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Thinking **ASEAN**

From Southeast Asia **On Southeast Asia**



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A note from the editor

Dear readers:

Welcome to the inaugural issue of the monthly *Thinking ASEAN*!

It is a great pleasure of ours at The Habibie Center in Jakarta to invite you to pore over these pages to (re)consider and keep up with issues central to contemporary Southeast Asia and the ASEAN member states. By providing *from Southeast Asia, on Southeast Asia* perspectives, *Thinking ASEAN* hopes to be the go-to source when it comes to emerging public discussions and debates on what happens — and should happen — in the region.

This July 2015 issue opens with an appeal, by René Pattiradjawane, Chair of the Centre for Chinese Studies Indonesia, to start tinkering with the existing regional architecture in East Asia to keep pace with developments in the South China Sea.

Nicholas Farrelly, Fellow at the Bell School of Asia Pacific Affairs at the Australian National University and Director of the ANU Myanmar Research Centre, then looks at how governments and non-government actors inside, and outside, Southeast Asia have reacted to the Rohingya question.

Meanwhile, in the last article, Ibrahim Almuttaqi, Head of our ASEAN Studies Program at The Habibie Center, analyzes the ties between the Islamic State and violent extremism in our region. Our infographic follows up on Almuttaqi's piece with a look at how the Islamic State relates to Southeast Asia.

We close this first issue of *Thinking ASEAN* by pointing out in the ASEAN Round-Up section several articles we deem relevant to developments in Southeast Asia, and why they matter, such as an update on how the relevant countries in Southeast Asia are dealing with the annual haze problem.

As we look forward to hearing your input on *Thinking ASEAN*, do not hesitate to drop me a line at thinkingasean@habibiecenter.or.id if you have comments, suggestions or prospective submissions.

Happy reading!

Best regards from Jakarta,

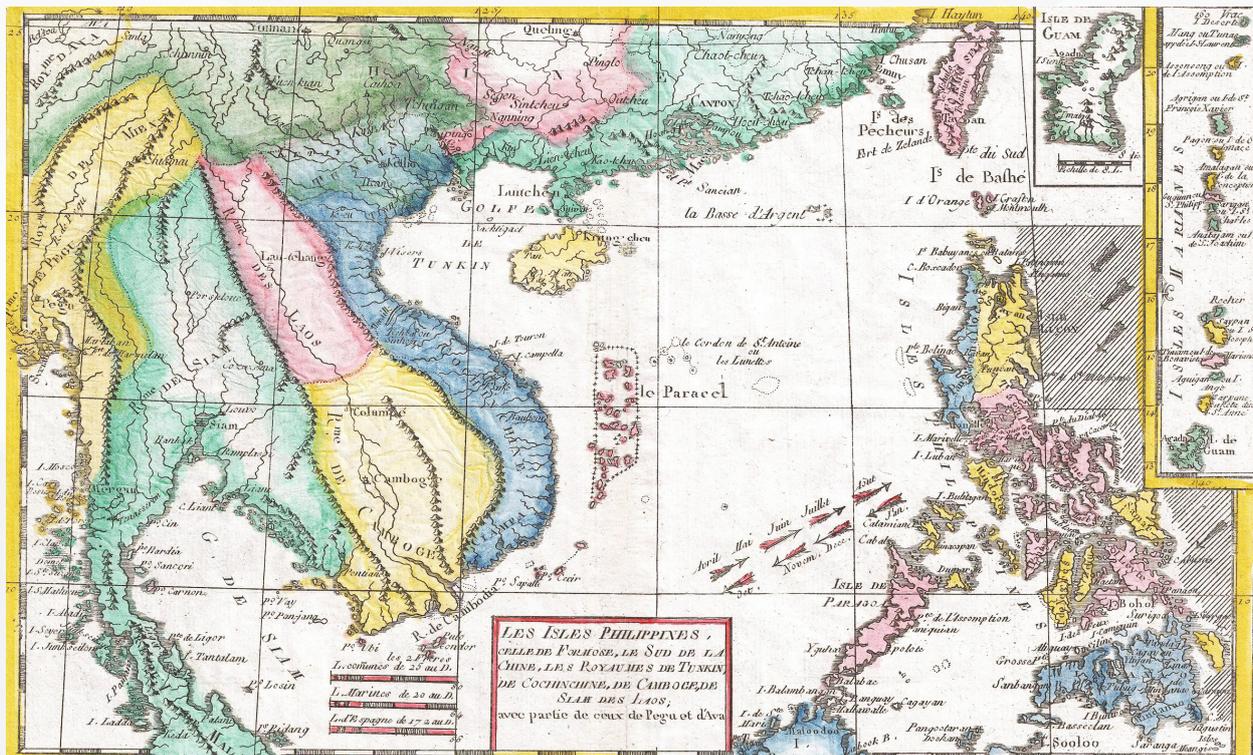
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From Southeast Asia On Southeast Asia

Thinking ASEAN is a monthly publication that aims to provide insightful, cogent and engaging perspectives on issues central to contemporary Southeast Asia and the ASEAN member states. It is a product of The Habibie Center, with the generous support of the Republic of Korea's Mission to ASEAN.

The content of *Thinking ASEAN* does not reflect the official opinion of The Habibie Center or institutions related to the publication. The Habibie Center was founded by Indonesian President Bacharuddin Jusuf Habibie in 1999 as an independent, non-governmental and non-profit organization to promote the democratization and modernization of the country.

Responsibility for the information and views expressed in *Thinking ASEAN* lies entirely with the author(s). For comments, suggestions and prospective contributions, the Managing Editor of *Thinking ASEAN* can be reached at thinkingasean@habibiecenter.or.id.



A 1780 map of Southeast Asia that shows modern-day Philippines, Vietnam, Cambodia, Thailand, Malaysia and Laos. It also clearly shows the disputed Paracel islands, Hainan island, and Taiwan island.

Photo Credit: Wikimedia Commons

ASEAN and the South China Sea: A new dawn in Asian regionalism

René Pattiradjawane, senior journalist at Indonesian newspaper Kompas and chair of the Centre for Chinese Studies Indonesia.

Never before has the intensifying question of the South China Sea been so complicated for an ASEAN interested in maintaining peace and stability in the region. The issues that stem from disputes in the South China Sea have preoccupied ASEAN member states for over 25 years since Indonesia first took the initiative to hold a workshop on managing potential conflicts in the South China Sea.¹ Compared to other disputes in Southeast Asia, the South China Sea's overlapping sovereignty claims constitute the region's most dangerous flashpoint. The disputes not only endanger regional economic development but also have the potential to adversely affect the global economy system by disrupting economic ties among East Asian nations.

For ASEAN, peace and stability in Southeast Asia are prerequisite conditions for both the nations in the region and an East Asia that has enjoyed a stable geopolitics for the past 60 years. However, the multilateral fora that ASEAN has created, such as the ASEAN Regional Forum (ARF) or the East Asia Summit (EAS), now seem inadequate to the challenge of building the international confidence necessary to preempt clashes in the South China Sea in the near future.

ASEAN, whose member states — the Philippines, Vietnam, Malaysia and Brunei Darussalam — have overlapping sovereignty claims in the South China Sea, failed to predict China's unilateral decision to start building "fake islands"² in the Spratlys. Beijing's decision seemed to be a strategic attempt to "manufacture sovereignty"³ after the Philippines pushed for arbitration at the International Tribunal Law for the Sea (ITLOS) in January 2013. Manila's maneuver was in accordance with the dispute-settlement provisions of the United Nations Convention on the Law of the Sea (UNCLOS).

China refused to take part in the tribunal in The Hague and persists in saying that the overlapping territorial claims in the South China Sea are matters to be resolved bilaterally. Beijing, in any case, rejects attempts to discuss issues related to the South China Sea in multilateral talks or to internationalize the disputes by allowing adjudication.⁴ As a result, the South China Sea and its related issues have become a challenge for claimants, the region and external powers.

Historical rights

The South China Sea merits inclusion at the top of ASEAN's security agenda. There are two major reasons for this. Firstly, instability in the South China Sea will disrupt the free flow of maritime trade on which regional countries depend for their economic prosperity. Secondly, a rising China is forcing ASEAN countries to concede to its claimed "historical rights" in the South China Sea. This undermines the norms of international law.

Rapid developments in the South China Sea can quickly destabilize Asian geopolitics. This was manifest in coercive diplomacy that can turn into an unnecessary naval arms race in the context of a 21st-century "gunboat diplomacy."⁵ Beijing's use of fishermen militia in the South China Sea, for example, was a tactical move to deter foreign fishing vessels from entering what China claims to be its territorial waters.⁶

Despite the 2002 adoption of the Declaration on the Conduct of Parties in the South China Sea, ASEAN has had to deal with structural bottlenecks in establishing confidence-building measures (CBMs) to manage maritime territorial disputes. Even with the declaration, the region proved unable to push through CBMs when the measures go against national interests. Simultaneously, the status quo represents a moment of more intense militarization in Southeast Asia as regional countries seek to purchase and update their weaponry, apart from existing military cooperation and alliances.

At the heart of the South China Sea issues is lack of clarity regarding what China means by its nine-dash line and its validity under UNCLOS. There are at least four ways one can interpret China's claims. Firstly, the nine-dash line projects Beijing's intent to occupy islands within the area. Secondly, the nine-dash line describes the "scope of historical rights," which implies China reserves the right to continue fishing activities and manage resources as it historically has done. Thirdly, the line represents a "historic maritime boundary" that delineates the limits of Chinese sovereignty in historical and traditional terms. Fourthly, the nine-dash line can mean a "traditional border line," describing the scope of traditional Chinese influence in the region.⁷

The impasse in Southeast Asia stems from China's refusal to clarify what the nine-dash line and its sovereignty claims are supposed to mean. Even if the Philippines continues to ITLOS arbitration, China will likely persist in its claim as one founded on "historic water right" and refuse to acknowledge the court's standing to pass judgment on the matter under international law.

Going outside the box

ASEAN must work together to come up with strategic solutions outside the current international framework. It is evident that regional processes, such as the ARF, the EAS, the ASEAN Defense Ministerial Meeting (ADMM), and the ASEAN+1

mechanism with China, are not yielding progress when it comes to the South China Sea.

It is equally clear that China will likely never agree to a Code of Conduct (COC) as a legally binding, norm-setting instrument to maintain peace and stability in the South China Sea. Chinese Foreign Minister Wang Yi clearly stated that point in June 2015 when he colorfully remarked that current Chinese leaders would not be able to face their ancestors and predecessors if they expanded or reduced Chinese claims in the Spratlys — or the Nansha Islands⁸, in Chinese parlance. In other words, Beijing will stick to its claims notwithstanding international pressure.

However, ASEAN can only realistically consider options that squarely lie within the multilateral framework. As China refuses to budge, the Association must not let Beijing take hostage of the ongoing COC negotiations. Instead, ASEAN should start developing its own COC to regulate conduct among member states whose claims overlap in the South China Sea. The ZOPFAN (Zone of Peace, Freedom and Neutrality) spirit, an important pillar in ASEAN's security architecture, can lead the way.⁹

A ZOPFAN approach would not only regulate the overlapping claims between rival member states in Southeast Asia, but also create precedence to manage conflicting claims, in particular territorial issues. ASEAN's political instruments are ready to promote and manage CBMs, moreover. In case any two countries fail to reach an agreement on their disputes, ASEAN can fall back on precedence that saw past rivals bring their cases to the International Court of Justice in The Hague. The precedence obtained for Indonesia and Malaysia in the Sipadan and Ligitan Islands dispute¹⁰, for Malaysia and Singapore in the Pedra Branca dispute¹¹ and for Thailand and Cambodia in the Preah Vihear Temple dispute.¹²

By adopting the ZOPFAN principles, ASEAN can concurrently ensure that no member state will allow foreign interference in regional affairs. In a ZOPFAN-minded international environment, disputes can be resolved peacefully under the UN Charter and each party commits to not threaten or use force in Southeast Asia.

The issue of China's historical claims and the Philippines' push for arbitration should be a matter of upholding the principles of international law that resolve conflicts through mutual agreement. This is the ground on which Southeast Asia has managed to develop peacefully and stably since the end of the Second World War.

In my opinion, it is irrelevant whether China will in due time agree to participate in the ongoing ITLOS arbitration process because every government in the region understands the importance of the South China Sea to the stability of geopolitics for China and Southeast Asia. China, too, understands this point when its officials repeat the maxim that security is a prerequisite for development: 安全是发展的前提.

The South China Sea question is not just a matter of "might maketh right" or intimidating other countries that share a common interest in regional stability. The rise of China provides

an opportunity for a new, genuine cooperative mechanism within ASEAN and between the region and the outside world. While Napoleon's words of a rising China and a trembling world might be better known, he also said, "There are only two forces in the world: the sword and the spirit. In the long run, the sword will always be conquered by the spirit."

Notes

- ¹ Hasjim Djalal, "Managing Potential Conflicts in the South China Sea: Lesson Learned" in Mark J. Valencia, ed., *Maritime Regime Building: Lessons Learned and Their Relevance for Northeast Asia* (The Hague: Kluwer Law International, 2001), 87-92.
- ² I use the term "fake island" to distinguish the differences between reclamation activities that build on an island and land-based ones. Within two years' time, China has built "fake islands" in the Spratley Islands, involving Mischief Reef (the Chinese name is Meiji Jiao 美济礁, Filipinos name it Panganiban Reef, and the Vietnamese call it Đá Vĩnh Khãn), Gaven Reef (Chinese Nanxun Jiao 南薰礁, Filipino Burgos Reefs, and Vietnamese Đá Ga Ven), Subi Reef (Chinese Zhubi Dao 渚碧礁, Filipino Zamora, Vietnamese Đá Xu Bi), Johnson Reef (Chinese Chigua Jiao 赤瓜礁, Filipino Mabini Reef, Vietnam Đá Gc Ma), Cuarteron Reef (Chinese Huayang Jiao 华阳礁, Filipino Calderon Reef, Vietnamese Bãi Châu Viên), Fiery Cross Reef (Chinese Yongshu Jiao 永暑礁, Filipino Kagitingan Reef, Vietnam Đá Ch Thp), Hughes Reef (Chinese Dongmen Jiao 东门礁, Filipino McKenna and Vietnamese Đá T Ngha). Reclamation activities are acknowledged under UNCLOS Article 60 as the "exclusive right to construct... artificial islands." In this case, Singapore is a good example, whereas prior to the 1960s, the total area of Singapore is about 581.5 sq km and when their population increases needs to have housing, recreational development and road, the total area of Singapore in 1990 is around 633 sq km. It was projected that in the year 2030 the demand for quality housing will expand further, Singapore will need to add reclamation works by around 100 sq km. What China has been done is pure "faked islands" with purposes that have never been declared and for unclear intentions.
- ³ The term was used first time by Daniel R. Russel, Assistant Secretary, Bureau of East Asian and Pacific Affairs during testimony before the Senate Foreign Relations Committee on 14 May 2015. Russell said, "No matter how much sand you pile on a reef in the South China Sea, you can't manufacture sovereignty." Read more: <http://iipdigital.usembassy.gov/st/english/texttrans/2015/05/20150514315628.html#ixzz3gujTpG86>.
- ⁴ For further detail, see Stefan Talmon and Bing Bing Jia, eds., *The South China Sea Arbitration: A Chinese Perspective* (Oxford: Hart Publishing Ltd), 2014.
- ⁵ J.J. Widen, "Naval Diplomacy—A Theoretical Approach," *Diplomacy & Statecraft*, 22:4 (2011): 715-733.
- ⁶ "中国潭门民兵勇斗外国军警惊险细节公开," (Chinese Tanmen Militia Thrilling Details Fought the Foreign Police) 新华网 (Xinhua Newsnet), 30 April 2013. For Chinese militia operations, see Dennis J. Blasko, "People's War in the 21st Century: The Militia and the Reserves," in David Finkelstein and Kristen Gunness (eds), *Swimming in a New Sea: Civil-Military Issues in Today's China*, (New York: Rutledge, 2015) 362-401.
- ⁷ 李国选, "南海问题与中国南部地缘安全," 中国石油大学学报(社会科学版), 第30卷第4期 (2014年8月): 42-48 (Li Guoxuan, "The South China Sea Issue and Geo-security in the South China," *Journal of China University of Petroleum (Edition of Social Sciences)*, Vol. 30 No. 4 (August 2014): 42-48). See also Wu Sichuan, "Solving Disputes for Regional Cooperation and Development in the South China Sea: A Chinese perspective," (Oxford: Chandos Publishing), 2013. For other interpretations, see Arif Havas Oegroseno, "Indonesia, South China Sea and the 11/10/9-dashed lines," *Jakarta Post*, 9 April 2014 (<http://www.thejakartapost.com/news/2014/04/09/indonesia-south-china-sea-and-11109-dashed-lines.html#sthash.xTIGIYZw.dpuf>).
- ⁸ "王毅谈南海: 不断蚕食侵犯中国主权和权益现象不能继续," 中国新闻网, 2015年06月27日 (Foreign Minister Wang Yi on South China Sea: Phenomenon on Continue Eroding and Violating of China's Sovereignty and Interests Can Not Continue, China News Network, 27 June 2015). See <http://politics.people.com.cn/n/2015/0627/c70731-27217874.html>.
- ⁹ Prof. Dr. Hasjim Djalal, "Rethinking the Zone of Peace, Freedom and Neutrality (ZOPFAN) in the Post-Cold War Era," (paper presented at plenary session five of the 25th Asia-Pacific Roundtable, Kuala Lumpur, Malaysia, 30 May-1 June 2011) "Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia v. Malaysia) (Merits), Judgement of 17 December 2002" (United Nations, Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice 1997-2002, New York, 2003), <http://www.icj-cij.org/docket/files/102/10570.pdf>
- ¹⁰ Case Concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore), Judgement of 23 May 2008" (United Nations, Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice 2008-2012, New York, 2003), http://legal.un.org/ICJsummaries/documents/english/ST-LEG-SER-F-I-Add5_E.pdf.
- ¹¹ "Request for Interpretation of the Judgment of 15 June 1962 in the Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)," Judgment, I.C.J. Reports 2013, p. 281, <http://www.icj-cij.org/docket/files/151/17704.pdf>.



Rohingya refugees in Bangladesh wait for their turn in a health clinic.

Photo Credit: EU/ECHO/Pierre Prakash

Regional responses to Rohingya exclusion

Nicholas Farrelly, Fellow at the Bell School of Asia Pacific Affairs at the Australian National University and Director of the ANU Myanmar Research Centre.

What can be done about the Rohingya? Unwanted by Myanmar, marginalized in Bangladesh, set adrift on the Andaman Sea: almost nobody is rushing to offer assistance. The mistreatment of the Rohingya is a regional scandal and it will only be fixed with a multifaceted regional response. Resolving this decades-long humanitarian crisis requires more interest and resources from across Southeast Asia.

Every year, the region weathers criticism for its adherence to the idea of non-intervention in the internal affairs of Association of Southeast Asian Nations (ASEAN) members. This insistence has provided mutual protection for national elites eager to make sure that their own governments – even when they commit egregious human rights violations – can count on the public support of their neighbors. In a region where democratic government has shallow roots, it is an authoritarian standard that defines ASEAN solidarity. Critics, therefore, find many reasons to lash the bloc for its tolerance of messy humanitarian and conflict situations within ASEAN's borders.

Non-interference certainly limits the effectiveness of the grouping, especially during times of acute public interest in troubling domestic political situations. Earlier in the year, stranded boats in the Andaman Sea, overloaded with Rohingya and some Bangladeshis, led many to once again question the value of this core ASEAN principle. When taken alongside the notions of sovereignty, territorial integrity and national identity that also form part of the Treaty of Amity and Cooperation in Southeast Asia, it makes sense that ASEAN has developed a reputation for indulging the domestic political fancies of its members.

Within the group, this leads to friction, especially when sensitive regional issues demand an ASEAN response. The boats carrying people from the Myanmar-Bangladesh borderlands are the most recent example of how domestic policies across ASEAN impact the standing of the group as a whole. In this case, attention focused on the treatment of the Rohingya minority in Myanmar, but also on the responses of Thailand, Malaysia and Indonesia to the boat people drama in the Andaman Sea littoral. Other countries, including the Philippines, the United States and Australia, also became heavily engaged in the resulting discussions about how the Rohingya situation can be handled.

While many people across ASEAN were outraged by the conditions of the boat people, the fact is that the parlous situation off their coastlines should not have come as a surprise. The movement of Rohingya and Bangladeshis

from their troubled borderlands has been a growing trend over the past decade. Many have crossed the Andaman Sea, often making landfall in southern Thailand, before moving down into Malaysia. Malaysia might already be home to more than 100,000 Rohingya who struggle for survival on the margins of society. Some have ambitions to seek opportunities further afield, with destinations like Australia and New Zealand proving attractive for those with the resources to hazard the journey.

According to the United Nations High Commissioner for Refugees, an estimated 25,000 Bangladeshis and Rohingya took to the sea in the first three months of 2015, which is double the number from last year. Their migration routes had become well established with Thai authorities allegedly complicit in helping to shelter and transport the waves of migrants seeking better lives in Malaysia and beyond. When camps and mass graves were found in remote areas of southern Thailand and northern Malaysia, the level of exploitation suffered by some of the aspiring migrants became clear.

Nothing is ever simple about such situations. In this case, the exclusion of the Rohingya minority in Myanmar has fused state policy during a fragile democratic transition with festering local hatreds based on long histories of communal antagonism. It is an unfortunate mix. Rohingya troubles in northern Rakhine State have increased since the violence of 2012 saw many Muslim neighbourhoods and villages destroyed. Around 140,000 people displaced by that violence are now living in camps on the Myanmar side of the border. Informal estimates suggest up to 500,000 Rohingya live in Bangladesh. Many blame Myanmar's mistreatment of the Rohingya for the dire humanitarian situation and argue that the only feasible solution requires an abrupt change of Myanmar policy. In June 2015, former Malaysian Prime Minister Mahathir Mohammed went so far as to call for Myanmar to be expelled from ASEAN.

This naturally encouraged a stern rebuke from senior Myanmar officials who insisted that there is no ASEAN mechanism for expulsion. They also implied that it would be counter-productive because the ongoing Rohingya situation so clearly requires a regional response. To this extent, the time is right to be looking at effective responses that can be implemented for the long term. ASEAN has a chance to show that its political leaders are prepared to adjust their expectations to deal with the challenges presented by irregular population movements. A revised model for regional integration and interaction could be part of the answer.

First of all, there is the need to better manage the hesitation about interference in domestic political affairs. For now, Myanmar can still use this shield to avoid public criticism, at the official level, in ASEAN forums. Yet, behind closed doors, more robust discussions are permissible: they have been part of the ASEAN Way for decades. Formulaic displays of unity and affection cannot hide the fact that the Rohingya are of particular concern to the three Muslim-majority members of ASEAN: Malaysia, Indonesia and Brunei. In all cases, there are prominent voices advocating on behalf of the Rohingya. This means that the notion of non-interference starts to melt away as soon as there is an appreciation that something is going badly wrong. ASEAN's initiatives in the aftermath of Cyclone Nargis in 2008 are useful

examples of gentle intervention and flexible engagement. In that case, ASEAN helped force a more effective humanitarian response from the Myanmar side.

For their mutual benefits, the countries of ASEAN also need a comprehensive regional approach to irregular population movements. If the ASEAN Economic Community that will spring to life at the end of 2015 has any chance of success, then it will need adequate mechanisms for shifting labor around the region. Myanmar's migrating workers currently do many of the dirty, dangerous or demeaning jobs that other Southeast Asians have left behind. Sweating away at construction sites, spraying chemicals on plantations, and working in the shadier corners of the entertainment industry, they have a presence in many surprising places. The heaviest concentrations are in Chiang Mai, Bangkok, Kuala Lumpur and Singapore, where Burmese and other Myanmar languages are heard on a daily basis. In total, there could be more than 3 million Myanmar workers spread across the other ASEAN countries.

Some of these migrant workers are, in fact, Rohingya, but that designation is heavily contested in Myanmar and among Myanmar people. The Rohingya are excluded from Myanmar's array of 135 officially recognized ethnic cohorts based on a judgment that they are not indigenous. Increasingly, anti-Rohingya politics are tied up with a broader surge of Buddhist chauvinism in Myanmar, spearheaded by nationalist groups seeking to stop what they perceive as the decline of Buddhist civilization. The pitiable conditions of the Rohingya are part of a dangerous effort to reap support from wary Buddhist villagers and townsfolk being asked for their votes at the November 2015 poll. The silence of democratic politicians like Aung San Suu Kyi can be explained by their judgments about the electoral mathematics.

Yet that should not matter for ASEAN. In the case of the Rohingya, there is good reason for ASEAN to be breaking its own rules, at least in a modest fashion. The bloc could seek to develop a fully fledged fact-finding and analytical capacity that would support Myanmar's own efforts to get to grips with crafting a long-term solution. Advisors on political, cultural and economic topics from elsewhere in ASEAN could probably be trusted to work in Myanmar's best interests, while also seeking to ameliorate the region's concerns about this festering crisis. Even after all of the discussion about the Rohingya in 2015, there is clearly no regional solution, not even a roadmap towards building the right kinds of frameworks to tackle these longstanding problems.

ASEAN is therefore missing an opportunity to take leadership and to show the rest of the world that its model of inclusion and solidarity can work with even the most complex political and humanitarian conundrums. There is no sense in which other models are necessarily better. Indeed, ASEAN enjoys an enviable track record of avoiding major conflicts between its member states. It is this track record that now needs to be put to use in the management of local-level difficulties, like those facing the Rohingya. Such problems will always be harder and more sensitive, but they are the ones that have the potential to destabilize and discredit what is otherwise one of the world's most dynamic regions.



ISIS fighters from Southeast Asia recruit in a propaganda video.

Photo Credit: Video screen capture

The ‘Islamic State’ and the rise of violent extremism in Southeast Asia

A Ibrahim Almuttaqi, *Head of ASEAN Studies Program, The Habibie Center*

Despite the popular conception of Southeast Asia as a religiously diverse, tolerant and peaceful region, the past decade has nevertheless seen a worrying rise in violent extremism. Cases in point include various campaigns of violence perpetrated by Islamist groups demanding separate Muslim homelands in the southern Philippines and southern Thailand as well as calls for an Islamic caliphate encompassing the Indonesian archipelago. Most notable were the Jemaah Islamiyah-orchestrated Bali bombings of 2002 and 2005 and the Jakarta bombing of 2003, 2004 and 2009.

More concerning is that the rise in violent extremism is not limited to a small number of Islamist groups but has instead arguably found wider appeal among the public. In the case of Indonesia, for example, incidents of discrimination, harassment, intimidation, and violence has not only been perpetrated against non-Muslim minority groups, such as Christians and Buddhists, but also Muslim minority groups such as Ahmadiyah and Shiite communities.¹ Incidents include Christian churches being forced shut by local Muslim communities and the Ahmadiyah declared as heretics by the then Minister for Religious Affairs.²

It should be noted, however, that violent extremism should not be considered as an Islamic problem only. Religious violence led by extremist Buddhist monks in Myanmar against the minority Rohingya has also been a worrying trend in the ASEAN region in the past decade. Indeed, it is somewhat ironic that extremist groups in reforming Indonesia and Myanmar have exploited their newly found democratic freedoms of expression to espouse religious hate and violence.

Nevertheless it is the rise of the “Islamic State” — also known as ISIL, ISIS, or *Daesh* — that, according to ASEAN, now poses an “imminent threat” to Southeast Asia.³ In his keynote address at the Shangri-La Dialogue earlier this year, Singapore’s Prime Minister Lee Hsien Loong warned that ISIS posed “a very serious threat to the whole of Southeast Asia,” explaining,

“It is not so far-fetched that ISIS could establish a base somewhere in the region, in a geographical area under its physical control like in Syria and Iraq, to have territory in Southeast Asia somewhere far from the center of power of state governments...”⁴

Not only is Southeast Asia home to 15 percent of the world's 1.6 billion Muslims, but according to official estimates, as many as 514 Indonesians have moved to Iraq and Syria to fight with the Islamic State (as of March 2015), in addition to at least 50 Malaysians (as of December 2014) and even several from Cambodia.⁵⁶⁷ Furthermore, a number of Islamist groups in Southeast Asia have pledged allegiance to the Islamic State including the notorious Abu Sayyaf Group in the Philippines.⁸ It is these statistics that led Singapore's Prime Minister Lee Hsien Loong to describe Southeast Asia as "key recruitment center for ISIS."⁹

Worryingly, Indonesian officials have admitted difficulties in identifying and quantifying the exact number of Indonesians joining to fight with the Islamic State.¹⁰ In the past week, Indonesia acknowledged that it had been in the dark over reports that two Indonesian commercial pilots with suspected sympathies for the Islamic State were being monitored by Australian intelligence.¹¹

The key question worrying security analysts and policymakers in the region is what will happen once the Islamic State recruits return to Southeast Asia armed with battle-hardened experience, skills, and training. It should be remembered that many of the key individuals who were instrumental in the previously mentioned campaigns of violence in Indonesia, southern Philippines and southern Thailand were veterans of the Soviet-Afghan War that lasted from 1979-1989.

Given the threats posed by the Islamic State to Southeast Asia, it is unsurprising that authorities — both at the national and regional levels of ASEAN — have taken steps to counter the violent extremist group. Malaysia, the current chair of ASEAN, announced plans to hold a Special ASEAN Ministerial Meeting on the Rise of Radicalization and Violent Extremism on October 2, 2015 in Kuala Lumpur. As ASEAN Chair, Malaysia also pushed for a joint statement by the ASEAN Foreign Ministers on "the Rise of Violence and Brutality Committed by Terrorist/Extremist Organizations in Iraq and Syria" — a move that was hailed by US Secretary of State John Kerry who praised ASEAN for taking a strong stand against the Islamic State.¹²

At the national level, Kuala Lumpur passed a White Paper on Combating the Threat Posed by Islamic State.¹³ The fact that the White Paper was only the third ever produced by Malaysia was seen as a clear demonstration of the seriousness the Malaysian government attached to the threat. Similarly, the Indonesian government produced its first-ever blueprint for tackling terrorism in December 2014.¹⁴ The 152-page document emphasizes counter-radicalization, deradicalization, and traditional law enforcement measures. Indeed, it was reported that Jakarta was mulling tougher measures including revoking the passports of Indonesians who joined the Islamic State.¹⁵

It remains to be seen, however, how effective these steps will be in countering the threat of terrorism and violent extremism. Criticism was made of the "vagaries" of the ASEAN Foreign Ministers' Joint Statement that notably failed to mention the Islamic State by name, instead preferring to use the term "terrorist/extremist organizations and radical groups in Iraq and Syria."¹⁶ It has also been noted that the Islamic State's threat was still growing in the region "in spite of initial measures taken to counter the movement's appeal," thereby suggesting some weaknesses and failings in those measures.

One expert in particular criticizes "the simplistic assumption that inter religious conflict occurs because there are no laws against it" in Southeast Asia.¹⁷ A similar criticism could be applied to violent extremism and acts of terrorism. Thus, despite the various joint statements, blueprints and white papers issued by ASEAN and its member states to counter the Islamic State, the threat it poses continues to exist.

It is in this sense that more attention should be given to the Indonesian blueprint's emphasis on counter-radicalization and deradicalization. As the chief of Indonesia's National Counterterrorism Agency (BNPT), Comr. Gen. Saud Usman Nasution, argued, hard and punitive approaches are unable to address the root of the problem. Instead, "the most important thing is a soft and persuasive approach" to prevent individuals from becoming attracted to radical thinking.¹⁸ Indeed, the blueprint lists seven key factors it believes are necessary in addressing the root problem of radicalization, namely: poverty, political disagreement, poor education, social, cultural, and psychological conditions, as well as technology.¹⁹

Certainly, there has been growing recognition that the exclusive use of security-focused approaches to countering violent extremism only serves to create "an increasingly insecure world in which Western and regional powers have proven incapable of defeating non-state actors like ISIS."²⁰ Such security-focused approaches fail to address the fact that many recruits to the cause of violent extremism often (1) feel a sense of hopelessness; (2) perceive little prospects for a future with a meaningful stake in their society; and (3) hold genuine despair and existential fear.²¹

Overall, in order to effectively counter violent extremism in Southeast Asia, relevant authorities must go beyond traditional security approaches and/or the introduction of statements, laws, and whitepapers. Whilst important, they can only ever be part of the solution. A permanent long-term solution requires a more comprehensive approach that addresses the root causes. Reforming the region's various education systems so that the peoples of Southeast Asia are economically productive members of society is one element. So, too, is ensuring greater democratic freedoms so that pent-up anger and frustration against governments and their policies can be resolved through the ballot box rather than the resort to violence under the guise of religion. When officials from the region gather for the Special ASEAN Ministerial Meeting later this year, it is thus incumbent on them to be mindful of the need to not only agree on immediate, short term measures to address the imminent threat of the Islamic State but also to find a comprehensive approach that addresses the root causes of violent extremism so that the ASEAN can be the religiously diverse, tolerant and peaceful region it so wishes to be.

Notes

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⁴ IISS (2015, May 29). *IISS Shangri-La Dialogue 2015 Keynote Address Lee Hsien Loong, Prime Minister of Singapore*. Retrieved from: <https://www.iiss.org/en/events/shangri-la-dialogue/archive/shangri-la-dialogue-2015-862b/opening-remarks-and-keynote-address-6729/keynote-address-a51f>

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⁷ Luke Hunt (2014, October 2). 'ASEAN Finds Its Voice on Islamic State.' *The Diplomat*. Retrieved from: <http://thediplomat.com/2014/10/asean-finds-its-voice-on-islamic-state/>

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¹² Luke Hunt (2014, October 2). Op.cit.

¹³ The Malaysian Insider (2014, November 26). 'White Paper to combat Islamic State threat passed by Parliament.' Retrieved from: <http://www.themalaysianinsider.com/malaysia/article/white-paper-to-combat-islamic-state-threat-passed-by-parliament>

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¹⁵ Wahyudi Soeriaatmadja (2015, January 14). 'Indonesia to revoke passports of citizens who join ISIS: Minister.' *The Strait Times*. Retrieved from: <http://www.straitstimes.com/asia/se-asia/indonesia-to-revoke-passports-of-citizens-who-join-isis-minister>

¹⁶ Luke Hunt (2014, October 2). Op.cit.

¹⁷ Melissa Crouch (2012, June 20). 'Religious intolerance and law reform challenges in Indonesia.' *East Asia Forum*. Retrieved from: <http://www.eastasiaforum.org/2012/06/20/religious-intolerance-and-law-reform-challenges-in-indonesia-2/>

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²⁰ James M. Dorsey (2015, July 1). 'Countering political violence: Tackle the root causes.' *The Strait Times*. Retrieved from: <http://www.straitstimes.com/opinion/countering-political-violence-tackle-the-root-causes>

²¹ Ibid.



ISIS in Southeast Asia

ISIS has managed to become a major threat in the Middle East and especially so in Iraq and Syria. However, a number of experts have also suggested that ISIS is also a threat outside the region. This infographic will provide an overview on ISIS activities that are related to South East Asia.

“We do not tolerate it, we forbid ISIS in Indonesia.”

- Susilo Bambang Yudhoyono, *Indonesia’s 6th President*

“ISIS does not represent Islam. ISIS is a misnomer.

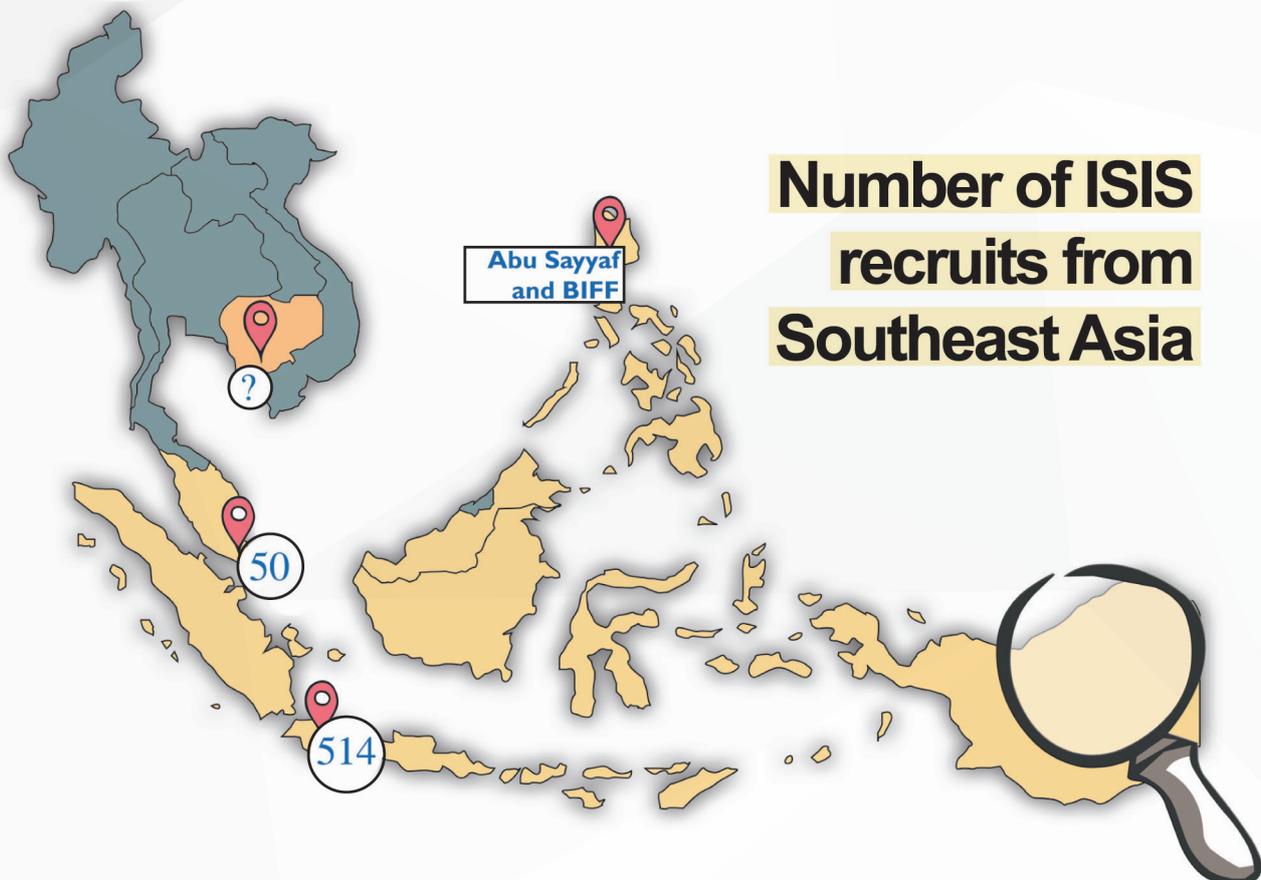
It does not do justice to Islam.”

- Najib Razak, *Malaysia’s 6th Prime Minister*

“Southeast Asia is a key recruitment center for ISIS....

The threat is no longer over there, it is over here.”

- Lee Hsien Loong, *Singapore’s 3rd Prime Minister*



■ Support for ISIS in the region

While countries in the region have implemented policies to curb support for ISIS, a number of people managed to travel to and fight in Iraq and Syria; 514 Indonesians, 50 Malaysians, a number of Cambodians, and with the added ideological support from the Abu Sayyaf group and that Bangsamoro Islamic Freedom Fighters in the Philippines.

■ Southeast Asians in ISIS

ISIS has published pictures of Southeast Asians who have joined them in their monthly propaganda magazine. Additionally, a recruitment video by an Indonesian named “Abu Muhammad al-Indunisi” titled *Join the Ranks* has also been uploaded to Youtube.

ASEAN ROUND-UP

Five ASEAN members to discuss progress on haze pollution fight

channelnewsasia.com - July 27, 2015

Environment ministers of five ASEAN members will meet in the Indonesian capital on Tuesday (Jul 28) to discuss the progress of measures being taken to fight haze pollution in the region.

Senior officials from the five Southeast Asian countries met in Jakarta on Monday to prepare the groundwork for talks.

One of the items on the agenda is the ASEAN Haze Monitoring System (AHMS), developed by Singapore in 2012 to enhance hotspot monitoring. It is a computerized system that combines hot-spot data, high-resolution satellite pictures and land concession maps. This is to help identify and hold plantation companies and land owners accountable for their land-clearing activities and fires in their areas.

However, the system has yet to become operational although ASEAN leaders adopted it in 2013 because concession maps from member countries are not available.

Singapore is expected to push for the AHMS to be up-and-running as soon as possible. Indonesia has said it is ready to share its concession map next year, amid fears it may be delayed.

Read more: <http://www.channelnewsasia.com/news/asiapacific/ve-asean-members-to/2011170.html>

Why it matters: It shows that ASEAN countries can take the right step forward in tackling what had been sensitive issue for the people of countries affected by the haze. However, it also shows the difficulty of collective action among ASEAN countries on technical matters such as the implementation of a new technology.

David Cameron: Measures to counter IS agreed with Indonesia

bbc.com - July 27, 2015

The United Kingdom and Indonesia have agreed on measures to counter the “shared enemy” of Islamic State (IS) extremism, PM David Cameron has said.

The PM, who is in Indonesia for a four-day tour of the region, said 50 police officers from the country will be given counter-terrorism training in the United Kingdom.

Mr Cameron promised UK help to increase airport security in Bali and Jakarta.

Earlier, he said he was willing to take military action in Libya, or anywhere else, if there was a threat to Britain.

He told reporters: “If there is a threat to Britain – to our people, to our streets – and we are able to stop it by taking immediate action against that threat, as prime minister I will always want to take that action.”

“And that’s the case whether the problem is emanating from Libya, Syria or anywhere else.”

Meanwhile, the BBC’s Jon Donnison said the case of British woman Lindsay Sandiford – who has been on death row in Indonesia since 2013 for smuggling £1.6m worth of cocaine – was potentially awkward for Mr Cameron.

Read more: <http://www.bbc.com/news/uk-33670367>

Why it matters: As Cameron’s first visit outside of Europe after entering into his second term as prime minister, it highlights the growing importance of Southeast Asia as an engine of global growth. Indeed, for many parts of the world, there are still vast unexplored trade potentials within countries in the region.

ASEAN ROUND-UP

China says US trying to influence Philippines' sea case

reuters.com - July 24, 2015

China's Foreign Ministry said on Friday the United States was trying to influence a South China Sea arbitration case filed by the Philippines after a senior US official said China would be obligated to abide by the tribunal's decision.

China has for years insisted that disputes with rival claimants to the South China Sea be handled bilaterally.

But this month, its claims came under international legal scrutiny for the first time when the Permanent Court of Arbitration in The Hague began hearing a suit the Philippines filed in 2013.

China has refused to take part in the case.

US Assistant Secretary of State Daniel Russel told a conference in Washington this week that as both Beijing and Manila are signatories to the UN Convention on the Law of the Sea, legally they have to abide by the tribunal's decision.

China issued a position paper in December arguing the dispute was not covered by the treaty because it was ultimately a matter of sovereignty, not exploitation rights, and the Foreign Ministry said it stood by that.

Read more: <http://www.reuters.com/article/2015/07/24/us-southchinasea-china-usa-idUSKCN0PY14H20150724>

Why it matters: The future of disputes in the South China Sea remains uncertain as great powers continue to exert their power over the matter. China's perception of US influence harks back to 2012 when it is widely believed that China had pushed Cambodia to put a hold in ASEAN negotiation on South China Sea.

Legal issues still a barrier for ASEAN

straitstimes.com - July 27, 2015

Regulatory hurdles remain a key challenge for Singapore businesses seeking to expand overseas, despite moves to create an integrated economic community across the region by the end of this year.

The issues typically range from skewed labour laws and capital and goods controls to simply inconsistent rules and regulations, say legal experts and business advisers.

Indonesia has one of the more complex legal environments, and firms could find doing business in ASEAN's largest economy quite hard, said Mr Paul Ng, a partner at law firm Rajah & Tann Singapore.

He noted that Indonesia's labor law is pro-employee, so dismissing staff, even one at fault, is tough.

"The employee could simply disagree with the grounds provided, and the employer would have to seek mandatory mediation. If unsuccessful, this could lead to a long and costly adjudication."

Read more: <http://www.straitstimes.com/business/legal-issues-still-a-barrier-for-asean>

Why it matters: Existing regulations in ASEAN member states continue to be a potential hurdle for business expansion within the region. Complex regulations should be simplified to increase the ease of doing business to promote active participation by private sectors and small and medium enterprises (SME) so that they can truly reap the benefits of ASEAN Economic Community.



The Habibie Center

The Habibie Center was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, non-governmental, non-profit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values.

The missions of The Habibie Center are **first**, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and **second**, to increase the effectiveness of the management of human resources and the spread of technology.

Cover Image: US Navy and Republic of Singapore ships sail through the South China Sea.

Photo Credit: United States Navy



The ASEAN Studies Program was established on February 24, 2010, to become a center of excellence on ASEAN related issues, which can assist in the development of the ASEAN Community by 2015. The Habibie Center through its ASEAN Studies Program, alongside other institutions working towards the same goal, hopes to contribute to the realization of a more people-oriented ASEAN that puts a high value on democracy and human rights.

The objective of the ASEAN Studies Program is not merely only to conduct research and discussion within academic and government circles, but also to strengthen public awareness by forming a strong network of civil society in the region that will be able to help spread the ASEAN message. With the establishment of ASEAN Studies Program, The Habibie Center aims to play its part within our capabilities to the ASEAN regional development.

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