The Second Front — Again? The Rising Tide of Global Jihadism in East and Southeast Asia

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THE SECOND FRONT – AGAIN?
THE RISING TIDE OF GLOBAL JIHADISM IN EAST AND SOUTHEAST ASIA

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Abstract

Mainstream scholarship abounds with assumptions that East and Southeast Asia will not constitute a second front in the international war on terrorism. These assumptions typically rely on different motivations, targets and methods employed by terrorist groups in the region as compared to Middle Eastern groups. This article argues that these assumptions are largely outdated, based on faulty conceptual models, fail to take stock of the growth and popularity of ISIS in the region and the significance of political failures of regional governments to adequately address domestic grievances. The peril has grown in recent years from localized sectarian movements and efforts to obtain political power-sharing to a potential transnational existential threat.

Introduction

Built in the mid-1950s to appease the land spirits, the Erawan Shrine in Bangkok's city center is a popular site to both worshippers and tourists alike.[1] On the evening of 17 August 2015, unbeknownst

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to the visitors that night, a bomb containing three kilograms of TNT and ball bearings had been rigged under a bench near the shrine.[2] The bomb was detonated at around 1900 local time,[3] causing 20 deaths and more than 120 injuries.[4] No one has claimed responsibility for the attack. Thai authorities later secured a confession from a Turkish national, and further detained a Chinese Uighur and a man carrying a Chinese passport issued in the Xinjiang Uighur Autonomous Region.[5]

Thai authorities have repeatedly stressed that the attack was an act of retaliation by a people smuggling network that trafficked Uighurs, angered by Thailand's recent crackdown on their trade.[6] Nevertheless, this has been dismissed by security analysts who suggest that the bombing was carried out by extreme Turkish nationalists[7] angered by Thailand's controversial deportation of 109 Uighurs to China.[8] It has been proposed that the Thai junta avoided

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[1] Lindsay Murdoch, *Erawan Shrine in Bangkok: Bangkok Attractions*, BANGKOK.COM, http://www.bangkok.com/shrines/erawan-shrine.htm.

[2] *Bangkok bomb: What do we know?*, BBC NEWS (Aug. 20, 2015), http://www.bbc.com/news/world-asia-33969671; Jonathan Head, *Bangkok bomb: Has the case been solved?*, BBC NEWS (Oct. 5, 2015), http://www.bbc.com/news/world-asia-34409348.

[3] *Bangkok bomb: What do we know?*, *supra* note 2.

[4] *Id.* Most of the dead were tourists visiting the shrine, including six Thais, five Malaysians, five mainland Chinese, two from Hong Kong, one Indonesian, and one Singaporean. *See* Poypiti Amatatham & Thomas Fuller, *Thai Police Seek "Foreign Man" in Bombing of Bangkok Shrine*, NY TIMES (Aug. 19, 2015), http://www.nytimes.com/2015/08/20/world/asia/bangkok-explosion-shrine.html?_r=0.

[5] Philip Sherwell, *Thailand links Bangkok shrine bomb to Chinese Uighurs for first time*, THE TELEGRAPH (Sep. 15, 2015, 3:01 PM), http://www.telegraph.co.uk/news/worldnews/asia/thailand/11866250/Thailand-links-Bangkok-shrine-bomb-to-Chinese-Uighurs-for-first-time.html.

[6] *Id.*

[7] *Id.* The analysts also pointed out that the usual modus operandi for a criminal gang is to lay low after a crackdown rather than conduct a high-profile attack.

[8] *Id.;* Nopparat Chaichalearmmongkol & Te-ping Chen, *Thailand Deports 100 Muslim Uighurs to China*, WALL STREET J. (Jul. 9, 2015, 10:15 AM),

connecting the attacks with Uighurs or terrorism to preserve their alliance with China and the lucrative tourism business.[9]

Proceeding from the conclusions of the security analysts, the Erawan bombing represents more than a one-off terrorist attack. It was one of the first times in recent years in the East and Southeast Asian region ("the Region") that a terrorist organization has waged an attack with more than a domestic agenda in mind, but rather one with a transnational element spearheaded against the nationals of more than one state. It was an act of retribution against the Thai and Chinese[10] governments for the deportation of their Turkic Muslim brethren to China where they would likely face persecution and torture.[11] Notably the Erawan bombing was not conducted by any one of the local terrorist cells,[12] it was carried out by Uighur operatives holding Chinese passports.[13] The event serves as a "milestone" for other global Muslim extremists to inspire them to replicate such attacks to further the global jihad movement given the ripe factors of "extremization" and the continued employment of self-defeating counter-terrorism policies by many Asian states, which serves only to further polarize extremists.

The August 2015 bombing served as a milestone in establishing the second front of terrorism in the Region. Less than two years later violence erupted in the Mindanao region of the Philippines with concentrated terrorism activity[14] and resulting in

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http://www.wsj.com/articles/thailand-deports-100-muslim-uighurs-to-china-1436451320.

[9] Sherwell, *supra* note 5.

[10] The Shrine is extremely popular both with Buddhist Thais and ethnic Chinese tourists. *See* Sherwell, *supra* note 5.

[11] The fate of repatriated Uighur asylum-seekers are unknown and most likely grim as observed in the past by the Human Rights Watch. *See China: Forcibly Returned Uighur Asylum Seekers At Risk*, HUMAN RIGHTS WATCH (Dec. 22, 2009, 2:08 PM), https://www.hrw.org/news/2009/12/22/china-forcibly-returned-uighur-asylum-seekers-risk.

[12] Security analysts suspect the attack was planned by the Grey Wolves, an ultra-nationalist Turkish terrorist group which sympathizes Uighurs. *See* Sherwell, *supra* note 5.

[13] *Id.*

[14] Chad de Guzman, *Marawi crisis hits 300 death toll mark*, CNN PHIL. (Jun.

martial law being imposed.[15] Reportedly the indigenous Philippine terrorist organizations were being aided by Indonesians recently returning from fighting for ISIS in Syria.[16] This conflict has expanded into a full-blown domestic war on terrorism with significant losses from the terrorist as well as the Philippine military forces.[17]

This article argues that the face of terrorism in East and Southeast Asia is shifting in conformity to jihadist transnational terrorism trends in other regions. Unlike the 2000's, a second front has evolved in the Region which threatens to become an existential threat because of the maneuverings of ISIS and the failure of domestic counter-terrorism initiatives to holistically address radicalization. This thesis elaborates on why the Region is likely to become the next hotbed for transnational terrorism, particularly with the eventuality that elements of Muslim communities in the Region will succumb to the global jihad narrative. This engenders greater

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19, 2017, 6:46 AM), http://cnnphilippines.com/news/2017/06/19/Marawi-crisis-hits-300-death-toll-mark.html.

[15] *Philippine's Duterte: Martial law extended in Mindanao*, BBC NEWS (Jul. 22, 2017), http://www.bbc.com/news/world-asia-40690589.

[16] Officials were quoted stating that there were about 40 foreigners from Indonesia and Malaysia. There were also fighters from India, Saudi Arabia, Morocco and Chechnya involved in the conflict. *See* Neil Jerome Morales, *Philippines says Islamist fighters on back foot in besieged city*, REUTERS (Jun. 8, 2017, 2:04 AM), https://www.reuters.com/article/us-philippines-militants/philippines-says-islamist-fighters-on-back-foot-in-besieged-city-idUSKBN18Z0KP. A locally circulated paper alleges that a source informed them of some 100 foreign Islamic militants, mostly Indonesians, slipping into the country. *See 100 foreign Islamic militants slipped into Mindanao*, PHILSTAR (Jul. 1, 2017, 4:00 PM), http://www.philstar.com/headlines/2017/07/02/1715568/100-foreign-islamic-militants-slipped-mindanao. Solicitor General José Calida described the conflict as having "transmogrified into invasion by foreign terrorists, who heeded the call of [IS] to go to the Philippines if they find difficulty in going to Iraq and Syria." *See Philippines says foreign fighters part of Islamic State 'invasion'*, ABC NEWS (May 26, 2017, 5:26 AM), http://www.abc.net.au/news/2017-05-26/philippines-says-foreign-fighters-part-of-marawi-city-fight/8564216.

[17] At the date of writing, a local newspaper puts 105 military personnel and 45 civilians dead. Dempsey Reyes, *Govt death toll in Marawi hits 105*, MANILA TIMES (Jul. 23, 2017), http://www.manilatimes.net/govt-death-toll-marawi-hits-105/340071/.

polarization and the adoption of an international perspective by formerly domestic terror groups who are now cooperating in attacks throughout the region and increasing their participation in attacks in the Middle East.

This thesis postulates that causal elements emanating from domestic political responses to terrorism create wider disaffection among at risk groups, driving disparate groups into common cause and tending toward greater extremism during a time when the global jihad movement has adopted the so-called bottom-up strategy, ISIS has had growing success in regional recruitment and there has been a potent domestic impact of foreign terrorist fighters returning to their home territory from fighting in the Middle East.

This article will first discuss the earlier fears of a second front, which never materialized in the Region. Then, drawing on the historic model of the Ottoman Empire, it will provide an articulation of a conceptual approach to terrorism dissected into principal, secondary and propaganda front venues. Thereafter, it will argue the existence of a second front in the Region based on the evolving ISIS narrative, the bottom-up strategy and the failure of regional governments to amicably resolve sectarian disputes.

Asia as the "Second Front"[18]

The Region is not immune from international terror organizations. Unaffiliated Muslim rebellion[19] and indeed other terrorist organizations[20] have long existed in Asia, and transnational terrorism is not unknown specifically in South Asia.[21] Shortly after

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[18] *See generally*, ANDREW T H TAN, SECURITY STRATEGIES IN THE ASIA-PACIFIC: THE UNITED STATES' "SECOND FRONT" IN SOUTHEAST ASIA (2011).

[19] Which predates 9/11 and indeed Al-Qaeda itself. *See* Andrew T.H. Tan, *Terrorism and insurgencies in Southeast Asia and their implications for counter-terrorism and regional order*, *in* POWER TRANSITION AND INTERNATIONAL ORDER IN ASIA 155, 155 (Peter Shearman ed., 2013).

[20] Communists in Southern Philippines, separatists in Indonesia, just to name a few. *See generally*, PETER CHALK ET AL., THE EVOLVING TERRORIST THREAT TO SOUTHEAST ASIA: A NET ASSESSMENT 1-2 (2009).

[21] Pakistan has long been accused of harbouring and even sponsoring terrorist

the 9/11 attacks, Southeast Asia became involved in the United States' Global War on Terrorism with swift deployment of American troops into the Philippines to deal with the Muslim militant group Abu Sayyaf.[22] The reasons were obvious: Abubakar Janjalani, founder of Abu Sayyaf, trained with Osama bin Laden in Afghanistan;[23] two of the 9/11 hijackers spent time in Malaysia;[24] Ramzi Yousef, the mastermind of the first World Trade Centre bombing in 1993, used the Philippines as a base;[25] and the possibility that al-Qaeda would regroup in Southeast Asia after the invasion of Afghanistan.[26] The 2002 Bali bombings which claimed more than 200 lives seemed testimonial to beliefs that Asia may be the "Second Front."[27]

      Much of the scholarship focused on the presumed influence of al-Qaeda in the Region and with the relevant extremists groups.[28] However, efforts and interest in the 'Second Front' soon fizzled out

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incursions into neighbours including India and Afghanistan. *See* Jim Watson, *Leon Panetta: U.S. "reaching the limits of our patience" with Pakistan terror safe havens*, CBS NEWS (Jun. 7, 2012, 10:13 AM), http://www.cbsnews.com/news/ leon-panetta-us-reaching-the-limits-of-our-patience-with-pakistan-terror-safe-
havens/. Pakistan was also described as "perhaps the world's most active sponsor of terrorist groups." Daniel L. Byman, *The Changing Nature of State Sponsorship of Terrorism*, 16 THE SABAN CENTER FOR MIDDLE EAST POLICY AT THE BROOKINGS INSTITUTION 1, 7 (2008), https://www.brookings.edu/wp-content/ uploads/2016/06/05_terrorism_byman.pdf.

   [22] A year after 9/11. *See The elusive enemy*, THE ECONOMIST, (Aug. 1, 2002), http://www.economist.com/node/1259532.

   [23] *Id.*

   [24] *Id.*

   [25] *Id.*

   [26] *Id.*

   [27] BBC, *The 12 October 2002 Bali bombing plot*, BBC NEWS, (Oct. 11, 2002), http://www.bbc.com/news/world-asia-19881138.

   [28] *See generally*, ROHAN GUNARATNA, INSIDE AL-QAEDA: GLOBAL NETWORK OF TERROR 175 (2002); MARIA RESSA, SEEDS OF TERROR: AN EYEWITNESS ACCOUNT OF AL-QAEDA'S NEWEST CENTER OF OPERATIONS IN SOUTHEAST ASIA (2003*)*; Barry Desker & Kumar Ramakrishna, *Forging an Indirect Strategy in Southeast Asia*, 25 WASH. Q. 161 (2002); KEN CONBOY, THE SECOND FRONT: INSIDE ASIA'S MOST DANGEROUS TERRORIST NETWORK (2006) *as cited in* ARABINDA ACHARYA, WHITHER SOUTHEAST ASIA TERRORISM? MYTHS AND REALITY 35 (2015).

following the inception of the Obama administration.[29] Additionally, as suggested by some scholars, branding Southeast Asia as the "Second Front" is "unwarranted" since "all the main Muslim insurgent groups have in fact rejected al-Qaeda and made a strategic decision to desist from participating in its global jihad."[30] Yet, conditions on the ground are changing and with recent developments, fears of a second front are again gaining credibility. Key to understanding terrorism in the Region is the developing scope of terroristic trends since the period shortly after the 9/11 attacks.

Muslim Extremists in East and Southeast Asia: A Historical Analysis

While transnational terrorism is common in Western and Southern Asia,[31] it has been relatively rare in other parts of the continent until the Erawan bombing. Though it is correct to say that the rest of the continent has a terrorist concern of varying degrees, most if not all groups were concerned with domestic objectives rather than transnational goals.[32] The Malay-Muslim conflict in South Thailand revolves around issues of domestic self-determination and separatism.[33] Similarly, in the Philippines, the communist New People's Army aims to replace the country's economic and political order with a socialist system, while Muslim extremism stems from Bangsamoro Muslims on the island Mindanao who refuse to integrate into the greater Catholic Filipino polity,[34] and from the failure of the Bangsamoro peace process.[35]

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[29] A less aggressive diplomacy including a promise to "Bring our Troops Home" was the theme in Obama's 2008 campaign. *See* Thom Shanker, *Campaign Promises on Ending the War in Iraq Now Muted by Reality,* NY TIMES (Dec. 3, 2008), http://www.nytimes.com/2008/12/04/us/politics/04military.html.

[30] TAN, *supra* note 18, at 179.

[31] *Id.*

[32] CHALK ET AL., *supra* note 20.

[33] *Id.* at 5-7, 21 (stating that the conflict remained "nationalistic" in the sense that "Islamic imperatives" have not superseded the basic objectives, namely "protecting the region's unique way of life.").

[34] *Id.* at 33-37.

[35] Negotiations which commenced back in 1996 under the Ramos

By 2009 extremist groups in Indonesia could be categorized in three categories: nationalist Islamists who seek to "purify" the regime in the religious respect, "antistatist Islamists" who aim to overthrow the newly founded democratic government and those to establish a caliphate, and nascent jihadist militias.[36] Yet all these groups have spawned from internal conditions such as poverty, inflation, unemployment and generally a weak government.[37] The more potent international global jihadist ideology did not seep into the collective psyche in this Region as identifying with Muslim extremists elsewhere.[38] In fact, immediately after 9/11 extremists in the Region had opposed global jihadist ideology by rebuffing al-Qaeda.[39]

The global jihadist movement could be distinguished from above local conflicts for its inherent religious nature.[40] Global jihadists such as al-Qaeda identifies with the movement known as Jihadi-Salafism, or jihadism.[41] Motivated to restore the caliphate as the optimal form of government for the Islamic world and to purify the faith,[42] the objective of the Jihadi School founders is to replace established governments with Islamic states.[43] Differing from other Muslim extremists therefore, the global jihadist seeks to defend Islam against what is perceived as "the corrupting influence of the

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administration continued without substantial progress through the years. *See* Jeo Angelo Chico Elamparo, *Gov't-MILF peace talks timeline,* ABS-CBN NEWS (Jan. 25, 2014, 6:32 PM), http://news.abs-cbn.com/focus/01/25/14/govt-milf-peace-talks-timeline-0.

[36] CHALK ET AL., *supra* note 20, at 69.

[37] *Id.* at 67.

[38] Tan, *supra* note 18, at 179.

[39] Amitav Acharya & Arabinda Acharya, *The Myth of the Second Front: Localizing the "War on Terror" in Southeast Asia* 30 WASH. Q. 75, 78-80 (2007).

[40] ARABINDA ACHARYA, TEN YEARS AFTER 9/11: RETHINKING THE JIHADIST THREAT 33 (2013).

[41] Cole Bunzel, *From Paper State to Caliphate: The Ideology of the Islamic State,* 19 THE BROOKINGS PROJECT ON U.S. REL. WITH THE ISLAMIC WORLD 7 (2015), https://www.brookings.edu/wp-content/uploads/2016/06/The-ideology-of-the-Islamic-State.pdf.

[42] Known respectively as the Brotherhood and Salafi dimensions of the Jihadi School. *See Id.* at 7-8.

[43] *Id.* at 9.

non-believers."[44]

While international "oppressive" acts such as the Global War on Terrorism are perceived as a war on the wider Muslim community,[45] local and regional conflicts are not precluded from the scope of global jihadism but are also relevant as being part of "a broader global struggle against apostasy."[46] It is thus considered the obligation of every Muslim to participate in the struggle with the "infidels" who seek to undermine Islam including the United States, Israel and non-Islamic regimes in Muslim countries - with the end goal of establishing Islamic states across the world.[47]

In Southeast Asia, however, Muslim extremists diverged from the global jihadist movement in purpose, targets, and geographic reach,[48] focusing on the "near enemy" rather than the West.[49] As political actors, "Southeast Asian Islamic radicals focus more on the political aspects of jihad rather than just the religious and tactical aspects, such as the methods of attacks, as is the case with their counterparts in the Middle East."[50] Divergences between extremists in the two regions were such that groups in the Region have actively resisted the influence of al-Qaeda after 9/11.

In the Philippines the Moro Islamic Liberation Front ("MILF"), seeing al-Qaeda's swift defeat in Afghanistan after the U.S. got involved, strategically dissociated itself from "terrorism or any extremist groups using religious faith as a tool for terroristic activities."[51] In Thailand academics observed that while "wider regional and international jihadist networks cannot be excluded altogether from Thailand's southern morass," post 9/11 conflicts in the south continues to stem from "longstanding ethno-nationalist

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[44] ACHARYA, *supra* note 40, at 33.

[45] *Id.*

[46] ANGEL RABASA ET AL., BEYOND AL-QAEDA: PART 1, THE GLOBAL JIHADIST MOVEMENT 9 (2006), http://www.rand.org/content/dam/rand/pubs/monographs/2006/RAND_MG429.pf.

[47] ACHARYA, *supra* note 40, at 33.

[48] Acharya & Acharya, *supra* note 39, at 78.

[49] *Id.*

[50] *Id.* at 79.

[51] TAN, *supra* note 18, at 66.

grievances and identity issues, with the aims of separatism ranging from greater administrative autonomy to outright independence."[52] In the Indonesian province Aceh, prior to the landmark ceasefire in 2004, then dominant nationalist Gerakan Aceh Merdeka ("GAM")[53] rebuffed al-Qaeda's attempt to establish its presence via proxy groups such as the Java-based Laskar Jihad.[54]

Extremists in the Region also tend to show a willingness to adopt non-violent resolutions to achieve their goals. Immediately after distancing itself from al-Qaeda, MILF agreed to participate in joint training with the Philippine government in local ceasefire monitoring teams.[55] Their demeanor was such that the government's chief peace negotiator, Jesus Dureza described the MILF as being "friendlier than the government" in the peace talks.[56] In Indonesia then GAM commander Abdullah Syafi ah sent his condolences to the U.S. ambassador in Jakarta after 9/11. It has also been observed that sustained terrorism was absent in East Asia.[57]

Overall, after 9/11 dominant Muslim extremist groups in the Region continued to "[reaffirm] the ethno-nationalist and territorial objectives underlying their separatisms"[58] rather than taking a more active role in the global jihad movement, therefore assuming only the modest role of "transit, support, and facilitation point" for al-Qaeda.[59]

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[52] Thitinan Pongsudhirak, *The Malay-Muslim Insurgency in Southern Thailand, in* A HANDBOOK OF TERRORISM AND INSURGENCY IN SOUTHEAST ASIA 276 (Andrew T.H. Tan ed., 2009).

[53] Also known as The Free Aceh Movement.

[54] TAN, *supra* note 18, at 83.

[55] *Id.* at 66.

[56] *Id.*

[57] *See generally,* DAN G. COX ET AL., TERRORISM, INSTABILITY, AND DEMOCRACY IN ASIA AND AFRICA 108-124 (2009).

[58] TAN, *supra* note 18, at 179.

[59] Acharya & Acharya, *supra* note 39, at 77.

Conceptualizing a Second Front

Like terrorism itself,[60] the concept of a second front is outcome determinative according to how it is defined. An overly narrow definition would preclude most terrorist attacks as part of a second front as an overly broad definition would include nearly every attack. The nomenclature of a "war on terrorism" is largely metaphorical and in its current context refers more to the use of a military model to countering a particular heinous species of criminal activity. Use of the term "war on..." is an American invention much like America's so-called war on poverty in the 1960's[61] or its war on drugs in the 1980's,[62] though instead of using social welfare or law enforcement institutions, the war on terrorism largely relies on military and law enforcement institutions.

Under international law, war has conventionally been defined as an international armed conflict,[63] a non-international armed conflict,[64] or an internationalized armed conflict.[65] Riots or other

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[60] *See* Michael W. Reisman, *International Legal Responses to Terrorism*, 22 HOUS. J. INT'L L. 3, 9 (1990) ("[D]efinitions of terrorism are particularly outcome sensitive precisely because they tend to delimit the range of lawful responses to them.").

[61] *See* Dylan Matthews, *Everything you need to know about the war on poverty*, WASH. POST (Jan. 8, 2014), https://www.washingtonpost.com/ news/wonk/wp/2014/01/08/everything-you-need-to-know-about-the-war-on-poverty/?utm_term=.005532010721 (Refers to a set of initiatives proposed by Lyndon B. Johnson's administration to "to relieve the symptoms of poverty, but to cure it and, above all, to prevent it.").

[62] *War on Drugs*, ENCYCLOPEDIA BRITANNICA (Aug. 19, 2016), https://www.britannica.com/topic/war-on-drugs.

[63] According to the Common Article 2 of the Geneva Conventions of 1949: "In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance." *See* Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 2, Aug. 12, 1949, 6 U.S.T. 3114, 75 U.N.T.S. 31.

[64] According to Additional Protocol II of the Geneva Conventions, "dissident

disturbances do not qualify as an armed conflict.[66] The U.S. led war against Afghanistan was an international armed conflict, as a state on state conflict against state sponsors of terrorism. The current twin conflict zones in Syria and Iraq, under the leadership of ISIS, are arguably non-international armed conflicts.[67]

Thus, absent a declaration of war against a state sponsor of terrorism or a domestic insurgency of sufficient force to qualify as a non-international armed conflict,[68] the use of the term "second front" is also largely metaphorical. In the context of international humanitarian law most terrorist attacks would fall short of the concept of an "armed attack"[69] with notable contemporary exceptions in Syria, Iraq and the Philippines. However, in the context of the unconventional conflagration of international jihadist terrorism, a "second front" calls for a modified *sui generis* definition and would consist of sustained terrorist activity that would tend to

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armed forces or other organized armed groups which, under responsible command, exercise such control over part of its territory as to enable them to carry out sustained and concerted military operations...." *See* Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 1(1), June 8, 1977, 1125 U.N.T.S. 609 [hereinafter *Additional Protocol II*].

[65] This refers to a situation where an NIAC becomes 'internationalized' and hence governed by relevant IAC rules. This may occur in three situations: where a state recognizes the situation as one of belligerency, where the armed conflict is a war of national liberation, or; where an outside state intervenes in the conflict, *see* SANDESH SIVAKUMARAN, THE LAW OF NON-INTERNATIONAL ARMED CONFLICT 228 (2012).

[66] *Additional Protocol II, supra* note 64, at art. 1(2).

[67] *Non-international armed conflicts in Syria*, RULE OF LAW IN ARMED CONFLICTS [RULAC] (Oct. 26, 2017), http://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-syria; *Non-international armed conflicts in Iraq*, RULAC (Sept. 12, 2017), http://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-iraq.

[68] *Additional Protocol II, supra* note 64. *See also* ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, Jul. 17, 1998, art. 8(2)(f) [hereinafter *Rome Statute*] (where it is defined as "armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.").

[69] Military and Paramilitary Activities in and Against Nicaragua (Nicar. v U.S.), Judgement, 1986 I.C.J. Rep. 14, ¶¶131-135, 146 (June 27).

scatter international resources amongst several different theaters with the aim of establishing multiple radical Islamic states.

International calls for jihadism are not unique to the current war against terrorism. An instructive historical caliphate prior to and during World War I can shed additional light on the meaning of a second front in the context of terrorism. Prior to World War I German Kaiser Wilhelm II courted a reluctant Ottoman Empire to align with the Central Powers against the Allies.[70] Though many considered such an alliance to be of little value to Germany,[71] the Kaiser recognized that the Ottoman Empire was strategically located and could potentially block the straits of the Dardanelles, closing military access and transport from the Black Sea, and shut down the Suez Canal, significantly hampering British troop movements from India, Australia and New Zealand.[72] But of equal importance was the Kaiser's plan for a caliphate calling for international jihadism against the Allies.[73]

The Ottoman Sultan was the titular head of the Islamic faith with the power to call on all Muslims, wherever located in the world, to fight holy war. Jihad was eventually declared in 1914.[74] The Central Powers bargained on the jihad opening up multiple fronts against the Allied powers in their own colonies, particularly Egypt and India, a theory known as Islampolitiks.[75] There was even a Jihad Bureau opened in Berlin designed to instigate insurrection in French North Africa, Russian Central Asia, British India[76] and Egypt. The goal was to divert allied forces from the eastern and western fronts in Europe.[77] In each colony there was no expectation that the jihad

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[70]   EUGENE ROGAN, THE FALL OF THE OTTOMANS: THE GREAT WAR IN THE MIDDLE EAST, 1914-1920 47 (2015).

[71]   *Id.* at 46, 47.

[72]   *Id.* at 46.

[73]   *See generally,* ROGAN, *supra* note 70.

[74]   *Id.* at 52.

[75]   *Id.* at 47. *See also* TILMAN LUDKE, JIHAD MADE IN GERMANY: OTTOMAN AND GERMAN PROPAGANDA AND INTELLIGENCE OPERATIONS IN THE FIRST WORLD WAR (2001).

[76]   ROGAN, *supra* note 70, at 48.

[77]   *Id.*

would topple the colonial master or even that armed insurrection would necessarily materialize, but there was an expectation that the threat of a series of second fronts would tie down an inordinate number of Allied troops to ensure Central power success in the European campaign.[78]

Though the parallels of Islampolitiks during the First World War are not exact to modern realities, a useful conceptual model would define the term "second front," in the context of international terrorism, as the instigation of hostilities among significant indigenous groups in one or more domestic theaters in an effort to assist in a principal theatre of conflict. The calls for jihad in the ancillary domestic theatres being reinforced by the prestige of the leadership calling for Jihad and, of equal importance, the discontent of significant indigenous groups lacking political power-sharing. The Sultan's jihad during World War I went out to oppressed Muslims living under the yoke of Allied colonialism. Arguably, its failure to yield significant results was due, at least in part, to the oppression of Muslims in the colonies/territories of the Central powers (particularly the Ottoman Empire) denuding its credibility as a "holy war" and its perceived illegitimacy as a "jihad made in Germany."[79]

This concept of second front is distinguishable from a principal theatre. During World War I the principal theatres were Europe and the Middle East. Indeed, there were two principal fronts in Europe, the eastern and western fronts. Additionally, a number of other second fronts were opened, not by Germany/Austria but by the Ottoman Empire in Western Turkey and the Middle East. Finally, still other second fronts were opened, or attempted to be opened, in Egypt and the other colonies of the Allies, such as Libya[80] and India.[81] What emerges is a conceptual definition of "second front" that can be characterized in two distinct ways. One; where a principle antagonist uses its own forces to open another front motivated by its own policy reasons such as Germany attacking both east and west

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[78] *Id.* at 99.

[79] LUDKE, *supra* note 75.

[80] ROGAN, *supra* note 70, at 99-129.

[81] *Id.*

from its territory, and two; where it joins in common cause with a separate state to open up other front(s) against a common enemy such as the Ottoman Empire. As a subset of the latter, and in the specific context of international jihadist terrorism, the second fronts consisted of internal insurrection by non-state parties within yet other territories in common cause to weaken the common enemy.

The methods, means and/or motivations under both prongs of the second provision above differ according to the situation. German/Austrian motivations were European ascendancy while the Ottoman Empires motivations were the regaining of territory lost in the Balkan wars[82] in 1910 and 1912 as well as territory lost under the Treaty of Berlin in 1878.[83] The motivations of the international jihadist fighters were marginally to preserve the Ottoman Islamic state, but more particularly to fight back against the oppression of their colonial masters, the near enemy. Oppressed Muslims in India, French North Africa and central Asia had little at stake in European political machinations; their motivations were far removed from German/Austrian ambitions.[84] Nonetheless, though having differing motivations, the insurgents were suitable tools to open second fronts for German/Austrian purposes as perceived by the Kaiser[85] as well as for the insurgents' own goals of self-determination. Thus, they shared a common cause, if not a common enemy.

Moreover, the method and means of combating the common enemy were distinctly different. The Central powers availed themselves of the vast modern military technology that the industrial revolution had afforded and consisted of standing armies and military protocol. The insurgents employed harassment actions, were largely confined to the use of small arms and guerrilla warfare.[86] The fact that actual insurgency only occurred in the Saudi Peninsula,[87]

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[82] *Id.* at 1-29.
[83] Treaty of Berlin, Jul. 13, 1878, 153 Consol. T.S. 171; R. B.Mowat, SELECT TREATIES AND DOCUMENTS TO ILLUSTRATE THE DEVELOPMENT OF THE MODERN EUROPEAN STATES-SYSTEM 79-83 (1915).
[84] ROGAN, *supra* note 70, at 48.
[85] *Id.* at 34.
[86] *Id.* at 48.
[87] *Id.* at 9.

Libya[88] and to a lesser extent in Egypt[89] validates the motivations of the actors against the near enemy and for political purposes rather than solely for religious reasons. Further proof of the political/self-determination motives emerges from the famous Arab uprising against the Ottoman Empire itself.[90] Nonetheless, the call for jihad did constitute a second front, though largely ineffectual, to the dismay of Kaiser Wilhelm II.[91]

This conceptual model of second front is distinguishable from terrorist activity currently occurring in Europe and North America, which can be described as propaganda attacks, because those are typically one-off attacks perpetrated by small cells without popular support by a significant population within the targeted state. Though still deadly, in such an environment sustained terrorist activity cannot gain traction. There are no significant native radicalized minority populations operating within these states and the perpetrators are typically suicide bombers or those whose capture and punishment is highly predictable. The motivations for such attacks are largely predicated on their propaganda value to fuel further terrorist recruitment and as punitive measures against the allies of the state of Israel.

These attacks are designed to create human rights deprivations both as a direct impact[92] and an indirect impact,[93] but are not realistically calculated to be part of military or paramilitary operations. From the perspective of the terrorist, they can also be regarded as a sort of reward to jihadist fighters to reinforce radicalization. Typically, propaganda attacks are carried out by terrorist combatants coming directly from the principle theatre of

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[88] *Id.* at 16, 33.

[89] *Id.* at 115.

[90] HASAN KAYALI, ARABS AND YOUNG TURKS: OTTOMANISM, ARABISM, AND ISLAMISM IN THE OTTOMAN EMPIRE, 1908-1918, 196 (1997).

[91] *See generally,* ROGAN, *supra* note 70.

[92] *See* Kalliopi K. Koufa (Special Rapporteur) Progress Report on Terrorism and Human Rights 102, U.N. Doc. E/CN.4/Sub.2/2001/31 (Jun. 27, 2001), *as cited in* Mark D. Kielsgard, *A Human Rights Approach to Counter-Terrorism* 36 CAL. W. INT'L L. J. 2, 249, 259 (2006), (for a discussion of direct and indirect impacts of terrorism).

[93] *Id.*

conflict or lone unaffiliated zealots. Certainly, many of these same terrorist motivations are reinforced by second front status but these arenas differ profoundly in terms of larger pools of radicalized populations, sustained terrorist activity, less robust ties with the principal theater of conflict and the potential for recruitment from second front arenas to fight in the principal theatre.

In the modern era, the greater Middle East and Northern Africa under the cause of anti-Zionism and the establishment of Islamic states constitutes the principal theatre of jihadist conflict. More specifically this has manifested in elements of the so-called Arab Spring[94] and particularly in the twin conflicts zones of Syria and Iraq.

Therefore, modern jihadist terrorism can be seen as a tripartite phenomenon and catalogued as one, a principal theatre of conflict (being the Middle East and North Africa with its war against Zionism and its Western supporters); two, ancillary second front theatres of conflict sharing a common religious heritage but differing domestic priorities joining in common cause and creating second fronts; and three, propaganda attack venues for highly visible destruction events in territories without significant radicalized communities, (typically operating from small cells in Europe and North America) and consisting of imported principal theatre fighters or lone zealots.

Shifting Terroristic Trends in the Region

Among the better scholarship in the field is that of Arabinda Acharya who postulates that a second front in the Region is a myth.[95] Acharya provides three arguments for his conclusions and observes that this Region is not likely to become a second front because, first, actors in Southeast Asia focus on the near enemy not the distant

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[94] Garry Blight et al., *Arab spring: an interactive timeline of Middle East protests*, THE GUARDIAN (Jan. 5, 2012), https://www.theguardian.com/ world/interactive/2011/mar/22/middle-east-protest-interactive-timeline.

[95] ACHARYA, *supra* note 28, at 23-60.

enemy,[96] that it has a local orientation.[97] He concludes that "al-Qaeda and its affiliates target both the "near enemy," in Afghanistan, Iraq, Saudi Arabia, Yeman and Jordan, and the "far enemy," referring to the West, especially the US, which is seen to be supportive of apostate regimes,"[98] while "[f]or the Southeast Asian radical groups, the focus is more on the near enemy."[99]

Second, Acharya observes that, "the objectives of the groups in Southeast Asia are not "zero-sum" to the extent that it has been with groups like al-Qaeda,"[100] because in Southeast Asia "violence is not always viewed as the primary or only means to achieve the main objective, the establishment of an Islamic state."[101] Third, "some radical groups in Southeast Asia that have been accused of terrorism by the governments settled their disputes or are inclined to settle their disputes and grievances through negotiation."[102]

Acharya's conclusions are unfounded for three reasons. First, he uses terrorist events and scholarship that is largely outdated and fails to account for the elastic and changing realities of a sophisticated modern terrorist regime. His observations are based on attacks that took place prior to 2010 and dating back to the 1990's, which fails to take account of the changing trends in terrorist activity in the Region. Though his observations may have been justified based on the older data available, he fails to account for the recent series of attacks in Thailand, with Uighur participation there as well as the failure of negotiations to resolve long-standing differences. He gives no account for the war on terrorism that has taken root in the Mindanao region of the Philippines and the active growing participation of regional terrorists from other countries, especially Indonesia, fighting there.

His research fails to account for the unprecedented increasing numbers of regional terrorists going to fight in the Middle East wars

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[96] *Id.* at 42.
[97] *Id.* at 40.
[98] *Id.* at 41.
[99] *Id.* at 42.
[100] ACHARYA, *supra* note 28, at 44.
[101] *Id.*
[102] *Id.* at 46.

in Syria and Iraq especially from Indonesia and Xinjiang. Most significantly, he does not account for the rise of ISIS, which has formed greater solidarity with Regional actors than al-Qaeda was ever able to do.[103] In the current international war on terrorism, ISIS has taken center stage and conclusions grounded in an al-Qaeda reality are necessarily obsolete. Indeed, in a 2016 report by the Institute for Policy Analysis of Conflict (IPAC), Indonesian terrorist groups are vigorously competing to show solidarity with ISIS as conduits of that organization concluding that "[m]ore terrorist attacks in Indonesia are likely as local ISIS leaders compete at home and abroad to establish their supremacy."[104]

Second, Acharya provides examples and draws conclusions in part based on Singapore and Indonesia (and Malaysia) identifying that Regional governments have not recognized the threat as existential or resorted to the global war discursive narrative of securitization.[105] However, the Regional dialogue is largely superfluous as the conditions in many of the at-risk countries, both in terms of unfulfilled political power sharing and official responses, tend to lead to the same violent consequence. His arguments rely on Indonesia and Malaysia, majority Muslim countries, with the former being a nascent democracy and highly sensitive to its overwhelming Sunni majority under which a "war on" dialog would be political suicide. Conceding that Singapore has adopted an approach consistent with U.S. policy, he nonetheless fails to note other key states such as China and the Philippines that have adopted a securitization approach.[106] On a deeper level, the narrative is

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[103] *See* Acharya & Acharya, *supra* note 39. *See also supra* notes 42-53 (and accompanying text).

[104] INSTITUTE FOR POLICY ANALYSIS OF CONFLICT, DISUNITY AMONG INDONESIAN ISIS SUPPORTERS AND THE RISK OF MORE VIOLENCE 1 (Nov. 25, 2016), http://file.understandingconflict.org/file/2016/02/IPAC_25.pdf.

[105] ACHARYA, *supra* note 28, at 50-52.

[106] Immediately after 9/11, China expressed sympathy and offered cooperation in intelligence-sharing to the United States. *See generally,* SHIRLEY KAN, *U.S.-China Counter-Terrorism Cooperation: Issues for U.S. Policy*, CRS Report for Congress (2004), https://fas.org/irp/crs/RS21995.pdf. The Mindanao conflict saw Duterte's regime declaring martial law on the island, the latest extension being on 22nd July 2017 meaning that martial law would be imposed in

inherently less important than government policy related to demands for perceived social justice by elements in the Region, which have failed (through negotiation) and this accounts for greater violence in the Region.

Third, Acharya's theory of the myth of a second front is conceptually flawed. He provides no rigorous definition of the term "second front," relying instead on whatever anecdotal understanding his readers apply to it. From his conclusions it can be deduced that he assumes a narrow definition that presupposes identical methods, means and motivations for the actors in the second front venue as he points out Regional actor's local orientation, failure to target Western states and lack of a zero-sum approach to jihad. This applies a literalist approach to a metaphorical characterization limiting deductions in an outcome-determinative fashion.

Paradoxically, arguing that failure to mount attacks on Western targets by Regional actors, or the far enemy, disqualifies them from second front status implies an overly broad definition of second front to include attacks in the West, which are more accurately characterized as propaganda venue attacks because they further no significant politico-territorial objective of caliphate ideologies other than the residual objectives of recruitment, revenge, etc. It also ignores the more recent growing vitality of ISIS recruitment of Regional fighters going to the Middle East to fight in that (principal front) theatre. Moreover, under a broad definition, even if Western states were considered a second front in the war on terrorism, a nearly impossibly rhetorical position, the failure of Regional actors to target them would not preclude the Region from being another second front venue in any but the most Western-centric view. Failure to adopt identical targets (in the West) does not preclude Regional actors from creating a second front against Asian targets.

Acharya's arguments claiming that Regional actor's willingness to embrace negotiation and that they are not engaged in a

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Mindanao until 31st December 2017. *See Philippines Duterte: Martial law extended in Mindanao*, BBC (Jul. 22, 2017), http://www.bbc.com/news/world-asia-40690589.

zero-sum conflict distinguishes them from Middle East actors is accurate, but insignificant. In any criminal conspiracy different actors join for different reasons and are prepared to go to different lengths. Additionally, in martial conflict this is also true, even in World War I the Ottomans were in secret negotiations with Russia (unknown to Germany/Austria), for resolution of their land disputes late in the pre-War process and only joined the Central powers after those negotiations failed.[107]

Of far greater significance is the extremists' ultimate goal, or at least one of them, to replace conventional governments with radical Islamic states.[108] Though anti-Zionism has far greater traction in the Middle East then in Asia, the establishment of Islamic states in Asia, or the self-determination of Islamic communities in targeted Asian states, is of paramount importance to Asian actors[109] and is consistent with ISIS branded international jihadism.[110] In states such as Thailand with the separatist movement of the Malay-Muslims,[111] Indonesia with a Democratic government ruling a population made up of a vast Sunni Muslim majority,[112] in the Philippines with the failed Bangsamoro peace process,[113] and in China with the diminution of Uighur autonomy in Xinjiang, the common cause of Asian and Middle Eastern actors becomes manifestly clear.

The principal difference between Asian states and the Middle East is that the Israeli/Palestinian conflict is an intractable conflict,

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[107] ROGAN, *supra* note 70, at 49.

[108] Cole Bunzel, *From Paper State to Caliphate: The Ideology of the Islamic State*, 19 THE BROOKINGS PROJECT ON U.S. RELATIONS WITH THE ISLAMIC WORLD 7, 9 (2015).

[109] CHALK ET AL., *supra* note 20; Elamparo, *supra* note 35.

[110] ACHARYA, *supra* note 40; Bunzel, *supra* note 41; RABASA ET AL., *supra* note 46.

[111] CHALK ET AL., *supra* note 20.

[112] Ninety-nine percent of Indonesia's population identify themselves as Sunni Muslims. *See The Future of the Global Muslim Population: Sunni and Shia Muslims*,   PEW   RES.   CTR.   (Jan.   27,   2011), http://www.pewforum.org/2011/01/27/future-of-the-global-muslim-population-sunni-and-shia/.

[113] Angelo Chico Elamparo, *supra* note 35.

not perceived to be amenable to negotiation.[114] The situation is somewhat different in Asia, as those actors in the states who have undertaken negotiations (e.g. Indonesia, Thailand, and Philippines) either had some chance of prevailing or at least of obtaining greater political power-sharing (though ultimately success is questionable) so a zero-sum approach is inappropriate. Additionally, relevant Asian territory, as distinguished from Israel, is not part of the Covenant between God and Islam,[115] allowing for greater political flexibility from a religious standpoint. As the failure of negotiation in Asia becomes more apparent,[116] greater inroads are made by international jihadists in the Region. Especially good at capitalizing on these failures are ISIS and its followers,[117] distinguishing it from efforts by al-Qaeda, and this has ushered in an age of increased pan-Asian terrorism, cross-country terrorism and the development of support networks for fighters to and from the Middle East.

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[114] "Exclusive claims to Jerusalem which are inscribed in holy scripts make compromise political solutions to the problem of the city rather difficult. A permanent solution to the problem of Jerusalem is contingent on a solution to the question of Palestine, and vice versa." However, "no permanent solution to the Palestinian question is likely to take place without the resolution of the issue of Jerusalem. So far, Jerusalem remains one of the main obstacles to the realization of peace between the Palestinians and the Israelis." *See* Ziad Abu-Amr, *The Significance of Jerusalem: A Muslim Perspective,* 2 PALESTINE-ISRAEL J, (1995). Furthermore, the land of Palestine is an Islamic waqf for Muslim generations until the day of judgment and hence its abandonment is not for negotiation, *see* Mithaq Harakat al-Muqawama al-Islamiyya (Hamas) [Charter of the Islamic Resistance Movement (Hamas)], Aug. 18, 1988, 11 as cited in Abu-Amr, *supra* note 114.

[115] Abu-Amr, *supra* note 114.

[116] Thailand's efforts to negotiate with southern extremists in the 90s has since deteriorated into a 'war on drugs.' *See Thai PM hails drug war success*, BBC NEWS (Dec. 3, 2003, 7:24 GMT), http://news.bbc.co.uk/2/hi/asia-pacific/ 3256836.stm. The Philippines' negotiations with MILF commenced in 1996 have also failed to take flight. *See* Angelo Chico Elamparo, *supra* note 35.

[117] *See generally,* Thomas Koruth Samuel, *Radicalization in Southeast Asia: A Selected Case Study of Daesh in Indonesia, Malaysia and the Philippines,* THE SOUTHEAST ASIA REGIONAL CENTRE FOR COUNTER-TERRORISM (2016), https://www.unodc.org/documents/southeastasiaandpacific/Publications/2016/Radi calisation_SEA_2016.pdf.

The ISIS Narrative

The Erawan bombing represents a shift in terrorism ideology in the Region from the communists in the Philippines or the nationalists in Indonesia. The difference is the increasing role the Region has to play on the stage of global jihadism, both in terms of a front against "corrupting" forces,[118] which international Islamic extremists could sympathize with and support, and of manpower given the increased activism of local Muslim extremists in the movement. The Region's increasing recognition as a new front is evidenced by the seeping influence of ISIS in this corner of the world. In Indonesia around 1,000 to 2,000 people attended rallies during 2014 where mass oaths were sworn to al-Baghdadi, the leader of ISIS, and the caliphate.[119] Websites supporting ISIS like Millah Ibrahim also received staggering number of views.[120] The website counter as of July 25, 2016 recorded 1,114,928 page views, among them 246,183 from Indonesia, 19,715 from Malaysia and 3,565 from China and Hong Kong.[121]

ISIS has earlier revealed its plan to establish a "distant caliphate" in Southeast Asia together with that in Syria and Iraq.[122] This may be achieved directly by the organization or through surrogates.[123] A potential candidate may be Jemaah Islamiyah, a Muslim extremist group with a presence in Thailand, Singapore, Malaysia and the Philippines, which has pledged allegiance to ISIS

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[118] Acharya, *supra* note 40.

[119] Greg Felay, *Indonesian and Malaysian Support for the Islamic State (Final Report)*, USAID FROM THE AMERICAN PEOPLE 8 (Jan. 6, 2016), http://www.globalsecurity.org/military/library/report/2016/PBAAD863.pdf [hereinafter *USAID Report*].

[120] *Id.*

[121] *See* Millah Ibrahim's website at https://millahibrahim.wordpress. com/author/millahibrahim/ (Dec. 22, 2015).

[122] Adam Brereton, *Isis seeking to set up "distant caliphate" in Indonesia, George Brandis warns*, THE GUARDIAN (Dec. 22, 2015, 21:08 EST), http://www.theguardian.com/world/2015/dec/22/isis-seeking-to-set-up-distant-caliphate-in-indonesia-george-brandis-warns.

[123] *Id.*

through its jailed spiritual leader Abu Bakar Ba'asyir.[124] Other notable militant groups which have pledged allegiance to ISIS include Abu Sayyaf,[125] the Bangsamoro Islamic Freedom Fighters,[126] the Ansar al-Khliafah[127] in the Philippines and the East Indonesia Mujahidin in Indonesia.[128] Recruitment[129] and direct operations[130] in furtherance of ISIS's vision for the Region has taken place, most notably examples include the Jakarta gun and bomb attacks in January 2016.[131]

There are also signs of cooperation between extremists from different states, taking the form of training. For instance, it is known

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[124] Avantika Chilkoti, *Indonesia on alert over lure of Isis*, FINANCIAL TIMES (Jul. 16, 2015), http://www.ft.com/cms/s/0/5db8e554-2ada-11e5-8613-e7aedbb 7bdb7.html#axzz40d5Bsjyw.

[124] *ISIS officially recognises pledges of allegiance from militant groups in the Philippines*, STRAITS TIMES (Feb. 15, 2016, 9:44 PM), http://www.straitstimes. com/asia/se-asia/isis-officially-recognises-pledges-of-allegiance-from-militant-groups-in-the.

[125] *Id.*

[126] A breakaway group from MILF. *See BIFF, Abus pledge allegiance to Isis*, INQUIRER.NET (Aug. 16, 2014, 7:16 AM), http://globalnation.inquirer.net/109452/ biff-abus-pledge-allegiance-to-isis.

[127] *All the groups worldwide that have pledged their allegiance to Isis*, INDEPENDENT, 2016, http://indy100.independent.co.uk/article/all-the-groups-worldwide-that-have-pledged-their-allegiance-to-isis—WyppUO47Kg.

[128] Although its leader Santoso was recently reported killed by Indonesian police. *See* Yenni Kwok, *Police Say They Have Killed Indonesia's Most-Wanted Terrorist*, TIME (July 19, 2016), http://time.com/4412321/indonesia-terrorism-santoso-dead/.

[129] For instance, in the Philippines. *See* Aya Lowe, *In Philippines, reports of extremists pledging allegiance to IS spark fear*, CHANNEL NEWSASIA (Feb. 14, 2016, 2:44 PM), http://www.channelnewsasia.com/news/asiapacific/in-philippines-reports-of/2514294.html; and Indonesia. *See generally The Evolution of ISIS in Indonesia* INSTITUTE FOR POLICY ANALYSIS OF CONFLICT (Sept. 24, 2014), http://file.understandingconflict.org/file/2014/09/IPAC_13_Evolution_of_ISIS.pdf.

[130] *Islamic State agents from Syria "in Thailand to target Russians"*, BBC (Dec. 4, 2015), http://www.bbc.com/news/35003912.

[131] ISIS has claimed responsibility in the attack in Indonesia's capital on January 14, 2016. *See* Beh Lih Yi et al., *Isis claims responsibility for Jakarta gun and bomb attacks*, THE GUARDIAN (Jan. 14, 2016, 12:17 EST), http://www.theguardian.com/world/2016/jan/14/jakarta-bombings-multiple-casualties-after-indonesian-capital-hit-by-suicide-attacks.

that the East Indonesia Mujahidin attracts and recruits Uighurs from China,[132] who are found to operate elsewhere in the region such as the Philippines.[133] In December 2015, a raid by Indonesian police concluded with the discovery of an explosive device, a model of a government building, bomb-making materials and the arrest of a Uighur – it was alleged that he was "learning Indonesian, and he was a [suicide bomber] in training".[134] The smuggling of personnel, equipment and funds in the Sulawesi Sea and the Sulu Archipelago have long been a concern raised in the Country Reports on Terrorism issued by the U.S. Department of State,[135] with recent reports from Indonesian police confirming weapon trades between the East Indonesia Mujahidin and a radical group in the Philippines.[136]

Regional extremists are also increasingly active in the movement through their participation in the front lines of the conflict in Syria and Iraq. Although the participation of Muslims as foreign fighters in civil conflicts is not a new phenomenon brought by the Syrian conflict,[137] it was the first time that East and Southeast Asian volunteers comprised a significant number.[138] This is contrasted with a 2008 study of detainee data at Guantanamo and foreign fighters

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[132] Kwok, *supra* note 128.

[133] Rommel C. Banlaoi, *Uyghur militants in Southeast Asia: Should PH be worried?*, RAPPLER (Jun. 15, 2017, 4:33 PM), http://www.rappler.com/thought-leaders/118137-uyghur-militants-southeast-asia-philippines.

[134] Yenni Kwok, *Is There a Uighur Terrorist Buildup Taking Place in Southeast Asia?*, TIME (Dec. 28, 2015), http://time.com/4161906/uighur-terrorism-indonesia-thailand-islam-isis/.

[135] *See, e.g.,* U.S. Department of State, *Chapter 5: Terrorist Safe Havens (Update to 7120 Report)*, U.S. DEP'T OF STATE (Jul. 31, 2012), http://www.state.gov/j/ct/rls/crt/2011/195549.htm.

[136] *Santoso's terrorists connected to radical Philippine group: Police*, THE JAKARTA POST (Apr. 4, 2016, 10:31 AM), http://www.thejakartapost.com/news/2016/04/04/santosos-terrorists-connected-to-radical-philippine-group-police.html.

[137] The involvement of foreign fighters could be found in civil conflicts after 1980. *See generally* Thomas Hegghammer, *The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad,* 35 INT'L SECURITY 53 (2011).

[138] Although admittedly volunteers mostly hail from the Middles East and the Maghreb. *See* Edward Delman, *ISIS in the World's Largest Muslim Country*, THE ATLANTIC (Jan. 3, 2016), http://www.theatlantic.com/international/archive/2016/01/isis-indonesia-foreign-fighters/422403/.

captured in Iraq which revealed almost a complete absence of East and Southeast Asian recruits among the ranks of al-Qaeda.[139]

An estimate by The Telegraph in August 2015 puts foreign fighters in Syria from China, Indonesia and Malaysia at 300, 159 and unknown respectively.[140] This may be an underestimate as a Chinese think tank's estimate reported in January 2016 puts the number of Uighurs fleeing the country to fight in Syria in the thousands.[141] A U.S.A.I.D. report summarizing different sources put the number of Malaysians and Indonesians departing for Syria at 154 as of 7th May 2015 and 202 as of mid-July 2015 respectively.[142] Figures reported by the Straits Times in November 2015 put Indonesian volunteers to ISIS at 700.[143] To put this further into context, during the course of ten years between 1985 and 1995 only around 300 to 400 Malaysians and Indonesians departed to train and fight for the anti-Soviet mujahedeen.[144] ISIS's recruitment took only two years to reach a similar or larger numbers.

The participation of regional extremists in foreign wars in furtherance of the global jihad movement facilitates extremism in the East and Southeast Asian region. A study in 2014 by the International Centre for Counter-Terrorism examined the plausibility of foreign fighters returning "battle-hardened, radicalized and with extensive radical networks that might inspire or even encourage them

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[139] *See* Clinton Watts, *Beyond Iraq and Afghanistan: What Foreign Fighter Data Reveals About the Future of Terrorism*, SMALL ARMS J. (2008).

[140] THE SOUFAN GROUP, FOREIGN FIGHTERS: AN UPDATED ASSESSMENT OF THE FLOW OF FOREIGN FIGHTERS INTO SYRIA AND IRAQ 8-9 (Dec. 2015), *see also* Ashley Kirk, *Iraq and Syria: How many foreign fighters are fighting for Isil?*, THE TELEGRAPH (Mar. 24, 2016, 3:45 PM), http://www.telegraph.co.uk/news/worldnews/islamic-state/11770816/Iraq-and-Syria-How-many-foreign-fighters-are-fighting-for-Isil.html.

[141] Ananth Krishnan, *Hundreds, maybe thousands, of Chinese Uighurs fighting in Syria, warns Beijing expert*, INDIA TODAY (Jan. 14, 2016, 11:27 PM), http://indiatoday.intoday.in/story/hundreds-maybe-thousands-of-chinese-uighurs-fighting-in-syria-warns-beijing-expert/1/570524.html.

[142] *USAID Report, supra* note 119, at 6.

[143] *See* Francis Chan, Indonesia 'keeping an eye' on ISIS returnees, The Straits Times (Nov. 27, 2015, 5:00 AM), http://www.straitstimes.com/asia/se-asia/indonesia-keeping-an-eye-on-isis-returnees.

[144] *USAID Report, supra* note 119, at 9.

to attack the home country."[145] This concern is tested by examining what became of the fighters who participated in similar conflicts in Afghanistan, Bosnia and Somalia.

The study summarized eight possible pathways for foreign fighters after the fighting ceased,[146] of which four are of interest to the Region. One, staying in the post-conflict zone and participating in further terrorist activities; two, getting involved in terrorist activities back home or other Western countries; three, continued fighting in a non-Western country and "remain[ing] committed to the global jihad", or; four, becoming involved in terrorist activities in a non-Western country.[147] Other outcomes include: death; staying and naturalizing in the post-conflict country; reintegrating in their home country, or; reintegrating in a non-Western country.[148] While admittedly this has been criticized for lack of empirical evidence,[149] four possible options open to foreign fighters involve furthering terrorism in their home country or abroad. Hence, it is foreseeable and likely that battle-hardened Muslim extremists in the Region will return from Syria to further extremism in their home country or region. This predictably helps drive trends toward increased radicalization in East and Southeast Asia and is beginning to yield fruit as evidenced by the increasing role of former terrorism fighters in the conflict in the Philippines.[150]

An appropriate example of growing extremism in this Region is the case of the Uighurs in China. The Chinese government postulates that terrorism does exist in China[151] and cites the East

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[145] Jeanine de Roy van Zuijdewijn & Edwin Bakker, *Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia*, ICCT BACKGROUND NOTE 1, 1 (June 2014), https://www.icct.nl/download/file/ICCT-De-Roy-van-Zuijdewijn-Bakker-Returning-Western-Foreign-Fighters-June-2014.pdf.

[146] *Id.* at 9-10.

[147] *Id.*

[148] *Id.*

[149] *Id.* at 9.

[150] *100 foreign Islamic militants slipped into Mindanao, supra* note 16.

[151] *China says number of 'terror attacks' is down, but threat remains high*, REUTERS (Mar. 21, 2017, 12:36 AM), http://www.reuters.com/article/us-china-security-idUSKBN16S0C5.

Turkestan Islamic Movement (ETIM)[152] or the Turkistan Islamic Party (TIP).[153] Xinjiang has always presented a separatist issue to the central government. With two modern instances of Uighur independence proclamations in 1933 and 1944 respectively by the Kashgar state and Ili,[154] the notion of an independent East Turkestan was still relatively fresh in the minds of Uighurs following Xinjiang's annexation into the PRC in 1949.[155]

In an effort to assimilate Uighurs, China implemented a series of social policies which ultimately led to the "Strike Hard" campaigns, anti-crime campaigns that are conducted to instill a sense of security due to increases in crime rates following economic growth[156] between 1996 and 2003.[157] China's 2003 White Paper on the History and Development of Xinjiang ("White Paper") further spelled out Islam as the cause of separatist sentiments in the Region.[158] However, academics utilizing both Chinese official and

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[152] In fact the ETIM was categorized by Chinese officials as one the 'first confirmed terroristic elements' on its newly published list of terrorist organization and individuals shortly after 9/11, see 王雷鸣、沈路涛、邹声文, 公安部认定第一批"东突"恐怖组织和恐怖分子 (*The Ministry of Public Security has identified the first "East Turkestan" terrorist organizations and terrorists)*, PEOPLE'S DAILY ONLINE (Dec. 15, 2003, 10:03 PM), http://www.people.com.cn/GB/shehui/1060/2247175.html.

[153] 專家解讀：恐襲料涉「突厥斯坦伊斯蘭黨」 (*Experts speculates Turkistan Islamic Party involved in attack)*, WEN WEI PO (Aug. 31, 2016), http://paper.wenweipo.com/2016/08/31/WW1608310003.htm.

[154] Michael Clarke, *China's "War on Terror" in Xinjiang: Human Security and the Causes of Violent Uighur Separatism* 11 REGIONAL OUTLOOK PAPER 3 (2007).

[155] CHARLES W. HARTLEY & ADAM T. SMITH, THE ARCHAEOLOGY OF POWER AND POLITICS IN EURASIA: REGIMES AND REVOLUTIONS 41 (2012).

[156] *China Starts Another "Strike-Hard" Campaign*, CHINA.ORG.CN (Jun. 4, 2001), http://www.china.org.cn/english/DO-e/10437.htm.

[157] *Devastating Blows Religious Repression of Uighurs in Xinjiang* 17 HUMAN RIGHTS WATCH 1, 64-67 (2005), https://www.hrw.org/reports/2005/china0405/china0405text.pdf.

[158] The White Paper described the ETIM as "*[inciting] all ethnic groups speaking Turki and believing in Islam to join hands to create a theocratic state. They denied the history of the great motherland jointly built by all ethnic groups of China. They clamored for "opposition to all ethnic groups other than the Turks" and for the "annihilation of pagans," asserting that China had been the enemy of*

international sources have cast doubt on whether violence perpetrated by Uighurs before 2001, and thereafter, could be categorized as terrorism or simply criminal acts or civil strife.[159] Regardless, China's view is shared by elements of the international community, particularly the United States, which views China as an ally in the Global War on Terrorism.[160] Thus, raising concerns for a Uighur terrorist threat in line with the "Second Front" policy immediately after 9/11.[161]

Sean Roberts, Director of the International Development Studies Program at George Washington University, who conducted ethnographic fieldwork on Uighurs during the 1990s, paints a different picture. Roberts searched for the ETIM by interviewing Uighurs detained at Guantanamo Bay and accused of being members of the organization.[162] Roberts doubts that ETIM is as potent a terrorist organization as claimed by China.[163] According to the statements of the detainees, there may indeed be an ETIM "training camp" in the Jalalabad area of Afghanistan run by the initial

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the 'East Turkistan' nation for 3000 years." *See History and Development of Xinjiang: Origin of the "East Turkistan" Issue,* INFO. OFF. OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF CHINA (May 2003), http://china.org.cn/e-white/20030526/4.htm (emphasis added).

[159] Sean Roberts, *Imaginary Terrorism? The Global War on Terror and the Narrative of the Uyghur Terrorist Threat,* 12-13 (PONARS Eurasia Working Paper Mar. 2012), www.ponarseurasia.org/sites/default/files/Roberts_Working Paper_March2012.pdf; *see also* Clarke, *supra* note 154, at 12-18.

[160] "[S]ome analysts questioned whether the recognition of ETIM was a quid-pro-quo action aimed at involving the PRC more substantively in GWOT." *See* Roberts, *id.* at 6. After the publication of the White Paper, the United Nations recognized the ETIM as a terrorist organization in United Nations' Security Council ("UNSC") Resolution 1267. *See* S.C. Res.1267, U.N. Doc S/RES/1267 (Oct. 15, 1999). The UNSC's Sanctions List Materials described the ETIM as "[a]ctive in China, South Asia and Central Asia. Review pursuant to Security Council resolution 1822 (2008) was concluded on 20 May 2010". *See Publication of sanction list,* 15 GOVERNMENT GAZETTE OF REPUBLIC OF NAMIBIA 1, 57 (2016); while the United States did so through their Executive Order 13224, *see Individuals and Entities Designated by the State Department Under E.O. 13224,* U.S. DEPARTMENT OF STATE, http://www.state.gov/j/ct/rls/other/des/143210.htm.

[161] TAN, *supra* note 18.

[162] Roberts, *supra* note 159.

[163] *Id.* at 12.

leadership of the group – Hasan Mahsum and Abdul Haq, a haven some detainees fled to.[164]

Doubts are cast as to whether it was actually a training camp given its poor condition and lack of equipment.[165] While frank about their distaste for China, the Uighur detainees were not interested in joining either global jihad or taking on the United States, as one stated, "a billion Chinese enemies, that is enough for me; why would I get more enemies?"[166] In summary, while ETIM may have an operation training Uighur refugees before 2001, the effort was highly disorganized and lacked financial and logistical support.[167]

Roberts further indicted academics[168] making similar allegations, arguing that this created an unchallenged "chain of reproduced knowledge" based on "sloppy research and unreliable sources" and a self-perpetuating narrative of a potentially non-existent Uighur terrorist threat.[169] He contended that such allegations are unsubstantiated and dangerous as they hold sway among policy-makers and hence threaten the well-being of Uighurs around the world.[170] While Roberts probes the possibility that these false allegations might turn "an over-exaggerated Uighur terrorist threat

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[164] *Id.* at 7.

[165] "[Detainees] describe a small, old, and decrepit building in need of dire repair, and they note that their primary activities while at the location were to repair it and bring it back to liveable condition. When asked about the training received at this camp, the detainees discuss running in the mornings and a one-time opportunity to fire a few bullets with the only Kalashnikov rifle that was available at the camp." *Id.* at 13.

[166] *Id.*

[167] *See id.*

[168] Roberts raised a Professor Rohan Gunaratna of Singapore as an example, who based his support of the existence of connection between ETIM and Al-Qaeda on "publicly available Chinese and U.S. government documents as well as internet-based sources of questionable origin." *See id.* at 9-10. *See also* Gary Hughes, *Whenever a comment has been needed about al-Qaeda or terrorism, Rohan Gunaratna has been there to supply it. Who is he?*, THE AGE (Jul. 20, 2003), http://www.theage.com.au/articles/2003/07/20/1058545648013.html.

[168] Roberts, *supra* note 159. at 10-11.

[169] *Id.*

[170] *Id.*

into a self-fulfilling prophecy"[171] by pointing towards the rise of the TIP, he stopped short of concluding the existence of an Islamic terrorist threat in China.[172]

However, trends are changing in light of recent events such as the Erawan bombing, Uighur participation in Indonesia, regional participation in Mindanao and the potent recruitment prospects of ISIS in its war in Syria and Iraq, discussed above. Roberts' data comes from sources that have been isolated from the evolving reality on the ground for a decade or more,[173] before the rise of ISIS, and thus are out of sync with the fast-paced developments in the region. It also tends to under estimate the influence of the bottom-up strategic component of modern terrorism making relatively small numbers more significant.

Roberts' findings also substantially pre-date the domestic impact felt from the Chinese 2003 White Paper proclaiming the "strike hard" policy of Beijing and the advent of China's 2015 counter-terrorism law, both of which fuel insecurity within the Uighur population and promote greater trends toward violent extremism. Moreover, the veracity of the detainees interviewed is called into question as they had a significant motive to fabricate and were apprehended at or near the Afghani conflict zone. Statements made by those detained for criminal offenses regarding their own culpability in the conduct charged are *per se* the least reliable in terms of veracity. Nonetheless, Roberts' fear of a self-fulfilling prophesy is becoming a reality.

While Roberts' findings conclude that Uighurs have no reason to take on more adversaries (than the Chinese), this reasoning

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[171]   *Id.* at 30.

[172]   *Id.* at 10-11.

[173]   Roberts' data came from two sets of interviews: 1) an unknown number of interviewees Roberts interviewed as part of ethnographic fieldwork among the Uighur people of Central Asia and China in 1990; 2) four former detainees of Guantanamo in the summer of 2009. Roberts admitted the potential inaccuracy of the statements, not to mention the scarcity of the second set of data. But he pointed towards the consistency between the four former detainees regarding the condition of the "training camp," as well as between the two sets of interviews he conducted regarding the situation of Uighurs in China. *See generally,* Roberts, *supra* note 159.

is slightly simplistic as extremists fight for a variety of motivations. The quest for Uighur self-determination in Xinjiang appears hopeless as the Chinese seem bent on forcible assimilation into the greater Han polity,[174] but that does not preclude them from participating in other theatres of conflict where the odds are perceived as a little more equal. Indeed, the recent statistics bear this out as Uighur participation has been documented in Thailand,[175] the Philippines,[176] Indonesia[177] and Syria.[178] Motivations to fight in such conflicts, and indeed in China itself, are not always binary cost effective decisions but emotionally motivated, consistent with extremism -- as expressed by writer Arundhati Roy who eloquently speaks of Palestinian hardships and appraises "suicide bombers [as] an act of individual despair, not a revolutionary tactic."[179] Thus, where there is no hope for resolution there develops an existential threat, either in the affected territory or in other theatres.

Bottom-Up Strategy

The prima facie weakness to the conclusion that the global jihad movement would become a formidable threat in the Region is the admittedly low (though increasing) number of extremists who have departed for Syria, *inter alia*, in relative terms. However, under the new Jihadist operational paradigm proportionately large gross numbers are less significant. The adaptive bottom-up structure of the contemporary global jihad movement argues against the conventional view that terrorist organizations have to be looming in presence and numbers. In 2002 al-Qaeda member and arguably the intellectual father of the modern jihadist movement – Mustafa bin

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[174] *Infra* notes 207-210.
[175] *Bangkok bomb: What do we know?*, BBC (Aug. 20, 2015), http://www.bbc.com/news/world-asia-33969671.
[176] U.S. Department of State, *Chapter 5: Terrorist Safe Havens (Update to 7120 Report)*, *supra* note 135; *Santoso's terrorists connected to radical Philippine group: Police*, *supra* note 136.
[177] Kwok, *supra* note 134.
[178] Watts, *supra* note 139; Kirk, *supra* note 140; Krishnan, *supra* note 141.
[179] ARUNDHATI ROY, WAR TALK 61 (2003).

Abd al-Qadir Setmariam Nasar, also known as Abu Musab Al Suri ("Al Suri"),[180] published a paper titled "The Call for a Global Islamic Resistance."[181]

In this paper Al Suri first coined the term "Individual Jihad"[182] (contrasted with the conventional "Open Front Jihad")[183] as the future mode of operation for the global jihad movement.[184] Al Suri observed that, given the new security environment, it is no longer possible to maintain an active presence such as in Afghanistan before 9/11.[185] A hierarchical structure is also susceptible to detection as the discovery of one member would compromise the whole organization.[186] He further elaborated that it is impossible for all jihadist volunteers to "travel to the arenas of [open] confrontation", and that it is "even unlikely that such Fronts should emerge in the foreseeable future."[187] Al Suri's "Individual Jihad" thus boils down to this:

> [O]ur method should therefore be to guide the Muslim who wants to participate and resist, *to operate where he is*, or where he is able to be present in a natural way. We should advise him to pursue his everyday life in a natural way, and *to pursue jihad and Resistance in secrecy and alone, or with a small cell of trustworthy people* who form an independent brigade for Resistance and for the individual jihad.[188]

The "individual jihad" is echoed in the Western military

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[180] *Mustafa bin Abd al-Qadir Setmariam Nasar a.k.a Abu Musab Al Suri*, COUNTER EXTREMISM PROJECT, http://www.counterextremism.com/extremists/ mustafa-bin-abd-al-qadir-setmariam-nasar-aka-abu-musab-al-suri.

[181] Abu Mus'ab as-Suri, *The Call for a Global Islamic Resistance*, https://ia802607.us.archive.org/30/items/TheCallForAGlobalIslamicResistance-ExcerptEnglishTranslation/TheCallForAGlobalIslamicResistanceExcerpt-EnglishTranslation.pdf [hereinafter *CGIR Paper*] (English translation).

[182] *Id.* at 21.

[183] *Id.*

[184] ACHARYA, *supra* note 40, at 40.

[185] *Id.*

[186] *Id.*

[187] *CGIR Paper*, *supra* note 181, at 30.

[188] *Id.* (emphasis added).

concepts of "mission oriented command" or "manoeuvre warfare."[189] After being briefed on "the purpose and intent of their commanders two levels up," operatives in the field could "respond, with disciplined initiative, to the changing situation without further guidance [from their commanders]," yet ultimately achieve their objectives.[190] This may also explain why no one has yet claimed responsibility for the Erawan bombing, that it may be a self-initiated operation guided solely by the retaliatory principle against Uighur oppression.

While modern terrorists may not need massive numbers, analyst Bruce Hoffman contests the complete demise of organization amongst terrorists. To him Al-Qaeda "exercises both top-down and bottom-up planning and operational capabilities.[191] It is not exclusively focused on the grass-roots dimension as claimed by the proponents of the concept of leaderless jihad."[192] His argument is supported by the reorganization of al-Qaeda to retain "key elements of its capability, including its top leadership, operational lieutenants, and a de facto safe haven" in the Federally Administered Tribal Areas of Pakistan.[193]

Furthermore, attacks carried out by al-Qaeda post-9/11 are of such sophistication that they would not have been possible without the training received in Pakistan.[194] Certainly, the territorial gains (and losses) and sustained military action of the ISIS organization evidence a top down component. Nonetheless, organization and opportunities for training are not lacking in the Region, including at least one camp in Negri Sembilan, Malaysia; several in Southern

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[189] Dima Adamsky, *Jihadi Operational Art: The Coming Wave of Jihadi Strategic Studies* 33 STUD. IN CONFLICT & TERRORISM 9 (2010).

[190] JEFF KIRKHAM, COMBAT LEADER'S FIELD GUIDE 13 (2015).

[191] Bruce Hoffman, *The Myth of Grass-Roots Terrorism*, FOREIGN AFFAIRS (2008), https://www.foreignaffairs.com/reviews/review-essay/2008-05-03/myth-grass-roots-terrorism.

[192] *Id.*.

[192] Donald Kerr, *Emerging Threats, Challenges, and Opportunities in the Middle East*, WASH. INST. (2008), http://www.washingtoninstitute.org/policy-analysis/view/emerging-threats-challenges-and-opportunities-in-the-middle-east.

[193] *Id.*

[194] ACHARYA, *supra* note 40, at 45-46.

Thailand, and the camps in Mindanao and the eastern Indonesian islands, the Malukus and Sulawesi, jointly operated by Jemaah Islamiyah and the MILF.[195]

Regardless of whether Regional Muslim extremists have the logistical and organizational capabilities, the shift to identify with the global jihad movement may simply be a reflection of globalization.[196] Due to the proliferation of advanced communication and transportation technologies, legitimate and illicit enterprises alike may take advantage of economic or social conditions favorable to them.[197] Terror organizations for the past two decades have exhibited less reliance on state support and more on the wider audience of the internet world.[198] Muslim extremists prey particularly on disaffected younger generations whose sense of belonging and nationality are at crisis for the same reasons the global jihad movement grows stronger.[199] By displaying pictures and videos of conflict zones on online social platforms,[200] potential extremists are induced to identify with a group "that is under attack from all sides by powerful enemies."[201] As observed above, such trends are also surfacing in the East and Southeast Asian region.[202]

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[195]   MAX GROSS, A MUSLIM ARCHIPELAGO: ISLAM AND POLITICS IN SOUTHEAST ASIA 105-106 (2015).

[196]   Yael Shahar, *Al Qaida: A Reflection of Globalization?*, INTERNATIONAL INSTITUTE FOR COUNTER-TERRORISM (Sep. 1, 2008), http://www.ict.org.il/Article/1040/Al%20Qaida%20A%20reflection%20of%20Globalization.

[197]   *Id.*

[198]   *Id.*

[199]   *Id.*

[200]   "Hussain Osman, one of the men alleged to have participated in London's failed bombings on July 21 [2005], recently told Italian investigators that they prepared for the attacks by watching 'films on the war in Iraq,' La Repubblica reported. 'Especially those where women and children were being killed and exterminated by British and American soldiers ... of widows, mothers and daughters that cry.'" *See* Naomi Klein, *Terror's Greatest Recruitment Tool*, THE NATION (Aug. 11, 2005), http://www.thenation.com/article/terrors-greatest-recruitment-tool/.

[201]   *Id.*

[202]   "...a gradual decrease in nationalistic, secular terrorism" and an increasing identification to the global war against forces considered to be eroding Islam."

To claim a paradigm changing shift in terroristic trends in an entire region is admittedly limited without further empirical evidence, even after the Erawan bombing. Nevertheless, a strong inference can be drawn. As enumerated above, ISIS's influence and global jihadist agenda is gradually taking hold in the Region as evidenced by the support shown from extremist groups in the Region, and local extremists' increased participation in the global jihad and on ISIS-friendly websites. Alternatively, the internationalization of local conflicts may simply be an inevitable reaction to globalization, a meeting of multiple demands with supplies in the realm of extremism. Disaffected youngsters find certainty through religious fundamentalism and seek to defend their worldview when convinced that the Muslim identity is "under attack from all sides."[203] Domestic insurgencies which have sought to further their agendas or defend their interests, either through violent or non-violent means,[204] are likely to resort to foreign help through ISIS after their efforts were frustrated either in the face of stronger government forces or the refusal of states in the Region to adopt causal approaches to resolve their concerns and legitimately address sectarian issues.

Moreover, what were originally domestic insurgencies are gradually capturing the interest and sympathy of global jihadist worldwide. Domestic Muslim insurgencies have in the past been transformed into global jihad fronts in the name of fellow co-religionists[205] by "[melding] the strands of religious fervour, Muslim piety, and local grievances into a powerful ideological force."[206] History thus informs us that the pent-up and oppressed sentiments of Muslims who practice a fundamentalist strain of Islam in the Region will be exploited again.

Shahar, *supra* note 196.

[203] *Id.*

[204] COX ET AL., *supra* note 55; TAN, *supra* note 18.

[205] For instance, the transformation of the Indonesian Darul Islam movement into one that seeks to establish an Indonesian Islamic Caliphate which was intended to encompass Indonesia, Malaysia, the Philippines, Thailand, Singapore and Brunei. *See* ARABINDA ACHARYA, WHITHER SOUTHEAST ASIA TERRORISM? 15 (2015).

[206] BRUCE HOFFMAN, INSIDE TERRORISM 93 (2006).

The Politics of Terrorism and Self-Defeating State Policies

Another factor in the rising trend of international jihadism in the Region is the policy adopted by many states that further radicalizes domestic populations. In China, the Uighurs have been subjected to systematic discriminatory action administratively and economically, which has particularly grown worse over the last dozen years. Government policy of forced assimilation into the Han majority polity has led to discrimination in political representation,[207] economic disenfranchisement,[208] cultural and religious discrimination[209] and significant population migration of Han Chinese into the Uighur region[210] changing the demographics and opportunity for indigenous Uighurs. China has also adopted a "strike hard" policy to law enforcement against open dissent to government

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[207] In 2006 ethnic minorities comprise only 37% of the 958,000 party members in Xinjiang. Colin Mackerras, *Why terrorism bypasses China's far west*, ASIA TIMES ONLINE (Apr. 23, 2004), http://www.atimes.com/atimes/China/FD23Ad03.html. Though more recent reliable data is not available, Muslims working within the government structure are informed they would lose their jobs if they attend mosques. *See* CHRISTIAN TYLER, WILD WEST CHINA: THE TAMING OF XINJIANG 157 (2003).

[208] Rebecca MacKinnon, *Rumblings of discontent among ethnic Muslims on China's Asian frontier*, CNN (Dec. 14, 2000, 11:06 AM), http://edition.cnn.com/SPECIALS/views/y/2000/12/mackinnon.xinjiang.dec14/.

[209] Translating into various aspects of life such as employment discrimination. This applies to both high skill and low skill jobs. The lucrative oil industry requires high-skilled workers and Uighurs are frequently less educated. *See* Nader Hasan, *China's Forgotten Dissenters: The Long Fuse of Xinjiang*, 22 HARV. INT'L REV. 38, 40 (2000). Private businesses permits are given to Han rather than to minorities. *See* MICHAEL DILLON, XINJIANG: CHINA'S MUSLIM FAR NORTHWEST 71 (2004). Entry-level positions are normally filled by local workers consisting of Han Migrants. Louisa Lim, *China's Uighurs lose out to development*, BBC (Dec. 19, 2003, 00:29 GMT), http://news.bbc.co.uk/2/hi/asia-pacific/3330803.stm.

[210] In 1949 Uighurs made-up 90% of Xinjiang's population and Han only 6.7%. *See* Lim, *supra* note 209. Contemporary numbers show a demographic of 45% Uighur and 40% Han in the Xinjiang's population. *Xinjiang territory profile – overview*, BBC (Oct. 14, 2014), http://www.bbc.com/news/world-asia-pacific-16860974.

policy and calls for Uighur autonomy.[211] These policies have the obvious effect of further radicalizing the Uighur population and ensuring continued participation with groups such as international terrorist organizations with which they have commonality.

Counter-productive government policy can also be seen in Thailand where the former regime first started a healthy discourse with Islamic populations in the South[212] but ultimately opted for a strong Law and Order approach, ostensibly for its war on drugs, but which has been criticized as arbitrary and capricious with innocent populations finding themselves forced to align with extremists factions for personal safety from the official police.[213] This prospect is likely to be repeated in the Philippines where newly elected populist pragmatic leader Rodrigo Duterte prosecutes his so-called war on drugs[214] and continues to show public distain for basic human rights principles.[215] Moreover, though Duterte has expressed

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[211] *China Starts Another "Strike-Hard" Campaign*, CHINA INTERNET INFORMATION CTR. (Jun. 4, 2001), http://www.china.org.cn/english/DOe/10437.htm.

[212] Steps were also taken under the Prem Tinsulanond regime to "enhance police, military, and political understanding of the unique Malay-Muslim way of life [in the South]." Peter Chalk, *The Malay-Muslim Insurgency in Southern Thailand Understanding the Conflict's Evolving Dynamic,* 5 RAND COUNTERINSURGENCY STUDY, 9 (2008), https://www.rand.org/content/dam/rand/pubs/occasional_papers/2008/RAND_OP198.pdf.

[213] A member of BRN-Coordinate, a new militant organization in Thailand, told Human Rights Watch: "Out of resentment towards Thai authorities, those villagers were desperate and requested us to give them protection. We gave them training in military and self-defense tactics, in parallel with political indoctrination about the struggle for independence. This is how we re-established control of the population and stepped up attacks on the government. We truly believe in our cause—that we are fighting to liberate our land and protecting our people from the oppressive Thai authorities." IT WAS LIKE SUDDENLY MY SON NO LONGER EXISTED: ENFORCED DISAPPEARANCES IN THAILAND'S SOUTHERN BORDER PROVINCES, 14 (Human Rights Watch, 2007), https://www.hrw.org/sites/default/files/reports/thailand0307webwcover.pdf.

[214] Kate Lamb, *Philippines secret death squads: officer claims police teams behind wave of killings,* THE GUARDIAN (Oct. 4, 2016, 11:35 PM), https://www.theguardian.com/world/2016/oct/04/philippines-secret-death-squads-police-officer-teams-behind-killings.

[215] Including making a death threat to journalists on a press conference, and

willingness to re-ignite the Bangasmoro peace process,[216] he has simultaneously extended his declaration of martial law over Mindanao for an additional six months,[217] casting doubt on the sincerity of his commitment.

Acharya argues that there is no existential threat in the Region[218] and contends that the discursive narrative used in Western states, as well as the securitization incumbent to this narrative is unjustified and dangerous.[219] While the priorities of the so-called near enemy are not as intractable as they seem in the Middle East (at least in some of the situations in the Region), Regional government policy is driving them into an existential threat. This is particularly relevant in Thailand, China and the Philippines where negotiations have stalled or failed all together. This tug-of-war between the better angels of Regional extremist groups is rapidly becoming a *fait accompli* with the advent of ISIS spurring groups on to ever greater extremism and violent solutions to domestic political power sharing disputes.

The Malaysian government, as well as other ASEAN nations,[220] has positioned their states with the Non-Aligned Movement ("NAM") on the terrorism issue calling for a distinction between terrorist activity and "legitimate struggle of peoples under colonial or alien domination and foreign occupation, for self-determination and national liberation."[221] Like Indonesia, this may be

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branding Obama a "'son of a whore' for signalling his intention to talk about human rights amid the spate of killings." *Id.*

[216] Dharel Placido, *Duterte: There shall be a 'Bangsamoro country in PH',* ABS-CBN NEWS (Jul. 17, 2017, 8:24 PM), http://news.abs-cbn.com/news/07/17/17/duterte-there-shall-be-a-bangsamoro-country-in-ph.

[217] *Philippines Duterte: Martial law extended in Mindanao,* BBC (Jul. 22, 2017), http://www.bbc.com/news/world-asia-40690589.

[218] ACHARYA, *supra* note 28, at 25-35.

[219] *Id.*

[220] Including, inter alia, Indonesia, Laos, the Philippines and Thailand. *See Members and other Participants of NAM Movement,* MINISTRY OF EXTERNAL AFFAIRS (n.d.), https://www.mea.gov.in/Images/pdf/Members-and-other-participants.pdf.

[221] *Leading State Sponsor of Terrorism, Iran, Advocates More Terror at UN "Anti-Terror" Meeting,* HUM. RTS. WATCH (Jul. 7, 2016),

critiqued as subtly condoning terrorism, despite other language condemning it.[222] Indonesia has been criticized as condoning Islamist extremism and has put a number of policies in place that promote extremism and intolerance.[223] While NAM calls for self-determination of peoples, a recognized human right,[224] this message is undoubtedly seen as a call to Jihad to radicalized populations particularly in the theatres of Palestine, Syria, Iraq, southern Thailand, the Philippines and even Xinjiang province. Moreover, the call made by NAM under the leadership of Iran[225] and particularly its

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http://www.humanrightsvoices.org/site/developments/?d=15285. Statement made by H.E. Mr. Gholamali Khoshroo (Ambassador and Permanent Representative of the Islamic Republic of Iran) speaking for the NAM. *See* U.N.G.A., Seventieth session –Measures to eliminate international terrorism (Agenda item 108), (2015), http://www.un.org/en/ga/sixth/70/int_terrorism.shtml. In the same session H.E. Ambassador Ramlan Ibrahim, permanent representative of Malaysia to the United Nations, stated: "A multifaceted approach in combating terrorism is essential by addressing the root cause and underlying contributory factors that support terrorism, including funding and supply of weapons. It is also critical that the 'hearts and minds' approach must be fully incorporated in our common endeavour to counter the IS threat…We strongly believe that a concerted effort to drown the narratives of the extremists in all areas and dimensions would provide an effective way to counter terrorism," *Id.*

[222] *Id.*

[223] The "legal foundation" for religious intolerance in Indonesia could be said to be the 1965 Presidential Decree No. 1/PNPS/1965 on the Prevention of Blasphemy and Abuse of Religions. The Decree prohibits the "deviant interpretation" of religious teachings and empowers the president to disband any organization preaching "deviant" teachings. This raises concerns of religious tolerance since the Decree only recognizes six official religions: Islam, Buddhism, Hinduism, Confucianism, Catholicism and Protestantism. *See* CHRISTIAN SOLIDARITY WORLDWIDE, INDONESIA: PLURALISM IN PERIL 35 (Feb. 14, 2014), www.csw.org.uk/2014-indonesia-report, [hereinafter *CSW Report*]. This in turn engenders other discriminatory laws such as the 2006 Joint Regulation on Houses of Worship, which makes it impossible for minority religions to build places of worship. *See Id.* at 32-34.

[224] Universal Declaration of Human Rights, G.A.Res. 217 A(III) art. 15, U.N. Doc.A/810 (1984); International Covenant on Civil and Political Rights art. 1, Dec. 16, 1966, 999 U.N.T.S. 171.

[225] Which has been designated as a State Sponsor for Terrorism by the U.S. Department of State since 1984. *See State Sponsors of Terrorism,* U.S. DEPARTMENT OF STATE, http://www.state.gov/j/ct/list/c14151.htm.

highly controversial leader Mahmoud Ahmadinejad,[226] who until September 2016 was the president of the organization[227] is most suggestive, at least to those radicalized populations.

State government policies further social insecurity amongst target groups on the one hand, or, subtly encourage extremism or even participation with global jihadist movements on the other hand. In Indonesia state and especially local officials have worked with and empowered radical groups.[228] It has under-funded civil society groups promoting ethnic and religious tolerance,[229] and provided lukewarm or non-existent sanctions against returning Indonesians who have participated in foreign Jihad warfare,[230] a grant of

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[226] Who has once stated that Israel is a "disgraceful blot" that should be "wiped off the face of the earth." *See* Ewen MacAskill & Chris McGreal, *Israel should be wiped off map, says Iran's president*, THE GUARDIAN (Oct. 27, 2005, 19:04 EDT), https://www.theguardian.com/world/2005/oct/27/israel.iran.

[227] *Ahmadinejad Ends Non-Aligned Movement Summit With Call for World Peace*, HAARETZ (Aug. 31, 2012, 10:12 PM), http://www.haaretz.com/middle-east-news/ahmadinejad-ends-non-aligned-movement-summit-with-call-for-world-peace-1.462031.

[228] Home Affairs Minister Gamawan Fauzi described one such extremist groups, the Islamic Defenders Front ("FPI"), as a potential "national asset" that should be "empowered", calling local officials to "foster a constructive relationship with the group." *See Home Minister Clarifies Comments, Calls for FPI To Be 'Empowered,'* JAKARTA GLOBE (Oct. 29, 2013, 1:34 PM), http://www.thejakartaglobe.com/news/home-minister-clarifies-comments-calls-for-fpi-to-be-empowered/. The group had historical significance during Suharto's 'New Order' era as confirmed by Dr Dewi Fortuna Anwar, the senior adviser to the vice-president, in an interview with CSW: "The idea was to try to co-opt radical groups, through giving them funding, freedom to organise, but to control them, to establish a standard practice, to domesticate them." *See CSW Report*, *supra* note 223, at 45.

[229] According to International Crisis Group, an NGO based in Brussels, the civil societies' ineffectiveness was caused by "ignorance of the scale of the Islamist radical and terrorist threat" and unfamiliarity with "the content of the radical teachings and how they were supposed to respond." NOORHAIDI HASAN ET AL., COUNTER TERRORISM STRATEGIES IN INDONESIA, ALGERIA AND SAUDI ARABIA 46 (Roel Meijer ed., 2012), https://www.wodc.nl/binaries/1806-volledige-tekst_tcm28-70796.pdf. Director of Islamic Guidance at the Ministry of Religious Affairs, Ahmad Djauhari, stated in an interview that the Ministry was starved of government funding and support. *Id.* at 48.

[230] Returnees from Syria were released and merely put under surveillance "to

impunity. Thus, the politics in many sectors of the Region are ripe with elements that further encourage the growing Jihadist movement, either by condoning extremism or creating such miserable conditions of life calculated to drive individuals to radicalize.

Conclusion

The contour of terrorism is changing in East and Southeast Asia. The warning signs of a looming second front are made apparent by the increased transnational terrorist activity in the Region such as the bombing of the Erawan temple, the myriad attacks in the region such as Jakarta in 2016, the series of well-organized attacks in Thailand, the war on terrorism in Mindanao, etc. One paradigm changing feature of terrorism in the Region is the friendlier relations and alliances with ISIS (amongst regional groups) and their success in aligning multiple and disparate groups under the banner of the ascendency of Islamic states. Another significant feature is the ubiquitous and lethal impact of a bottom-up strategy.

Another compelling phenomenon is the vitality of inter-Regional cooperation amongst terrorist organizations including Uighurs, Indonesian and Filipina groups. Moreover, the growing numbers of Regional actors leaving to fight in foreign Jihad in Syria, which are larger than ever before, and their return to the Region that further radicalizes domestic populations and increases terror activity.[231] The recent factors driving these trends include the growing influence of ISIS, significantly more successful in this regard than al Qaeda, and its successful prosecution of a sustained military campaign in the Middle East. This is further enabled by increased access to social media mediums in poorer areas of the Region providing a platform for the narrative of radicalizing at risk

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ensure that they do not propagate ISIS ideology or mount terror attacks at home." Numbers of fighters going to ISIS downplayed as an Indonesian Foreign Ministry official said figures of returnees were "confusing" as "not all of them joined ISIS as fighters." *See* Francis Chan, *Indonesia 'keeping an eye' on ISIS returnees*, THE STRAITS TIMES (Nov. 27, 2015, 5:00 AM), http://www.straitstimes.com/asia/se-asia/indonesia-keeping-an-eye-on-isis-returnees.

[231] *See generally*, Zuijdewijn & Bakker, *supra* note 145.

populations.

Moreover, it is fueled by domestic political action which encourages the causation of extremism, rather than diminishes it. This is accomplished by either marginalizing minority populations (and their access to human rights) causing greater disaffection leading to increased radicalization, or subtly condoning extremism within their state and providing impunity for participants. What particularly distinguishes the Region from Western Europe and North America as a second front is the robust political self-determination movements of significant populations with the aim of creating Islamic states or at least greater influence in the politics of autonomous or de-facto autonomous zones and the failure of Regional leadership to exert sufficient political will to meaningfully address inequities. Thus, driving groups away from the negotiation table and spurring on more terrorist attacks. Though the methods and means of Regional actors may vary slightly from Middle Eastern branded terrorism they share common motivations and alarmingly closer alliances such that the second front has already begun.