

ASEAN's Greatest Counter-Terrorism Challenge: The Shift from "Need to Know" to Smart to Share

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Introduction

The contemporary threat of terrorism within Southeast Asia is national, regional and global in nature. The threat groups are operationally and ideologically linked and derive support from segments of their vulnerable communities. The current and emerging threat cannot be eradicated by any single state. Due to globalisation, threats that were once international now trickle down to regional and domestic levels. Although there are groups with national agendas, increasingly, Southeast Asian terrorists operate across borders and link up with groups who possess regional and global agendas. Despite progress being made, various legal and political challenges have hampered governments' willingness to exchange personnel, build common databases, conduct joint training and operations, and share expertise, experience and resources. The siege of Marawi in 2017 demonstrated how unprepared the region was.

Currently, the scale, magnitude and intensity of terrorism continue to threaten the region's law enforcement, military and intelligence services. To contain, isolate and eliminate the threat of terrorism, the challenge is for Southeast Asia to work together. Barring this, ideological extremism and violence will grow and expand, thereby affecting the entire region. The threat is most dominant in insular Southeast Asia but is also present in mainland Southeast Asia.

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In the last two decades, the Association of Southeast Asian Nations (ASEAN) has served as an ideal platform for governments and their partners to build counter-terrorism cooperation. The leaders of ASEAN had the vision to look beyond the kinetic and lethal model of fighting terrorism and advocate a comprehensive response against the threat with community engagement and rehabilitation. The countries affected by terrorism continue to work with extra-regional partners to build national and regional capacity, especially to fight threats originating from outside the region. To maintain the stability and security of the region, the law enforcement, military and intelligence services in ASEAN should shift from counter-terrorism cooperation to comprehensive collaboration. Against the backdrop of the changing threat landscape, this paper reviews the progress made so far, presents the challenges, and proposes recommendations to strengthen the region's future counter-terrorism framework.

The Context

Historically, the region has witnessed many leftist and ethno-political movements. In the 1990s, Southeast Asia emerged as one of al Qaeda's (AQ) theatres of operation and Jemaah Islamiyah (JI) formed Rabitatul Mujahidin, a coalition of Southeast Asian groups. The al Qaeda-centric threat persisted through the 2000s until the advent of Daesh in 2014. As Daesh's theatre of operation expanded, it attempted to gain a foothold in eastern Indonesia and southern Philippines. However, the ingress of AQ and Daesh has not quashed the pre-existing ethno-political and leftist movements, who continue to operate. The region hosts several thousand terrorists and tens of thousands of terrorist supporters and sympathisers. These groups present a long-term threat to the security of the region and beyond.

With the global expansion of al Qaeda after the United States (US) intervention in Afghanistan, the Southeast Asians ideologised, trained, armed and financed themselves, with the intention to fight the West and their allies and friends in the region. Their targets included both regional governments fighting against them and Western interests. With the threat constantly evolving, the timely response to terrorism in Southeast Asia has mostly occurred at the national and sub-regional levels through bilateral and trilateral cooperation. As it is considered more efficient, Southeast

Asian governments preferred to use bilateral arrangements rather than regional fora.

With the shift in the centre of gravity of economic power from the West to the Asia-Pacific and then to the Indo-Pacific, the geopolitical and geostrategic competition in Southeast Asia has heightened. The economic prosperity of Southeast Asia is contingent on its continued stability and security. As terrorism is a top national security threat to the region, a regional counter-terrorism strategy is central to containing, isolating and eliminating the threat. To counter the deepening ideological influence and the growing operational presence of domestic, regional and international terrorists in the region, ASEAN leaders realised the need to work together within the region and enhance counter-terrorism cooperation between the region and the rest of the world.¹ Against this backdrop, ASEAN members gradually invested in developing counter-terrorism policies, strategies and plans as well as extra-regional, regional, sub-regional, bilateral and national measures. Arising from ASEAN being an inter-governmental organisation, the "ASEAN Way" of policy-making, based on consensus, respect of national sovereignty and non-interference in domestic matters, is among the biggest obstacles to a coordinated strategy.^{2, 3} Due to this ASEAN cooperative model, the production of legislation, ratification process, and implementation are not fast enough to keep pace with the dynamic threat.⁴

Background

Historically, Southeast Asia has suffered from intrastate and interstate conflicts for centuries. The region experienced protracted conflicts – wars,

¹ Tatik S. Hafidz, "A Long Row to Hoe: A Critical Assessment of ASEAN Cooperation on Counter-Terrorism," *Kyoto Review*, December 2009, <https://kyotoreview.org/issue-11/a-long-row-to-hoe-a-critical-assessment-of-asean-cooperation-on-counter-terrorism/?>.

² Benedetta Di Matteo, "ASEAN's Anti-Terror Coordination Problem," *Global Risk Insights*, 16 October 2017, <https://globalriskinsights.com/2017/10/asean-anti-terror-coordination-problem/>.

³ Marguerite Borelli, "ASEAN Counter-Terrorism Weaknesses—Analysis," *Eurasia Review*, <https://www.eurasiareview.com/16102017-asean-counter-terrorism-weaknesses-analysis/>. See also, "Association of Southeast Asian Nations (ASEAN)," <http://www.nti.org/learn/treaties-and-regimes/association-southeast-asian-nations-asean/>.

⁴ "ASEAN counter-terrorism weaknesses," op-ed, *Independent*, 18 October 2017, <http://m.theindependentbd.com/printversion/details/119314>.

insurgencies and terrorist campaigns. The Treaty of Amity and Cooperation (TAC) in Southeast Asia, signed at the First ASEAN Summit on 24 February 1976, declared that in their relations with one another, the High Contracting Parties should be guided by the following fundamental principles:⁵

- Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
- The right of every State to lead its national existence free from external interference, subversion, or coercion;
- Non-interference in the internal affairs of one another;
- Settlement of differences or disputes by peaceful manner;
- Renunciation of the threat or use of force; and
- Effective cooperation among themselves.

To create a peaceful region, Indonesia, Malaysia, the Philippines, Singapore and Thailand founded ASEAN on 8 August 1967. After its independence in 1984, Brunei Darussalam too joined the association, followed by the Indochina countries and Myanmar post the ending of the Indochina conflict and the Cold War respectively. The threat of interstate conflict in Southeast Asia declined but the rise of ethno-political and politico-religious movements at the turn of the century created a new set of challenges. As a region known for its diversity, the region's cultural and civilisational fault-lines were challenged and the harmonious living came under threat. While terrorism by the leftist groups persisted, with transnational terrorism taking root in the region, the ethno-nationalist conflicts took a politico-religious turn, presenting implications for neighbouring countries. The threat of terrorism persisted throughout the 1990s and was highlighted at the International Conference on Terrorism in Baguio City in the Philippines in 1996. The ASEAN-Japan Forum in Tokyo was held in May 1997 to establish a network for information exchange on combating terrorism.⁶ With threat groups linking up across borders, and terrorism emerging as a serious

⁵ "Association of Southeast Asian Nations (ASEAN)," <http://www.nti.org/learn/treaties-and-regimes/association-southeast-asian-nations-asean/>.

⁶ S. Pushpanathan, "ASEAN adopted the Declaration on Transnational Crime in 1997 and an ASEAN Action Plan to Combat Transnational Crime in 1999 to implement the Declaration." "ASEAN Efforts to Combat Terrorism," Phuket, Thailand, http://asean.org/?static_post=asean-efforts-to-combat-terrorism-by-spushpanathan.

cross-border challenge, law enforcement authorities, military forces, and national security agencies realised the need to coordinate and cooperate across national borders. Since December 1997, the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) has brought together the respective home affairs ministers and has constituted the core of ASEAN's counter-terrorism collaboration.⁷ Special areas for discussion included intelligence sharing, law enforcement, airport security, bomb detection, and others.⁸

However, obstacles continued to plague ASEAN's work in counter-terrorism cooperation. For example, although the ASEAN Chiefs of National Police (ASEANOPOL) meetings are also aimed at promoting operational cooperation, they could not collaborate across law enforcement, national security and military lines. Due to the regional and political obstacles faced by ASEAN in its counter-terrorism cooperation, the pattern has been and to a certain extent still is to cooperate at the sub-regional level within the ASEAN framework.⁹ For example, the Agreement on Information Exchange and Establishment of Communication Procedures was signed in 2002 in Kuala Lumpur between Indonesia, Malaysia and the Philippines, and later joined by Thailand during the eighth ASEAN Summit in Phnom Penh. At the 2002 Summit, ASEAN leaders also released a Declaration on Terrorism in response to the Bali bombing. Nevertheless, regional progress has been reactive and slow compared to the speed at which the threat is growing in the region. The Southeast Asian governments had drafted individual frameworks to fight terrorism and insurgency. Most were developed on an ad hoc basis to supplement structured security approaches. Assessing the challenges of developing a counter-terrorism treaty accurately, Rose and Nestorovska wrote in 2005: "The institutional weakness of ASEAN and the particular political sensitivities posed by Islamic terrorism in the region suggest that a legal formula for regional counter-terrorism coopera-

⁷ Kankana Debnath, "The Role of Association of Southeast Asian Nations in Combating Terrorism in Southeast Asia," *International Journal of Business, Economics and Law*, Vol. 14, Issue 4, December 2017, and Ralf Emmers, "The Fight against Terrorism: What Role for ASEAN?," RSIS Commentary, November 14, 2007.

⁸ Ralf Emmers, "The Fight against Terrorism: What Role for ASEAN?," RSIS Commentary, 14 November 2007.

⁹ S. Pushpanathan, "ASEAN Efforts to Combat Terrorism," Second APEC Counter-Terrorism Task Force Meeting, Phuket, Thailand, 20 August 2003, ASEAN, online: <http://www.aseansec.org/15060.htm>.

tion will not mature in the short term.¹⁰ Yet, we anticipate that within the medium term (five years) a regional or sub-regional treaty on terrorism is likely to be adopted.”¹¹ The need for a counter-terrorism legal framework was deemed essential, both to prevent and disrupt attacks.

As terrorist crimes continued to be committed across borders, governments felt that mutual legal assistance was vital to investigating and prosecuting these crimes. Similarly, information exchange, financial controls and movement of goods and people are essential to preventing attacks. In addition to a broader extension of mutual legal assistance and efficiency gained through sharing of expertise and experience, the benefits of harmonising are transnational mechanisms to support cooperation and promoting best practices in national laws and other arrangements.¹² While some of this was done, there was still a need to work on other aspects. The affected countries believed that the crafting of a convention would benefit from multilateral treaties adopted under the auspices of the United Nations (UN) and regional treaties.

The Crafting of the Convention

After the terrorist attacks on 11 September 2001, the severity of the threat was apparent. Nonetheless, some believed that the terrorist threat was a phenomenon restricted to the Middle East and would not affect Asia. As terrorism is controversial, not all understood or agreed on how to manage the threat. Although the region had a long history of addressing the problem of terrorism, the scale, magnitude and intensity of the attacks worldwide that followed 9/11 were sources of concern for the regional leaders and their governments. The discovery of the JI network in Southeast Asia led the governments to zero-in on the threat to the region. In December 2001, Singapore was the first country in the region to detect the existence of this al Qaeda-supported and -funded terrorist network in

¹⁰ D. Wright-Neville, “Prospects Dim: Counter-Terrorism Cooperation in South East Asia,” Woodrow Wilson International Centre for Scholars, Asia Program, Asia Program Special Report, No. 112 (2003) 5, 8-9.

¹¹ Rose, G. and Nestorovska, D., “Towards an ASEAN counter-terrorism treaty,” Singapore Yearbook of International Law, 9, 2005, 157-189, <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1002&context=lawpapers>.

¹² Ibid.

the region and in Australia. Behind the scenes, Singapore worked tirelessly with Indonesia, Malaysia, the Philippines and Australia to disrupt the network.¹³ As terrorism emanated from the networks in its neighbourhood, Singapore did not take the lead but instead supported its neighbours, especially Indonesia and Malaysia, to take the lead in countering the threat. In January 2002, US intelligence operators and special forces started working in the southern Philippines to assist Manila in fighting the Abu Sayyaf Group. However, the turning point was the Bali attack on 12 October 2002. The Bali bombing killed about 200 individuals, almost half of whom were Australians, and injured 200 more people, making it the worst terrorist attack since 9/11. The thorough Indonesian National Police (INP) investigation following the Bali attack revealed that Jemaah Islamiyah was behind the bombing. The carnage in Bali framed Southeast Asia as the second front in the fight against terrorism. A series of intermittent bombing and attacks – Marriot Hotel in Jakarta (August 2003), the Australian Embassy in Jakarta (September 2004), the restaurants in Bali (October 2005) – provided the impetus for concerted intra- and extra-regional responses.¹⁴

The suggestion that a regional counter-terrorism treaty should be developed was first put forward by Indonesia at the ASEAN Government Legal Officers' Programme meeting in August 2003¹⁵ and based on the Indonesian police, specifically the team that was brought together to investigate the Bali bombing. Referring to the Ministry of Foreign Affairs' collaboration with INP, Ngurah Swajaya, Director, ASEAN Political Security Cooperation (2005-2009), Ministry of Foreign Affairs of Indonesia, said: "We developed the idea. We were busy debating the definition of terrorism as it was a debate at the UN. We decided not to debate – that is the first issue we addressed."¹⁶

¹³ "The Jemaah Islamiyah arrests and the threat of terrorism: white paper," Ministry of Home Affairs, 2003, <http://eresources.nlb.gov.sg/printheritage/detail/2125a7b0-9a25-47ca-bf7f-a74a41a4261b.aspx>.

¹⁴ Simon Butt, "Anti-Terrorism Law and Criminal Process in Indonesia," ARC Federation Fellowship Islam, Syari'ah and Governance—Background Paper Series, 2008, http://law.unimelb.edu.au/_data/assets/pdf_file/0011/1547786/butt_final_forwebsite2.pdf.

¹⁵ Rose, G. and Nestorovska, D., "Towards an ASEAN counter-terrorism treaty," Singapore Yearbook of International Law, 9, 2005, 157-189, <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1002&context=lawpapers>.

¹⁶ Simon Butt, "Anti-Terrorism Law and Criminal Process in Indonesia," ARC Federation Fellowship Islam, Syari'ah and Governance—Background Paper Series, 2008, http://law.unimelb.edu.au/_data/assets/pdf_file/0011/1547786/butt_final_forwebsite2.pdf.

The idea for a convention was promoted at the inter-agency meetings of AMMTC and SOMTC (Senior Officials Meeting on Transnational Crime). There were bilateral consultations before the idea for the convention was tabled at SOMTC. While some supported the idea, others needed further explanation as they believed that the existing declaration issued at the 2002 ASEAN Summit was sufficient. As they hosted Muslim populations vulnerable to terrorist recruitment, Indonesia, the Philippines, Malaysia and Singapore felt the threat of terrorism, said Ngurah Swajaya.¹⁷ But he added, “Cambodia and Laos felt they were immune from terrorism until the investigations showed that the JI operations chief Hambali wanted to establish citizenship and live close to the US embassy in Phnom Penh.”

The ASEAN leaders agreed to work towards a convention in 2004 and soon, negotiations on a draft started in 2006. Ngurah Swajaya was appointed to chair the Working Group to draft the ASEAN convention on counter-terrorism. Ngurah Swajaya said, “We formed a working group to draft the convention. Each country appointed their chief negotiators. Singapore was represented by the AGC [Attorney-General’s Chambers] and accompanied by colleagues from MFA [Ministry of Foreign Affairs].¹⁸ Most member states were represented by legal people assisted by MFA.” The last meeting of the Working Group was held in Cebu, the Philippines during the 2007 ASEAN Summit, which saw the signing of the final document – the ASEAN Convention on Counter Terrorism (ACCT). Following Brunei’s ratification as the sixth country on 28 April 2011, the ACCT came into force on 27 May 2011. On 3 May 2011, the then-Secretary General Surin Pitsuwan remarked, “We are determined to continue to cooperate not only in the prevention and suppression of extremism and terrorism but to address and remove root causes and conditions giving rise to these threats to humanity.” Dr. Surin Pitsuwan also added, “The road to ending violent extremism, terrorism and global cultural discords might very well run through the ASEAN region.”¹⁹ On 11 January 2013, Malaysia became the tenth and last country to ratify the ACCT. A framework for regional

¹⁷ Rohan Gunaratna’s interview with Ambassador Ngurah Swajaya, chair, drafting committee of the ASEAN convention on counter-terrorism, 9 March 2018.

¹⁸ *Ibid.*

¹⁹ “SG welcomes imminent entry into force of the ASEAN Convention on Counter-Terrorism,” Jakarta, 3 May 2011, <http://asean.org/sg-welcomes-imminent-entry-into-force-of-the-asean-convention-on-counter-terrorism/>.

cooperation to counter, prevent and suppress terrorism and deepen counter-terrorism cooperation, the ACCT's introduction is a watershed in the security history of ASEAN.²⁰ ACCT is Southeast Asia's foremost instrument on counter-terrorism. It covers crucial grounds, ranging from definition issues to the concept of deradicalisation. Similarly, Chemical, Biological, Radiological, and Nuclear (CBRN) defence was included but cyber weapons was not as it was not a real issue at that time. The ACCT is the cornerstone in enhancing the region's strategic role in the global strategy on counter-terrorism and its capacity to confront terrorism in all its forms and manifestations. It is further complemented by the 2009 ASEAN Comprehensive Plan of Action on Counter Terrorism and formed a landmark towards the drafting of the ASEAN Political-Security Community Blueprint 2025.

Even after the signing of these two documents, counter-terrorism features prominently and frequently in ASEAN meetings. On 20 September 2017, the Philippines hosted the Eleventh ASEAN Ministerial Meeting on Transnational Crime (11th AMMTC) to consolidate and further strengthen regional cooperation in combating transnational crimes, including terrorism. A day before the AMMTC, the Second Special ASEAN Ministerial Meeting on the Rise of Radicalisation and Violent Extremism (2nd SAMMRRVE) exchanged views and best practices in combating the rise of radicalisation and extremism.²¹

Extra-Regional Partners

In addition to regional capacities, the convention provided many opportunities to build national and international capacities to fight the rising threat of terrorism. Even prior to that, ASEAN members had built partnerships with the US, China, Europe and Australia.²²

²⁰ Abdul Razak Ahmad, "The Asean Convention on Counter-Terrorism 2007," *Asia-Pacific Journal on Human Rights and Law* 1 and 2, 93 (2013). Signed by ASEAN leaders on 13 January 2007 in Cebu, the Philippines.

²¹ Benedetta Di Matteo, "ASEAN's Anti-Terror Coordination Problem," *Global Risk Insights*, 16 October 2017, <https://globalriskinsights.com/2017/10/asean-anti-terror-coordination-problem/>.

²² "The ASEAN-United States of America Joint Declaration for Cooperation to Combat International Terrorism in 2002," <http://www.aseansec.org/7424.htm>.

The Regional Ministerial Meeting on Counter-Terrorism held in Bali in February 2004 was attended by ASEAN foreign ministers as well as those from Australia, Canada, China, Fiji, France, Germany, India, Japan, New Zealand, Papua New Guinea, South Korea, Russia, Timor-Leste, the United Kingdom (UK), the US and the European Union (EU). Two working groups were established. First, enforcement officers came together to share operational experiences, formulate best-practice models, develop an information base and facilitate a more effective flow of criminal intelligence. Second, senior legal officials met to report on the adequacy of regional legal frameworks for counter-terrorism cooperation and to identify areas for improvement of cooperation and assistance. At a bilateral level there were several arrangements. The first of which was a Memorandum of Understanding on counter-terrorism cooperation between Australia and the Philippines signed in March 2003 and another between Australia and Cambodia on 18 June 2003. The US and Australian authorities helped the Philippines, Indonesia and Malaysia to respond to the threat. The extra-regional engagements and arrangements brought resources to build capacity, thus enabling the region to fight back effectively.

A New Wave of Daesh-Centric Threats

With Daesh supplanting al Qaeda as the leader of the global jihadist movement, the evolution of the global threat landscape has affected Southeast Asia. With the rise of contemporary terrorism, Southeast Asia faced two waves of threat – the al Qaeda-centric wave in the 1990s and 2000s and the Daesh-centric wave in the 2010s. Following the training of Southeast Asian recruits by al Qaeda and its affiliates, in Southeast Asia notably JI, Southeast Asians participated in the insurgent and terrorist campaigns in Afghanistan, Pakistan, the Philippines, Malaysia and Indonesia. The region dealt with this al Qaeda-centric threat only reactively in the 2000s. Until the siege of Marawi in 2017, the governments in the region fought the Daesh-centric threat using the same foundation created to battle the al Qaeda-centric threat.

Today, Southeast Asia's military forces, law enforcement authorities and national security agencies are assessing the impact of Daesh transforming from a caliphate-building group to a global terrorist movement. Despite its defeat in Mosul, Iraq on 9 July 2017 and Raqqa, Syria on 17

October 2017, Daesh is evolving into a deadly movement by linking up with local groups worldwide. In Southeast Asia alone, 63 groups have pledged allegiance to Abu Bakr al Baghdadi and they are resilient to government action. With a depleting strength of an estimated 5,000 Daesh fighters in Syria today, down from 50,000 fighters in 2015, the group is no longer capable of holding territory in its heartland in Iraq. However, to compensate for its battlefield losses, Daesh is reinventing itself and expanding globally, in both the cyber and physical spaces. In Southeast Asia, Daesh has evolved from a semi-conventional force in Marawi to an underground terrorist network elsewhere in Mindanao, with a refocus on striking overseas. With its continuous recruitment in both the real and virtual spaces, Daesh will endure. Due to the continuing support from thousands of its followers and sympathisers, Daesh will survive and be able to mount sporadic bombing, assassinations, ambushes and other forms of hit-and-run attacks. Although the number of foreign recruits entering Iraq and Syria from Southeast Asia is diminishing and Daesh is unable to replenish its core battlefield losses, every month, Indonesians and Malaysians continue to travel to the Philippines to join Daesh-centric groups.

The threat in Southeast Asia has always been an extension of the developments in South Asia and the Middle East. During the anti-Soviet multinational Afghan Mujahideen campaign, several hundred Southeast Asians participated and returned to their countries to create terrorist and extremist groups. Similarly, those who travelled to Iraq and Syria since the year 2011 to join Daesh or al Qaeda influenced the creation of similar organisations in the region. Today, with the Daesh centre of gravity shifting from Iraq and Syria to overseas, Daesh is decentralising and is building ideological and operational affiliations with regional cells, networks and groups. With Daesh fragmenting, multiple centres of Daesh power are emerging in the Middle East, Africa, the Caucasus and Asia, including in Southeast Asia. In addition to consolidating the groups that pledged allegiance to Abu Bakr Baghdadi, Daesh and its network will survive in the established external wilayats (provinces) in Libya (Barqa, Fezzan and Tripoli), Egypt (Sinai), Nigeria (Gharb Iriqiyyah), Afghanistan and Pakistan (Khorasan), Russian Caucasus (Qawqaz), Yemen (Al-Yemen), Algeria (Al-Jazair) and Saudi Arabia (Najd, Hijaz and Bahrain). Operating out of these hubs, foreign fighters are likely to operate across borders and strike the enemies of Daesh. Currently, more than 50 foreign fighters are operating

in Southeast Asia, many originating from these Daesh bastions. Although Daesh is primarily an Arab movement, Arabs are only 20 percent of the Muslim world and Asia hosts 63% of the global Muslim population. To establish itself wherever Muslims live, Daesh-designated as well as unofficial propagandists are reaching out to vulnerable segments of Muslim communities. Exploiting encrypted communication platforms and harnessing its returnees, Daesh is making inroads into existing and emerging conflict zones. Asia is no exception to this. After networking and uniting disparate groups, Daesh has created groupings and appointed their leaders. While Daesh is in a consolidation phase in some theatres, it is in an expansion phase in other theatres. Although Libya was identified as the new Daesh HQ, Afghanistan and Yemen are likely to emerge as alternative bastions for Daesh to recuperate and re-emerge.

Yet, Daesh has not fully replaced al Qaeda in Southeast Asia, a region which has been the traditional playing field of the group. In 2017, al Qaeda in Syria created a coalition – Hay'at Tahrir al-Sham (HTS) – and Southeast Asians continue to serve in its ranks. Led by the former al Qaeda in Syria commander, Abu Mohammed Al-Julani, HTS maintains a strength of at least 20,000 fighters and shows the again-rising significance of this threat group. Although HTS is at discord with al Qaeda central, led by Aymen al Zawahiri, it rivals both Daesh and the Assad regime. Especially since the loss of territory, HTS and its constituents thus present a threat to Daesh.

The Marawi Siege as a Push Towards Greater Collaboration

Against the backdrop of the rising terrorist threat, Daesh launched the siege of Marawi on 23 May 2017. The Marawi siege demonstrated how unprepared the region was to counter the rising threat of Daesh. It took five months of fighting to dismantle Daesh in Marawi, where nearly 1,500 people were killed. The number of local and foreign fighters killed came up to at least 900, including the designated Daesh East Asia leader, Isnilon Hapilon.

When Daesh fighters launched the Marawi siege, ASEAN governments understood that the level of cooperation between the countries was insufficient and not as comprehensive as it should have been. Until the Marawi siege, the Philippines did not publicly acknowledge that Daesh had taken

root in Mindanao and regional governments did not share intelligence on the developments adequately. As Daesh planned to replicate Mosul or Raqqa in Asia, the siege of Marawi was a wake-up call to all ASEAN countries and a warning that the devastation in Iraq and Syria could be replicated in Southeast Asia. The affected countries called for enhanced regional efforts to combat terrorism and other related emerging threats so as to maintain peace and stability in the region. At the highest levels of leadership, there was concern that the region was ill-equipped to fight the new wave of terrorism and extremism that required more collective efforts as no country can single-handedly manage the threat.

When the fight in Marawi commenced, the military took the lead in the Philippines. To support the Armed Forces of the Philippine (AFP), a number of countries from the region and beyond came forward. ASEAN leaders reiterated that strong leadership within the region was essential to fighting back to prevent Daesh from expanding into the region. At the Shangri-La Dialogue in Singapore on 4 June 2017, the US, Singapore, Malaysia and Indonesia offered assistance to the Philippines. As a consequence, Indonesian Defence Minister Ryamizard called for a shift from counter-terrorism cooperation to collaboration and proposed a regional intelligence-sharing alliance – “Our Eyes”. The genesis of “Our Eyes” occurred when Minister Ryamizard Ryacudu was briefed on the build-up of Daesh, especially the foreign terrorist fighters (FTF) threat in Marawi, at the sidelines of the Shangri-La Dialogue. Addressing the Dialogue, his counterparts and the media, Minister Ryamizard spoke about Daesh, its fighter strength of 1,200 in the Philippines and the FTF, including the presence of 40 Indonesian nationals in the Philippines.²³

Minister Ryamizard met with Philippine Defence Secretary Delfin Lorenzana on 21 June 2017 to offer support, including military assistance by deploying Indonesian troops, and discuss cooperation in the Sulu Seas. To contain the threat, Indonesia, Malaysia and the Philippines launched joint trilateral maritime and air patrols off the Sulu archipelago in Mindanao and Sabah on 19 June 2017. When the Trilateral Maritime Patrol was inaugurated at Tarakan Naval Base, Indonesia, the ceremony was attended by Minister Ryamizard, Malaysian Defence Minister Hishammuddin

²³ Eileen Ng, “1,200 IS militants in Philippines, says Indonesia defence minister,” *Today Online*, 4 June 2017, <http://www.todayonline.com/world/asia/philippines-has-1200-is-militants-indonesia-defence-minister>.

Hussein, Defence Secretary Lorenzana, Singapore Senior Minister of State for Defence and Foreign Affairs Dr Maliki Osman, and Brunei's Deputy Defence Minister Abdul Aziz Haji Mohammad Tamit. The joint patrols by Indonesia, Malaysia and the Philippines disrupted the operation of Daesh, Abu Sayyaf and other threat groups, dramatically reducing the number of maritime attacks, including kidnappings at sea. The success of the patrols highlighted the potential for greater cooperation in the intelligence domain within the region to fight terrorism and extremism.

When the Philippine Department of National Defence hosted the 11th ASEAN Defence Ministers Meeting (ADMM)²⁴ and 4th ADMM-Plus on 23-24 October 2017 in Clark Field, Angeles City, the defence ministers pledged to work together to identify ways to strengthen counter-terrorism cooperation among ASEAN defence establishments, to share more information on terrorist networks across Asia, to step up surveillance of threat groups, and to promote public awareness about radicalisation.²⁵

“Our Eyes” Initiative

The soft launch of “Our Eyes” was held in Bali on 25 January 2018, hosted by Minister Ryamizard Ryacudu. Each participating country agreed to share strategic intelligence on terrorism, starting in 2018. The defence representatives of countries affected by terrorism, Indonesia, Malaysia, the Philippines, Thailand, Singapore and Brunei, were determined to expand the alliance within the region to include other ASEAN countries as members and extra-regional countries as partners. The US, Japan, Australia, and New Zealand have been identified as the first set of partners. The Our Eyes alliance received widespread support, including from US Defence Secretary Jim Mattis during his visit to Jakarta on 23 January 2018. Our Eyes was signed during the retreat of the ADMM in Singapore on 5-6 February 2018 and modelled on the post-World War II Five Eyes alliance AUS-CAN-UK-US-NZ (Australia, Canada, United Kingdom, United States, New Zealand), established to counter the Soviet threat until 1989,

²⁴ Established in 2006, ADMM is the highest defence consultative and cooperative mechanism in ASEAN, and ADMM Plus includes eight of its dialogue partners: Australia, China, India, Japan, New Zealand, South Korea, Russia and the US.

²⁵ Angaindrankumar Gnanasangaram, “The ASEAN approach to counter-terrorism,” *Aseanpost*, 25 October 2017, <https://theaseanpost.com/index.php/article/asean-approach-counter-terrorism>.

and transnational security threats, especially terrorism, after 2001. The Our Eyes Working Group of each country met in Jakarta from 30 November to 1 December 2017, and in Bali on 24 January 2018 to develop mechanisms for its operationalisation. The cooperation mechanism comprises the collection, processing and presentation of strategic information on terrorism, radicalism and violent extremism. The members will exchange information utilising the ASEAN Direct Communication Infrastructure. It is envisaged that the member countries will establish Our Eyes centres in each country in 2018 to fuse national intelligence and share it with their counterparts. These centres will maintain communications, share counter-terrorism intelligence and discuss operational cooperation. Initially this will be strategic intelligence but later it will expand to operational and tactical intelligence.

At the ADMM retreat in Singapore in February 2018, where Singapore had assumed the chairmanship of ADMM, ASEAN defence ministers recognised several challenges, ranging from the troubled South China Sea to the North Korea dispute, but they identified terrorism as the single biggest threat. They discussed three key thrusts: (1) shift from regional counter-terrorism cooperation to collaboration, (2) grow collective capability to address chemical, biological and radiological threats, and (3) promulgate the use of practical confidence-building measures in the aviation and maritime domains. As the scale, magnitude and complexity of the threat in the region continued to grow and deepen with the relocation and return of foreign fighters, and the flow of propaganda, funds and technology, the region needed an additional strategic framework to deal with counter-terrorism. Singapore thus proposed a “three R” framework of “Resilience, Response, Recovery” during the ADMM retreat. The framework to build up the region’s ability to deter and prevent terrorist attacks is aimed at co-ordinating ASEAN’s responses to address ongoing threats, and to recover from any terrorist attack. Thus the framework would include the Resilience element to counter radicalisation, a continuing challenge in the region; a Response element, notably the Trilateral Patrols involving Indonesia, Malaysia and the Philippines; and the intention to Recover from attacks, arising from the need to restore Marawi, a city besieged by Daesh for five months.

Since the threats covered are not just from conventional terrorism but also from chemical, biological and radiological weapons, the integration of

the military to the overall counter-terrorism framework of nations is vital. In March 2018, Singapore hosted meetings of the chiefs of defence forces, military intelligence and military operations to deliberate on the current and emerging Daesh-centric threat. The chiefs of defence forces took part in the 15th ASEAN Chiefs of Defence Forces' Informal Meeting (ACDFIM) and reaffirmed their shared commitment and the collective responsibility of the ASEAN militaries to address regional security challenges, which included both traditional and non-traditional security issues. They proposed to do this through building capacity, trust and confidence at a pace comfortable to all through dialogue, and military-to-military interaction to deepen defence cooperative ties between and amongst ASEAN defence establishments. In addition to emphasising counter-terrorism cooperation among ASEAN militaries and with the dialogue partners of the ADMM-Plus in order to contribute to global and regional peace, security and stability, ACDFIM reaffirmed the commitment of the ASEAN member states' militaries in support of and participation in ADMM-Plus Expert Working Groups' exercises conducted from 2018 to 2020 to further practical cooperation, including in counter-terrorism, co-hosted by Thailand and the People's Republic of China. Furthermore, ACDFIM adopted the recommendations of the chiefs of military intelligence at the 15th ASEAN Military Intelligence Informal Meeting (AMIIM) and the chiefs of military operations at the 8th ASEAN Military Operations Informal Meeting (AMOIM) held in Singapore on 6 March 2018. It also commended the efforts of the ASEAN Military Analyst-to-Analyst Intelligence Exchange (AMAAIE) in developing the 365-Platform to facilitate information sharing in order to build up resilience and combat terrorism. There were other collaborations in the maritime and CBRN arenas, especially with the continuity of terrorists operating in the maritime space and terrorist interest in CBRN weapons, including acquisition of weapons from North Korea. Considering the threats, the meetings in Singapore by the defence, intelligence and operations chiefs of the armed forces of Southeast Asia were timely but there was very little effort to collaborate with non-military agencies.

Conclusion

After 9/11 and regional attacks, particularly the Bali attack, terrorism in the region became the top priority in ASEAN's political agenda. ASEAN declared the need to fight terrorism together with dialogue partners and also spoke of the need to strengthen the political declaration with a legal treaty as ASEAN nations had different legal systems. It was important to bridge the differences to effectively cooperate and collaborate. ASEAN rose to the challenge of countering terrorism but the entire process of operationalising an idea took a decade after 9/11. Nonetheless, the drafting of the landmark convention was swift. Ngurah Swajaya said: "The counter-terrorism convention is the fastest ever convention drafted in ASEAN, from the drafting to the signing by the heads of state in less than a year."²⁶

Within the ASEAN space, Muslims are moderate and tolerant and value coexistence, but a tiny percentage have embraced foreign ideologies from the conflict regions of South Asia and the Middle East. ASEAN leaders knew that terrorism was a vicious by-product of extremism and they were determined to fight both terrorism and extremism. As the region hosts a large Muslim community, ASEAN considered managing the threats of extremism seriously. Secretary General Surin Pitsuwan said: "The road to ending violent extremism, terrorism and global cultural discords might very well run through the ASEAN region."²⁷

Several challenges prevented effective counter-terrorism cooperation and collaboration. Multilateral intelligence-sharing is exceptionally rare in the region as governments prefer to exchange threat information bilaterally. Within the region, the defence, military, law enforcement and national security agencies collected intelligence but there was a level of reluctance to sharing, both nationally and regionally.

As this article has shown, so far, some amount of cooperation does exist. However, there is a need for even greater collaboration. Unless the guardians of security in the region move from counter-terrorism cooperation to collaboration, the threat of ideological extremism and its

²⁶ Rohan Gunaratna's interview with Ambassador Ngurah Swajaya, chair, drafting committee of the ASEAN convention on counter terrorism, 9 March 2018.

²⁷ Dr. Surin Pitsuwan, "SG welcomes imminent entry into force of the ASEAN Convention on Counter-Terrorism," Jakarta, 3 May 2011, <http://asean.org/sg-welcomes-imminent-entry-into-force-of-the-asean-convention-on-counter-terrorism/>.

operational manifestations – insurgency and terrorism – will persist and even grow. To fight the Daesh-centric threat, regional military, law enforcement and intelligence services should exchange personnel, create common databases, conduct joint training and operations, and share expertise, resources and experience beyond what is already in place.

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