

Masyarakat, Kebudayaan dan Politik

Daftar Isi

Sejarah Pemberadaban: Mengenalkan Norbert Elias pada Sosiologi Indonesia	
Anton Novenanto	183–191
Pengembangan Objek Wisata Taman Nasional Laut Kepulauan Karimun Jawa	
Andy Umardiono	192–201
Ikhtiar Teoretik Mengkaji Peran Partai dalam Mobilisasi Politik Elektoral	
Kris Nugroho	202–214
Imagery in Thomas Hardy's "The Convergence of the Twain"	
Suryo Tri Saksono.....	215–218
Profil Kemiskinan di Surabaya: Sebuah Analisis Fenomenologis	
Hotman Siahaan.....	219–227
ASEAN's Response to the Challenge of Terrorism	
Sartika Soesilowati	228–241
The Social Construction of Indonesian Children: The Family, the School and the Media	
IGAK Satrya Wibawa.....	242–250
Pemetaan Potensi Ekowisata di Taman Nasional Baluran	
Nur Emma Suriani & M. Nurdin Razak	251–260
Kebijakan Publik Deliberatif: Relevansi dan Tantangan Implementasinya	
Antun Mardiyanta	261–271
Kebutuhan Penguasaan Bahasa Asing pada Mahasiswa Universitas Paramadina dalam Era Globalisasi	
Rizki Damayanti & Anita Maharani	272–279

ASEAN's Response to the Challenge of Terrorism

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ABSTRACT

ASEAN member-states has promoted to realize ASEAN security community in 2015. Given the fact that its type of institutionalization need closer cooperation among the member-states, therefore to share and to adapt sovereign state will enhance the process. This research demonstrates both the extent and the limits of the ASEAN's ability to operate as a security community. This research examines and measures the questions raised by applying the method of process-tracing. It will begin by examining the initial responses of the ASEAN states to the September 11, 2001 terror attacks in the U.S. This will be followed by an examination of some of the initiatives that ASEAN has launched to address the threat of terrorism. The research will conclude with an assessment of how ASEAN's response to the problem of terrorism reflects upon the Association's development as a regional security community.

Key words: terrorism, security community, national interest, state sovereignty

As the cold war recedes further into history, questions about what specific type of security orders will emerge internationally and in specific regions are intensifying. A major aspect of this debate is whether cooperative security will prevail in other regions to the extent that it has developed in Europe over the past half century. Are regionally distinct forms of security cooperation destined to evolve in ways that will set them apart as a historically significant component of international security relations? This question become more interested with ASEAN member countries has promulgated to create ASEAN community which one of the pillars is to create political-security community in 2015. What does the prospects of that institution transforming into a security community?

ASEAN seems to contradict many of the assumptions underlying the classical theories of political integration and regional community-building. Karl Deutsch's classical portrayal of a security community as either an 'amalgamated' or 'pluralistic' underscores a high level of interaction among the members, who develop a sense of community ('we-feeling', trust and mutual interaction), and integration (economic interdependence, and communication process and flows between peoples) (Deutsch 1957: 36–59). This idea also highlights the role of institutions in shaping behaviour of the states. Members of a genuine security community will manage conflict without

fighting each other and resolve their problems through peaceful means.

The experience of ASEAN community building since the end of the Indochina conflicts in the early 1990s has shown that members have been relatively successful in avoiding war among themselves and managing conflict peacefully. But this has been achieved largely in absence of a sense of interdependence or shared political and social background. Security and economic cooperation is still conducted largely with external members rather than among ASEAN members themselves. The ASEAN states represent different political systems ranging from authoritarian regimes (i.e. Myanmar) or communist systems (i.e. Vietnam) to countries which embrace democratic systems such as Indonesia and the Philippines.

Classic security community theory, therefore, cannot really explain ASEAN's growing legacy of successful conflict management by reference to such underlying factors as shared liberal democratic values or substantial intra-regional economic interdependence (Acharya 1998: 198–202, 2000: 30–37). Although ASEAN members have been relatively successful in avoiding war among themselves, significant rivalries and suspicions continue to exist within Southeast Asia. The conventional security community characteristics which allow it to resolve problems by peaceful means, therefore, are not completely applicable to ASEAN, since the

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process to mediate peacefully cannot be guaranteed. Many sensitive security issues such as territorial disputes have not been resolved and could still potentially spark regional conflict. This is especially true because ASEAN members have until recently regarded their commitment to the organisation below that of preserving their own national sovereignty and pursuing their own national interests. One can justifiably ask what type of security community will ASEAN become if conflict management among its members has not been resolved in close conformity to the security community-building model?

The recent typology of security communities advanced by Emmanuel Adler and Michael Barnett (1998: 3–17) aimed to overcome the difficulty of analysing this problem outside the traditional Western conceptual framework. They applied three security community typologies: nascent, ascendant and mature. In this category, Adler and Barnett explain that 'nascent' which is the lowest stage in the development of security community, contains shared threat perceptions, expected trade benefits, collective identity, and organisational emulation. The 'ascendant' phase is marked by tighter military coordination, reduced fears of other members of the group, the beginning of cognitive transition, inter-subjective processes, collective identities, and dependable expectations of peaceful change. The main characteristics of the 'mature' phase are greater institutionalization, supra-nationalism, a high degree of trust, and low or no probability of military conflicts (Adler & Barnett 1998: 50–55).

In creating a security community, it raises important questions. Can ASEAN mature into an institution that develops collective approaches to issues that reflect greater interdependence among its members? What type of security community might ASEAN become? It is important to explore these questions because the institution is now at a genuine crossroads, changing from informal structure to more formal one, by issuing the ASEAN charter.

The case study of combating terrorism in Southeast Asia examines how ASEAN manages sovereignty, or national interest to permit security cooperation. The case studies indicate that building a security community within ASEAN can only occur if the member-states do not have to substantially sacrifice their national sovereignty prerogatives, while simultaneously strengthening their sense of community over time. The collaborative security efforts demonstrate that ASEAN's key member states are capable of striking a judicious balance between their respective sovereign prerogatives

and community building efforts, but not to the point where the primacy of sovereignty is extinguished. This 'adaptable' form of sovereignty can be seen in their simultaneous protection of state-centric primacy, while also pursuing the higher levels of institutionalisation and interdependence necessary for effective security cooperation to develop.

Research Questions

Ideally, tracing the interaction in the case studies selected should provide an explanation for interaction between national security interests and security community building. It should also yield some answers at least two key areas of enquiry: 1) a judgment as to whether ASEAN qualifies as a security community by ascertaining what degree of collective cooperation has been attained relative to the preservation of sovereign prerogatives; and 2) an understanding of ASEAN's collective identity: relative to whether or not it is sufficiently prevalent to conform to the security community model. Addressing these two aspects in particular should enhance our understanding about the types of cooperation that ASEAN states may undertake as security community aspirants.

Methodology/Analytical Framework

The research examines and measures the questions raised earlier by applying the method of process-tracing. This methodology traces the links between possible causes and observed outcomes (George & Bennett 2005: 6). Process tracing examines the evidence or chain of events by which the specific key factors contribute to the outcomes of the cases under review (Evera 1997: 643). The identification of 'common variables' is undertaken and a subsequent examination of those variables in controlling or incidental factors in each case is then conducted. Patterns of significant similarity can be identified by cross-comparing the relative impact of those variables on outcomes identified in each case to measure their relative significance in qualitative terms.

The methodology employs histories, archival documents, interview transcripts and other sources to see whether the causal process or theory hypotheses implied in a particular case is, in fact, evident in the sequence of intervening variables relevant to that case. A range of methods have been used to gather data. In cases study research was undertaken via interviews and the collection of primary source

document materials. This included discussions with the people who are involved in combating terrorism. The range of interviewees included, police, foreign ministry officials and their equivalents in other sector specific agencies. In addition, a wide range of secondary sources were surveyed, including local, regional, and international accounts of ASEAN's efforts to create a security community and to conduct counter terrorism. In addition, seminars were conducted with local and regional analysts to obtain further relevant information to the case studies under examination.

In the case study offered by this research, the methodology of process tracing will be employed to investigate whether the differences among national interests, identities and organisational inclinations among ASEAN member states are large and persistent or whether dynamics exist that lead to an institutional convergence towards community. Process tracing in this instance would ideally explain the sequence of events leading to community building and the reasons for ASEAN countries either to safeguard or to relinquish their state sovereignty. The greater correlation between a case study outcome relative to those questions commonly applied and assessed in each study the more credible is the conclusion that a stronger security community evolution is indeed taking place in Southeast Asia.

Developing case studies via process tracing has considerable advantages for an investigation of the complex phenomena of ASEAN regionalism. Process tracing as used in this thesis assists with understanding the nature of the relationship or cooperation among ASEAN countries in the case studies assessed. In particular, it will facilitate answering the following questions: How do ASEAN states create collective security outcomes? Are they relinquishing their national interest and sovereign prerogatives *or* are they merely interacting without renouncing sovereignty?

It is expected that the greater the correlation between a case study outcome the more credible will be a conclusion that a tangible security community evolution is taking place in Southeast Asia. If so, this examination should contribute to measuring the usefulness of applying various theoretical perspectives in the debate over ASEAN's development as a security community; i.e. which perspectives among the realist, liberalist, rationalist or constructivist ideas are most effective in analyzing the case studies under review. The end result of this approach will hopefully be to gain a better understanding about how ASEAN operates in building security community.

Literature Review

ASEAN represents a challenging puzzle within the overall debate about Southeast Asian regional security. There is growing deliberation over ASEAN's accomplishments and limitations as a framework for regional order building leading to questions about what type of security community ASEAN really is. Realists believe that 'self-help' will continue as an important analytical framework for understanding Southeast Asian security because individual states still have unresolved conflicts with each other and because no consensus exists concerning whether external threats to regional order are present or even what they may be. (Simon 1995: 7, Emmerson 2005: 6–12, Huxley 1996: 220–221). Indonesia and Malaysia had resolved the conflict about the sovereignty of Sipadan and Ligitan in 2002, but the two countries still sustain an unresolved territorial dispute over the Ambalat. In regard to the current conflict between Cambodia and Thailand about the sovereign of the temple of the Preah of Vihear at their border has continuously strained the relations between the two countries.

The problem of coping with external threats is not just restricted to one ASEAN state's insurgency movements or terrorist problems 'spilling over' into neighbouring countries. The role and survival of ASEAN is dependent on and shaped by a wider regional balance of power system among the region's large states but underpinned by a US strategic presence (Leifer 1989) ASEAN remains a comparatively weak institution because it has not developed a logic, realists insist, commensurate with regional alliances, which is the traditional security response by states confronting commonly designated external state-centric threats. In fact, the threat can emanate from external sources and can project multiple dimensions of threat levels.

For realists there has been no 'peace dividend' in Southeast Asia following the Soviet Union's collapse. Many of them still see the region as rife with tension resulting from geopolitical competition between the U.S. and China after cold war (Ganesan 2000: 268–274). Such perceptions do provide a certain ideological coherence and congruent threat perception for ASEAN.

Specifically regarding the development of an ASEAN security community, realists argue that the idea is problematic because ASEAN lacks a 'general purpose' and thus can not generate a common response to mutual threat perceptions. The theoretical literature underpinning the ASEAN security

community idea is, they assert, characterised by significant conceptual and empirical flaws. Nicholas Khoo (2004: 137) mentions three specific problems: 1) norms or identity used to explain the emergence of a security community; 2) critical issues within the ASEAN security community literature including tautological nature of arguments and failure to rule out alternative explanations; and 3) empirically, the nascent security community has never existed. Jurgan Ruland (2000: 420) typifies this view by arguing that ASEAN's 'policy mix is closer to the realist than the institutionalist pole' because what appears to be a growing sense of an institutionalist, and collective identity is not really very strong compared to ongoing realist behaviour sustained by individual ASEAN member-states. In short, realists claim their theoretical perspective is preferable for explaining the development of ASEAN's regional security politics.

The neoliberalist perspective, ASEAN is only loosely institutionalised, thereby limiting its capabilities to manage key issues. Neoliberalism promotes ASEAN's interdependence, the viability of its binding rules, the authority of ASEAN's actual regional purview and Southeast Asian states' willingness to transfer or share sovereignty at the institutional level. The ASEAN Summit and the recent expansion of ASEAN secretariat role are evidentiary of the neo-liberal outlook taking greater hold of member-states' calculations about the institution.

However, neo-liberals are still concerned that ASEAN is not using those instruments it has established to strengthen that institution's credibility as effectively as they might. This is exemplified by ASEAN's high council which, although established in 1976, has never been activated. The 'ASEAN way', is clearly an informal rather than a formalised mechanism, allowing member-states to apply it for protecting their sovereign prerogatives rather than to compromise or relinquish those prerogatives in favour of strengthening institutional norms (Kahler 2000: 551). The role of the ASEAN Secretariat as a viable mode of cooperation likewise remains weak. Institutionalists have further argued that the assumption and the processes of institutionalisation in the Asia Pacific based on the ASEAN model of inclusivity, and unanimity is not really meaningful. This is because the institution has not been able to create results that reflect the supposed strength of its own mechanisms.

ASEAN should be examined through investigating norms, identity, and the idea of conflict

prevention. This approach also borrows from the idea of security communities, especially those developed by Karl Deutsch (1957: 46–50). If his notion of a security community is correct there should be a mutually constitutive relationship between the security community and its member-states. Member-states share meanings that facilitate social learning and the development of mutual trust and identity. The diplomatic and security culture in ASEAN under these circumstances would be the outcome of a process of mutual recognition, possibly through a process of reconciliation or accommodation. (Haacke 1999: 12). From a sociological vantage point, the 'ASEAN way' is viewed as the dynamic product of an evolving process of inter subjective understanding and identity rather than 'collaboration by default' resulting from material power constraints (such as US military dominance in Southeast Asia or China's growing role in that region's balance of power).

Constructivists further argue that relations in ASEAN cannot be seen in terms of merely relative and absolute gains. Arguably, they surmise, relations among ASEAN countries have moved to at least a 'quasi security community' status. Indeed, Amitav Acharya (2001: 207–214) argues that ASEAN has developed into a 'nascent security community' where there is significant common identity and common interests that have re-shaped the security behaviour of each member-state along compatible lines. In this regard, the institutionalisation of ASEAN is seen providing a much more positive and transformative basis for cooperation by socialising actors and developing a sense of collective interest and purpose. In this context, institutions do not merely 'regulate' state behaviour, they can also 'constitute' state identities and interests in ways that constructivists anticipate. In the ASEAN region, a state's identity is shaped in significant ways by its membership in ASEAN.

The debate over the nature of ASEAN as an institutional example of security community building as presented above deserves careful scrutiny. The three dominant theoretical approaches of realism, liberal institutionalism and constructivism, have all contributed to the ongoing debate on security community theory. However, these perspectives have also tended to differ on what actually constitutes a security community and what factors really shape the development of a security community in ASEAN. The debate generated by these perspectives about the merit, weakness of and possibility of creating a security community in ASEAN still has

not really succeeded in capturing the complexity and uniqueness of ASEAN.

Discussion and Analysis

This investigation will reveal the latitude that ASEAN had in responding to the American call for support in its so called ‘global war on terrorism’ (GWOT) based on a range of domestic constraints and foreign policy objectives.

Reaching a Common Definition: Preliminary Stages.

ASEAN was initially unable to define the threat of transnational terrorism. It even lacked consensus at the region-wide level over what kind of violence constitutes a terrorist act. When ASEAN members signed the declaration on joint action to counter terrorism on 5 November 2001, the document lacked a clear definition of terrorism and failed to mention the names of regional militant groups. The declaration only goes as far as describing terrorism as a “direct challenge to the attainment of peace, progress and prosperity of ASEAN and the realization of ASEAN Vision 2020” (ASEAN declaration 2001). It also mentions that terrorism as a profound threat to international peace and security which requires concerted action to protect and defend all peoples and the peace and security of the world. (ASEAN declaration 2001). Such broad and bland characterizations of terrorism form a poor basis for united action by the association’s member-states.

In May 2002, Malaysia initiated a move towards deriving a clearer definition of terrorism in a joint ASEAN ministerial communiqué. The Malaysian proposal was based on a similar proposition which Prime Minister Mahathir Muhammad had put to the aforementioned organization of Islamic conferences (OIC) meeting in April 2002. Mahathir suggested that terrorism should be seen as any use of violence against civilians, regardless of whether the perpetrators are individuals or representatives of a state (Lau 2002). Under this definition both the suicide bombings by Palestinians and attacks against Palestinians by Israel’s armed forces would all be considered as acts of terror and the perpetrators would be considered as terrorist. However, the Malaysian proposal quickly invited criticism and created problems for ASEAN member states. For states such as Indonesia, or Brunei and for many Muslims in Malaysia as well, the labeling of Palestinians as ‘terrorists’ contradicted their support of the Palestinian struggle and invited a backlash from both their respective domestic as well as the international Muslim constituencies. Not

surprisingly, the Organization of Islamic Conferences (OIC) meeting rejected any attempt to link terrorism to the struggle of the Palestinian people to establish an independent state (Lau 2002). For ASEAN states such as Singapore and Thailand, classifying Israel as a ‘terrorist state’ would damage their bilateral relationships with the Jewish state (Abdullah 2002).

Consequently, due to these competing interests, the Malaysian definition was not adopted by the delegates at the ASEAN ministerial meeting. That conclave finally agreed to dispense with any common definition of terrorism and instead chose to boost ‘practical measures’ in the regional fight against terrorism. Despite the 2002 terrorist attacks in Bali and in the Philippines cities of Zamboanga and Quezon, the 8th ASEAN Summit held in Phnom Penh on 3 November 2002 also failed to agree on a common definition of terrorism. While the involvement of al-Qaeda and Jamaah Islamiyah (JI) in these separate incidents provided a clear demonstration of the transnational nature of the threat, the best the summit could do was to urge member-states to ‘intensify our efforts, collectively and individually to prevent, counter and suppress the activities of terrorist groups in the region (ASEAN declaration on terrorism 2002). At the same time its declaration deplored the tendency in some quarters to identify terrorism with particular religion or ethnic groups (ASEAN declaration on terrorism 2002). Such dilatory efforts on adopting something as basic as a common definition indicate that ASEAN’s counter-terrorism efforts needed focus, especially in the face of clearly identifiable transnational terrorist activities.

The ASEAN states have been more successful in agreeing on what constitutes terrorism at the sub-regional levels. A trilateral agreement between Malaysia, Indonesia and Philippines on anti-terrorism and an agreement on information exchange and establishment of communication procedures in 2002, actually provides a definition of terrorism which the wider organization has been unable to formulate or to achieve complete unity.

While this represents an advance on previous efforts, the definition still lacks conceptual clarity. As with some other notions of terrorism, the definition tends to criminalise the act of terrorism. The problem with the ‘criminalisation’ of terrorism is that such a broad categorisation makes it difficult to draw a clear distinction between an ordinary criminal act and a terrorist act. Moreover, defining terrorism as ‘a criminal plan with the aim of terrorizing people’ is both redundant and laden with ambiguity. The

definition stereotypes through its limitation to the concept of a criminal action and fails to differentiate it from other types of criminal activities. Most significantly the definition fails to acknowledge that terrorism differs from criminal activities because they use or attempt to employ acts of force aimed at achieving political goals (Ganor 1998). This approach to the problem contrasts markedly from those adopted by the UN and the U.S., both of whom clearly define their perception of terrorist acts and also list terrorist organizations and individuals person as the terrorist. ASEAN's inability to devise a viable common definition of terrorism for itself, or to adopt those of the UN or the U.S. creates a perception that there is a lack of will to combat terrorism within the region and leads to the labeling of Southeast Asia as a 'terrorist haven'.

Without common agreement on what constitutes an act of terrorism, ASEAN's counter- terrorism efforts are vulnerable to distorted perceptions between individual states that could easily hamper the effectiveness of the association's cooperation against terrorism. For example, unlike the UN and U.S., some ASEAN states have also baulked at identifying JI as a terrorist organization due to the fear of a domestic backlash (Susanto 2005). However, failure to denounce a shadowy group, such as JI, makes the problem of explaining counter-terrorism policies to potentially sympathetic domestic audiences even harder. This problem was illustrated by remarks made by Indonesian Vice President Jusuf Kalla who argued that Jemaah Islamiyah does not exist as an organisation and therefore it cannot be banned. With 20 percent of the world's Muslims residing in Southeast Asia, imposing bans on such organizations has great potential to anger and alienate devout but otherwise moderate Muslims.

To avoid such problems with the wider Muslim community, the Indonesian police do not refer to JI as terrorists, but instead classify individuals as terrorists on the basis of their involvement in specific terrorists attacks, for example, the 'Bali bomb terrorist' (Mabes Polri & PTIK 2004: 242). The Indonesian public, protective of its newly won democratic freedoms, is very conscious of the potential for misusing bans on organizations for political purposes or the violation of human rights.

These domestic tensions within ASEAN states can also be exacerbated by pressure from outside sources. On the issue of terrorism this pressure most often comes from the U.S. to adopt policies that would brand certain regional militant groups as terrorists and outlaw them. Many ASEAN members

are extremely sensitive to the possibility of external intervention on any issue because they fear that it could undermine their sovereignty. Aligning ASEAN policy too closely with international definitions and stances against terrorism has the potential to increase the possibility of external military intervention in their territory. This would be the case, many of its political elites believe, especially if certain ASEAN states were seen to be in breach of internationally agreed anti-terrorism policies and initiatives. Such pressures would be most strongly resisted in countries with a dominant Muslim population such as Indonesia and Malaysia. Singapore is closely allied with the U.S. and has adopted strong anti-terrorist policies. This country is acutely aware that its closest neighbours are states with majority Muslim populations (Singapore Minister Foreign Affairs 2004, Guein 2004). Similarly, although both Thailand and Philippines are allied with the U.S., they need to mediate their anti-terrorism policies due to the vital domestic considerations imposed by the existence of significant Islamic militant separatist groups within their national boundaries. The reasons for ASEAN's failure to adopt a common definition of terrorism arise from complex domestic and external motivations and sensitivities. As is so often the case with ASEAN, retaining ambiguity on the question of terrorism actually helps to avoid the creation of a wide range of problems among the member-states.

The Regional Concern Over Terrorism before 9/11/2001

Nevertheless, ASEAN began to address the issues of terrorism and transnational crime even before the September 11, 2001 al-Qaeda attack on the U.S. Regional concerns over the problem of terrorism and a commitment to cooperate in dealing with the issue can be traced to the 30th ASEAN ministerial meeting (AMM), which took place in Kuala Lumpur during July 1997. The joint communiqué produced by this meeting addressed the association's need to combat terrorism and other forms of transnational crime. Chapter 52 of the joint communiqué "...stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking of people, illicit drugs and arms, piracy and communicable diseases" (Joint Communiqué the 30th ASEAN Ministerial Meeting 1997).

The communiqué amounts to a recognition of regional concerns over the issue. In reality, however, the attention it received was marginal, particularly

as terrorism was just one of many other issues mentioned in the communiqué under the heading of ‘external relations’. A sign of the issue’s greater importance to the association would have been its appearance with other points under the heading of ‘political and security cooperation’.

In the same year, ASEAN conducted its first conference on transnational crime in Manila, between 18 and 20 December. The senior delegates were the ASEAN states’ ministers of the interior or home affairs. The meeting produced the ASEAN declaration on transnational crime. The declaration recognised the need for clear and effective regional modalities to combat these crimes, targeting especially the requirement for information exchange and policy coordination (ASEAN Declaration on Transnational Crime 1977).

Although the conference was intended as a follow up to the Kuala Lumpur AMM in July, this vague statement was the only reference to the need for regional cooperation on a range of transnational criminal activities. The declaration did little more than affirm the agreement of the first international conference on terrorism held in Baguio City, from 18–21 February 1996, which had already agreed “... to enhance international cooperation against all forms of terrorism through such modalities as intelligence-sharing, coordinated policies and law enforcement training” (ASEAN Declaration on Transnational Crime 1977).

In 1999, ASEAN also adopted an action plan to combat transnational crime that was intended to implement the 1997 declaration. In these initial efforts to cooperate on terrorism, the issue was dealt with as a type of transnational crime and was not viewed as a high priority by the ASEAN member-states. During this period, as well, ASEAN’s focus on cooperation in matters of transnational crime centered on the problem of drug trafficking. Member-states’ concern over the problem of the international drug trade in the region had been growing as a result of pressure from the international community, especially after Laos and Myanmar, two of the world’s largest producers of illegal drugs, had joined ASEAN in July 1997.

The Regional Concern Post 9/11

The 2001 terrorist attacks in U.S. provided a strong impetus for ASEAN to review its focus on terrorism, especially in the light of proven links between regional and international terrorist networks. On 13 September 2001, immediately after the New

York and Washington attacks, ASEAN sent a letter to U.S. Secretary of state, Colin Powell, expressing “deepest sympathy and profound condolences” and promising to “seek closer cooperation with the U.S.” to combat terrorists (ASEAN standing committees chairman’s letter 2001). This short letter seemingly demonstrated the willingness of ASEAN to work with U.S., notwithstanding considerable intra-ASEAN divisions on how to wage the war on terrorism. The association’s declaration on joint action to counter terrorism issued on 5 November 2001 in Bandar Seri Begawan during the 7th ASEAN Summit revised and elaborated on the member-states’ commitment to fight terrorism, with a strong focus on regional aspects of the problem. The declaration also signalled the member-states’ intentions to strengthening national mechanisms as well as to improve regional channels of cooperation.

However, the ASEAN-member-states rejected what they viewed to be the ‘unilateralism’ of U.S. policy, which had significant potential to heighten domestic, national and regional sensitivities within the association’s member-states. The declaration stated that ASEAN would: 1) reject any attempt to link terrorism with religion or race; and 2) ensure that all cooperative efforts to combat terrorism at the regional level shall consider joint practical counter-terrorism measures in line with specific circumstances in the region and in each member country (ASEAN standing committees chairman’s letter 2001).

The 2001 declaration on terrorism is an important statement of ASEAN’s political will to combat terrorism by considering the characteristics of domestic and regional threats, capacities and social political consequences, without blindly following the U.S. scenario. Not only was it agreed at the highest level within the association, the heads of government, but it also expressed a joint political commitment to combat regional terrorist threats. In the context of such a loose association of states, marked by considerable political, cultural, and historical diversity, the declaration had a powerful symbolic value that should not be too readily discounted. However, in terms of translating this will into policy achievements, the declaration has largely remained emblematic of the association’s desires, rather than its ability to act.

At the 3rd ASEAN ministerial meeting on transnational crime (AMMTC) on 11 October 2001, the association renewed its commitment to combating terrorism and plans were made for implementing practical cooperation. There was agreement that an Ad Hoc expert group meeting should be convened

to work on the implementation of the ASEAN plan of action to combat transnational crime in ways that would encompass neutralising terrorism. Delegates also committed themselves to supporting the conduct of a special session on terrorism at the 2nd annual senior meeting on transnational crime. While still formally treating terrorism as an aspect of transnational crime, ASEAN's foreign ministers had begun to recognize the need to pay more attention to what was clearly a separate issue.

The special ASEAN ministerial meeting on terrorism was held in Kuala Lumpur on 20 and 21 May 2002. This meeting was dedicated to devising a work plan and emphasised capacity building measures to deal with the threat. At the meeting, Malaysia, Indonesia and Singapore showed that they had begun to coordinate their initiatives on counter-terrorism. These included a Malaysian plan to conduct training on intelligence procurement and workshops on anti-terrorist psychological operations (*PSYOPS* or *PSYWAR*); an Indonesian plan to conduct a workshop on combating international terrorism; and a Singaporean scheme to initiate a range of training assistance programs (such as the provision of logistical support for training on bomb/explosive detection, post-blast investigation, airport security and passport/documents security and inspection) to its neighbouring countries. Singapore also proposed facilitating a dialogue on terrorism at the upcoming association of Southeast Asian chiefs of police (ASEANAPOL) meeting and designating a special unit within each member country to serve as the principal point of contact on terrorism issues (ASEAN Joint Communiqué 2002).

The ministerial meeting also adopted a work program for implementation of the ASEAN plan of action to combat transnational crimes, with an emphasis on the program's counter-terrorism component. The work program covered terrorism together with other seven areas of transnational crime, such as trafficking of persons, illicit drugs trafficking, money laundering, piracy, smuggling of arms, cyber crime and commercial crime. The aim of the program was to facilitate the exchange of information, greater legal cooperation and law enforcement cooperation, training programs, institutional capacity building and collaboration on these issues with ASEAN's dialogue partners and other like-minded organisations and countries from outside the region (ASEAN Work Programme 2002). The program also outlined a three-stage process to combat terrorism by ratifying international conventions and protocols, prescribing practical cooperation between national

law enforcement agencies under the headings of ASEANAPOL and encouraging extra-regional cooperation with ASEAN partners.

The joint communiqué issued by the 2002 AMMTC restated ASEAN's position on sensitive terrorism-related issues. These included the continued proscription on attempting to compose a common definition of terrorism and the importance of territorial integrity and domestic law. The communiqué 'strongly emphasize[d] that terrorism must not be identified with any religion, race, culture or nationality' (ASEAN Joint Communiqué 2002). In taking action for combating terrorism it pledged the association's 'commitment and support to undertake the fight against acts of terrorism committed wherever, whenever and by whomsoever without discrimination and with due respect to religion, race, culture and nationality' (ASEAN Joint Communiqué 2002). The language of the communiqué shows the importance that ASEAN members attach to preserving religious and social harmony by not stereotyping any particular ethnic or religious groups. Yet the ninth point in the communiqué also registered an unequivocal commitment to national sovereignty: 'We recognise that the sovereignty, territorial integrity and domestic laws of each ASEAN member country shall be respected and upheld in undertaking the fight against terrorism.' (ASEAN Joint Communiqué 2002).

In the aftermath of the 9/11 attacks, the AMMTC emerged as ASEAN's main mechanism in the fight against terrorism. It was a useful platform for sharing 'best practice' and enhancing information exchange, intelligence sharing, and capacity building. Exchanges among police forces, armed forces and other relevant agencies – both in terms of dealing with specific incidents and suspected terrorists, as well as in the sharing of experiences were also important to the role of the AMMTC in strengthening the ASEAN member-states' capacity to fight terrorism. (Singapore Minister of Defence 2005).

The Bali, Zamboanga and Quezon terrorism incidents in late 2002 led the 8th ASEAN Summit in Phnom Penh in November of that year to reiterate the association's determination to cooperate in combating terrorism. Member-states expressed their solidarity with Indonesia and the Philippines and pledged ASEAN's full support for their determined pursuit of the terrorist elements responsible for the attacks. This announcement demonstrated a visibly stronger resolve to combat terrorism in the face of attacks on the territory of two of ASEAN's founding

members, especially as these incidents also reinforced the regional scope of the problem. The association's leadership expressed their determination to intensify their efforts to address terrorism in the region through 'practical cooperative measures' within ASEAN and also 'with the international community' (ASEAN The Declaration on Terrorism 2002).

The summit ended with commitments to conduct activities and initiatives such as an international conference on anti-terrorism and tourism recovery in Manila, a regional conference on combating money-laundering and terrorist financing, to hold an Inter-session meeting of the ASEAN regional forum on the subject of terrorism and to establish a regional counter-terrorism Centre in Kuala Lumpur.

Behind the actions outlined in this summit's declaration was the concern of ASEAN's leaders about the impact of terrorism on their economies, particularly on the tourism sector due to international travel advisories for countries targeted by terrorists. These warnings undermined investor confidence and threatened ASEAN's steady but fragile recovery from the 1997 economic crisis. In the declaration ASEAN called on the international community '... to avoid indiscriminately advising their citizens to refrain from visiting or otherwise dealing with our countries, ... as such measures could help achieve the objectives of the terrorists (ASEAN Declaration on Terrorism 2002). The declaration reminded the international community to support ASEAN's effort to combat terrorism and restore business confidence in the region.

Separate to the 8th ASEAN Summit's declaration was a trilateral agreement between Malaysia, Indonesia and Philippines on coordinating counter-terrorism between the three countries. In May 2002, these three states agreed to a wide range of cooperation to combat transnational crimes. The agreement sought to neutralize terrorist threats and devise measures to tackle transnational criminal activities such as money laundering, illegal immigration, people trafficking, smuggling, piracy, hijacking, and theft of marine resources, marine pollution, and illicit traffic in arms. The agreement ASEAN agreement of information exchange 2002 sets out the mechanisms for cooperation. The substance of the accord was an arrangement on information exchange and an agreement to act jointly in pursuing terrorist activities and suspects. The number of states acceding to the agreement grew from three to six after Thailand, Cambodia, and Brunei signed the document in October 2003. So far the agreement has had the practical effect of facilitating ASEAN

information exchanges on terrorism developments and the ability to launch joint police operations.

Under this higher level of political cooperation exists an operational level of cooperation via the Association of Southeast Asian chiefs of police (ASEANAPOL) that has allowed capacity building and operational cooperation in combating terrorism to be developed between regional police forces. ASEANAPOL is not under ASEAN secretariat coordination, but ASEAN organises it to set up a focal point for ASEAN police forces. This focal point is significant in facilitating the cooperation because the person acting as a focal point actually has the right to make contact and to be contacted among the members. ASEANAPOL was created in 1981, but terrorism only became part of its agenda at its 22nd meeting in 2002. Since then the delegates have annually restated their willingness to cooperate on combating terrorism and other transnational crimes by enhancing police professionalism, forging stronger regional co-operation in police work and promoting lasting friendship amongst police officers of ASEAN countries (ASEAN Chief of Police Conference 2005). With regard to terrorism ASEANAPOL has more detailed aims. In January 2003, police chiefs from ASEAN pledged to boost cooperation in combating terrorism including sharing resources after an attack and setting up investigating task forces. They envisaged cooperation on identifying, pursuing and apprehending suspects, examining witnesses, searching for and seizing evidence, evacuating and treating victims along with providing forensic expertise. The delegates, however, shied away from endorsing a proposal by the host country Indonesia to extradite terrorist suspects or witnesses for trial purposes between member countries (The Jakarta Post 23 January 2003). The institutionalisation process can be seen, however, as a tangible cooperation to intensify coordination in threat response.

Apart from the broad agreements and commitments reached at the regional level, the actual operational level of ASEAN counter-terrorism cooperation takes place at the bilateral and sub-regional levels in the form of 'person to person' contacts among the police officers which are conducted to increase capacity building and facilitate investigations. For example, such cooperation employing intelligence sharing and police cooperation resulted in the capture of key militants: 1) Fathur Rohman Al-Ghozi in Manila in early 2002; 2) the Singaporean JI leader Mas Selamat Kastari arrested in the Indonesian Riau islands in February 2003; and 3) Arifin Ali of the

Singaporean JI in May 2003. In addition, both the Singaporean and Malaysian governments provided video testimony by Singaporean and Malaysian JI members being held in custody during the trial in Indonesia of alleged JI spiritual leader Abu Bakar Ba'asyir.

In the wake of the Jakarta bombings of the Marriot Hotel and the Australian Embassy in August and September 2004, ASEAN member states also sought to strengthen the regional legal framework for combating terrorism by signing a treaty on mutual legal assistance (MLA) in criminal matters on 28 November 2004, in Kuala Lumpur. This treaty provided for a wide range of legal cooperation between member states, while at the same time respecting the sovereignty of their domestic laws. Its provisions included an arrangement for catching criminals who cross borders to escape from the law (ASEAN Treaty on Mutual Legal Assistance in Criminal Matters 2004). This treaty will bridge the differences in the respective countries' legal systems and procedural requirements with a view to facilitating effective law enforcement. It is also relevant and much needed by ASEAN since criminals or terrorists show no respect for sovereign boundaries. By January 2006 all ten ASEAN member-states had ratified the treaty. The implementation of this treaty appears not to challenge state sovereignty because the treaty includes an article which guarantees the states' right to reject requests for assistance from other countries when the requesting assistance will [lend] offence of a domestic political nature (ASEAN Treaty on Mutual Legal Assistance in Criminal Matters 2004).

More advanced measures to enhance regional cooperation on counter-terrorism were introduced in the ASEAN convention on counter-terrorism. The convention was signed on 13 January 2007 at the 12th ASEAN Summit in Cebu, the Philippines. A draft was tabled in September 2006 by the Philippines and Indonesia and the final text which was revised to ensure harmony with national laws and regulations of the different member nation's legal systems was adopted in November 2006 in Bali. The pact is the culmination of ASEAN's anti-terrorism measures that began following the 2001 attacks in the U.S. The convention paves the way for a more legally binding approach to counter-terrorism cooperation within ASEAN. It provides a framework for regional cooperation to counter, prevent and suppress terrorism, in addition to reinforcing the 2004 mutual legal assistance treaty, which is ASEAN's only legally binding agreement related to counter-

terrorism. The Convention is an historic document for ASEAN because it is the first legally binding, region-wide agreement on terrorism. Importantly, it specifically demarcates terrorist acts. It also provides a framework for broad regional cooperation in the following areas such as: 1) enhancing intelligence exchange and sharing of information; 2) strengthening capability and readiness to deal with chemical, biological, radiological, nuclear (CBRN) terrorism, cyber terrorism and any new forms of terrorism; and 3) ensuring that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice (ASEAN Convention on Counter Terrorism 2000).

The convention allows the tracking of movements of suspicious money or people throughout the region and for the extradition of terror suspects. It also commits member-states to prevent those who finance, plan, facilitate, or commit terrorist acts from using their respective territories for those purposes against other member countries.'

The convention also calls on countries to address the root causes of terrorism within the region and, importantly, it contains two articles that demonstrate an innovative approach to dealing with terrorism that might even be a model for other nations. Article 8 deals with the concept of fair treatment, while Article 11 concerns rehabilitation programs for terrorists. As part of its comprehensive agenda to prevent terrorist acts, ASEAN agreed to share best practice programs related to rehabilitation and social reintegration between the member states. Singapore, Indonesia, Malaysia and the Philippines have all had experience with rehabilitating terrorists and have found such programs are an important part of any campaign to counter local terrorist groups. The article on fair treatment is an indication of ASEAN's growing sensitivity to international human rights law, especially in the wake of the reported American abuse of detained terror suspects in Afghanistan, Iraq and Guantanamo Bay. The Association has been able to make progress on initiatives such as the counter-terrorism convention due to its pragmatic approach, which allowed it to side-step controversial issues like designating an official definition of 'terrorism'. By considering terrorism from the perspective of criminal behaviour, ASEAN has still been able to deal with the substance of the problems presented by terrorism. It has also been able to draw on various UN agreements and protocols in the drafting of its own convention, ensuring that it meets with international standards.

The ASEAN terrorism convention is an example of how the association can reinvent itself and still rely upon the proven mechanism of decision by consensus. The convention on counter-terrorism signals the greater degree of ASEAN's political will to deal with terrorism, while still demonstrating that grouping's traditional reluctance to be seen as interfering in member country's internal affairs. For example, the convention acts as a solid legal basis for extradition of terror suspects in the absence of bilateral extradition treaties. This step alone is a major improvement because, in the past, extraditions between member-states have sometimes taken years to negotiate due to the wide variation in national legal systems. The counter-terrorism convention should boost the solidarity of the group and assist it in treating terrorism as a regional issue. Certainly it is a demonstration of how the issue of terrorism, which was once treated as a domestic problem, has become a more region-wide concern. Moreover, this change in attitude has prompted a higher level of security cooperation between ASEAN member-states that is commensurate to a security community-building process.

Terrorism and ASEAN Security Community Building

ASEAN's response to terrorism is relevant to the Association's development as a regional security community. The 2003 Bali Concord II signaled the group's political commitment to act collectively and cooperate on a range of counter-terrorism measures. Article no 10 of the ASEAN security community (ASC) states that the ASEAN Security community shall fully utilize the existing institutions and mechanisms within ASEAN with a view to strengthening national and regional capacities to counter terrorism (ASEAN Declaration of ASEAN Concord II 2003).

By including terrorism in the Bali Concord II, the ASEAN member-states have recognised that successful counter-terrorism often requires a response far broader than individual states acting within their specific national domains. Article mo 10 recognizes that terrorism is a regional issue that must be dealt with at the regional level. Moreover, ASEAN's willingness to include terrorism in the ASC - which is a kind of blue print for ASEAN's future development - means that the members understand the type of long term commitment that regional cooperation in counter terrorism will require.

This statement, however, is also a recognition of ASEAN's limited ability to deal with such a threat. The commitment to cooperation is specifically stated as using the association's existing institutions and mechanism, rather than declaring a new institutional regional framework in order to combat terrorism. In addition, the reference to 'strengthening the national (and regional) capacities' is an indication that individual national priorities and interests still take primacy, even in matters of regional cooperation. Absent from the language of the Article are promises to direct, unite, or coordinate the national resources of the member states, a further indication that the development of a security community in Southeast Asia is constrained by the interests of the individual ASEAN member-states.

In classical security community theory, the degree of interdependence between the members is a factor that provides strong indications of the existence of potential for a security community. In the ASEAN context, this case study of the Association's efforts to combat terrorism provides an example of how this issue has spurred the development of interdependence within the grouping. Despite the many differences between ASEAN member states, the issue of terrorism has created the need for greater institutional cooperation because of its transnational character. Within the region, terrorists have created networks that cooperate in areas of funding, training, providing sanctuary and on operations. These cross border links, within Southeast Asia have led the ASEAN states to the realization that they face a common threat. The nature of this challenge has strengthened the awareness of their security interdependence. Dealing with terrorism has also created both compelling reasons and new opportunities to develop security cooperation to a much higher level than in the past.

The mutual political commitment recently developed by ASEAN states on the issue of counter-terrorism is a clear demonstration of such trends. The Association's declarations and agreements at the highest levels of state authority have now demonstrated a common perception of the threat posed by terrorism and a desire to cooperate in countering it. Examples already reviewed in this chapter include the declaration on joint action to counter terrorism (2001), the declaration on terrorism (2002), trilateral agreement between Malaysia, Indonesia and Philippines (2002) and the Bali Concord II (2003). An examination of these documents provides an understanding of the increased commonality with which the ASEAN

states have defined the threat of terrorism and how much that perception owes to international, regional or domestic considerations. This pattern alone is a sign that ASEAN is moving towards future as an entity that may one day be able to transform itself into a distinct and a rules-based community.

Such achievements, however, can be contrasted with the policies adopted by the various ASEAN states in relation to their cooperation with external partners on the issue of terrorism. Classical security community theory argues that the existence of the community should not create exclusivity among the members. Security community members should be able to develop a common position *vis a vis* external states, or at the very least, their individual state policies and actions relative to non-members should not confront other members of the security community. Within ASEAN, different states have projected diverse levels of support for the U.S. global campaign against terrorism. Singapore's strong support for the U.S. contrasts with the much less effusive support of Indonesia. In this situation it is reasonable to ask whether Singapore's bilateral support for the United State's international anti-terror campaign has actually been counter-productive to regional cooperation on terrorism. This is because Singapore's strong posture might actually (and unintentionally) serve as a lightning rod which extreme jihadist factions could exploit to isolate Singapore from the rest of ASEAN as an overly enthusiastic proponent of the U.S. global war on terror.

Moreover, while classical security community theory suggests that successful cooperation on security issues requires 'thick' institutional arrangements, within ASEAN the existing levels of cooperation can only be described as 'thin' or 'loose' due to the overriding importance that member-states of the Association still attach to their own national policies. Increasing cooperation on counter-terrorism with ASEAN at the operational level - between state executives and law enforcement agencies provides a further illustration of the association's ability to act as a security community. This cooperation, however, remains nascent and qualified.

Conclusion

This survey of ASEAN's attempts to formulate policy and act against terrorism has demonstrated the complexity of the problem. The difficulties arise, as so often the case with ASEAN, from factors as the diversity of the member states, their domestic

conditions and their foreign policies. While the issue of terrorism has been able to generate a broad general consensus arising from the common threat confronting the member states, significant differences still remain in their ability to prosecute anti-terrorist policies at the national level.

Despite such problems, there are indications that security cooperation between the member states on this issue has been real. As this case study shows, in reaching this point ASEAN has had to surmount considerable difficulties to achieve levels of cooperation that are unprecedented in the Association's forty-year history. These obstacles to cooperation are derived from such factors as the diverse geographic, political, social, ethnic, religious and economic differences between the ASEAN states, variations in their national priorities and limitations on the resources and capacities that they are able to devote to the struggle with terrorism. Perhaps the most important difficulty that the Association had to overcome was its own weak institutional mechanisms, which have tended to favour national interests and priorities over regional concerns. The case study of ASEAN's cooperation in combating the threat of terrorism also provides an example of how the association has been able to rise above its long-standing preoccupation with state sovereignty in some important ways.

It was the very transnational character of the threat that opened a window of opportunity to greater cooperation. The ability of terrorist networks to operate across borders has political, social and economic consequences that ASEAN could not ignore. The solution to such a problem lay in new levels of cooperation and collaboration between the member states government's and their law enforcement and intelligence agencies. In some ways, ASEAN's progress on the issue of terrorism reflects its old ways of doing business. The association's resolution of the problem in finding a common definition of terrorism by dispensing with the need for an overly precise definition is a prime example of this behaviour. In terms of security community theory, the case study of ASEAN's counter-terrorism efforts does not conform to classical notions of how such a community should act. However, the way in which ASEAN has approached regional counter-terrorism demonstrates the association's ability to reinvent itself and find unique solutions to the many challenges that have confronted it since its foundation in 1967.

ASEAN cooperation in the combating of terrorism can be summarised by highlighting these

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

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