



ROYAL UNIVERSITY OF LAW AND ECONOMICS

Final Report on

**TERRORISM IN THE MODERN CONTEXT FROM
PERSPECTIVE OF PUBLIC INTERNATIONAL LAW:**

**A Specific Case Study on the Application of Modern International
Law on the Terrorist Attacked In Afghanistan and Philippine**

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ABSTRACT

Terrorism in the modern context from the Perspective of Public International law can be a complex and evolving topic. Under public international law, Terrorism refers to acts of violence, intimidation, or destruction committed with the intention of creating fear among the public, often for ideological, political, or religious purposes. It is important to note that there is no universally accepted definition of terrorism, and governments and international organizations may have their own interpretations.

Public International Law aims to address terrorism by providing a legal framework for states to cooperate and combat acts of terrorism. Key legal instruments include the United Nations Global Counter-Terrorism Strategy and various conventions and resolutions, such as the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Under International Law, states have a responsibility to prevent, investigate, and prosecute acts of terrorism, as well as to ensure that perpetrators are held accountable. States are also obliged to refrain from supporting or harboring terrorists and to cooperate with other countries in counter-terrorism efforts, including sharing intelligence and extraditing suspects.

However, challenges persist in effectively defining terrorism, as there is a fine line between terrorism and legitimate armed resistance or self-defense. Different states may have varying interpretations and classifications of terrorist acts, which can complicate international cooperation.

Moreover, the advent of modern technology and the internet has facilitated the spread of extremist ideologies and increased the reach of terrorist activities. Addressing these issues requires international collaboration, information sharing, and the development of legal frameworks that strike a balance between security concerns and protecting human rights. It is

essential to consult primary sources, such as International Conventions, resolutions, and court decisions, to gain a comprehensive understanding of the legal framework.

TABLE OF CONTENTS

LIST OF ABBEVIATION	iii
INTRODUCTION	1
Background of the terrorism in the modern context from perspectives of Public International Law	1
Statement of problems	2
Research question	3
Research objective	3
CHAPTER1. HISTORICAL VIEW OF TERRORISM.....	5
1.1. Terrorism in nineteen centuries	5
1.2. The alliance of Nations and terrorism.....	7
CHAPTER 2. TERRORIST GROUP ATTACKED IN AFGHANISTAN AND PHILIPPINE.....	12
2.1. Terrorist group in Afghan Taliban.....	12
2.1.1 United States and Afghanistan.....	14
2.1.2. The core security challenges under the Taliban.....	15
2.1.3. The negative impact of Terrorism in Afghanistan	17
2.1.4. The current situation in Afghanistan.....	21
2.2. Terrorist group in Philippine.....	22
2.2.1. The reaction of the IO and IL (UN Charter and Asean Charter).....	24
2.2.2. A brief summary on terrorist attacked in Cambodia (damages; state mechanism to combating the terrorism; and international response to the terrorist attacked in Cambodia)	27
2.2.3. The core cause of the terrorist attack in Philippine.....	29

2.2.4. The state damages and control during the terrorist attack in Philippine	30
CHAPTER3. LESSON LEARNS FROM TERRORIST ATTACKED IN	
AFGHANISTAN AND PHILIPPINE FOR FUTURE MECHANISM IN COMBATING	
TERRORIST ATTACKED IN ASEAN	32
3.1. International law relevant to terrorism prevention.....	32
3.2. Comparison on the cause of terrorist attacks in Afghanistan and Philippines.....	33
3.3. Lesson Learnt for other country to protect Terrorism	36
CONCLUSION.....	38
RECOMMENDATION	40
BIBLIOGRAPHY	

LIST OF ABBEVIATION

ADMM	:	Asean Defence Minister's Meeting
AGA	:	Association of Government Accountants
AGE	:	Anti- Government Element
ATA	:	Anti-Terrorism Act
ATHRC	:	Afghanistan Independent Human Rights Commission
APEC	:	Asia-Pacific Economic Cooperation
ARF	:	Asean Regional Forum
ASEAN	:	Association of South East Asian Nations
ASG	:	Abu Sayyaf Group
BARMM	:	Bangsamoro Autonomous Area of Muslim Mindanao
BIFF	:	Bangsamoro Islamic Freedom Fighters
CLN	:	Covenant of the League of Nations
CT	:	Counter-Terrorism
DAISH	:	An acronym for its name in Arabic
ICJ	:	International Court of Justice
ICRC	:	International Committee of the Red Cross
IED	:	Improvised Explosive Devices
IL	:	International Law
IO	:	International Organization
ISIS	:	Islamic State in Iraq and Syria
JI	:	Jemaah Islamiyah
MILF	:	Moro Islamic Liberation Front
MNLF	:	Moro National Liberation Front

NGO : Non-Government Organization
NPA : New People's Army
NRF : National Resistance Front
UN : United Nations
UNSCR : United Nations Security Council Resolutions
US : United States

INTRODUCTION

Background of the terrorism in the modern context from perspectives of Public

International Law

Terrorism is increasingly seen as one of the most serious, disturbing, and damaging problems of life in our time. Research on terrorism is not abstract science; it involves real people with lives ruined, changed, and controlled by the processes under study. Organized and planned campaigns of violence do not happen within a vacuum, and they are not driven by trivial or fleeting motivations which reside in and are shared only by the perpetrators. Terrorism is not the result of psychopathy or mental illness. After thirty years of research, all those psychologists can safely say of terrorists is that their outstanding characteristic is their normality.

Terrorism is not the work of madmen or devils; fighting it in those terms is to fight it with a too much-mistaken concept of who your enemies are and why others may support and sympathize with them. Research on terrorism has had a deeply troubled past. Frequently neglected and often overlooked, the science of terror has been conducted in the cracks and crevices between significant academic disciplines.

There has been a chronic shortage of experienced researchers a considerable proportion of the literature is the work of fleeting visitors: individuals who are often poorly aware of what has already been done and naive in their methods and conclusions. Thus, while the volume of what has been written is both massive and growing, the quality of the content needs to be improved. So much is dross, repetitive and ill-informed. The word "terrorism" is charged with emotion and horror. Not surprisingly, here is a subject that provokes extreme perceptions in almost all who consider and think about it, perceptions that spill easily into beliefs about the actors behind the violence. Misconceptions and prejudices born in the wake of the amorality of terrorist acts, the suffering of victims and the wanton destruction of property is pervasive

enough, go on to influence the policies used to combat terrorism and can have a powerful influence (and often a poor one on official attitudes on how to deal with the terrorists. Providing policymakers and the broader world with balanced and reliable research findings has long been recognized as essential to producing effective strategies and policies to counter and prevent terrorism.¹

Statement of problems

Although terrorist attacks are indeed severe crimes, it is essential to remember that terrorist victimization differs from criminal victimization because the former has an inherent political dimension.

This political dimension may also encapsulate ideological or religious aims. For instance, the direct victim of a terrorist attack is rarely the ultimate target of violence. Instead, singling out a target serves as an amplifier to convey a broader message and influence a wider audience, such as an adversary State of the terrorist organization. An essential goal of terrorism is for mass audiences to pay attention to the messages being conveyed and undergo a sense of terror and panic resulting from the terrorist attack. The terror invoked in individuals is further amplified by a process of identification with the victim. The victims of terrorist attacks, therefore, serve as symbols of a shared group or class characteristics, forming one basis for their selection as victims. In this sense, victims of terrorism serve as instrumental targets.

By using violence, the threat of violence, wider audiences are put in a state of chronic fear or terror, which takes a physical, psychological, social, political, and economic toll on society as a whole. This indirect method of combat can have several aims: to produce disorientation and force their targets to comply with their demands to mobilize third-party

¹ “An Introduction to Terrorism Research.” ResearchGate, July,2004.
https://www.researchgate.net/publication/274389445_An_Introduction_to_Terrorism_Research

actors to act; or to stir society and public opinion to change attitudes or behaviors that benefit the interests of the perpetrators. Successful victimization of sectors of society signals to the public at home and abroad that the State cannot protect them effectively, and this sense of insecurity may be further exploited by violent extremist organizations. The ability of terrorist organizations to manipulate wider audiences through the public victimization of a few indirect victims in a media-rich environment has transformed terrorism from a marginal mode of protest, blackmail, and intimidation into an effective form of psychological warfare.²

Research question

- What are the strength and weakness of International Law in handling terrorism?
- Legally and politically speaking, what are the lacks of states cooperation in the extradition of individuals involved in terrorist activities?
- What are the current developments of International legal frameworks for combating the financing of Terrorism and the weakness of International Law to be improved?

Research objective

The study on Terrorism in the modern context: from the perspective of Public International Law is to give more understanding about the situation in the country that terrorism indeed overshadows every aspect of economic, social, cultural and political life. While it brings instability and disrupts peace and coexistence environment, it directly endangers the lives of people and brings every type of violence in the society. This paper will focus terrorism in Afghanistan. The bad experience of the direct effect and impact of terrorism in Afghanistan since 1978 until Paris Attacks in 2015. 130 people were killed and hundreds injury in a coordinated series of attacks by ISIS terrorists in various locations in Paris, including the

² “Terrorism.” Our World in Data, July, 2013. <https://ourworldindata.org/terrorism>

Bataclan theater. Today Afghan bring the heavy cost of terrorism. Every day Afghan including the security and defense personnel and civilians lost their lives. Furthermore, this paper will find a policy recommendation and to find the solution from the perspective of public international.

CHAPTER1. HISTORICAL VIEW OF TERRORISM

1.1. Terrorism in nineteen centuries

Terrorism has its roots in revolutionary radicalism of the nineteenth century, particularly the rise of "anarchist," "collectivist anarchist," and "anarcho-communist" movements. One or more antiestablishment models were being promoted by the German Karl Marx and the Russian Mikhail Bakunin. Similar organizations had popped up across Western Europe, the Balkans, and Asia within a decade. In his seminal 1853 pamphlet, the German revolutionary Karl Heinzen was the first to express the use of violence, including mass murder, by individuals to promote political change, *Mord und Freiheit*, coining the term *Freiheitskämpfer* or "freedom fighter" in the process. However, these early radicals turned to violence in the hope of enforcing political reform and undermining the State after failing to incite widespread social revolution among the peasantry through conventional methods such as distributing political pamphlets and leaflets urging uprisings and riots to put government under pressure. As a result, "propaganda by the deed" emerged as a key component of European anarchism's political theory.³

The principal violent method of spreading terror at the time was targeted assassination, which carried serious personal risk and the potential for political martyrdom. The assassination of Czar Alexander II in 1881 by the Russian revolutionary group *Narodnaya Volya* is emblematic of this period of terrorism. Targeting persons acting in an official State capacity signified a deep commitment to a cause that could inspire others and epitomized the revolutionary 'code of honour' by sparing innocent citizens. This made terrorist assassination a more humane form of violence than civil war.⁴

³ "Terrorism in the nineteenth century." UNODC, June, 2018. <https://www.unodc.org/e4j/en/terrorism/module-1/key-issues/terrorism-in-19th-century.html>

⁴ Morozov, Nikolai (1880). "The Terrorist Struggle." Fully reprinted in *Violence in Politics. Terror and Political Assassination in Eastern Europe and Russia*, Feliks Gross ed. The Hague and Paris: Mouton, 1972.

The mid and late nineteenth century saw the rise of terrorism due to the availability of dynamite, mass communication technologies, the telegraph and steam-powered rotary press, and the development of commercial railways and trans-Atlantic passage steamers. Dynamite allowed terrorists to disseminate their deadly acts more widely, while mass communication technologies allowed news, learning, ideas and events to be rapidly communicated across long distances. The invention of the telegraph and steam-powered rotary press gave millions of people access to information about events virtually as soon as they occurred.⁵

Russian rebels encouraged and trained a variety of rebel groups that were forming elsewhere, even when their political objectives were greatly different, even though the successful assassination of Czar Alexander I would initially inspire a wave of anarchist violence that would shake Europe and the Americas over the following decades. While anarchists carried out bombings in France, Germany, Italy, Spain, and other countries, which occasionally resulted in cycles of retaliation between anarchists and the government, Western States made an effort to stop the tide through legal means like immigration controls and extradition agreements targeted against "undesirable aliens."⁶ These contained a procedure for actions to be conducted in opposition to the anarchist movement on March 1904, on behalf of nine States, a legal agreement made in October 1905 for the exchange of information about people deemed dangerous to society.⁷ By the mid-nineteenth century, many extradition treaties exempted fugitives accused of "political offences" or "crimes of a political character" from extradition.⁸ Only the conservative regimes of Austria, Prussia, Russia and Naples persisted in

⁵ "Introduction to international terrorism." https://www.unodc.org/documents/e4j/18-04932_CT_Mod_01_ebook_FINALpdf.pdf

⁶ Zimmer, Kenvon (2009). "Propaganda by the Deed." In Immanuel Ness ed. The International Encyclopedia of Revolution and Protest. Malden: Blackwell.

⁷ Hudson, Manley O. ed. (1941). International Legislation: A Collection of the Texts of Multipartite International Instruments of General Interest, vol. 7, no. 499.

⁸ Hannay, William M. (1988). "The Legislative Approach to the Political Offense Exception." In M. Cherif Bassiouni ed. Legal Reposes to International Terrorism - U.S. Procedural Aspects. Dordrecht: Nijhoff.

advocating that ideologically similar nations should use their extradition laws to help suppress each other's revolutionaries.⁹

The Archduke of Austria and heir presumptive, Franz Ferdinand, and his wife were slain in Sarajevo on June 28, 1914, by Gavrilo Princip, a young Serbian nationalist and member of the covert Black Hand organization who wanted to create a Greater Serbia. This incident sparked a "domino effect" of defensive alliances formed in the years preceding up to World War I, which resulted in a "total war" that forever altered the face of terrorism for eras to come. The strategies and techniques developed during the years of "total war" between 1914 and 1918 would haunt States long after the war ended and the thoroughly trained troops had returned to their homes and families. The ongoing availability and use of "political offence" exceptions as grounds for refusing requests by other States for the extradition of people suspected of committing violent crimes for various ideological, religious, or political motives highlighted the challenges associated with differentiating criminal acts of terrorism from criminal acts of crime as revolutionary politics continued to simmer at the local level throughout the nineteenth century.

1.2. The alliance of Nations and terrorism

The 1919 Versailles Peace Treaty that ended World War I between Germany and the Allies sparked the next stage in the growth of contemporary terrorism. Through the League mandate system, which was created to provide a "mild form of international accountability for [their] administration," the Covenant of the League of Nations (the League Covenant) dispersed former German and Turkish colonies and other dependents.¹⁰ Other than that, guidelines to aid in the integration of minority peoples in the new States founded after 1919, such as Yugoslavia,

⁹ Pyle, Christopher H. (1988). "The Political Offense Exception." In M. Cherif Bassiouni ed. *Legal Responses to International Terrorism - U.S. Procedural Aspects*. Dordrecht: Nijhoff.

¹⁰ Thullen, George (1964). *Problem of the Trusteeship System: a Study of Political Behavior in the United Nations*. Librairie Droz.

were also issued. They were meant to promote peace while discouraging Tran's boundary alliances.¹¹

Although the victorious States later became the main guarantors of peace and security, protected common rights, such as the right to nationality, the free exercise of religion, employment, and identity, and rights enshrined in the policies on minorities, did not apply to the peoples and minorities in the victorious States. The victors also presumably rejected the idea of new colonial when they chose not to annex former colonial powers. In general, the Covenant's mutual defense mechanism seemed to be built to priorities concerns about international security over those of the rule of law and international law in the event of a conflict. The conflicting ideas of communist/socialist thought gave rise to the connection between contemporary terrorism and the aspiration of self-determination in the 20th century¹², and those represented in a League of Nations Covenant that makes no explicit mention of the idea of self-determination. The United States, under Woodrow Wilson's presidency, was a staunch supporter of the "peoplehood" principle of self-determination, in contrast to the Soviet Union's post-war revolutionary government, which rejected all former Czarist debts and responsibilities.¹³ However, Wilson did not have much influence over the final form of the Covenant at the Versailles meeting where this idea of self-determination was discussed. Article VI of the Wilson-Miller draught of the proposed League Covenant addressed the issue of self-determination and stated that: The League of Nations shall require all new states to bind themselves, as a prerequisite to their recognition as independent or autonomous states, to accord

¹¹ Veatch, R. (1983, reprinted 2010). "Minorities and the League." In *The League of Nations in Retrospect: Proceedings of the Symposium*, United Nations Library, Geneva: Series Guides and studies 3. De Gruyter.

¹² Lenin, Vladimir (first published 1914, republished 1972). "The Right of Nations to Self-Determination." In *Lenin's Collected Works*, Vol 20. Progress Publishers.

¹³ Morgan, Edward M. (1988). "The Imagery and Meaning of Self-Determination." *New York University Journal of International Law and Politics*, vol. 20, pp. 355-359.

to all racial or national minorities within their jurisdiction exactly the same treatment and security, both in law and in fact, as is accorded to the racial or national majority.¹⁴

Even so, throughout the League of Nations era, these difficulties were only a portion of the considerations that needed to be taken into account while creating new states, whether as a matter of self-help or in the practical framework of statehood-achieving procedures. The League Council tasked the International Commission of Jurists with resolving self-determination questions that arose early in the League's existence during the Aaland Islands dispute in 1920 between Sweden and Finland. The Commission came to the conclusion that just acknowledging the idea of self-determination, as set forth in several treaties, did not establish a beneficial principle of international law.¹⁵ This was caused in part by the Committee's concern that it may set a precedent for independence and promote anarchy. However, a later Committee of Inquiry revised this finding by coming to the conclusion that the islanders would in fact have a legal right under international law to a plebiscite that may have led to their independence from Finland if Finland had not given them certain specific guarantees. The Aaland Islands resolution is now viewed as a model for resolving international disputes.¹⁶ The wave of terrorist killings persisted in the interim. By the 1930s, numerous bilateral agreements made reference to combating terrorism, and numerous extradition treaties included provisions that excluded attempted assassinations of heads of state from the list of political offences that were immune from extradition. The Yugoslavian King Alexander I and French Foreign Minister were both assassinated on the same day in Marseilles, France, on October 9, 1934. This sparked a diplomatic crisis, and Italy refused to extradite the suspects

¹⁴ Fawcett, James (1979). "The International Protection of Minorities." Minority Rights Group, Report No. 41.

¹⁵ Wilson, Margaret A., Angela Scholes and Elizabeth Brocklehurst (2010). "A behavioural analysis of terrorist action: the assassination and bombing campaigns of ETA between 1980 and 2007." *British Journal of Criminology*, vol. 50, no. 4, pp. 690-707.

¹⁶ O'Brien, Patricia (2012). "The Aland Island Solution: A precedent for successful international disputes settlement." Remarks made on 17 January.

because the crimes were political, which brought everything to a climax.¹⁷ In response, the League Council established a Committee of Experts to draught a Convention on Terrorism for the creation of an International Criminal Court. This court would have jurisdiction over certain acts designated as acts of terrorism in the Convention, which States Parties were required to criminalize under their domestic laws. "Acts of terrorism" are "criminal acts directed against a state" according to Article 1(2) of the Terrorism Convention (1937). Such actions must be "intended or calculated to create a state of terror in the minds of any particular person, any group of persons, or any member of the general public." The Convention makes no mention of the motivation behind the anxiety created.¹⁸

Even yet, it was difficult to distinguish between "terrorist" and "political" offences due to State and regional asylum traditions as well as strong national sympathies, and refuge was still a possibility then as it is today. Additionally, as a product of its period, the 1937 Terrorism Convention had no "international" criminal law to be based on, as evidenced by article 19, which states that:

The current Convention has no bearing on the idea that each nation's domestic laws should be followed when it comes to the classification of the various offences covered by the current Convention, the imposition of sentences, the methods of prosecution and trial, the rules regarding mitigating circumstances, pardon, and amnesty. This is true as long as the offender cannot avoid punishment due to a gap in the criminal law.

¹⁷ Chadwick, Elizabeth (1996). "Terrorism and the law: Historical contexts, contemporary dilemmas, and the end(s) of democracy." *Crime, Law and Social Changes*, vol. 26, issue 4, pp. 329-350.

¹⁸ Chadwick, Elizabeth (1996). "Terrorism and the law: Historical contexts, contemporary dilemmas, and the end(s) of democracy." *Crime, Law and Social Changes*, vol. 26, issue 4, pp. 329-350.

As a result, the referring, and consequently prosecuting, State's legislation had to be used to any criminal prosecution for activities defined as offences under the Convention. Unfortunately, the outbreak of World War I prevented either convention from taking effect.

CHAPTER 2. TERRORIST GROUP ATTACKED IN AFGHANISTAN AND PHILIPPINE

2.1. Terrorist group in Afghan Taliban

The Taliban is a Sunni Islamist nationalist and pro-Pashtun organization created in the early 1990s that governed much of Afghanistan from 1996 to October 2001. Peasant farmers and men studying Islam at Afghan and Pakistani madrasas, or religious institutions, made up the movement's original core. The name "Taliban" is Pashto for "students." Southern Afghanistan is where the Taliban established a presence and increased their power.

By 1994, the Taliban had pushed their way across the south, taking many provinces from various armed factions conducting a civil war since the Soviet-backed Afghan government collapsed in 1992. By September 1996, the Taliban had conquered Kabul, murdered the country's president, and founded the Islamic Emirate of Afghanistan. The Taliban's initial act was to impose a rigorous interpretation of Qur'anic teaching and jurisprudence. In practice, this meant frequently brutal measures on the treatment of women, political opponents of any sort, and religious minorities.

In the years preceding the September 11, 2001 attacks on the United States, the Taliban offered al-Qa'ida a secure haven. This gave al-Qa'ida a base to readily recruit, train, and deploy militants to other countries. Up until October 2001, the Taliban ruled Afghanistan. However, the US-led effort against al-Qa'ida drove the Taliban from power.

In July 2015, the Taliban announced that their secretive boss, Mullah Mohammed Omar, had died in 2013. This was one of the most important things to happen in the Afghanistan-Pakistan region since the death of Usama Bin Ladin in May 2011. Omar, who served as president of Afghanistan during the Taliban's rule and was a key supporter of Bin Ladin, was sought by the United States government under the Rewards for Justice Program. Mullah Akhtar

Mohammed Mansur, who was Omar's second-in-command, in early August 2015 was picked as the next Taliban commander. Mansur is only the second leader that the organization has ever had.

The Afghan Taliban are responsible for most insurgent assaults in Afghanistan, which follow an established pattern of frequent low-level ambush and hit-and-run operations paired with sporadic high-profile strikes. Suicide and complex attacks increased 78 percent countrywide in the first half of 2015 compared to the same period in 2014, showing that the Taliban have been acting actively in many areas of the nation. The bloodiest period in Kabul capital city since the US-led invasion of 2001 occurred between August 7 and August 10, 2015, when the Taliban carried out a series of strikes in short succession. At least 60 people died in these attacks. In the first strike, a suicide bomber exploded a giant truck bomb in a residential neighborhood while attempting to target an Afghan Defense Ministry facility, killing 15 civilians and wounding up to 400 more. On its own, the explosion caused unprecedented deaths from a single strike in the capital in recent years—the Taliban is generally suspected of having perpetrated the attack. Still, they did not take responsibility for it because of the enormous civilian losses. Less than 24 hours later, a suicide bomber in a police uniform detonated himself outside the Kabul Police Academy entrance, killing over 40 cadets and bystanders. Later that day, a Taliban unit attacked the Resolute Support Mission Installation Camp Integrity, murdering at least nine individuals, one of whom was a NATO service member. On August 10, a suicide bomber from the Taliban drove a car into a checkpoint near the entrance to Kabul International Airport, killing at least five and hurting 15.¹⁹

¹⁹ “Afghan Taliban.” COUNTER TERRORISM GUIDE. https://www.dni.gov/nctc/groups/afghan_taliban.html.

2.1.1 United States and Afghanistan

The United States and Afghanistan established diplomatic ties in 1935. In order to strengthen our bilateral relationship, advance Afghanistan's potential as a partner, and improve the lives of the Afghan people, the United States and Afghanistan signed the Strategic Partnership Agreement in 2012. The Doha Agreement, which was agreed upon by the U.S. and the Taliban on February 29, 2020, led to the departure of U.S. and Allied forces from Afghanistan on August 30, 2021. Following the Taliban forcible takeover in August 2021, which culminated in Kabul's surrender on August 15, the U.S. has adopted a practical approach to its engagement in Afghanistan. The U.S. has not yet decided whether to recognize the Taliban or any other group as the Government of Afghanistan or as a component of such a government. The United States has made enormous efforts in collaboration with the international community to aid the Afghan people during a time of humanitarian and economic catastrophe.

There are key elements of relations between United States and Afghanistan:

Counterterrorism Concerns in the United States

The Taliban pledged to prohibit anyone, including Al Qaeda from using Afghan territory to endanger the security of the United States and its allies, while the United States pledged to remove its soldiers from Afghanistan as part of the Doha Agreement. In order to establish a post-settlement administration, the Taliban also consented to hold talks with other Afghan parties within their own country. The United States continues to interact with the Taliban to ensure that they fully abide by their commitments.

Financial Relations

In cooperation with other members of the international community, the United States has undertaken major efforts to prevent the Afghan economy from collapsing without the

Taliban profiting. These initiatives have increased the financial sector's liquidity and assisted Afghan banks in maintaining their connectivity to the global financial system.

Relations with Politics

The United States interacts with Taliban representatives to advocate the creation of an inclusive political process that truly reflects Afghanistan's rich variety, including significant representation for women and minority communities. The Doha Agreement gave the Taliban a way to take part in negotiations within Afghanistan to establish a post-settlement administration. The U.S. continues to support such efforts.

Membership of Afghanistan in International Organizations

The United Nations, the International Monetary Fund, and the World Bank are among the international organizations that both Afghanistan and the United States are members of. In addition, Afghanistan joined the World Trade Organization in 2016 and is a Partner for Cooperation with the Organization for Security and Co-operation in Europe.²⁰

2.1.2. The core security challenges under the Taliban

As killing decreased in late 2021 in the vast majority of Afghan land, the Taliban victory has delivered an unaccustomed level of tranquilly to Afghanistan. The National Resistance Front (NRF) and other organizations allied with the former government make up the second insurgency, which is being fought by the Taliban. The first is being directed by the local affiliate of the Islamic State. The fact that foreign militant organizations that formerly relied on the Taliban for safety are still present in the nation is of utmost concern to the outside world, as evidenced by the American strike that claimed the life of al-Qaeda commander Ayman al-Zawahiri in Kabul on July 31. However, outsiders should avoid the urge to resume proxy

²⁰ "U.S. Relations with Afghanistan." U.S. DEPARTMENT of STATE. <https://www.state.gov/u-s-relations-with-afghanistan/>.

conflicts or sporadic drone attacks. Instead, they should urge the Taliban to uphold their security promises and, despite their well-founded hostility, offer limited cooperation on specific topics. Regarding the Taliban, who are primarily accountable for Afghanistan's security, they must professionalize their troops, give up collective punishment, and uphold their policy of providing amnesty to members of the government's security forces and officials.

Afghanistan is now far more tranquil than it was a year ago, but there are still some areas of violence that, if not properly controlled, might lead to greater instability. This is the evolving image of Afghanistan's security environment under Taliban administration. The Taliban's own shifting force posture, which has evidently softened across most of the nation, is a crucial aspect of the new environment. Because the Taliban lack the manpower to maintain them and do not see any significant threats from the remote communities that housed their members throughout the decades-long war, hundreds of checkpoints on roads and highways have been removed. At the same time, they are still having trouble adjusting to their new position as police officers in the unpopular cities and regions of the north. The Taliban have outlined ambitious plans for a sizable security apparatus as they settle into Kabul and make preparations for the future, but efforts to assemble these forces are still in their early stages. It could take years to complete the task.

When security issues arise, the Taliban's initial responses have occasionally made matters worse. They frequently reject the existence of significant problems, such by absurdly asserting that al-Qaeda is not present in the nation. Similar denials about the size of local insurgencies are made by the Taliban, ostensibly to prevent their enemies' publicity and recruitment campaigns while simultaneously quashing dissent with oppressive measures. These have included arbitrary arrest, torture, extrajudicial executions, collective punishment, and

profiling, in which Taliban security agents target members of ethnic, tribal, and religious groups they suspect of helping insurgents or inciting anti-Taliban feelings.

The authorities are experimenting with more nuanced methods to security since the Taliban themselves are aware that these harsh measures frequently result in reaction that encourages Afghans to support the Taliban's enemies. To prevent American soldiers from becoming involved in neighborhood disputes, they have been known to relocate Taliban security personnel. They have also offered to release detainees in exchange for tribal elders' assurances of good behavior. They have begun extensive disarmament measures, including first-ever house-to-house searches to look for weapons and seize material.

These major actions are less violent than earlier counter-insurgency strategies that Afghans had grown accustomed to over the years. In an effort to convince the entire nation not to rebel against Taliban rule, they are also using the soft power of religious experts. The Taliban have reaffirmed a general amnesty that is applicable to anyone who refrains from attacking them and have reached out to former enemies, pleading with them to support the reconstruction of state institutions, especially the security forces. This is perhaps most significant.²¹

2.1.3. The negative impact of Terrorism in Afghanistan

Terrorism has a negative impact on many facets of social, cultural, political, and economic life. While it causes unrest and disturbs the atmosphere of peace and coexistence, it also directly endangers people's lives and encourages all forms of violence in society.

Today Afghans bring the heavy of terrorism. Afghans, including military, security, and civilian employees, perished daily. As a result of military operations involving the Anti-Government Element (AGE) and the government army, according to the official data of the

²¹ "Afghanistan's Security Challenges under the Taliban." International Crisis Group, August, 2022. <https://www.crisisgroup.org/asia/south-asia/afghanistan/afghanistans-security-challenges-under-taliban>.

Afghanistan Independent Human Rights Commission (AIHRC), there were a total of 9431 civilian casualties in 2015, including 3129 fatalities and 6302 injuries. There were 4642 men, 775 women, 1116 children, and 2898 people whose gender could not be determined out of the 9431 people who were killed or injured. Suicide bombing (34.7%), land shelling (20.7%), assassination (15.6%), landmine cultivation (14.38%), missile shelling (12.98%), and air attack (1, 98%) have all claimed their lives. The percentage of civilian casualties by the source of attack has been 72 % by AGA, 9% by the government troops, 19 % by unidentified source and 2% by international security forces.

The weakening of the rule of law and reduced government presence are two further detrimental effects of terrorism in nations where there is armed conflict. In 2015, AGA kidnapped 90 people in Afghanistan, 22 of whom were slain. On November 7, 2015, DAISH (ISIS) men dropped off civilian passengers from a public bus as it travelled from Kabul to the province of Hirat. After a few days, the beheaded bodies of 4 men, 2 women, and one 9 years old girl were discovered on the highway.

Terrorism has made it harder for humanitarian initiatives to succeed. ISIS militants executed 5 Save the Children (NGO) employees who were detained by the group on April 10, 2015. Similarly, assassinations and roadside landmines have claimed the lives of members of the ICRC, Medical Sons Frontier, NGO medical workers, and NGO landmine cleaners.

The environment in which people can exercise their fundamental rights and liberties is constrained by terrorism. Due to a landmine on October 25, 2015, two AIHRC human rights defenders perished and six staff members were hurt. On January 19, 2016, a suicide truck driver attacked the staff bus of a private TV station (TULO TV) in Kabul. The Taliban officially admitted responsibility for the incident, which left 30 people injured and 8 people dead, including 3 women. The Organization for Supporting Journalist in Afghanistan has documented

679 instances of violations against journalists in Afghanistan, including 40 murders, 46 injuries, 22 beatings, 29 kidnappings, 84 detentions, and 238 harassment cases between 2002 and 2015. Because this is the indirect effect of terrorism, which weakens the rule of law and promotes anarchism, the majority of incidents of kidnapping, murdering, and hurting are perpetrated by anti-government elements, with the remaining cases being more or less committed by government agents.

Terrorism (including Taliban and ISIS insurgents) poses a threat to Afghanistan's educational system. Children are now attending more schools than they did in 2002. Approximately 9 million kids currently attend schools nationwide. Taliban either burn schools down or close them. In 2015, the Taliban closed 105 of the 545 schools for children in the province of Helmand and 140 of the 242 schools in the province of Zabul. According to UN figures, 25 teachers or students were killed in Afghanistan in 2015 by anti-government forces.

The national economy is negatively impacted by terrorism. Particularly in less safe locations, the government's revenue from tax collection is diminished. Investors cannot invest in unsafe locations since their lives and property are in danger. Because of this, wealthy Afghan investors are unable to leave their guards at all times. Terrorists damage the economy's support systems. One such instance is the Taliban cutting down the electricity cable that ran from Uzbekistan to Kabul, which left Kabul without power for half of the bitterly cold winter of 2015.

The expense of building public infrastructure is increased by terrorism. Let's say that 40 percent of the cost of building infrastructure is attributable to security concerns because it drives up the price of supplies, transportation, and hiring workers. Additionally, restrictions on commerce and business raise living expenses to the point that the majority of people cannot afford them.

The rule of law and justice are threatened by terrorism in Afghanistan. The anti-government elements limit people's access to justice and implement their own legal system, denying them that right. In the regions governed by the Taliban, lashes, stoning, extrajudicial killings, and summary executions are frequently used. In 2015, the Taliban attacked the prosecutor's office in Mazar-i-Sharif and the staff buses of the attorney general's office in Kabul, demonstrating their opposition to the state's contemporary justice system.

The rise IDP population is the direct consequence of terrorism, particularly because anti-government groups operating today in South Asia, the Middle East, and Africa are heavily radicalized by conservative ideology and pressure the local population to follow their strict rules in addition to conducting military operations. Examples include Boko Haram, Al-Shubab, Al-Qaida, ISIS, and Talibans, which have forced millions of people to flee their homes or, ultimately, migrate to Western nations despite great risk. Today, millions of migrants and IDPs suffer many forms of human rights violations.

There are around 1 million internally displaced people in Afghanistan. They left and are still leaving the Taliban-controlled areas due to the lack of government services, security, and facilities for children to receive an education. According to international data, several hundred thousand Afghans immigrated to Europe in 2015.

According to the experience in Afghanistan, the majority of civilian and military casualties occur during anti-terrorism operations, the planting of landmines, air and ground bombardment, suicide bombing, and assassinations. Tragically, the Afghan government is not able to offer the required help to those with disabilities. Unrest situations hinder investment growth, which keeps the bulk of the population in poverty. The Afghan government's anti-terrorism campaign has caused a decline in the country's economy. According to the official announcement made this month (August 2015), Afghanistan's overall exports have decreased

by 40%. The growth in poverty is the result of this. The government infrastructure project has been hampered by terrorism on the one hand, and the cost of project building has increased as a result of rising construction material and equipment costs and security precautions. The erosion of the rule of law and the spread of corruption are further consequences of terrorist acts that harm public confidence in the government.

Decentralization of power occurs as a result of Afghanistan's anti-terrorism campaign and the government's weak local representation, and local warlords have returned. Therefore, especially in areas under Taliban control, the government is unable to administer justice locally. And for this reason, fewer individuals have access to justice, and those who have violated human rights cannot receive justice.

Democracies in conflict-ridden nations frequently encounter difficulties. According to Afghanistan's past experience, during the country's last three presidential and parliamentary elections, many voters were unable to cast their ballots due to the lack of polling places in their neighborhoods on election day. On the other hand, the insurgents had warned the populace not to vote for anyone in particular, including women, even in areas that were considered to be semi-secure. Elections in conflict or semi-conflict situations are usually questioned since polling place monitoring is exceedingly difficult owing to security concerns. This is why fraud occurred throughout the last three elections in Afghanistan.²²

2.1.4. The current situation in Afghanistan

The current situation in Afghanistan is complex and evolving. In August 2021, the Taliban, a militant group, rapidly took control of most of the country, including the capital,

²² “The negative effect of Terrorism on the Enjoyment of All human Rights in Afghanistan.” <https://www.ohchr.org/Documents/Issues/RuleOfLaw/NegativeEffectsTerrorism/NHRI-Afghanistan.pdf>.

Kabul. This resulted in a significant political and security shift, as the previous Afghan government collapsed and President Ashraf Ghani fled the country.

Since then, the Taliban declared the establishment of the Islamic Emirate of Afghanistan and started forming a new government. The international community has expressed concerns about the rights and safety of Afghan citizens, particularly women, girls, and religious minorities.

Efforts are underway by various countries to evacuate their citizens and eligible Afghans who worked with them, as well as to address humanitarian concerns. The United Nations, regional Organizations, and individual nations are engaging in diplomatic discussions and exploring ways to support the Afghan people during this challenging time.²³

2.2. Terrorist group in Philippine

Terrorist organizations are willing and able to launch assaults anywhere in the nation, especially in Manila, the nation's capital, as well as in tourist destinations for foreigners, including malls, nightclubs, airports, and places of worship. Small guns and homemade explosives, both carried by vehicles and by personnel, have been used in attacks. The threat posed by terrorism is still present, and it comes from organizations like the Abu Sayyaf Group (ASG), Bangsamoro Islamic Freedom Fighters (BIFF), Jemaah Islamiyah (JI), New People's Army (NPA), and other related groups. Some groups have sworn allegiance to Daesh (formerly known as ISIL) and are likely to view Westerners as fair game.

Recent notable incidents include:

²³ “What the Taliban’s Defensive Public Messaging Reveals.”, United States Institute of Peace. <https://www.usip.org/regions/asia/afghanistan#:~:text=In%20the%20nearly%20two%20years,erasing%20them%20from%20public%20life.>

- On June 28, 2019, a dual suicide attack on a military camp in Indanan, Sulu Province, killed three civilians and three military people in addition to the two attackers, resulting in some deaths and injuries.
- On August 24, 2020, two explosions occurred in Jolo, Sulu, resulting in fatalities and injuries. Additional 22 people suffered injuries.
- On January 27, 2019, bombings at a Roman Catholic cathedral on Jolo Island in Sulu Province resulted in 27 fatalities and dozens of injuries.
- On December 31, 2018, an IED exploded at the South Seas shopping mall entrance in Cotabato City, killing two people and seriously injuring many more.²⁴

The Bangsamoro Autonomous Area of Muslim Mindanao (BARMM), a semi-autonomous region created in 2019 following decades of conflict with Islamic extremist organizations, is where the Philippines government is transitioning to and continuing a peace process with the MILF. The administration postponed the first BARMM regional elections, which were initially slated for 2022, until 2025. Members of the Bangsamoro Transition Authority applauded the decision. The region's interim administration claimed that the authority needed additional time to set up parliamentary and legislative procedures. Peace activists and human rights organizations supported the choice. However, a few renegade MILF members and breakaway organizations, such as BIFF and ISIS-East Asia, continued to reject the peace process and launch assaults in the area.

The Supreme Court heard 37 petitions contesting the validity of the Antiterrorism Act (ATA), created with support from the United States and brought into law in 2020. This made it the most litigated piece of legislation in Philippine history. The ATA's detractors were

²⁴ “Foreign travel advice Philippine.” GOV.UK. <https://www.gov.uk/foreign-travel-advice/philippines/terrorism>.

concerned the law may be applied to political adversaries and human rights advocates. Although the ATA increases the government's ability to look into and prosecute terrorists, the administration insisted that it will not use these newfound resources against those who protect human rights. The Supreme Court ultimately determined that the ATA was constitutional except for two clauses. A court decision struck down a clause that permitted the government to detain demonstrators if they endanger the public because it was too broad and open to abuse. The government uses the second.

The UN, ASEAN, ARF, ADMM, and APEC are just a few regional and global organizations where the Philippines has remained supportive of CT initiatives. As part of a 2017 trilateral agreement to fight piracy, terrorism, and the illicit drug trade, the Philippine Navy maintained its cooperative patrols with its Indonesian and Malaysian colleagues. Additionally, the Philippines, the US, and Australia co-hosted the second of a three-workshop series for ARF members on watch listing, aviation security, and information sharing in February. The Philippines is a member of the Defeat-ISIS Coalition and takes part in its Counter-ISIS Financing and Communications working groups.²⁵

2.2.1. The reaction of the IO and IL (UN Charter and Asean Charter)

The United Nations charter, pertinent international legal principles, pertinent international conventions and protocols relating to counterterrorism, applicable United Nations resolutions on measures to combat international terrorism, and reaffirming our commitment to uphold human rights, equal treatment, the rule of law, and due process, all of which were completed at Bali.

²⁵ “Country Reports on Terrorism 202: Philippines.” U.S. DEPARTMENT of STATE. <https://www.state.gov/reports/country-reports-on-terrorism-2021/philippines>

Recalling the declaration on terrorism and the ASEAN declaration on joint action to counter terrorism, which were both approved at the ASEAN summits in 2001 and 2002, respectively, we can state categorically that Terrorism cannot and should not be connected to any particular religion, nationality, civilization, or ethnic group. Reaffirming our commitment to the Vientiane action programmed, done at Vientiane on November 29, 2004. Deeply concerned about the severe threat that Terrorism poses to innocent lives, infrastructure, the environment, regional and global peace and stability, mainly its focus on "shaping and sharing of norms" and the need, among others, to work towards the conclusion of an ASEAN mutual legal assistance agreement, an ASEAN Convention on counter terrorism, and the establishment of an ASEAN extradition treaty.²⁶

Criminal Terrorism Acts

The "Offence" for this Convention means any of the offenses covered by and described in any of the treaties mentioned below:

- The December 16, 1970, signing of the Convention for the Suppression of Unlawful Seizure of Aircraft at The Hague;
- The Montreal convention for the suppression of unlawful Acts against the safety of civil aviation, which was adopted on December 14, 1973.
- The New York Convention for the Prevention and Punishment of Crimes against Diplomatic Agents, which was adopted on September 23, 1971.

Cooperation Areas in Article VI

- The areas of cooperation under this Convention may include appropriate actions, among others.

²⁶“THE ASEAN CHARTER.” Association of Southeast Asian Nations.<https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>.

- Take the necessary steps to prevent the commission of terrorist acts, including by giving early warning to the other Parties through the exchange of information.
- Implement adequate border controls, controls over the issuing of identification papers and travel documents, and steps to prohibit the use of identity papers and travel documents that have been counterfeited, forged, or otherwise fraudulently.²⁷

The debate that follows contrasts Philippine jurisprudence and executive issuances with international legal norms to highlight the distinctions and inconsistencies between OIL and PPIL.

The Sources of Law

The definitive list of international law's sources is found in Article 38 of the ICJ Statute. It enumerates three formal procedures for drafting laws:

- International treaties
- global customs
- Generally accepted legal norms among advanced states.

Two more relevant sources (law determining agencies) are also listed in Article 38 and are referred to as "subsidiary means for determination of rules of law":

- Judicial decisions
- The legal doctrine of the most experienced publicists.

The three formal sources and the two material sources, regrettably, do not correspond with the Constitution's rules regarding how international law may be implemented in the Philippine jurisdiction. In conclusion, it appears that the Constitution recognizes international treaties, conventions, and custom but not universal rules of law of civilized countries. The Incorporation

²⁷ "ASEAN CONVENTION ON COUNTER TERRORISM." <https://asean.org/wp-content/uploads/2021/01/ACCT.pdf>

Clause makes international custom a component of domestic law. According to the Constitution's Article II, Section 2. The Philippines rejects using war as a tool of national policy, accepts the generally recognized norms of international law as part of domestic law, and upholds a foreign policy of peace, equality, justice, freedom, coexistence, and amity with all peoples. As opposed to this, the treaty clause recognizes international agreements.²⁸

2.2.2. A brief summary on terrorist attacked in Cambodia (damages; state mechanism to combating the terrorism; and international response to the terrorist attacked in Cambodia)

In 1997, there were more instances of terrorism in East Asia. The threat posed by the terrorist organization was diminished by ongoing defections from the Khmer Rouge to Cambodian authorities. Still, guerrillas in the country's provinces have violently attacked foreigners. A grenade attack on an opposition political demonstration in March that left 19 people dead and over 100 injured, including a US citizen, was Cambodia's most profound act of terrorism. Political violence has increased there due to the country's fragile political climate. By the Antiterrorism and Effective Death Penalty Act of 1996, the Secretary of State recognized the Khmer Rouge as a foreign terrorist organization in October.

Implementing a peace accord with insurgent groups in the Philippines has decreased violence between government forces and these insurgent groups. Still, former members of these groups and members of Philippine terrorist organizations have maintained their assaults. One group of their victims is foreigners. By the Antiterrorism and Effective Death Penalty Act of 1996, the

²⁸ROMMELJ. CASIS, "DUALISM AND THE INCONGRUENCE BETWEEN OBJECTIVE INTERNATIONAL LAW AND THE PHILIPPINE PRACTICE OF INTERNATIONAL LAW." <https://law.upd.edu.ph/wp-content/uploads/2020/12/PYIL-Vol.17-v0-29Dec20-Dualism-and-the-Incongruence-Between-Objective-International-Law-and-the-Philippine-Practice-of-International-Law.pdf>

Secretary of State designated the Abu Sayyaf Group, one of these terrorist groups, as a foreign terrorist organization in October. Separatist violence that wasn't specifically directed at foreigners but had the potential to make them collateral victims persisted in China and Indonesia.

The threat posed by the Khmer Rouge has been significantly diminished by ongoing defections from the group to the government and the organization's division into pro- and anti-Pol Pot factions. But starting in July, the hardliners stationed at the Khmer Rouge stronghold of Along Veng routinely staged guerrilla-style assaults against government forces in some provinces. However, they denied involvement in the disappearance of two Filipino and two Malaysian workers of a logging firm in December 1997. Guerrillas are also implicated in two violent attacks against ethnic Vietnamese people in Cambodia.

The 30 March grenade attack on a political demonstration for the opposition was the most major act of terrorism to occur in Cambodia in 1997. The incident resulted in the deaths of 19 peoples and over 100 injuries, including one US citizen. The perpetrators of the incident have not yet been found.

In response to the political violence that occurred in July, Hun Sen, the second prime minister of Cambodia, unveiled an eight-point plan in August to enhance security. In order to deter kidnapping and the smuggling of weapons, the new measures include government crackdowns on illegal roadblocks and guns and a prohibition on tinted windows.

In 1997, there was still no word on the whereabouts of British mine-clearing specialist Christopher Howes, who the Khmer Rouge supposedly abducted in March 1996. Unconfirmed reports claimed that Howes was a Pol Pot's army member, and some Cambodian authorities

publicly expressed their worry that he had perished. Khieu Samphan, the head of the Khmer Rouge, denied knowing Howes' whereabouts in May.²⁹

2.2.3. The core cause of the terrorist attack in Philippine

The core cause of a terrorist attack is a complex issue that involves various factors and motivations. It is important to approach the topic with sensitivity and to understand that multiple factors can contribute to such acts of violence. These factors may include political, social, economic, religious, or ideological grievances.³⁰

In the case of the Philippines, the reasons behind terrorist attacks can be attributed to several factors. One of the most notable factors is the existence of various militant groups, such as Abu Sayyaf Group (ASG), Islamic State-inspired groups, and others, who promote extremist ideologies and resort to violence. These groups often have diverse motivations, including demands for autonomy, secession, religious extremism, or to instigate fear and instability.³¹ Political and socio-economic factors can also play a significant role. Some regions in the Philippines face issues like poverty, lack of development opportunities, marginalization, and historical grievances, which can create fertile ground for radicalization and recruitment by extremist groups. Additionally, political tensions, territorial disputes, or grievances against the government's policies may also contribute to the occurrence of terrorist attacks.

It's important to note that this is a complex issue with multifaceted causes, and each case should be examined individually based on specific circumstances, as generalizing the causes across all incidents may not fully grasp the intricacies of each situation.

²⁹ "Patterns of Global Terrorism: 1997." https://irp.fas.org/threat/terror_97/asia.html.

³⁰ "Human Rights, Terrorism and Counter-terrorism." Office of the United Nations High Commissioner for Human Rights. <https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>

³¹ "The Cost of Terrorism: Bombings by the Abu Sayyaf Group in the Philippines." JSTOR. <https://www.jstor.org/stable/43486362>

2.2.4. The state damages and control during the terrorist attack in Philippine

The Philippine Government resumed its efforts to negotiate a peace accord with the Moro Islamic Liberation Front (MILF) while also putting the conditions of a peace agreement negotiated with the Moro National Liberation Front (MNLF) in 1996 into effect. The government started integrating former MNLF rebels into the Philippine military. The combat that peaked in the first half of 1997 was lessened by a cease-fire with the MILF, but the two parties could not agree on a more comprehensive plan. A separate Islamic state in the southern Philippines is still being fought for by the MILF and the more modest Abu Sayyaf Group. Muslim insurgents in the southern Philippines attacked foreigners on various occasions in 1997. In June, the Abu Sayyaf Group members abducted a Japanese businessman and three young Filipino boys. The Japanese hostage was released following a rescue mission by the Philippine military. German businessman who had been kidnapped in September by ex-MNLF members was only freed in December after his family decided to pay the kidnapers a \$100,000 ransom. Two Irish and Belgian priests were kidnapped by former MNLF members in separate events in October and November. They demanded payment of money owed to them under a government rehabilitation program. The prisoners were released after the administration agreed to speed up the money's distribution.

In 1997, the government's efforts to crush communist guerrillas yielded conflicting outcomes. Philippine authorities apprehended key communist figures. In late 1997, the government once more put off talks with the political wing of the communist New People's Army (NPA) in response to an increase in the NPA's small-scale assaults on police and government institutions. Two Filipino workers were killed in a communist guerrilla ambush in May on a vehicle belonging to a subcontractor of a significant US company. In December, NPA militants in Davao City, Mindanao, ambushed two army detachments and kidnapped 21 paramilitary

soldiers. If favorable conditions were met, the government promised to bring up the subject of talks with communists once more. The Alex Boncayao Brigade is a different communist rebel group that does not support peace. Six people were killed and 65 injured in grenade attacks on bus terminals in Manila and Bulcalan City in September, according to a hitherto unidentified group called the Filipino Soldiers for the Nation. According to press reports, the organization allegedly favored President Ramos serving a second term, which is against the law under the Constitution. The Ramos administration fiercely denounced the assaults and attributed them to unidentified provocateurs. The Philippine Government strongly supported the development of a multilateral counterterrorism strategy in regional and other fora. To safeguard likely targets and to locate, look into, and take action against potential terrorists, the government voluntarily provided more personnel. When a US business had what appeared to be an NPA attack on one of its subcontractors in Quezon, the government reacted immediately, and officials at the Cabinet level met with corporate executives to examine what could be done to strengthen security.³²

³² “Patterns of Global Terrorism: 1997.” https://irp.fas.org/threat/terror_97/asia.html.

CHAPTER 3. LESSON LEARNS FROM TERRORIST ATTACKED IN AFGHANISTAN AND PHILIPPINE FOR FUTURE MECHANISM IN COMBATING TERRORIST ATTACKED IN ASEAN

3.1. International law relevant to terrorism prevention

International law plays a crucial role in the prevention of terrorism in Afghanistan and the Philippines. There are some key international legal instruments and frameworks that are relevant to countering terrorism in these countries:

United Nations Security Council Resolutions: Several resolutions have been issued by the UN Security Council to address terrorism globally, including in Afghanistan and the Philippines. These resolutions impose obligations on member states to prevent and combat terrorism, identify terrorist groups, and freeze assets of individuals or entities involved in terrorist activities.³³

International Convention for the Suppression of the Financing of Terrorism (ICSFT): This treaty, adopted by the United Nations General Assembly, requires states to criminalize the financing of terrorist acts and to cooperate internationally in detecting, preventing, and prosecuting such financing.³⁴

United Nations Convention against Transnational Organized Crime (UNTOC): Although not solely focused on terrorism, this convention provides a framework to address organized criminal activities, including those related to terrorism. It promotes international cooperation,

³³ "United Nations Security Council Resolutions.", UN75 2020 AND BEYOND.

https://unrcca.unmissions.org/sites/default/files/6-unrcca_handout_unsc_resolutions_eng_2020_1_2.pdf

³⁴ "INTERNATIONAL CONVENTION FOR THE SUPPERSSION OF THE FINANCING OF TERRORISM.", UNITED NATIONS 1999. <https://treaties.un.org/doc/db/terrorism/english-18-11.pdf>

legal assistance, and capacity building among states to prevent and combat transnational crime, including terrorism.³⁵

International Humanitarian Law (IHL): Applicable during armed conflicts, IHL sets limits on the means and methods of warfare. It prohibits acts of terrorism, targeting civilians, and causing unnecessary suffering. These principles guide the behavior of parties involved in armed conflicts, such as in Afghanistan.³⁶

International Human Rights Law: Protecting individual rights is essential in terrorism prevention efforts. States must respect and protect human rights, even in the context of countering terrorism. International human rights instruments, such as the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, provide a framework for safeguarding human rights while countering terrorism.

It's important to consult specific provisions and interpretations of these legal instruments to fully understand their application in the context of terrorism prevention in Afghanistan and the Philippines. Legal experts or relevant international organizations can provide further guidance tailored to specific circumstances.³⁷

3.2. Comparison on the cause of terrorist attacks in Afghanistan and Philippines

When comparing the causes of terrorist attacks in Afghanistan and the Philippines, it is important to consider the historical, political, socio-economic, and cultural factors that contribute to the rise of terrorism in each country.

³⁵ “United Nations Convention against Transnational Organized Crime and the Protocols Thereto.”, United Nations. <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

³⁶ “What is International Humanitarian Law.”, ICRC. https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf

³⁷ “INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES.”, International human rights law. <https://cambodia.ohchr.org/en/publications-materials/international-human-rights-law>

- **Historical**

Afghanistan: Afghanistan has a long history of conflict and political instability. The Soviet invasion in 1979, followed by years of civil war and the rise of the Taliban regime, created a chaotic environment. These events left deep scars and provided opportunities for extremist groups to exploit the power vacuum and the grievances of various ethnic and tribal communities.³⁸

Philippines: The Philippines also has a history of insurgencies and political unrest. The Moro Rebellion in the early 20th century and subsequent conflicts with Muslim separatist groups have contributed to the rise of extremism. Additionally, historical grievances like political marginalization, land disputes, and cultural conflicts have fueled the growth of terrorist organizations in certain regions.³⁹

- **Political Factors**

Afghanistan: Political instability, weak governance, and corruption have played a significant role in creating a fertile ground for terrorism. The constant power struggle among various ethnic groups, along with a lack of effective state institutions, has allowed extremist groups like the Taliban and ISIS to thrive and recruit disillusioned individuals.⁴⁰

Philippines: Similar to Afghanistan, political instability and governance challenges have contributed to the rise of terrorism in the Philippines. Weak state institutions, corruption, and

³⁸ "Soviet invasion of Afghanistan." Britannica. <https://www.britannica.com/event/Soviet-invasion-of-Afghanistan>.

³⁹ "The origins of the Muslim Separatist Movement in the Philippines." ASIA SOCIETY. <https://asiasociety.org/origins-muslim-separatist-movement-philippines>.

⁴⁰ "Afghanistan's Future Depends on Taliban's Engagement with world, But Restrictions on Women Signal Lack of International Commitments, Briefer Warns Security Council." United Nations. <https://press.un.org/en/2022/sc15038.doc.htm>

issues related to governance and the rule of law have allowed extremist groups like Abu Sayyaf and the New People's Army to exploit the gaps in governance and establish their presence.⁴¹

- **Socio-economic Factors**

Afghanistan: Extreme poverty, lack of access to education, unemployment, and limited economic opportunities have contributed to the vulnerability of individuals, making them susceptible to radicalization. Economic inequality and a lack of basic services have fueled grievances, which terrorist groups exploit for recruitment purposes.⁴²

Philippines: Socio-economic disparities are also significant factors in the Philippines. Certain regions, particularly those affected by conflicts, face high levels of poverty, limited social services, and a lack of economic opportunities. This socio-economic marginalization provides fertile ground for terrorist recruitment, as individuals seek alternatives or resort to violence to address their grievances.⁴³

- **Cultural Factors**

Afghanistan: Afghanistan has a diverse cultural landscape, with tribal and ethnic differences often leading to tensions and conflicts. Taliban insurgents exploit these divisions and use extremist interpretations of religious doctrine to justify their actions. The influence of radical religious ideologies, combined with cultural factors, has contributed to the persistence of terrorism in the country.⁴⁴

Philippines: In the Philippines, cultural and religious factors play a role in the rise of terrorism. The clash between different religious beliefs, such as Islam and Christianity, in certain regions

⁴¹ “Cutting off access to Funds, Bolstering Criminal Justice Responses key to severing Terrorism Organized crime Link, Experts Tell Security Council.” United Nations. <https://press.un.org/en/2019/sc13875.doc.htm>.

⁴² “Afghanistan Socio- Economic outlook.” https://www.undp.org/sites/g/files/zskgke326/files/2023-04/SEO%202023-Executive%20Summary_English.pdf.

⁴³ “The World Bank in Philippines.” <https://www.worldbank.org/en/country/philippines/overview>.

⁴⁴ “Afghan Culture.” Cultural Atlas. <https://culturalatlas.sbs.com.au/afghan-culture/afghan-culture-family#:~:text=Afghan%20culture%20is%20very%20collectivistic,to%20one's%20tribe%20or%20ethnicity%20>

contributes to conflicts and further fuels the grievances that extremist groups exploit. The complexities of cultural and religious identities in the country make counter-terrorism efforts challenging.⁴⁵

It's important to note that these are just a few factors influencing the causes of terrorism in Afghanistan and the Philippines. Each situation is unique and complex, with multiple interrelated factors at play. A comprehensive analysis would require a deeper examination of the specific historical events, socio-economic conditions, political dynamics, and regional influences in each country.

3.3. Lesson Learnt for other country to protect Terrorism

Protecting a country from terrorism is a complex task that requires a comprehensive approach involving various strategies and methods. Here are some lessons that can be learned for another country to enhance its counterterrorism efforts:

Intelligence sharing: Strengthen cooperation and information sharing between different national agencies, as well as with international partners. Effective intelligence gathering and analysis can aid in identifying and preempting potential terrorist activities.

Enhance border security: Invest in advanced technologies and infrastructure to prevent the infiltration of terrorists and monitor the movement of individuals across borders. Implement rigorous screening measures for people and goods entering the country.

Improve community engagement: Establish programs that promote dialogue and encourage trust-building between law enforcement agencies and local communities. Engaging with communities helps to identify early warning signs, foster resilience, and disrupt potential extremist recruitment efforts.

⁴⁵ "Culture and Tourism in Philippines." <https://www.csub.edu/pacificrim/countryprospectus/culture.htm>.

Strengthen law enforcement capabilities: Provide ongoing training and resources to law enforcement agencies to equip them with the necessary skills for counterterrorism operations. This includes specialized training in intelligence analysis, surveillance techniques, crisis response, and investigation methods.

Counter radicalization: Develop targeted initiatives to counter radicalization and prevent individuals from joining extremist groups. This can involve education programs, community outreach, and rehabilitation efforts for former extremists.

Investment in cyber security: Strengthen cyber security infrastructure to protect critical systems and networks from cyber-attacks. Terrorist organizations increasingly rely on digital platforms for radicalization, communication, and planning, so strengthening cyber security is crucial to disrupt their activities.

International cooperation: Collaborate with other countries, share best practices, and participate actively in international efforts to combat terrorism. This includes cooperation on intelligence sharing, joint operations, extradition treaties, and legal frameworks to support counterterrorism measures.

Address root causes: Investigate and address the underlying social, economic, and political factors that contribute to radicalization. This involves addressing grievances, promoting social inclusion, and ensuring equal opportunities for all segments of society.

Crisis preparedness: Develop robust crisis management plans to effectively respond to and mitigate the impact of terrorist incidents. Regular drills and exercises involving relevant authorities can help refine response capabilities and coordination.

Public awareness and vigilance: Promote public awareness campaigns to educate the population about recognizing and reporting suspicious activities. Encouraging the public to be vigilant enhances the chances of early detection and prevention of potential terrorist threats.

CONCLUSION

In conclusion, the issue of Terrorism in the modern context presents complex challenges from the perspective of Public International Law. While there is no universally accepted definition of Terrorism, various international instruments and conventions provide a framework to address this phenomenon.

Public International Law plays a crucial role in combating terrorism, as it establishes norms and frameworks for states to cooperate in preventing and addressing acts of Terrorism. These legal instruments emphasize the need for states to take decisive measures to prevent terrorist acts, hold individuals accountable for their actions, and cooperate in the investigation, prosecution, and extradition of perpetrators.

However, challenges persist in effectively addressing terrorism within the framework of Public International Law. The diverse nature of terrorist groups, their changing tactics, and their transnational reach pose significant obstacles to traditional state-centric approaches. The advent of various technological advancements has also presented new avenues for terrorists to operate and communicate, requiring comprehensive legal frameworks that balance security concerns with the protection of human rights.

Moreover, differing views on counter-terrorism strategies amongst states, issues of jurisdiction, and the impact of state sovereignty contribute to the complexities faced in addressing Terrorism through International Law. In some instances, states' national security concerns have led to the curtailment of civil liberties and human rights, raising questions about the effectiveness and legitimacy of certain counter-terrorism measures.

Nevertheless, Public International Law provides a foundation for international cooperation and coordination in countering terrorism. Efforts are being made to strengthen legal

frameworks, promote information sharing, enhance cooperation between states, and integrate human rights considerations into counter-terrorism strategies.

Overall, while there are ongoing challenges and debates surrounding the role of public international law in addressing terrorism in the modern context, it remains an indispensable tool for states to collaborate in combating this global threat and safeguarding peace, security, and human rights.

RECOMMENDATION

Based on the perspective of Public International Law, here are some recommendations for addressing terrorism in the modern context:

States should work towards a comprehensive and universally accepted definition of terrorism that respects human rights and provides a solid foundation for international cooperation. Efforts should be made to encourage more states to ratify and implement relevant international conventions and treaties, such as the International Convention for the Suppression of Acts of Nuclear Terrorism and the United Nations Convention against Transnational Organized Crime. States should prioritize collaboration and information sharing to disrupt terrorist networks and prevent acts of terror. This includes strengthening mechanisms for intelligence sharing, law enforcement cooperation, and judicial cooperation to facilitate extradition and prosecution of terrorists. Establishing joint investigative teams and sharing best practices can also enhance effectiveness in combating terrorism. Moreover, States should ensure domestic legislation aligns with international legal obligations and provides a strong basis to prosecute and punish terrorists. This includes enacting laws that criminalize acts of terrorism, provide adequate legal frameworks to combat financing of terrorism, and protect human rights in the process. Regular reviews of domestic legislation should be conducted to address emerging trends and adapt to evolving threats. Furthermore, Counter-terrorism measures should be designed and implemented in a manner consistent with international human rights standards and the rule of law. Laws and policies should strike a balance between national security concerns and the protection of fundamental rights, including due process, freedom of expression, privacy, and non-discrimination. Upholding the principles of human rights not only strengthens the legitimacy of counter-terrorism efforts but also helps to prevent radicalization and promote inclusivity in society. Addressing the root causes of terrorism is crucial to long-

term success. States should invest in socio-economic development, education, and poverty reduction programs, focusing on areas vulnerable to terrorist recruitment. Building resilience within communities, promoting dialogue, and countering extremist narratives through education and media can play a significant role in preventing radicalization. Engage actively with international organizations such as the United Nations, Interpol, and regional bodies like the European Union or African Union to leverage their expertise, resources, and platforms for joint efforts against terrorism. Collaboration with these organizations can strengthen capacities, facilitate mutual support, and encourage the adoption of consistent approaches to counter-terrorism.

These recommendations provide guidelines for states to navigate the complexities of Terrorism through the lens of Public International Law, while ensuring respect for human rights and international cooperation. Implementing these recommendations collectively will help build a stronger and more effective global response to combat Terrorism in the modern context.

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