorism, drug trafficking, arms smuggling, money laundering, and the traffic in persons and piracy. The first ASEAN Conference on Transnational Crime was held in Manila

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<sup>73</sup> For an impressive insight into the "Asian model" as explained by former Singapore Prime Minister Lee Kuan Yew see Fareed Zakaria, "Culture is Destiny: A Conversation with Lee Kuan Yew," *Foreign Affairs* Vol. 73, No. 2 (1994): 109-126.

<sup>74</sup> Simon and Youngblood, 146.

<sup>75</sup> Wardlaw, 65.

from 18 to 20 December 1997. Although far short from a binding pact on ways to combat terrorism, this multilateral approach has already led to further meetings to address this growing concern. It must be kept in mind that ASEAN and the ASEAN Regional Forum (ARF) were designed primarily to promote stable relationships between major powers with influence throughout the region (China, Japan, and the United States). The ARF was only recently formed in 1994, and still very much in search of a mission. "Real" programs will take years to develop. ASEAN has made a start, however, the inability of ASEAN to act undermines its influence and importance.

## **B. US GOVERNMENT APPROACHES**

The United States is certain to sustain important political, security, and economic positions in the western Pacific. However, it can no longer accomplish these ends either unilaterally or exclusively through bilateral means.<sup>76</sup> Certainly, there is a growing number of people in Asia who loudly criticize American political and economic approaches. This is especially true of former Singapore Prime Minister Lee Kuan Yew who made clear his views on the American system:

It is not my business to tell people what's wrong with their system. It is my business to tell people not to foist their system indiscriminately on societies in which it will not work.<sup>77</sup>

The US has an interest in forging a regional approach to counter-terrorism. Prior to the financial crisis, Lee Kuan Yew's remarks may have played to a bigger audience outside of Southeast Asia. However, if the financial crisis is

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<sup>76</sup> Simon and Youngblood, 145.

<sup>77</sup> Zakaria, 110.

a measuring stick for ASEAN's ability to address and overcome adversity, Southeast Asia should be very worried about terrorism.

For the United States there is little debate that terrorist attacks on American citizens and facilities become assaults on our national pride and national honor. The emotional and psychological impact on the public of such attacks is understandably great. Action is demanded, and often the president is left with few options. In this sense, the distinction between threats to national security and threats to national honor becomes blurred. While the public may not always be able to "see" a national security threat, it is easy to see the death and destruction that terrorists inflict upon fellow Americans.<sup>78</sup>

The United States is a prime target worldwide for terrorist attacks because of the heavy attention the media provides. The immediate and extensive coverage by television, radio, and the press enable terrorists to gain extensive publicity.<sup>79</sup> While the volume of worldwide terrorism fluctuates from year to year, one enduring feature is that Americans remain favored targets of terrorists abroad.<sup>80</sup> Since 1968, the United States has annually headed the list of countries whose nationals and property are most frequently attacked by terrorist (see Figures 9 and 10).<sup>81</sup>

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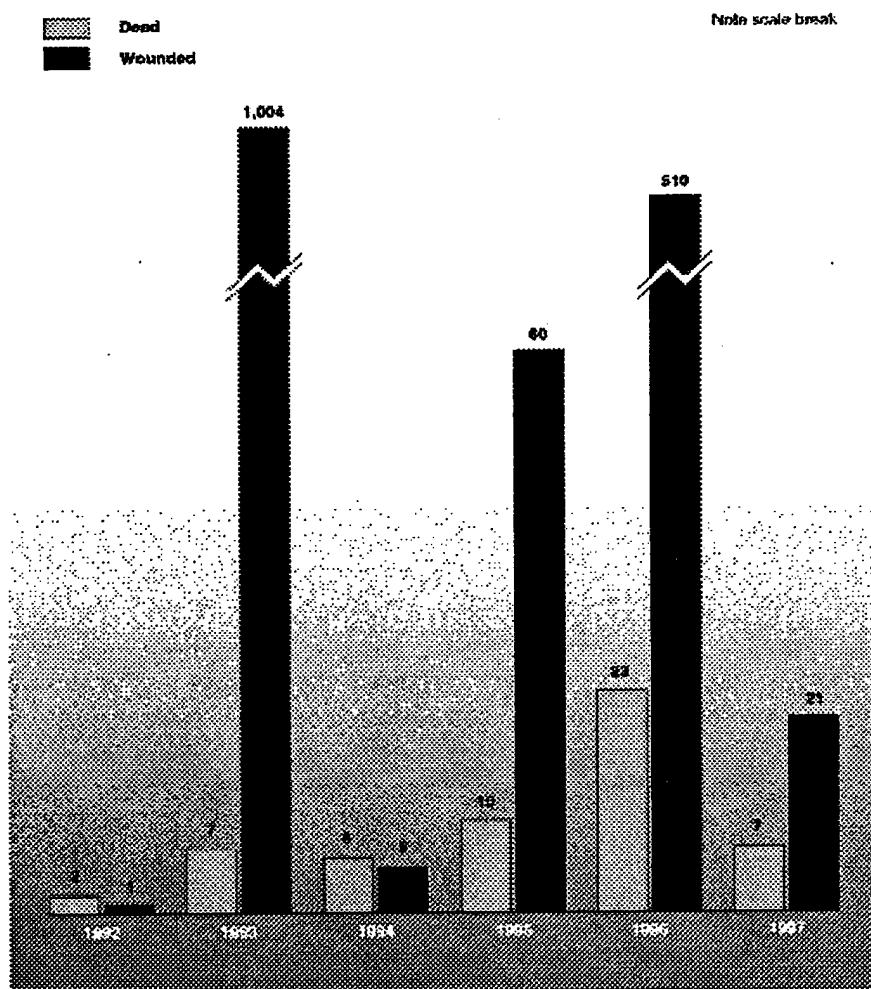
<sup>78</sup> Simon, 7.

<sup>79</sup> Farrell, 199-120.

<sup>80</sup> Hoffman, 20.

<sup>81</sup> Ibid., 20.

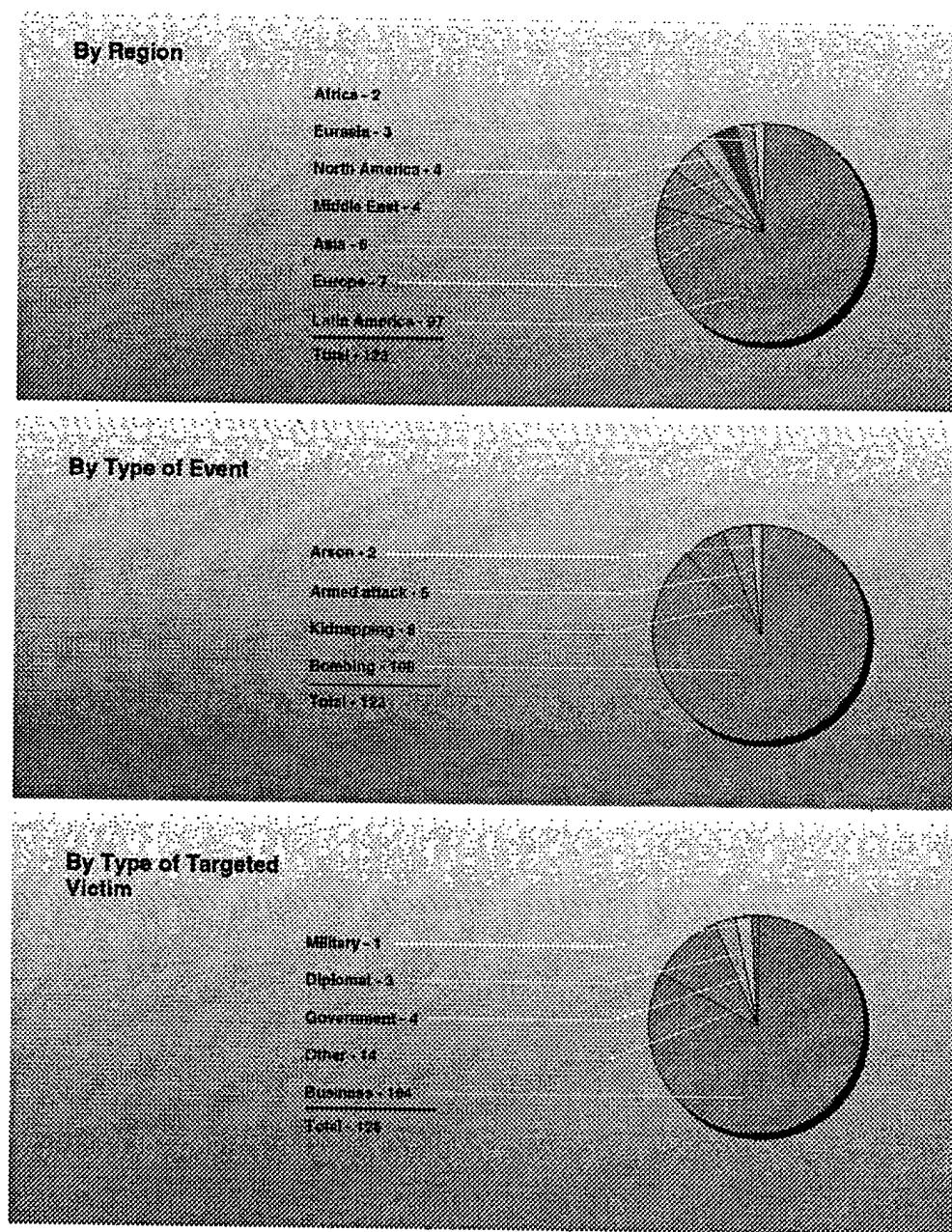
### Casualties of Anti-US Attacks, 1992-97



Source: Department of State, *Patterns of Global Terrorism: 1997*. Available [Online]: <<http://www.state.gov/www/global/terrorism/1997Report/attacks.html>> [24 August 1998].

**Figure 10: Casualties of Anti-U.S. Attacks, 1992-97**

## Anti-US Attacks, 1997



Source: Department of State, *Patterns of Global Terrorism: 1997*. Available [Online]: <<http://www.state.gov/www/global/terrorism/1997Report/anti.html>> [24 August 1998].

**Figure 11: Anti-U.S. Attacks, 1997**

Countering the terrorist threat remains a high priority for the United States. US counter-terrorism approaches are meant to prevent, disrupt, and defeat terrorist operations before they occur, and if terrorist acts do occur, to respond overwhelmingly, with determined efforts to bring the perpetrators to justice.<sup>82</sup> The Department of State has developed a three-part counter-terrorist policy that they claim has worked well over the years:

- Make no concessions to terrorists and strike no deals.
- Bring terrorists to justice for their crimes.
- Isolate and apply pressure on states that sponsor and support terrorism to force them to change their behavior.<sup>83</sup>

In October 1997, the US Secretary of State formally designated 30 foreign terrorist organizations under the Anti-terrorism and Effective Death Penalty Act of 1996, which makes it illegal for US institutions and citizens to provide funds or other forms of material support to such groups. The law also makes members and representatives of those terrorist groups ineligible for US visas and subject to exclusion from the United States. Moreover, US financial institutions are required to block the funds of those groups and of their agents and to report the blocking action to the US Department of the Treasury.<sup>84</sup> Of the 30 terrorist

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<sup>82</sup> The White House, *A National Security Strategy for a New Century* (Washington DC: Government Printing Office, 1997), 10.

<sup>83</sup> "Introduction," *Patterns of Global Terrorism: 1997*.

<sup>84</sup> Ibid.

organizations listed, only the NPA, the ASG, the ABB, and the Khmer Rouge were named as terrorist organizations in Southeast Asia.<sup>85</sup>

The US approach to combating terrorism has evolved over time. David Tucker suggest that during the last twenty-five years, the United States has engaged in nine different measures to combat terrorism: international legal conventions, defensive measures, addressing the causes of terrorism, a policy of no concessions, economic sanctions, military retaliation, prosecution, preemption, and disruption.<sup>86</sup> It is important to note that these nine measures do not represent a checklist for combating terrorism. It does, however, demonstrate the complexity of dealing with terrorism. The cornerstone of all these measures is the policy of not conceding to terrorist demands. Although there are many

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<sup>85</sup> On 8 October 1997, the US Secretary of State designated the following groups as terrorist organizations pursuant to the Anti-terrorism and Effective Death Penalty Act of 1996. The list also includes other groups that were active in 1997. Listed are the organizations by name, abbreviation, and primary area of operation: Abu Nidal Organization (ANO, Middle East), Abu Sayyaf Group (ASG, Philippines), Alex Boncayao Brigade (ABB, Philippines), Armed Islamic Group (GIA, Algeria), Aum Supreme Truth (Aum or Aum Shinrikyo, Japan), Basque Fatherland and Liberty (ETA, Spain), Democratic Front for the Liberation of Palestine (DFLP, Middle East), al-Gama'at al-Islamiyya (Islamic Group or IG, Middle East), HAMAS (Islamic Resistance Movement, Middle East), Harakat ul-Ansar (HUA, Pakistan), Hizballah (Party of God, Middle East), Irish Republican Army (IRA, Ireland), Jamaat ul-Fuqra (Fuqra, North America and Pakistan), Japanese Red Army (JRA, Syria), al-Jihad (Egypt), Kach (Kahane Chai, Israel), Kurdistan Workers' Party (PKK, Turkey), Liberation Tigers of Tamil Eelam (LTTE, Sri Lanka), Loyalist Volunteer Force (LVF, Ireland), Manuel Rodriguez Patriotic Front (FPPMR, Chile), Mujahedin-e Khalq Organization (MEK or MKO, Iraq), National Liberation Army (ELN, Columbia), New People's Army (NPA, Philippines), Palestine Islamic Jihad (PIJ, Israel), Palestine Liberation Front (PLF, Iraq), Party of Democratic Kampuchea (Khmer Rouge, Cambodian), Popular Front for the Liberation of Palestine (PFLP, Syria), Popular Front for the Liberation of Palestine-General Command (PFLP-GC, Syria), Revolutionary Armed Forces of Columbia (FARC, Columbia), Revolutionary Organization 17 November (17 November, Greece), Revolutionary People's Liberation Party/Front (DHKP/C, Turkey), Revolutionary People's Struggle (ELA, Greece), Sendero Luminoso (Shining Path or SL, Peru), Sikh Terrorism (India), and Tupac Amaru Revolutionary Movement (MRTA, Peru). "Appendix B," *Patterns of Global Terrorism: 1997*.

<sup>86</sup> Disruption is described as the middle ground between prevention and preemption. Disrupting terrorist activity means targeting a terrorist organization and taking measures, not to stop one of its particular operations, but to render all its activities more difficult. David Tucker, *Skirmishes at the Edge of Empire: The United States and International Terrorism* (Westport, Connecticut: Praeger, 1997), 71-107.

divergent views regarding concessions, the basis for supporting it underlies the importance of refusing to reward criminal conduct.

Internationally, steps are being taken to address the problem of terrorism.

At the Denver Summit of the Eight held in June 1997, leaders from the United States, Canada, France, Germany, Italy, Japan, Russia, and the United Kingdom made progress in developing joint strategies to counter the terrorist threat:

- The Eight worked with other UN General Assembly members to complete the Convention for the Suppression of Terrorist Bombings, a new counter-terrorism instrument that was initiated by the Eight in December 1996. This Convention fills an important gap in international law by creating a framework for addressing terrorist bombing attacks anywhere in the world. (The United States signed the Convention on 12 January 1998.)
- The Eight have launched an international campaign to promote the universal adoption and ratification of the existing international terrorism conventions by the year 2000.
- The Eight continue to promote international standards for airport security, explosive detection, and vehicle identification. Related experts' meetings, information exchanges, and multilateral diplomacy have sought to enhance the protection of public transportation against terrorism.
- Agreement among the Eight to promote stronger domestic laws and controls over the manufacture, trading, and transport of explosive will reduce the threat to our citizens from terrorist attacks.<sup>87</sup>

In order to increase international information sharing and law enforcement efforts, terrorism has been placed at the top of US diplomatic agenda. US strategic interest in Southeast Asia centers on developing regional and bilateral security and economic relationships that assist in conflict prevention and

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<sup>87</sup> Ibid.

resolution, as well as expanding US participation in the region's growth. US policy combines two approaches: first, maintaining a productive relationship with ASEAN; and second, pursuing bilateral objectives with individual ASEAN members.<sup>88</sup>

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<sup>88</sup> *A National Security Strategy for a New Century*, 24.

## **VI. CONCLUSION**

### **A. US POLICY IMPLICATIONS**

The diverse nature of terrorism and its association with a variety of groups and state sponsors preclude the design of any single counter-terrorist doctrine or strategy. Overreactions to terrorist events also encourage potential adversaries to take advantage of the US preoccupation with such events to further their own interests in other regions of the world.<sup>89</sup> The strategy used in countering incidents that can be absorbed with minimal or no damage to national security should be guided by a different set of responses than those to incidents that truly threaten vital US interests. The first principle should be that our initial response is relatively low-level, to avoid placing the United States at more risk or diverting resources needed for other functions.<sup>90</sup>

The dilemma imposed on the United States is how to design high-level policies for what are essentially low-level threats. An effective counter-terrorist policy will require a reorientation in the way terrorism and its effects on this country are perceived. The following issues will have to be addressed:

- The tendency to equate terrorism with "crisis."
- The roles that both the media and the government play in escalating the perceived terrorist threat.
- The possible negative long-range effects of viewing terrorism as war.

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<sup>89</sup> Simon, 13.

<sup>90</sup> Ibid., 14.

- The need to distinguish between those terrorist incidents that may threaten national security or geopolitical interest and those that do not.<sup>91</sup>

There has been a tendency on the part of both the US media and recent administrations to categorize all terrorist incidents as crises. This automatically heightens the public's assessment of the threat. However, it is the reaction to terrorist incidents that often creates the real crisis. The emphasis placed on searching for a "solution" to the problem of terrorism may put more critical security issues, such as regional peace efforts and relations with key allies, at risk.<sup>92</sup>

The tendency to view terrorism as "war" has also created problems in trying to develop an effective counter-terrorist strategy. The vast array of possible terrorist assaults on American citizens and facilities worldwide obviously cannot all be considered acts of war, so guidelines must be formulated for determining whether a particular bombing, kidnapping, or hostage incident requires a military response. One consideration must be the difficulty of locating and attacking those responsible for a terrorist incident. Moreover, there is a strong likelihood that innocent civilians will be killed in the retaliation process.

Further complicating the issue is the high probability that military preemptive or retaliatory strikes will cause the terrorist to respond with even greater violence or to attack targets of a higher symbolic level. An escalating conflict between the US military and terrorists worldwide would be a "war" that

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<sup>91</sup> Ibid., 2.

<sup>92</sup> Ibid., v.

can never be won, given the multitudes of terrorist groups that exist and their ability to reverse any counter-terrorist progress with one well-placed bomb.<sup>93</sup>

A military response, moreover, must be delivered soon after the terrorist incident that provokes it. A criminal investigation may continue, with arrests coming years after the event, but military retaliation years after the event has little political appeal or punitive value.<sup>94</sup>

As recently as June 1998, a serious blow to US anti-terrorist policy was handed down. A federal judge ruled that, contrary to the Anti-terrorism and Effective Death Penalty Act of 1996, the US Government couldn't prevent humanitarian activists from helping two groups from other countries designated as terrorist organizations. US District Judge Audrey B. Collins ruled that the US State and Justice departments couldn't stop groups from providing personnel and training to either the Kurdistan Workers' Party in Turkey or the Liberation Tigers of Tamil Eelam in Sri Lanka. But the judge did not overturn the ban on material aid. She also did not change the law's ban on contributions of weapons, explosives, lodging, or false identity papers. Collins ruled that certain terms of the anti-terrorism law were "impermissibly vague." She specifically declared as unenforceable the section of the law that makes it a crime to provide "personnel" and "training" to groups designated as terrorist organizations. In the view of David Cole, a professor at Georgetown University Law Center in Washington, "The anti-terrorism law violates a cardinal principle of the First Amendment (the

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<sup>93</sup> Ibid., v.

<sup>94</sup> Brian Michael Jenkins, *Terrorism: Policy Issues for the Bush Administration* (Santa Monica: RAND Corporation, 1989), 8-9.

right to free speech), it imposes guilt by association rather than on the basis of one's acts.”<sup>95</sup>

Whatever the outcome of legalistic challenges to anti-terrorism policies, the United States must continue to provide support for all governments fighting against terrorism. Indeed, some would advocate an even tougher stance. According to former Chairman of the Joint Chiefs of Staff (JCS) General John Shalikashvili, the goal should be to replace the United Kingdom and Israel as the principle anti-terrorism and force protection experts. The General said, “We need to get to the point, as rapidly as we can, where people ... come to us and say how the hell do you do that?” He added that the danger of terrorism raises the potential that it “will become the way of waging war against [the United States].”<sup>96</sup>

## B. SOUTHEAST ASIA'S FUTURE SECURITY

Whether or not the diversity and amount of terrorism will increase in Southeast Asia, discussion focusing on the nature of *terrorism* is necessary to permit international policy makers to move forward beyond the mere exchange of information and toward international cooperation. Terrorism, however defined, will not disappear unless a totally oppressive state is in place, and all forms of expression are subject to censorship.<sup>97</sup> The foremost principle must be the

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<sup>95</sup> “Judge Allows Some Support to ‘Terrorist’ Groups,” *CNN Interactive*, 16 June 1998. Available [Online]: <<http://cnn.com/US/9806/16/terrorism.suit/index.html>> [11 September 1998].

<sup>96</sup> Stacey Evers, “US War Strategy Shifts Focus to Anti-Terrorism,” *Jane’s Defence Weekly* Vol. 26, No. 17 (23 October 1996): 3.

<sup>97</sup> Allan, 4.

objective of the maintenance of democratic processes of government and the rule of law.<sup>98</sup>

Perhaps the *realistic* view is that terrorism cannot be eradicated but merely contained. In order to construct a functional policy for dealing with terrorism, there must be, as a first step, a program that views terrorism as impermissible violence, whatever the motives when directed against any civilian target. There must also be a program that reduces the power of individual nations in determining those grounds and defenses that may be interposed against international terrorism extradition. Most importantly, each nation must execute a firm, irrevocable commitment to a neutral decision making body that will determine all the conditions for international extradition of terrorists.<sup>99</sup>

Given the widespread nature of terrorism and its links to different causes and issues, however, the prospects of significantly reducing the threat through any single response are questionable. Governments have had some measure of success in combating the terrorist threat within their own countries, but not worldwide.<sup>100</sup> Many Western observers agree that realistically the United Nations is not the best forum for cooperation against terrorism. In fact, from the US point of view, the inability to agree on condemning terrorism has discredited the United Nations. In general, the larger number of actors involved, the more difficult it is to achieve cooperation in any area. This may already be, or may become, the problem that faces ASEAN. Given the universal scope of UN treaties, as well as

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<sup>98</sup> Wardlaw, 69.

<sup>99</sup> Allan, 55.

<sup>100</sup> Simon, 15.

the controversial nature of terrorism, it is not surprising that international treaties are often ineffective because of less than enthusiastic support and reluctant implementation.

A set of principles is necessary for an effective guide to anti-terrorist policy. Formation of policy should be based on an analysis of successful tactics used in the past, together with basic assumptions about the sorts of actions acceptable to a democratic society, and also allowing change. Broad policy guidelines should be capable of assisting decision making on a wide range of diverse policy issues. The following list contains some examples of actions that might be suggested as part of a unilateral anti-terrorist campaign:

- Attempt to find long-term solutions to the underlying causes of terrorism.
- Increase the size and powers of the security forces (for example, increase manpower, search and entry powers, power to detain without trial, etc.). This would involve major policy decisions about the nature of policing our society, civil rights, etc.
- Introduce capital punishment for terrorist activities.
- Enact legislation limiting rights of assembly and increasing controls over the members of society by way of identification cards, registration of residence and extensive use of computerized files.
- Establish a "third force" or special military units to cope with terrorist attacks.
- Announce a policy of "no negotiations" with terrorists.
- Increase physical and procedural security.
- Introduce internment without trial or special legal procedures designed to limit intimidation of witnesses.
- Place legal limits on the ability of the media to report terrorist acts.

- Introduce special anti-terrorist legislation, which may mandate a combination of the above or other measures.
- Make it illegal for individuals or private organizations to pay ransom to terrorists or to take out ransom insurance and place a legal duty on people to report hostage taking to the police.
- Promote and become a signatory to international treaties providing for extradition or trial of captured terrorist, suspension of air services to countries providing safe haven for hijackers, etc.
- Research and develop alternatives to hostage negotiations.
- Suggest that terrorist groups be encouraged to adhere to the norms articulated by the customary laws of war, the Geneva Conventions, and the Nuremberg Principles.
- Develop and deploy highly intrusive technologies as preemptive moves.<sup>101</sup>

The perceived inadequacy of the United Nations has caused Western states to seek the establishment of a separate model for cooperation at regional levels.<sup>102</sup> In order to develop a framework for cooperation, ASEAN might examine the following conditions for cooperation summarized by Martha Crenshaw:

1. The rules of cooperative behavior must be defined.
2. The mutual benefits of cooperation must be clear.
3. The distinction between cooperation and non-cooperation must be apparent.
4. The penalties for not cooperation must be recognized.<sup>103</sup>

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<sup>101</sup> Ibid., 66-69.

<sup>102</sup> Crenshaw, *Terrorism and International Cooperation*, 27.

<sup>103</sup> Ibid., 38.

In its pursuit of cooperation against terrorism, ASEAN's regional cooperation should not be based on the insistence that all policies that benefit the United States necessarily benefit all its member states. Nations differ in their vulnerabilities and response capabilities. The United States cannot simply ask others to endorse American national policies. Cooperation has to be negotiated, not imposed. The purpose of cooperation is to improve international security by building on national strengths, not to produce uniform policies.<sup>104</sup>

ASEAN must remind the United States that if it is to maintain its lead in promoting cooperation against terrorism, its national policy must not succumb to short-term interests or domestic pressures. At the same time, American policymakers must be sensitive to the domestic concerns of other states.<sup>105</sup> Additionally, Asian decisions to create their own security mechanisms are part of the growing realization that America's post-Cold War foreign policy goals may not be entirely compatible with Asian political developments. The Clinton administration has placed democracy and human rights near the top of its global agenda. This means that Washington has become increasingly concerned with how Asian states are governed. From ASEAN's viewpoint, this comes perilously close to direct interference in its internal politics and a challenge to its governing structures.<sup>106</sup>

A practical approach to isolating terrorism should focus on its unacceptable actions regardless of the political cause it purports to express. The

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<sup>104</sup> Ibid., 57-58

<sup>105</sup> Ibid., 58.

<sup>106</sup> Simon and Youngblood 151.

point should be made and repeated that no cause is well served by terrorism, which can only fail as a means of bringing about long-term political change. Terrorism is most often damaging to the hopes of those who use it, not only because it provokes government repression but also because terrorism unites the public against it and in support of a hard-line response. Terrorism should be discredited as a method, but it is pointless to deny that ambiguities exist in defining it and distinguishing it from other forms of violence.<sup>107</sup>

In some instances terrorism may not outgrow the nuisance stage, in which case no further drastic action will be necessary. There is an inclination to magnify the importance of terrorism in modern society: society is vulnerable to attack, but it is also quite resilient. Oil executives are abducted, but not a single drop of oil is lost. Terrorism makes a tremendous noise, but compared to some other dangers facing mankind, it seems almost irrelevant.<sup>108</sup> The danger of international terrorism, in other words, is not in terrorist acts *per se*, but in triggering off a wider and more dangerous armed conflict. For this reason, it is important to prevent escalation, to resist state-sponsored terrorism from the beginning, and not to lead its sponsors into temptation.<sup>109</sup>

When terrorism is allowed to get so far that only military forces can handle it, things are truly out of hand. Yet, the terribly painful paradox of it all is that

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<sup>107</sup> Crenshaw, 59.

<sup>108</sup> Laqueur, 311.

<sup>109</sup> Ibid., 321.

unless the military nature of what the terrorists are doing is taken seriously, and studied from the outset, things generally do get out of hand.<sup>110</sup>

Ultimately, terrorism can be defeated only if it can be seen as unprofitable, both in the long and short term. This is primarily a task for regional police enforcement, determined government policies, a cooperative public, and the media. Meanwhile, until terrorism is contained, the public must be protected against it, in such a way that the reaction does not do more damage than the terrorist act itself.<sup>111</sup> As we enter the new millennium, Southeast Asia's future is far from certain. However, the danger presented by political terrorism within some of the countries hardest hit by the current crisis demands that the United States, ASEAN, and individual nations take proactive steps toward cooperative anti-terrorist policies.

The case studies of Thailand and Indonesia demonstrate the necessity of a strong unilateral approach toward counter-terrorism. However, the weakness of such an approach is highlighted by its failure to extinguish the existence of terrorism, especially political terrorism carried out by separatist organizations. ASEAN member nations must individually and collectively develop workable bilateral and multilateral conventions designed to isolate terrorist organizations from outside support. By doing this, ASEAN and its members can increase political stability within the region.

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<sup>110</sup> Francis M. Watson, *Political Terrorism: The Threat and the Response* (New York: Luce, 1976), 189-190.

<sup>111</sup> Richard Clutterbuck, *Guerrillas and Terrorists* (London: Farber, 1977), 95.

It is therefore recommended that US policy towards terrorism need not change to accommodate Southeast Asia and that ASEAN and its individual states take greater steps toward containing the spread of terrorism in the region through dialog and action.



## **APPENDIX A.**

### **ASEAN Declaration on Transnational Crime**

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**WE**, the ASEAN Ministers of Interior/Home Affairs and Representatives of ASEAN Member Countries, participating in the first ASEAN Conference on Transnational Crime held in Manila on 18-20 December 1997;

**CONCERNED** about the pernicious effects of transnational crime, such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy on regional stability and development, the maintenance of the rule of law and the welfare of the region's peoples;

**RECOGNIZING** the need for clear and effective regional modalities to combat these forms of crimes, especially on the aspect of information exchange and policy coordination;

**RECALLING** the Naples Political Declaration and Global Plan of Action of 23 November 1994, which sought international solidarity and effective legal cooperation against these forms of crime;

**RECALLING FURTHER** the Baguio Communique adopted during the first International Conference on Terrorism held in Baguio City, Philippines, on 18-21 February 1996, which endeavored to enhance international cooperation against all forms of terrorism through such modalities as intelligence-sharing, coordinated policies and law enforcement training;

**NOTING** the decision of the 29th ASEAN Ministerial Meeting (AMM) in Jakarta in July 1996 on the need to focus attention on such issues as narcotics, economic crimes, including money laundering, environment and illegal migration which transcend borders and affect the lives of the people in the region, and the urgent need to manage such transnational issues so that they would not affect the long term viability of ASEAN and its individual member nations;

**ENDEAVOURING** to further the decision of the First Informal ASEAN Summit in November 1996 in Jakarta to request the relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition;

**PURSUANT** to the decision of the 30th AMM in Kuala Lumpur in July 1997 which stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking in people, illicit drugs and arms and piracy;

**AFFIRMING** the agreement among Heads of Government during the Second Informal Summit in December 1997 in Kuala Lumpur to take firm and stern

measures to combat transnational crime such as drug trafficking and trafficking of women and children, as well as other transnational crime; and,

**CONVINCED** that the continuity of existing global framework against transnational crime rests on consolidated regional action in the institutional and operational spheres:

**HAVE RESOLVED TO CONFRONT THE PROBLEM OF TRANSNATIONAL CRIME THROUGH THE FOLLOWING MEASURES:**

1. **Strengthen** the commitment of Member Countries to cooperate at the regional level in combating the transnational crime;
2. **Convene** at least once every two years ASEAN Ministerial Meeting on Transnational Crime in order to coordinate activities of relevant ASEAN bodies, such as the ASEAN Senior Officials on Drug Matters (ASOD) and the ASEAN Chiefs of National Police (ASEANAPOL);
3. **Hold** discussions with a view to signing mutual legal assistance agreements, bilateral treaties, memorandum of understanding or other arrangements among Member Countries;
4. **Consider** the establishment of an ASEAN Center on Transnational Crime (ACOT) which will coordinate regional efforts against transnational crime through intelligence sharing, harmonization of policies and coordination of operations;
5. **Convene** a high-level ad-hoc Experts Group within one year to accomplish the following with the assistance of the ASEAN Secretariat:
  - a. a. ASEAN Plan of Action on Transnational Crime,
  - b. Institutional Framework for ASEAN Cooperation on Transnational Crime, and,
  - c. Feasibility study on the establishment of ACOT;
6. **Encourage** Member Countries to consider assigning Police Attaches and/or Police Liaison Officers in each other's capital in order to facilitate cooperation for tackling transnational crime;
7. **Encourage** networking of the relevant national agencies or organizations in Member Countries dealing with transnational crime to further enhance information exchange and dissemination;
8. **Expand** the scope of Member Countries' efforts against transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and to request the ASEAN

Secretary-General to include these areas in the work program of the ASEAN Secretariat;

9. **Explore ways** by which the Member Countries can work closer with relevant agencies and organizations in Dialogue Partner countries, other countries and international organizations, including the United Nations and its specialized agencies, Colombo Plan Bureau, Interpol and such other agencies, to combat transnational crime;
10. **Cooperate and coordinate more closely** with other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs in the investigations, prosecution and rehabilitation of perpetrators of such crimes; and,
11. **Strengthen the ASEAN Secretariat's capacity** to assist the Member Countries in initiating, planning, and coordinating activities, strategies, programs and projects to combat transnational crime.

SIGNED this 20th day of December 1997 in Manila, Philippines.

**Dato Paduka Haji Abidin bin Orang Kaya Periwara Abd. Rashid**  
Acting Minister of Home Affairs  
Brunei Darussalam

**Yogie S. Memet**  
Minister of Home Affairs  
Republic of Indonesia

**Laoly Asang**  
Minister of Interior  
Lao People's Democratic Republic

**Dato Mohammad Tajol Rosli Ghazali**  
Deputy Minister of Home Affairs  
Malaysia

**Tin Hlaing**  
Minister of Home Affairs  
Union of Myanmar

**Robert Z. Barbers**  
Secretary of the Interior and Local Government  
Republic of the Philippines

**Simon Tensing de Cruz**  
Ambassador  
Embassy of the Republic of Singapore in the Philippines

**Xujati Boonto**  
Charge d'Affaires  
Embassy of the Kingdom of Thailand in the Philippines

**Le Minh Huong**  
Minister of Interior  
The Socialist Republic of Vietnam

Available [Online]: <<http://asean.or.id/politics/adtc97.htm>> [24 November 1998].

## **APPENDIX B.**

### **MANILA DECLARATION ON THE PREVENTION AND CONTROL OF TRANSNATIONAL CRIME**

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#### **INTRODUCTION**

1. The General Assembly, in its resolution 49/159, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex) adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and urged States to implement them as a matter of urgency. The General Assembly, in its resolution 51/120, requested the Commission on Crime Prevention and Criminal Justice to consider, as a matter of priority, the question of the elaboration of an international convention against transnational crime. On the recommendation of the Commission, and the Economic and Social Council, the General Assembly in its resolution 52/85, decided to establish an inter-sessional open-ended intergovernmental working group of experts for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission on Crime Prevention and Criminal Justice at its seventh session. Pursuant to that resolution and thanks to the generosity of the Government of Poland, the meeting was held on 2-6 February 1998 in Warsaw (Poland).
2. On the recommendation of the Commission, contained in draft resolution I adopted at its fifth session, the General Assembly adopted, by its resolution 51/59, the International Code of Conduct for Public Officials. By its resolution 51/191 of 16 December 1996, the Assembly also adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.
3. Pursuant to the above-mentioned resolutions, the Asian Regional Ministerial Meeting on Transnational Crime was held at Manila from 23 to 25 March 1998 on the invitation of the Government of the Philippines.

#### **I. RECOMMENDATIONS**

4. The Regional Ministerial Meeting on Transnational Crime unanimously adopted the Manila Declaration on the Prevention and Control of Transnational Crime, presented below.

**MANILA DECLARATION  
ON THE PREVENTION AND CONTROL OF  
TRANSNATIONAL CRIME**

We, Ministers and Representatives of the States participating in the Asia Regional Ministerial Meeting on Transnational Crime, held at Manila, Philippines, from 23 to 25 March 1998, organized by the United Nations Center for International Crime Prevention, with the Government of the Philippines acting as the Host;

*Assembled* for the purpose of promoting regional and international cooperation to combat transnational crime and to devise modalities to improve the capacity of our countries to respond more effectively to the threats we are facing;

*Reiterating* the importance of implementing the principles contained in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, as well as other pertinent United Nations instruments;

*Convinced* of the need for effective national and regional action against transnational crime, particularly in view of its serious debilitating effects on democratic institutions, the maintenance of the rule of law and the development process;

*Mindful* of the crucial importance of action against transnational crime, including organized crime, drug trafficking, terrorism, trafficking in human beings and various forms of financial crimes and corruption, and the need for appropriate legislation and regulatory measures, as well as of an efficient and fair criminal justice system;

*Conscious* of the important role played by the United Nations in fostering international cooperation and developing practical strategies to prevent and combat transnational crime in all its forms and dimensions;

*Bearing in mind* the Shizuoka Declaration of the Sixth Asia Crime Prevention Foundation Conference on Crime Prevention and Criminal Justice, held in Tokyo and Shizuoka, Japan, from 28 October to 1 November 1997;

*Bearing in mind* also the ASEAN Declaration on Transnational Crime of 20 December 1997 which called for the expansion of the scope of the efforts of member countries to combat transnational crime such as terrorism, drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and the exploration of ways by which the member countries can work closer with relevant agencies and organizations, including the United Nations and its specialized agencies;

Hereby declare:

1. We recognize that organized transnational crime undermines civil society, distorts legitimate markets and destabilizes States. Criminal groups are creative in their endeavors in establishing alliances in the region and in other parts of the globe by taking advantage of gaps and weaknesses in international cooperation in criminal matters.
2. We are concerned about the increase and expansion of organized criminal activities, such as trafficking in human beings, transnational exploitation of women and children, drug trafficking, trafficking in firearms and motor vehicles, illegal trade in cultural objects and natural resources including flora and fauna, money laundering and other forms of financial crimes and corruption. We express our determination and political will to take concrete action by, among other measures:
  - (a) promoting national and regional action against transnational crime and corruption;
  - (b) developing effective strategies aimed at defeating the economic power of criminal organizations, dismantling their alliances and support networks and developing effective mechanisms capable of bringing members and leaders of criminal groups to justice;
  - (c) improving the functioning of our institutions, in particular the criminal justice systems, reviewing, modernizing and harmonizing, as appropriate, existing laws and regulations to ensure their continued relevance, efficiency and adaptability to modern manifestations of organized crime;
  - (d) enacting new laws and regulations, responding to the complexity and sophistication of various forms of transnational crime, so as to bridge the gaps in legal systems which can be exploited by organized criminal groups;
  - (e) strengthening the capacity of our law enforcement agencies and criminal justice personnel, and upgrading their skills through specialized training in the area of transnational crime, money laundering and other economic offenses, including corruption, and the elaboration of the required training materials;
  - (f) implementing existing and developing new regional programs aiming at the implementation of the various recommendations of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,
  - (g) intensifying cooperation and coordination at the national level among relevant agencies to deal with various forms of transnational crime; and

(h) fostering close collaborative ties with international organizations, in particular Interpol and relevant non-governmental organizations.

3. We also recognize that the Asia and Pacific region is witnessing rapid economic and political changes, together with advancements in communications and technology. These developments not only stimulate closer contacts with global markets, but also facilitate linkages between criminal organizations and allow joint criminal ventures. We note that the use and exploitation of computers and telecommunications technology for criminal activities have increased.

4. We call upon States that are not yet parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to ratify or adhere to it without delay and to implement it fully.

5. We realize that organized crime, drug trafficking, corruption and other economic crime generate large profits, which are used in illegal activities and to infiltrate legitimate businesses and financial enterprises, affecting negatively the development processes of our countries. It is therefore imperative that we prevent and control money laundering by, inter alia :

(a) developing modern and adequate investigation and information-gathering techniques to prevent criminals from manipulating and using the financial systems to disguise the origin of assets and funds, and developing complex structures that make detection unlikely and the collection of evidence difficult; and complementing this approach by actively encouraging and securing the cooperation of financial institutions and the business community through appropriate regulations and mechanisms;

(b) when appropriate, revising existing laws and regulations and enacting new laws, in order to integrate therein provisions on money laundering, in particular, those dealing with the extension of anti-money laundering measures to cover all serious offenses and the reporting of suspicious transactions to appropriate authorities, combined with effective implementation mechanisms to ensure prevention and control of the laundering of the proceeds of crime; and

(c) supporting the Global Program Against Money Laundering, developed by the United Nations International Drug Control Program (UNDCP) and the Center for International Crime Prevention, with a view to having cooperation activities with these entities to address the needs of the region in this field by paying particular attention to institution building and training of personnel.

6. We reiterate the view that corruption in various forms, including corruption and bribery in international commercial transactions, and their linkages with the various forms of organized crime undermine the values of democracy and morality and jeopardize the social, economic and political development of the

countries of our region. Therefore, we confirm our commitment to combat all corrupt practices by, among other measures:

- (a) developing prevention and control measures to promote a culture of accountability and transparency, with the active involvement and support of the public;
- (b) developing comprehensive anti-corruption programs, including administrative, civil, procedural and criminal legislation, as well as regulatory provisions and administrative action;
- (c) putting into effect, as appropriate, the various provisions of the International Code of Conduct for Public Officials, adopted by the General Assembly in its resolution 51/59, the United Nations Declaration on Public Security, adopted by the General Assembly in its resolution 51/60, and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, adopted by the General Assembly in its resolution 51/191 as well as the recommendations of the Expert Group Meeting on Corruption, held in Buenos Aires, 17 - 21 March 1997, in order to strengthen national institutions and call attention, at national and international levels, to the need for addressing the problems of corruption and bribery.

7. We note that the phenomena of corruption and bribery have become transnational in nature. Consequently, we encourage the Commission on Crime Prevention and Criminal Justice, in accordance with its existing mandate, to examine the feasibility of a global convention against corruption and bribery, taking into consideration successful initiatives in this field, such as the 1996 Inter-American Convention against Corruption, adopted by members of the Organization of American States, and the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted in 1997 by the OECD members and a number of non-OECD members.

8. We are convinced that combating the above-mentioned forms of crime requires concerted action at all levels. As these crimes transcend national boundaries, international cooperation is essential, complemented by collaborative ties at the regional and sub-regional levels. To that end, we are determined that our efforts should be focused on the following actions:

- (a) creating the necessary infrastructures for regional and sub-regional cooperation of criminal justice institutions and law enforcement agencies to detect, investigate and effectively prosecute various forms of transnational crime with special emphasis on organized crime and corruption, taking full advantage of the experience of existing bilateral and regional arrangements;
- (b) intensifying the exchange of information and experience regarding the occurrence and patterns of organized crime and corruption, benefiting from

best practices applied in different countries, and taking into account developments in the region.

9. We recognize the urgent need to make progress in Vigorously promoting international cooperation in criminal matters. In this regard, we urge that special attention be given to extradition, mutual assistance, witness protection, transfer of prisoners, seizure and forfeiture of the proceeds of crime, as well as to other forms of regional and international cooperation in criminal matters. Towards that end we encourage focus on the following cooperation modalities, bearing in mind the differences in our legal systems:

- (a) reviewing and updating our extradition and mutual assistance arrangements or agreements, or concluding such arrangements, as appropriate, so as to facilitate the application of extradition, mutual assistance and witness protection laws and practices among the countries of the region;
- (b) in concluding bilateral or regional agreements, efforts should be made to include provisions on simplified extradition procedures, taking into account the need for each country to have its own extradition law and to respect safeguards contained in that law;
- (c) establishing national central authorities to process requests for extradition and mutual assistance and putting in place mechanisms that would ensure coordination between competent national authorities; and
- (d) making full use of the United Nations Model Treaties on International Cooperation in Criminal Matters when concluding bilateral, subregional or regional agreements or arrangements in this field, and taking full advantage of the expertise of the United Nations Commission on Crime Prevention and Criminal Justice regarding modalities of cooperation in criminal matters.

10. We welcome the results achieved by the inter-sessional open-ended intergovernmental group of experts on the elaboration of a draft international convention against organized transnational crime, which met in Warsaw, Poland, from 2 to 6 February 1998. We believe that the outline of options for contents of the convention serves as a solid basis for its further elaboration. We strongly support such an endeavor and confirm our commitment to play an active role in the efforts to resolve differences and overcome conceptual or substantive difficulties so that the process can move with speed towards its conclusion. We urge the Commission on Crime Prevention and Criminal Justice to take advantage of the existing momentum and the consensus achieved on the desirability of such a convention, with a view to speeding up the process of its drafting and finalizing such a project as soon as possible.

11. We are convinced that, in order to achieve progress in combating the various forms of crime mentioned above, the capacities of our crime prevention and

criminal justice infrastructures should be strengthened. Technical assistance and advisory services provided by regional and international organizations are essential for many of the countries in our region, particularly those which are undergoing economic hardships and do not possess the means to institute effectively appropriate reforms and changes.

12. We believe that technical assistance should respond to the specific needs of the countries of the region and take account of the following issues:

- (a) strengthening national capacities, including the creation of specialized structures capable of dealing with the complexity of organized crime;
- (b) establishing arrangements for the systematic collection, collation and analysis of data on structures, functions and manifestations of organized transnational crime, including trafficking in human beings, money laundering and corruption, and using such data in the development and implementation of appropriate policies should be pursued;
- (c) exchanging information regarding legislative measures in order to assist in enactment of new legislation in response to newly emerging patterns of crime;
- (d) organizing training courses and seminars for law enforcement and criminal justice personnel and developing training materials such as manuals and training curricula, with a view to upgrading their skills, promoting the exchange of experiences and know-how;
- (e) developing and implementing bilateral, subregional, regional and international treaties on cooperation in criminal justice matters, drawing on the expertise of regional States and the United Nations; and
- (f) ensuring that the sectors of society that may be involved in transnational crime by reason of poverty and similar circumstances be provided with effective and sustainable alternative sources of livelihood and/or provided with opportunities to put their talents to legitimate use.

13. We recognize the important role played by the United Nations Center for International Crime Prevention in providing technical assistance and advisory services. Its role in facilitating the creation of joint initiatives and the formulation and implementation of technical cooperation projects, involving not only the interested developing countries but also other interested countries and relevant agencies, should be enhanced, with a view to maintaining efficient criminal justice systems as an essential element of development efforts. The resources for the Center should be strengthened in order for it to cope with the increased demand for technical assistance and advisory services.

14. We also recognize the important role played by institutions and organizations in the Asia and Pacific region, such as the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and the Asia Crime Prevention Foundation (ACPF) in assisting the countries of the region in this field.

15. We recognize as well the important role of subregional organizations in pursuing initiatives focused on their geographic areas and in establishing inter-organizational coordination mechanisms to address the problem of transnational crime.

16. We are convinced of the fact that building up the capacity of governments to effectively cooperate with each other in criminal justice matters, particularly in relation to combating organized crime and corruption, is a joint responsibility of developed and developing countries and relevant agencies. We therefore call upon countries, the United Nations Development Program, the World Bank, the Asian Development Bank, and other relevant international, regional and national agencies to give favorable consideration to technical assistance project proposals submitted to them by the Center for International Crime Prevention on strengthening our national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and corruption. In this connection, and given the high priority attached by our Governments to these matters, we appeal to prospective donors to give favorable consideration to the further development and implementation of action plans contained in the project proposals, including the integration of the activities foreseen in such proposals in the national development plans of our countries and in the respective country programs of UNDP.

17. We express our determination to ensure proper follow-up to the pronouncements of this Declaration by undertaking the following:

(a) encouraging our Governments to take the necessary measures, in accordance with their countries, respective legal systems, to implement the various provisions of the Declaration; and

(b) appealing to Governments and intergovernmental and non-governmental organizations and relevant institutes, to assist the efforts of the countries of the region in their fight against transnational crime.

Available [Online]: <<http://www.asean.or.id/politics/mancrm98.htm>> [24 November 1998].

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