

DRAFT

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**COOPERATION WITH US-JAPAN-AUSTRALIA IN THE FIGHT AGAINST
INTERNATIONAL TERRORISM; AN INDONESIAN PERSPECTIVE**

by

Prof. Dr. Hasjim Djalal, M.A.*

1. Long before the 11 September 2001 attacks on the World Trade Center and the Pentagon, **Indonesia has already been dealing with a number of terrorism issues** domestically. In fact since its Independence in 1945, Indonesia has already been subjected to various kinds of acts of terrorism, domestically or on its embassies and other establishments in foreign countries, and in some cases involved foreign elements. Thus, in her tour of ASEAN countries in August 2001, **President Megawati had already raised the need for regional cooperation to combat terrorism.**
2. **The recent spate of bombings**, however, began again in 1998 (one bombing without casualty), rose to five bombings in 1999 with five casualties, 34 bombings in 2000, to 46 cases in 2001, and 49 cases in 2002, some involving churches. In most cases the reasons for these terrorisms are basically **radicalism and separatism**, fueled by the **decline in social and economic conditions** as the result of the financial crisis since 1997.
3. Yet, the most spectacular and devastating terrorist act took place on **October 12, 2002 in Bali followed by the bombing at Marriot Hotel and in front of the Australian Embassy in Jakarta, and the second Bali bombing in 2005.** According to Police General Made Mangku Pastika, the Chief Investigator of the first Bali bombing, and other sources:
 - a. **The investigation of the Bali bombing involved** three bomb blasts in three places, involving 510 personnel, 400 members of **Indonesian police assisted by**

- 110 international police officers**, having expertise in various fields consisting of several nationalities, particularly **Australians, US, UK, Japan, Germany, French, New Zealand, Sweden, Netherlands, the Philippines, Singapore and Malaysia**. **The investigation was one of the best examples of international cooperation**. At least **200 persons were killed**, mostly Australian and Indonesians, 58 buildings damaged, plus 19 cars and 32 motorcycles.
- b. The subsequent investigations indicated that this bombing were conducted by a group of people with **international supports, well planned, and involving suicide bombers**. Many suspects have been apprehended, brought to Court, tried and sentenced, some with death penalties, some for life, and some with lesser sentences, depending on their involvement.
- c. Investigations also indicated that **there were relations between the Bali bombing and the Jemaah Islamiyah (JI) “network”** in Southeast Asia, involving Singapore and Malaysia and perhaps Thailand in view of the fact that the preparatory meeting for the Bali bombing apparently took place in Bangkok in February 2002. It was also revealed that some of the Bali bombers were former volunteers in Afghanistan and participated in “horizontal” religious conflicts in Ambon and Poso in Indonesia. Some of the documents found also indicated that Jemaah Islamiyah ambition was **to establish “Daulah Islamiyah” and “Khilafah” (Islamic State), enforcing religious teaching in the State** that would presumably consists of **Indonesia, Malaysia, Singapore, Brunei, Southern Philippines and perhaps Southern Thailand**.
- d. **The Jemaah Islamiyah (JI)** is led by an Amir (Head of State?) and assisted by **four level political organizations**, namely the **Majlis Qiyadah (MQ)** divided into **Markaziah** (Headquarters), **Manthiqiyah and Wakalah**. The organizational structure of the Jemaah Islamiyah consists of **seven hierarchical layers**, namely **Markaz**, supervising 4 **Manthikis**, each Manthiki supervising a number of **Wakalahs**, each Wakalah supervising a number of **Khatibahs**, each Khatibah

supervising a number of **Qirdas**, each Qirda supervising a number of **Fiahs** or Cells, and each Cells consists of a number of **Jamaahs**/congregation.

- e. The investigations also revealed that there was an **annual report of the military training**, indicating inventory of firearms and ammunitions, shooting skills of the participants, list of training participants and their grades. Also some manuals on the assembling of various bombs and toxic materials, as well as audio-visuals of interview of Osama bin Laden, crusade war, testament of New York and Washington “martyrs”, riots in Poso and Ambon, and the so-called approval of Abubakar Baasyir regarding “Jihad” implementation in Ambon. (Abubakar Baasyir has subsequently been arrested, tried and sentenced to imprisonment)
- f. In conducting investigation on the Bali bombing and thereafter, **some points** were identified, such as :

(1) About 500 members of Jemaah Islamiyah may have been active in Southeast Asia while some of them have been detained, particularly in Indonesia, Malaysia, Singapore and the Philippines. **Some of the alleged JI operators may still be at large in Indonesia**, although some of them have been identified. One of the most famous among them is a Malaysian Noordin Mohammad Top who is still at large, while his leader, another Malaysian, Dr. Azharie wa killed in a clash with the Indonesian Police who were trying to arrest him.

(2) There are **different perceptions in Indonesia regarding the law on counter terrorism**, particularly with regard to the cooperation with foreign agencies. Some “nationalistic” and “extremist” views in Indonesia criticized the need for cooperation with foreign agencies, particularly with the Western World, while the majority of Indonesians consider this cooperation as necessary and essential.

(3) Difficulties in conducting investigations and in pursuing suspects due to **involvement of the mass media** and the tendency of some police officers to

provide information to mass media anonymously without going through the proper investigation spokesman. This tendency sometimes were not helpful.

4. There are **several problems** in combating terrorism in Indonesia :
 - a. **The capacity of Indonesian police and law enforcement officers are limited because they are still under-equipped and under-funded**, while the challenges to national unity and stability are enormous.
 - b. **Indonesia is a very large archipelagic country**, spanning 3 time zones, involving thousands of islands having thousands of kilometers of “porous” borders and coastlines, but less stringent border patrols, and many local communities are “accommodative” to radical and separatist elements and susceptible to lateral conflicts (ethnic, religion, racial) and vertical conflicts between the central and local authorities.
 - c. **Indonesia is occasionally distracted by external factors**, such as the difficult and sometime abrasive political relations with Australia, despite the efforts of the 2 countries to promote closer relation and cooperation;
 - d. **Some Indonesians are still nervous about their place in the world**. Some of them are still talking about the numerous “conspiracy theories” against the unity of Indonesia, including about the Bali bombing which some still regard as the work of CIA or Mossad.
 - e. **The foreign aid conditions to Indonesia in some cases still complicate the counter terrorism efforts** such as the difficulties in realizing aids from the US to the Indonesian police and the armed forces. Fortunately this handicap is now being overcome.
 - f. **Indonesian economy itself has not yet fully recovered** since the financial crisis in 1997, although the Indonesian economy has growned substantially since then. Yet, it has not enabled Indonesia to fully develop a really effective **defense and law enforcement capabilities** commensurate to their needs. The defense budget of Indonesia is still among the lowest in the world (0.68% of GDP, while Australian defense budget is about 1.9% of GDP and the US ia about 3.78% of its GDP). A one year defense budget of the US in terms of dollar value is equivalent

- to about 177 years of Indonesian defense budget. Even Japan spent about 18 times more money for defense compared to Indonesia.
- g. **A number of NGOs**, primarily those assisted by Western countries, **are mostly interested in promoting democratization process, the protection of human rights, and the freedom of the press**, and less enthusiastic to support and help counter-terrorism and law enforcement activities.
 - h. **Defining terrorism itself is still problematic** in the sense that whether the definition should be limited only to non-state actors or whether they should also include state actors, such as the Israeli case vis-à-vis the Palestinians which is the main concern of Moslems around the world, including in Indonesia.
 - i. **Addressing the root causes of terrorism** is essential and crucial, domestically and internationally. These aspects are generally neglected in combating terrorism. Therefore, **it is essential to take social economic measures by increasing educational opportunities and job creation, to support moderate Moslem intellectuals** to counter “hate messages” vis-à-vis non Moslems, particularly Jews and Christians, and **addressing political causes of Moslem discontent** throughout the world, particularly the fate of Palestinians in the Middle East.
5. There are **some lessons, however**, that could be learned from the Bali and other bombings, such as :
- a. **Terrorism has become “borderless”**, prioritizing group interest and is ready and willing to sacrifice human lives and human values. They strike at the unlikely place and time, and not belong to any particular nationality or religion.
 - b. **Terrorism was generally non-state actors** and based on certain belief and conviction, sometime seemingly irrational, but having a wide networking. They are not confined to specific political unit. The “re-education” process of the society is therefore necessary.
 - c. **Mutual cooperation among countries**, particularly in the region, to counter terrorist activities, **is essential**.
 - d. **Investigation** of terrorist activities **should be carried out by experts that are professional**, supported by high technology, equipments and sufficient funds.

- e. **To combat terrorism, a strong legal foundation and effective and efficient law enforcement activities are required.**
6. There are a number of **issues** that need to be further investigated :
 - a. The extent of **the relationship between the Al-Qaeda networks and Jamaah Islamiyah**. The role of Mr. Hambali and the elusive Mr. Noordin M. Top here maybe very significant. Mr. Hambali has been arrested and is reported to have been incarcerated in the US, but not much is known about his roles, activities, and net-workings. In fact, the extent of Jemaah Islamiyah network, including in Indonesia, and how many sleeper cells still exist, still need to be investigated. Yet, it appears that Al Qaeda is very interested in Southeast Asia and seems to have been using JI as a regional arm to target US and other Western interests in the region.
 - b. **The link between the JI and the Rabithatul Mujahidien (RM)** in Malaysia also need to be further investigated, since both Hambali and Abubakar Baasyir seem to be also the spiritual leaders of the RM.
 - c. **The introduction of “suicide bombers” to Southeast Asia** could have far reaching implication, particularly to Singapore and Indonesia, since the two countries are sensitive to these kinds of attacks to shipping at sea and ports.
 - d. **The shift from “hard target” to “soft target”** in Southeast Asia due to increasing alertness and cooperative relations between law enforcement officers in the region should also be continuously monitored and investigated.
 7. There are several **impacts of the Bali and other bombings on Indonesia**:
 - a. Indonesia now realizes that **terrorism is a clear and present danger to Indonesia**, thus reduces the debates before the Bali bombing whether or not Indonesia was a haven for terrorists. Terrorism has seriously damaged tourism in Bali and has caused consternation to all Indonesians.

- b. **The voice of the moderates in Indonesia is becoming more confident** while the voice of the radicals has become more defensive. Indonesia has in fact supported the inclusion of JI as a terrorist organization in the UN list, and some radical organizations like the FPI (the Islamic Defenders Front), and the Laskar Jihad have now been officially disbanded. Yet the debate on whether to disband JI has not been conclusive because the Government of Indonesia argued that there is nothing to disband or to outlaw because JI in fact has not been legally exist or registered.
 - c. There is now an increasing acknowledgement, nationally or regionally, that the **Indonesian police has been doing a good job** in investigating and confronting the terrorist network in Indonesia. The ability of the Indonesian Police to trap Dr. Azharie was highly praised, although Mr. Noordin M. Top is still at large.
 - d. The **enactment of the Government in Lieu of the Law Perpu No. 1 and No. 2/2002** (Perpu No. 2 makes Perpu No. 1 applicable retroactively to the Bali bombing case) on counter terrorism, authorizing authorities to detain a suspect based on intelligence report for 7 days without the court order, and applied retroactively to Bali bombing, is in some aspects a progress, although this is still very far from the Internal Security Act in Malaysia and Singapore. The Indonesian Parliament has endorsed the enactment of Perpu No. 1 and No.2/2002 into **Law No. 15 and 16/2003** in April 2003 which has given a strong legal basis for anti-terrorist measures by the Government
8. **The previous governments in Indonesia could deal with terrorism by employing various measures**, such as open and secret military operations, covered intelligence operations, and even negotiation or the combination of all these measures. But **“Reformasi” since 1998 changes all these. The anti-subversion law** that could prevent those terrorism activities **was abolished in 1999** without replacing it with new laws. Reformasi was not prepared well, while the **existing criminal law** was not sufficient to deal with matters of terrorism, particularly to deal with preventive action.

In fact, criminal law deals basically with **repressive action** after the action took place, not with **preventive actions**.

9. Some of the **features of the Government Regulation No.1/2002/Law No. 15/2003** are :

- a. The regulations are also applicable to persons committing terrorist acts not only in Indonesia but **could also be applicable to persons committing terrorism in foreign countries or toward foreign countries or those helping such terrorist acts against Indonesia from foreign countries**.
- b. The **penalty for terrorist act is very severe**: it could be death, life imprisonment or penalty up to 1 trillion rupiahs. It also provided, in some cases, for **minimum sentence** of four years imprisonment.
- c. Some of **the terrorist acts and counter terrorist measures covered** by the legislation are :
 - Acts against aircraft and safety of aviation;
 - Importing or exporting fire arms, ammunition, explosive and other dangerous goods;
 - The use of chemical and biological weapons and radiological, micro organism, and radioactive materials;
 - Collecting funds for terrorist crimes or to buy terrorist materials;
 - Helping or facilitating terrorist acts;
 - Planning or encouraging terrorist acts;
 - Detaining terrorist suspects for up to six months;
 - Arresting terrorist suspect for up to seven days without Court order;
 - Blocking bank account of terrorist suspect and asking information from the bank of the financial situation of the suspect;
 - Opening and examining mails, listening to telephone conversations and other communications of the suspects;

- Protecting the witnesses, investigators, prosecutors and the relevant judges and their families from threats;
- Confiscating the properties of the terrorist if they die before the Court decision and the Court finds him guilty;
- Compensating the victims of terrorist acts and their rightful descendents if the judge so decided.

10. **The Indonesian efforts to fight terrorism** had been carried out in four fronts, namely:

- a. At the **national front**, by promoting institutional capacity building and strengthening legal infrastructure as indicated above. At the same time, the Government also intensifies efforts to promote and improve social and economic conditions of the people as well as, hopefully, better management of governance by promoting decentralization process, democratization, and the protection of human rights.
- b. In **bilateral front** by establishing cooperation with neighboring countries, such as the conclusion of an MOU with **Australia** in February 2002 and in securing bilateral assistance for institutional capacity building. The MoU with Australia would promote **cooperation on intelligence information sharing**, further enhancing **cooperation between the law enforcement agencies** of the two countries, and **strengthening capacity building** and capabilities through networking and programs of training and education, exchange of visits of high officials, analysts and field operators, seminars, conferences and joint operations, as appropriate.
- c. In **regional front**, particularly in **enhancing cooperation among ASEAN members and between ASEAN and its dialogue partners**.

(1) **Indonesia, Malaysia, and the Philippines** have concluded a **“trilateral”** Agreement to combat terrorism in May 2002, later joined by **Cambodia, Thailand, Laos and Myanmar**. Some of the features of the Agreement include cooperation against **terrorism, money laundering, smuggling of goods and persons, piracy/robbery at sea, hijacking, intrusion** (including intrusion of insurgent elements}, **illegal entry, drug trafficking, theft of marine resources, marine pollution, and illicit traffic in arms**.

(2) **ASEAN** has also **promoted extra regional cooperation**, such as :

(a) The conclusion of **ASEAN-US Joint Declaration for Cooperation to Combat International Terrorism** signed in Bandar Seri Begawan in August 2002 in which, among others, the needs to strengthen capacity building efforts and assistance on border and immigration controls are emphasized.

(b) The **ASEAN-EU Joint Declaration on Cooperation to Combat Terrorism** signed in Brussels in January 2003 also stressed the need for the two sub-regions to cooperate in a number of areas in fighting terrorism.

(3) At the same time, **ASEAN** has also promoted regional cooperation on specific issues, such as on **Money Laundering and Terrorist financing**.

(4) In addition, in taking active interest in combating terrorism, in May 2002, after the September 11, 2001 WTC attack, the ASEAN Special Ministerial Meeting on Terrorism was held in Kuala Lumpur and had already adopted the **Work Program** to implement the **ASEAN Plan of Action to Combat Transnational Crimes, emphasizing on the terrorism component of the Work Program**. The Special Meeting was followed by a Workshop on Terrorism in Jakarta in January 2003. The **ASEAN Work Program on Transnational Crimes covers 8 areas** namely : **trafficking of persons, illicit drugs trafficking, money laundering, sea piracy, terrorism, smuggling of small arms, cyber crime, and**

commercial crime. The thrusts of the Work Program involve the exchange of information, legal cooperation, law enforcement cooperation, training program, institutional capacity building and collaboration with dialogue partners of ASEAN and other like minded organizations and countries from outside the region. Recently, ASEAN has also adopted the need to establish and achieve 3 pillars of ASEAN, namely **ASEAN Security Community (ASC)** by 2015, **ASEAN Economic Community (AES)** by 2020, and **ASEAN Socio-Cultural Community (ASCC)** as envisaged in the ASEAN Vision 2020.

- d. In **global and international front**, ASEAN has taken active interest in global coalition against terrorism through the UN and involving all civilizations and all religions, while at the same time attempting to address the root causes of terrorism.

11. **Indonesia is committed to fight the transnational crimes, including and particularly terrorism.** So do other ASEAN countries and the ASEAN Secretariat. Singapore and Malaysia has organized program on training on post-blast investigation and psy-war as well as psy-ops techniques. Singapore has also organized a training program of ASEAN police on aviation security.

12. In line with the ASEAN Work Program on Combating Terrorism, **Indonesia has also taken the following measures:**

a. **On exchange of information:**

(1) Indonesia has **established a Special Anti-Terrorist Desk at the Office of the Coordinating Minister for Political, legal, and Security Affairs** to coordinate inter-departmental and inter-agencies intelligence gathering as well as formulating anti terrorism policies and strategies.

(2) Indonesia has concluded **MOU on the exchange of information on terrorism** with authorities in Malaysia, Singapore, the Philippines, Thailand, Australia and others.

b. **On legal matters**, as indicated above, Indonesia, in addition to having enacted the Perpu No. 1 and 2/2002, and endorsed them by Law No. 15 and 16/2003 on combating terrorism, has also **participated, signed, or ratified various International Conventions** such as:

- (1) Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963), ratified by Law No. 2/1976;
- (2) Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970), ratified by Law No. 2/1976;
- (3) Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, 1971), ratified by Law No. 2/1976;
- (4) Convention on the Physical Protection of Nuclear Materials 1979, ratified by Presidential Decree No. 49/1986;
- (5) Protocol for The Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 1988), signed in February 1988;
- (6) International Convention for the Suppression of the Financing of Terrorism (1999), signed in September 2001;
- (7) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993, ratified by Indonesia by Law No. 6/1998.
- (8) The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, Washington, Moscow, and London, 1972, ratified by Indonesia by Presidential Decree No. 58/1991.
- (9) UN Convention Against Transnational Organized Crimes (TOC) and its three Protocols, including Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and Protocol Against Smuggling of Migrants by Land, Sea and Air (Palermo, 2000), signed in September 2001.

- c. So far, Indonesia has not yet become party to other relevant International Conventions, such as:
- (1) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;
 - (2) International Convention against the Taking of Hostages, 1979;
 - (3) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988;
 - (4) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988;
 - (5) Convention on the Marking of Plastic Explosives for the Purposes of Detection, 1991;
 - (6) International Convention for the Suppression of Terrorist bombings 1997.
- d. **On social order**, Indonesia has taken various preventive and early warning measures to prevent further terrorist activities. **More intensive public discussion of the terrorist issues** have taken place and the Government has called on prominent Moslem leaders and politicians to prevent their followers from being influenced by terrorist and radical. For instance, the meeting of all Sumatran Moslem leaders in Padang in December 2002, participated by leaders of Islamic Organizations, Islamic Universities, Moslem scholars, society leaders, governmental leaders, Moslem youth and student organizations from all over Indonesia as well as by leaders of the Armed Forces and the Police, has issued a Statement, stating among others that **“Islam is a religion which deeply loves peace**, based on love for all humanity and the nature at large. Therefore, Moslems do not condone all anarchical and violent actions as well as all forms of terrorism. Terrorist acts taking place in various places have clearly destroyed the principle of good behavior. **Islam therefore proclaims war against all forms of terrorism**. Besides, Islam assures the establishment of Islamic friendship, love for the country, and humanity”. The Government has also promoted interfaith dialogues between the various beliefs, either domestically or externally. The Government

has also increased alertness in protecting and checking public facilities, airports, seaports, tourist spots, international conference venues, religious centers and establishments, and others, including stricter control on arrival in Indonesia.

- e. **On training programs**, Indonesian police has been undergoing anti-terrorist training and in some cases assisted by the **US, Germany and Australia**.
- f. **On institutional capacity building**, Indonesian police has extended its organization to handle transnational crimes, including terrorism, and has created a **Special Anti-Terrorism Task Force**. Indonesia is also attempting to develop capacity to deal with chemical as well as biological and toxin weapons as required by the relevant conventions. Indonesia is also aiming at the **establishment of an ASEAN Joint Task Force on Post Terrorist Attack**, on the **establishment of ASEAN-Wide Mapping of Terrorist Network in the Region**, and of **establishing an ASEAN Extradition Treaty as stipulated in the ASEAN Bali Concord of 1976**.

14. **The future perspective of Indonesia would be :**

- a. To ratify or accede to the other relevant International Conventions.
- b. To continue with the efforts to consolidate national unity and stability, including economic rehabilitation and the rule of law, in the face of separatist and horizontal troubles, particularly in Aceh, West Papua, and perhaps Maluku.
- c. To strengthen capacity building by, among others, strengthening the Special Anti Terrorist Desk at the Ministry of Political and Security Affairs and the Special Anti Terrorism Task Force at the National Police.
- d. To encourage more interfaith dialogs in the country and to encourage Moslem leaders to preach moderate and peaceful teaching of Islam to their followers.
- e. To strengthen ASEAN cooperation in the 8 agreed areas, particularly against terrorism and other international crimes, such as piracy and armed robbery at sea, peoples and arms smuggling, and others.

- f. To strengthen bilateral and regional cooperation, such as that with Australia and between ASEAN and others, such as those with the US, Japan and the EU.

15. **In conclusion**, the prospect for Indonesian cooperation with Australia-Japan and the US to fight against International terrorism **is possible** in many areas, based on common and converging interests. In fact, those cooperation are already taking place. This is partly because:

- a. **The majority of Indonesian Moslems are moderate**, and both Indonesia and Australia (as well as Japan, the US and other Western countries) have common interest to keep and to promote moderation in Indonesian Moslems. **Indonesian friends should cooperate and help Indonesian moderate Moslems in this regard** through education, economic, and social well-being and cultural revitalization.
- b. Indonesia, unlike Australia, Japan and the US, is **a large archipelagic country** where the right of passage of foreign vessels is recognized through various navigational regimes. Defending stability, national unity and law and order in the wide Indonesia seas are important for both Indonesia and friends. Australia, Japan and The US therefore should also help and cooperate with Indonesia in this regard.
- c. **Indonesian economy is not yet quite out of the wood** although a lot of progress has been made in recent years. “Horizontal” as well as “vertical” conflicts still exist. Indonesia and Australia as well as Japan and the US have common interest in seeing the development of a viable and prosperous Indonesia. Australia, Japan and the US and their partners should also help Indonesia in this regard.
- d. To some extent, the national integrity, stability and law and order in Indonesia depend on the **viability and the ability of Indonesian military, police, and other law enforcement agencies**. Yet, unfortunately, they are now frequently vilified by certain “democratic forces” (for taking “drastic and necessary actions”) that they are in some cases reluctant to take the necessary action for fear of being accused of violating human rights and the democratization process. Indonesia is at the moment facing what political scientist considered as **“democratic dilemma”**.

- Indonesia, Australia, Japan, and the US and their partners have common interest in seeing the development of a credible Indonesian security and law enforcement capabilities that would be able to maintain Indonesian national unity, security and stability without destroying the democratization process and the responsible freedom of the press. Here too, Indonesian friends could cooperate and help Indonesian security and law enforcement agencies and to show better understanding of the “democratic dilemma” currently being faced by Indonesia.
- e. It should be noted that so far **Indonesian experiences with terrorism has been largely limited to “land based” terrorism, and not much on “maritime terrorism”**. Lately the issue of terrorism has also been mentioned in the context of maritime crimes, particularly **piracy and armed robberies**. Some observers, particularly in some maritime countries, consider that the **possible alliance between the pirates and the terrorists are very real** and in fact very disturbing. On the other hand, some observers in coastal countries consider that the alliance is unlikely, because pirates and robbers are operating to gain material benefits, while terrorists want to destroy whatever they could get. Pirates and robbers do not want publicity and like to live happily ever after **on earth**, while terrorists seek big and splashy news and in fact are prepared to kill and be killed and live happily ever after in the **other world**. Yet, we should continue to be watchful of the possible linkage and alliance between the pirates and the terrorist.
- f. Specifically on the straits of Malacca and Singapore, Indonesia and other coastal states, are faced with tremendous obligation to protect safety of navigation, maritime security as well as environmental protection of the marine environment in the Straits. Yet, their capacity and capability to deal with these problems, which in many cases are caused by the users of the straits, are very limited, especially Indonesia, particularly in terms of financial and other resources. They stand to be the losers in most circumstances. Yet, the users of the straits, either the states or the shipping and oil communities, do not show much interest in fulfilling their obligations under Article 43 of UNCLOS 1982. Experiences have indicated,

however, that whenever Indonesia increases its patrol, monitoring, surveillance, and law enforcement activities in the straits, the incidence of piracy and armed robberies as well as smuggling and other threats to maritime security and safety also decline substantially. I would hope that the users of the straits would show more understanding and cooperation to solve and overcome the problems faced by coastal countries like Indonesia. While **cooperation and assistance from the users of the Straits are needed and required under UNCLOS 1982** to assist the littoral States, particularly Indonesia, in keeping the straits safe and secure, **there are certain situation in which Indonesia would not be comfortable with, such as:**

- (1) The idea of certain circles to station foreign Navies or Marines in the Straits to patrols and maintain security. Indonesia would consider this effort as an affront to its sovereignty and therefore would not welcome it;
- (2) The idea of hiring Navies, particularly foreign navies and other foreign “security companies” to escort commercial vessels in transit. Indonesia would not be comfortable with this idea, not only because it would be an affront to its sovereignty, but could also cause incident or confrontation with Indonesia law enforcement agencies including Indonesian Navy. Moreover, the foreign Naval Forces could be regarded as “mercenaries” or “Navy for hire” that would be exercising police law enforcement activities that could create confrontation with the coastal States Defense as well as law enforcement activities;
- (3) The idea of arming commercial vessels with “offensive weapons” or fire arms that could also create confrontation with the coastal States law enforcement agencies;
- (4) The idea of joint patrols among foreign navies in the Straits, except in joint exercises with Indonesia and in coordinated patrols among the littoral States.

* Prof. Dr. Hasjim Djalal, M.A., a former Ambassador to UN, Canada, Germany, and Ambassador at Large, is now a member of Indonesian Maritime Council, Special Advisor to the Minister for Maritime Affairs and Fisheries, Special Advisor to the Naval Chief of Staff, and teaches International Law and Relations at Padjadjaran University, Bandung, and at the National Defense Institute in Jakarta