

**Essays on The State of
Conflict and Violence in Asia**

Violence and Regimes in Asia: Capable States and Durable Settlements

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It is common in academic and policymaking circles to argue or assume that democracy should be correlated with positive outcomes, such as peace, development, rule of law, and equality, while authoritarianism should be associated with all their negative opposites. But no serious observer of Asian politics—whether East, Southeast, South, or Central—would ever propose such a blunt causal connection, especially with regard to the outcomes that occupy our attention in this volume: peace and violence. Examples abound in Asia of countries where democratization has appeared to be associated with an increase in violence, as well as dictatorships that have at least seemed adept at fulfilling basic human desires for physical security, if not individual and collective freedoms. Trumpeted as they always are by autocrats and their most vocal champions, such examples give rise to the opposite conclusion: authoritarianism generally fosters peace, while democracy—especially the rocky process of democratization itself—tends to increase violence, at least until democracy ages, consolidates, and matures.

The fact that both of these opposing perspectives can plausibly coexist suggests that no definitive, absolute correlation between regime type and violence actually exists. Nevertheless, one can still discern some striking patterns linking regimes and violence across Asia. First, as a matter of *regime type*, democracies and dictatorships can both be either peaceful or violent, but for different reasons. Most simply put, authoritarian peace rests on *capable states*, while democratic peace rests on *durable settlements*. The greatest dangers therefore lie where state incapacity is married to authoritarianism—as in the Philippines under the Ferdinand Marcos regime and potentially again under Rodrigo Duterte—and where political settlements break down in a democracy, whether a democracy as old as India or as young as Timor-Leste.

Second, *regime transitions* can create a range of outcomes with regards to large-scale violence. As predicted in the literature, political liberalization in Indonesia, Myanmar, the Philippines, Pakistan, and Nepal has been accompanied by the escalation of large-scale violence. However, the roots of these conflicts and the initial formation of the rebel organizations at the center of contemporary violence can be traced back to authoritarian rule that preceded democratic change. Furthermore, Asian countries show that transitions to democracy provide exceptional

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opportunities for negotiated settlement of these conflicts. Such opportunities for peace may not be perceived as readily available in long-standing democracies such as India and Sri Lanka.

Finally, *regime evolution* over time affects the forms of violence that predominate, particularly in maturing democracies. Counterintuitively, a higher level of democratic consolidation does not necessarily lead to lower levels of violence. However, it is often accompanied by a shift in the form of violence, especially with regards to communal conflict. Evidence from India, Bangladesh, and Indonesia shows that democratic consolidation is associated with a concurrent decrease in large-scale riots and a rise in localized vigilante violence. Affirming the key lesson that peaceful democracies rest on durable settlements, vigilantism is typically directed against those minorities whose standing in a nation's foundational political settlement is least secure.

Regime type and violence

The great variation in regime type and violence within Asia provides an ideal setting for engaging with competing theoretical claims. Proponents of the “domestic democratic peace” theory argue that democratic institutions tend to reduce violent conflict in diverse societies by structuring fair contestation over diverse preferences through inclusive participation. Commitment to representative institutions can incentivize political elites to resolve their differences through negotiation and compromise by allowing for wider participation in the decision-making processes.¹ Others claim that electoral competition can generate deep contention over distribution of resources, leading to mobilization of nationalist sentiment that increases the likelihood of armed conflict in democracies.² Especially in ethnically diverse and economically less developed societies, it has been suggested that authoritarian rule can bring the institutional strength necessary for economic growth and social stability.³

Empirical evidence from Asia does not lend consistent support to either of these claims. Table 1 compiles and color-codes the conflict outcomes discussed in this volume's country chapters, and correlates them with each country's Polity score.⁴ If democracies were systematically more violent than dictatorships, or vice versa, a clear pattern would be visible in which lighter (less violent) cells would separate from darker (more violent) cells along the vertical axis. One need not employ sophisticated estimation techniques to see that in the 14 Asian cases covered here, no clear association between regime type and violence—even when we disaggregate violence into its many different types—can be ascertained.

Table 1 also presents some clear surprises for perspectives that link regime *quality* with violence. Some have argued that semidemocracies, or “anocracies,” are most likely to experience violence compared to harsh autocracies or consolidated democracies.⁵ A glance at Table 1 casts doubt on this claim. Two of the region's oldest democracies, India and Sri Lanka, are quite similar to their younger counterparts such as Indonesia, the Philippines, and Bangladesh in both levels

Regime type is not a good predictor of violence in Asia

and varieties of violence. Intriguingly, Timor-Leste and Mongolia are new democracies that are more peaceful than countries with far more experience in democratic governance.

Even when we compare two countries that have experienced the most regime instability in the region, Pakistan and Thailand, it is clear that they differ vastly in their experience of violence. Despite having undergone similar regime cycling between military-led interventions and short periods of democratic rule, Pakistan fares much worse than Thailand on virtually all categories of armed conflict, including terrorism, national political conflict, and sectarian violence.

The argument that authoritarianism helps cement societal peace and political order is also belied by the fact that some of the worst acts of mass violence in the world have been committed by autocrats in Asia. The Khmer Rouge's systematic genocide led to the death of at least a million people, while Indonesia's New Order regime came to power on the back of a massive anticommunist campaign in which the military and citizen militias killed perhaps half a million people. Even where authoritarian regimes manage to avoid committing mass violence, they engage in high levels of state repression characterized by arrests, assassinations, torture, and forced displacements.⁶ Although autocracies tend to be most violent during their founding years—as arguably is true of democracies as well—this does not mean that the long-term consolidation of authoritarian regimes necessarily yields increasingly peaceful outcomes. To the contrary, repressive measures may cumulatively result in rising national tensions, as currently observed in Cambodia and Malaysia, both of which have been consistently dominated by an authoritarian ruling party for decades.

Regime type is thus not a good predictor of violence in Asia. What then explains the observed variation in violent conflict across cases compiled in this volume? In any political system, levels of violence are a function of *state capacity* more than regime type. It is no coincidence that this volume, focused on analyzing violence across the region, sees no need to cover either Asian democracies such as South Korea and Taiwan or authoritarian regimes like Singapore that have historically possessed highly capable states.

Recent research suggests that authoritarianism is no panacea for social violence. Dictatorships with fragmented and poorly organized coercive apparatuses engage in more “high-intensity violence” than stronger authoritarian states that can target their enemies more precisely and, in many cases, legally and without bloodshed.⁷ Among cases considered here, the Philippines under Marcos and Myanmar under military rule serve as examples of authoritarian regimes with fragmented coercive capacity that deployed high levels of violence to subdue multiple popular challenges.⁸ In contrast, the New Order regime in Indonesia developed highly sophisticated mass-surveillance systems that could engage in more targeted repression of dissidents, reducing the likelihood of violent counter-mobilization.⁹ All else equal, the Philippines should enduringly provide more sites of stateless sanctuary for sympathizers of transnational terrorist organizations such as Islamic State (IS) than will Indonesia.

This does not mean, however, that high state capacity is the only route to peace *in democracies*. Statebuilding does not have to precede democratization for peace and stability to take hold.¹⁰ Authoritarian regimes indeed require state capacity to maintain order in a setting of relatively limited electoral consent. However, democracies can forge peaceful settlements across groups even when state capacity is unimpressive, as has been the case in Mongolia and Timor-Leste. In Pakistan and Sri Lanka, on the other hand, the state has developed higher levels of coercive

capacity after fighting external and internal foes for decades. Yet democratic politics in both of these countries have been marred by turmoil due to a lack of durable settlements on fundamental features of the polity. Although it might flirt with tautology to say that democratic peace is a result of political settlements, it is an improvement on existing perspectives that portray levels of violence as a direct product of regime type or as a predictable side effect of economic underdevelopment or inequality.

Regime change and violence

Let us now turn our attention to another common claim: one that depicts vulnerability to armed conflict as a temporally bounded feature of regime *change*. This largely quantitative literature assesses the likelihood of armed conflict onset with respect to the timing of transitions to and from democratic rule.¹¹ As noted above, transitions to new authoritarian regimes in Cambodia and Indonesia produced some of the deadliest mass violence Asia has ever witnessed. This section focuses on violence in transitions to democracy, not because they tend to be more violent than transitions to authoritarianism, but simply because Asia has experienced more democratic transitions than breakdowns in recent years. When a region births more democracies, naturally it experiences more cases where democracy and violence coincide.

On the surface, several countries discussed in this volume correspond with the finding that periods immediately following democratization are moments of high risk for mass violence. In Indonesia, for example, momentous political change has always coincided with extraordinary periods of violence. Multiple rebellions erupted across the archipelago soon after a newly independent Indonesia convened its first democratically elected parliament in 1955. Indonesia's most recent democratization process was also beset with escalation of three preexisting insurgencies, in Aceh, Papua, and East Timor, as well as communal violence across multiple parts of the country that collectively claimed an estimated 22,552 lives between 1998 and 2003.¹²

Pakistan's turbulent history follows a similar trajectory. The country's two, short-lived experiments with democratic governance were marked by a separatist war that resulted in Bangladesh's independence in 1971, and then by a surge in sectarian violence since 1989 that continues to this day. Even the current regime transition that commenced in 2009 has been met with an increase in terrorist-related attacks and escalation of separatist violence in the restive Balochistan province (see country chapter in this volume).

While most of the literature emphasizes the risk of violence *after* a regime transition has taken place, evidence from two additional Asian countries shows that initial attempts at political liberalization can also trigger violent mobilization. In Nepal, the Maoist insurgency only gained ground after the *Jana Andolan* movement successfully managed to place constitutional constraints on the country's powerful monarchy. Similarly, ethnic and separatist violence in Myanmar began to escalate in some long-standing trouble zones in 2011. This was before fully competitive elections were held, but after political prisoners were freed and the regime softened restrictions on public gatherings and the media, signaling deeper democratic reforms.

Transitions to new authoritarian regimes have produced some of the deadliest mass violence

Asia's two oldest and least interrupted democracies, **India and Sri Lanka**, have most consistently sought military solutions to settle their internal conflicts

These cases support the claim that the risk of armed conflict can rise in periods of political liberalization. Yet they also challenge the most commonly proposed causal link between democratization and violence. Scholars have often claimed that transitions to democracy create incentives for political elites to fan nationalist sentiments. By defining a clear “other” in ethnic terms, elites can improve their chances of gathering popular support needed to win elections. Stoking communal hatred for instrumental reasons after a transition can also lead to mass mobilization for armed conflicts.¹³ The history of armed conflicts across Asia problematizes this purely instrumentalist perspective. While violence may have escalated in the immediate aftermath of political liberalization, the actual grievances at the heart of these conflicts and the initial formation of rebel organizations long predate democratic transitions.

For example, the causes of three separatist civil wars in Indonesia can be located in the way that resource-rich provinces of Aceh, Papua, and East Timor were integrated into the nation-state, as well as the discriminative social and economic policies adopted by the New Order regime. The Acehnese played a pivotal role in the Indonesian nationalist struggle, but disagreements about the role of Islam in the newly independent state prompted a nationalist movement in the province that evolved into the separatist Free Aceh Movement (GAM) in 1976.¹⁴ Long before the democratic transition in 1998, GAM had waged two unsuccessful guerilla wars in the province during the ‘70s and the ‘80s. Similarly, armed rebellions in Papua and East Timor were launched after these provinces were forcefully annexed to the Indonesian state under authoritarian rule. This initial elite discontent with Jakarta’s domination in these provinces took on a more popular character when the New Order regime developed a highly centralized governance strategy that shifted a large proportion of natural resources from these regions to the densely populated island of Java.¹⁵ As in Indonesia, regional rebellions in Thailand, Pakistan, the Philippines, and Myanmar typically began during, continued throughout, and persisted after protracted periods of authoritarian rule.

The fact that the intensity of violence in these conflicts only escalated during the democratization process is not entirely surprising given that, by definition, authoritarian regimes are able to mobilize high levels of repression to suppress challengers. The process of democratization, on the other hand, often occurs in the context of the state’s coercive retreat.¹⁶ This can reduce the perceived risk of the use of violence by rebels, who have amassed the necessary organizational infrastructure under authoritarian rule. More than instrumental instigation by electoral elites, escalation of violence in these separatist conflicts indicates rebels’ increased ability to fight back as violent state repression abates following a democratic transition.

Moments of democratization also provide opportunities to renegotiate structural features of the polity, such as the influence of the armed forces, center-periphery relations, and the state’s redistributive policies. These structural openings appear to have a dual effect. First, they can incentivize preexisting rebel organizations to use violence in order to obtain more favorable concessions from the process. Because opportunities for this kind of renegotiation are more limited during transitions to authoritarian rule and the risk of state repression is higher—and because coup-makers try to time their intervention for when they expect resistance to be limited—popular mobilization after military coups, such as those observed frequently in Pakistan and Thailand, is relatively rare. Instead, authoritarian takeovers often correspond with state-led crackdowns on rebel groups and political dissidents.

While democratic openings can provide incentives for escalation of violence in long-standing conflicts, they also appear to provide unique opportunities for reaching negotiated settlements with rebel groups. Indeed, transition cases with long-standing separatist movements, most notably Nepal and Indonesia (Aceh), have made concerted efforts to resolve these conflicts through negotiated peace agreements that include extraordinary autonomy concessions, guarantees of free political participation of former rebels, and even full-blown federalism (in Nepal). Even where separatist conflict has not been fully resolved, such as the Philippine island of Mindanao and Indonesia's restive Papua province, a series of local-autonomy and revenue-sharing concessions after the democratic transition have prevented a serious escalation of the conflict by undercutting elite support for rebel organizations. Although it is quite early in the process, Myanmar appears to be navigating a similar path towards regional autonomy in a fledgling electoral democracy. In contrast, it is striking that Asia's two oldest and least interrupted democracies, India and Sri Lanka, have most consistently sought military solutions to settle their internal conflicts.

Democratization processes in Asia have clearly opened opportunities for arriving at political agreements with rebels. They also heighten the risk of violence in the short term, however, as both sides use more force while they can to help them establish a more favorable *fait accompli* for the negotiations. More research is needed to understand why transitioning democracies in Asia have been more effective at negotiating peace agreements with rebel groups than have long-standing democracies, and whether it is the case in other regions as well.

As a starting point, here are three preliminary thoughts. First, a behavioral explanation is that older democracies have little practice in negotiating with rivals who refuse to follow the rules of constitutional order. As a consequence, they have sought outright military victory over rebel groups, and with very violent consequences. In contrast, elites in transitioning democracies accumulate the necessary negotiation experience to engage in dialogue on difficult issues to reach a mutually agreeable settlement.

Second, the structural environment also matters. Moments of democratic transition put fundamental questions about political life on the table. As such, they provide opportunities for horse-trading of concessions between different parties¹⁷ in ways that may not be available in long-standing democracies, where fundamental features of the polity are no longer up for renegotiation.

Third and finally, the most reliable political pathway for reaching peace settlements in new democracies may very well run through decentralization. Political leaders are more likely to seek a negotiated settlement for protracted armed conflicts once they are sure that their "reputation" for making concessions to one rebel group will not encourage other groups to make similar demands.¹⁸ Given that it often goes hand in hand with democratic reform, devolution of power may serve to reduce the overall perceived risk of future separatist demands. This makes leaders more likely to reduce military deployment and seek a negotiated settlement for preexisting conflicts.

Regime evolution and violence

Overall, neither regime type nor regime transitions in Asia have a direct bearing on levels of violence. However, democratic consolidation appears to create a perceptible shift over time in the particular *forms* of violence used in these conflicts. Although ethnocommunal fault lines run through virtually all Asian countries, the mode in which they are expressed seems to evolve with the level of democratic competition.

In developing democracies, where electoral competition is beginning to open up, communal conflicts often take the form of riots that cause large-scale loss of human life, economic damage,

and displacement. In its early transition period, Indonesia experienced multiple communal riots against the ethnic Chinese minority in its urban centers. Christian-Muslim riots that lasted for months in the country's eastern provinces were very much rooted in local anxieties about how the advent of free elections for the first time in three decades might reshuffle the deck of political power.¹⁹ Likewise in India, Hindu-Muslim riots peaked during the mid-to-late '90s when the country was transitioning from decades of Congress Party dominance towards a genuine multiparty democracy. In India as in Indonesia, local electoral considerations played a key role in determining subnational patterns of violence.²⁰

The consolidation of competitive, multiparty democracy in these cases corresponds with a gradual decline in the incidence and impact of riots. But it is also correlated with the emergence of vigilantism as a more prominent form of communal violence. In India, vigilante attacks on individuals accused of eating beef by members of "cow protection groups" have been on the rise since 2010.²¹ Although the immediate issue in these attacks is to prevent the consumption of beef and the sale of cows for slaughter, in effect most of its victims have been members of India's vulnerable Muslim minority.

This trend is mirrored in Muslim-majority Indonesia, where vigilante groups have increasingly sought to police communal boundaries through violent attacks on non-Muslim houses of worship and deadly crackdowns on activities of sects within Islam that they deem "deviant." Criminal suspects, alleged sorcerers, and homosexuals are also frequent targets of vigilante violence. During Indonesia's current democratic consolidation phase, the number of victims of vigilante violence is estimated to be three times higher than casualties from other forms of large-scale violence such as riots and group clashes.²²

Vigilantism in these consolidating democracies is similar to riots in the sense that both target groups that lack clear political standing in foundational political settlements.²³ Even though Hindu nationalists in India did not win their initial constitutional battle against secularists in the Congress Party, they have continually and vociferously called into question the "loyalty" of Indian Muslims with reference to the protracted insurgency in Kashmir and during multiple military confrontations with Pakistan.²⁴ Indonesia's Christian and Chinese minorities have faced similar stigmas. Despite being guaranteed equal constitutional rights in the Muslim-majority country, these groups are often denounced as colonial accomplices and beneficiaries of the repressive New Order regime.²⁵ Riots contest these political settlements by eliminating or displacing minority groups as a collective, as most tragically seen in recent pogroms against Myanmar's Muslim-minority Rohingya population. Vigilantism, on the other hand, forces minorities to adjust their behavior, by punishing individual infractions of a dominant communal order.

Democratic consolidation produces two sets of changes that explain this concurrent decline in riots and rise in vigilante violence. First, strengthening of democratic institutions brings about an improvement in the rights of ethnic and social minorities as well as a heightened level of accountability for government officials in terms of protecting vulnerable groups. This can, ironically, increase violence against these newly protected groups by conservative elements in the majority who resist and reject the extension of minority rights.²⁶ At the same time, these developments are associated with greater civil society scrutiny and growing judicial oversight of state agents, making large-scale riots a risky strategy for reasserting dominance.

Second, the increase in electoral competition can create incentives for using vigilantism as a form of violent lobbying to push back on some of these "liberal" reforms. This lobbying can work in two ways. In countries with a long history of communal violence, frequent episodes of religiously charged vigilantism create fears of escalation into larger conflagrations. State agents often manage these fears by appeasing vigilantes with stricter regulation and enforcement of those offenses that vigilantes seek to punish. Violent punishment of beef eaters in India has spurred

a host of local government regulations that ban the sale of cows for consumption. Similarly, in Indonesia, rising vigilante action has rolled back many of the key human rights achievements from the transition era, as both local and national politicians continue to issue legislation that restricts minorities' freedom to worship and regulates social behavior such as dress code and sexual preferences. Even in Bangladesh and Pakistan, recent attempts by democratically elected governments to reevaluate religious (*sharia*) regulations have triggered a spate of vigilante attacks against atheists and alleged blasphemers, making future reform difficult.²⁷

Vigilante groups often lack the numerical strength to affect electoral outcomes, as they represent the extreme wing of a conservative voting bloc. However, in situations where multiple vigilante organizations exist and electoral competition is high, vigilantes can provide a coercive advantage to candidates from major, mainstream parties.²⁸ During election campaigns where religious identity is a factor, vigilante organizations can boost the credentials of certain candidates and damage others through mass mobilization on religious issues.²⁹ In others they can provide "insurance" against possible use of violence by other candidates. Maintaining strategic alliances with elected representatives, especially local chief executives, enables vigilante groups to access state resources. It also allows them to shape public policy in ways that serve their ideological agenda. This helps explain why a majority of new religious and moral regulations in Indonesia have been enacted by elected officials from mainstream rather than Islamist parties.³⁰




Conclusion

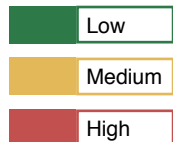
One of the most significant political features of any country is its regime type. It is therefore unthinkable that patterns of violence would not in some way be connected to regime features. In this report, we have argued that regime *types*, regime *transitions*, and regime *evolution* all have identifiable effects on patterns of violence. Yet these cannot be reduced to any simplistic correlation between levels of democracy and levels of conflict. Nor are these regime features the most important factors in shaping violent vs. peaceful outcomes.

Democracies do not become violent because they are democracies per se, but because they are not always accompanied by the kind of political settlement necessary for establishing and sustaining peace. Similarly, dictatorships do not sometimes attain impressive stability because they are dictatorships per se, but because they have either built or inherited the kind of state capacity necessary to govern through a mix of performance and coercion instead of through freely given electoral consent. Furthermore, democratic transitions have double-edged implications for violence, opening opportunities both for new settlements and for violent tactics to shape those settlements' terms.

Finally, older democracies might, counterintuitively, become more violent over time due to a lack of recent experience at negotiating with rebels and bringing them out of the cold and into the aegis of a democratic constitution. As democracies consolidate, they also seem to become increasingly vulnerable to quotidian forms of violence such as vigilantism, even as large-scale riots become relatively rare.

Table 1. Regime types and levels of violence and conflict in Asia

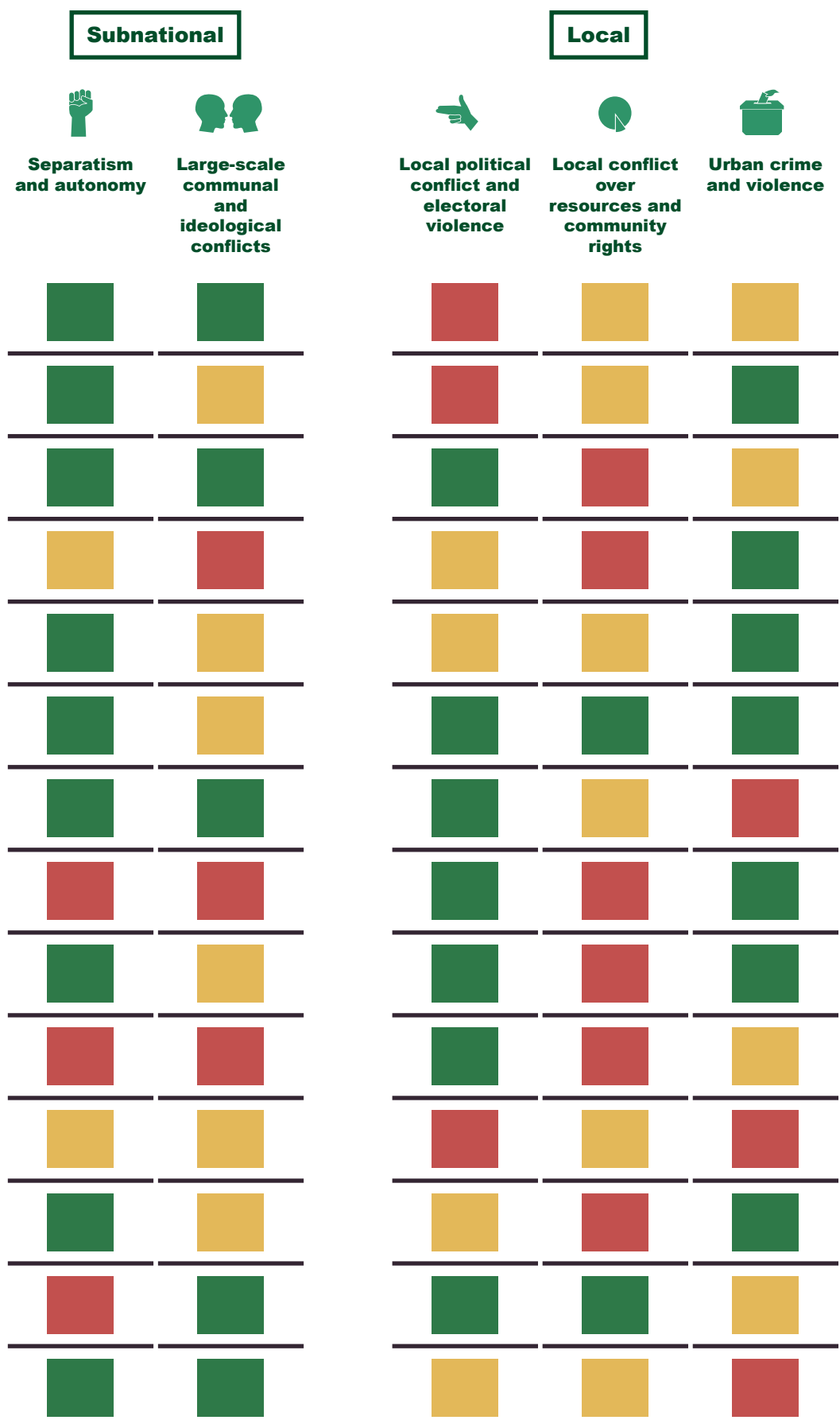
| | Regime characteristics | | National/transnational | | |
|--------------------|---------------------------------|---------------------------------------|--|---|---|
| | Recent PolityIV classification | Type of authoritarian regime |  |  |  |
| | | | National civil war | National political conflict | Trans-national terrorism |
| Afghanistan | Open anocracy (2) | Soviet occupation-theocracy | High | Medium | High |
| Bangladesh | Democracy - open anocracy (6-4) | Military | Low | High | Medium |
| Cambodia | Open anocracy (2) | Single party | Low | Medium | Low |
| India | Democracy (9) | None | Low | Low | Medium |
| Indonesia | Democracy (8) | Military-dominant party-personalistic | Low | Low | Medium |
| Malaysia | Open anocracy (5) | Single party | Low | Medium | Medium |
| Mongolia | Full democracy (10) | Single party | Low | Low | Low |
| Myanmar | In transition (-88) | Military-dominant party | Low | Low | Low |
| Nepal | Democracy (6) | Monarchy | Low | Medium | Low |
| Pakistan | Democracy (6) | Military | Low | High | High |
| Philippines | Democracy (8) | Military-personalistic | Low | Low | Medium |
| Sri Lanka | Democracy - open anocracy (6-4) | None | Low | Medium | Low |
| Thailand | Democracy- open anocracy (6-4) | Military | Low | Medium | Low |
| Timor-Leste | Democracy (8) | None since independence | Low | Low | Low |



Regime characteristics

National/transnational





* Rankings are based on the last 15 years and are relative to other Asian countries.

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- 29 As observed recently in Jakarta's gubernatorial elections, where the province's first non-Muslim, ethnic-Chinese, Christian governor was indicted on blasphemy charges after months of vigilante-led mobilization that pressured law-enforcement officials, including the police and the judiciary. For more information, see Joe Cochrane, "Jakarta Governor Concedes Defeat in Religiously Tinged Election," *New York Times*, April 19, 2017, <https://www.nytimes.com/2017/04/19/world/asia/jakarta-election-ahok-anies-baswedan-indonesia.html?mcubz=1>.
- 30 Michael Buehler, *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia* (Cambridge, UK: Cambridge University Press, 2016).

Conflict and Antiminority Violence

Chris Wilson

Introduction

Fighting between two ethnic or religious communities, often called “communal violence,” continues to afflict many parts of Asia. In some areas, minorities face attacks by militant organizations claiming to represent the national majority. Colonialism and other historical legacies have left some regions prone to violence, yet the incidence of attacks has waxed and waned with political contestation, the vagaries of economic development, and extremist ideologies. As a result, substantial variation exists in the incidence and lethality of communal violence across different regions of Asia and over time. In what follows, I examine why some areas have been prone to protracted, antiminority violence, making particular reference to three arenas: anti-Shia violence in Pakistan, anti-Muslim violence in northeast India, and anti-Muslim (anti-Rohingya) violence in Myanmar, with additional cases cited for comparative purposes.¹ These three arenas are states with Muslim, Hindu, and Buddhist majorities, respectively, illustrating the susceptibility of all societies to radicalism and communal violence. I find that four overlapping phenomena explain the violence in these areas: historical legacies, extremist ideologies, competition over land and resources, and political contestation.

The violence

In the past three decades, Pakistan has been the scene of numerous sectarian clashes between the Sunni majority and the Shia minority. The main perpetrators have been the (Sunni) Pakistan’s Army of the Prophet’s Companions (Sipah-e-Sahaba Pakistan, or SSP) and the (Shia) Pakistan’s Shi’a Movement (Tehrik-e-Jafaria Pakistan, or TJP). More recently, the most notorious contemporary anti-Shia organization has been Lashkar-e-Jhangvi (L-e-J), an offshoot of SSP. While assassinations, attacks against mosques, and the bombing of processions and other gatherings affected both communities in the 1970s and 1980s, the majority of incidents over the past decade have targeted Shia.² Sectarianism increased markedly with the return of mujahedeen from Afghanistan, causing a rise in the number and lethality of attacks. This reflected both the military-style training gained by many in Afghanistan and the growing links between domestically focused groups such as L-e-J and more international jihadist groups affiliated with al-Qaeda.³ Sunni extremists have assassinated Shia professionals, bureaucrats, and judges. Anti-Shia violence peaked in 2012 and 2013, with 507 and 558 killed in each year, respectively, and has declined to 137 in 2017.⁴

There are signs that the Pakistani government is taking a more forceful approach to extremism, recognizing the danger of militancy to state security. Government forces killed L-e-J

While the state is theoretically not a party to communal violence, in many cases the line between state and militant action is blurred

leader Malik Ishaq in 2015 and arrested many extremist clerics.⁵ Yet, leading anti-Shia militants remain free, such as Aurangzeb Farooqi, the leader of Ahle Sunnat Wal Jammāt (the renamed SSP), charged with inciting violence against and killing Shias.⁶ Karachi, a leading site of anti-Shia violence, continues to lack effective policing and remains mired in high rates of sectarian, ethnic, and criminal killings.

Assam, one of the “Seven Sister States” of India’s Northeast, has been the site of three large massacres of minorities since 2012 (along with numerous smaller violent incidents). Two have targeted Muslims of Bengali origin, and another struck indigenous tea laborers known as Adivasis. The main perpetrators have been militant organizations from the Bodo ethnic group, an indigenous tribe from the plains of Assam. Anti-Bengali sentiment has been prevalent in Assam since the anti-foreigner Assam Movement of the late 1970s.⁷ However, the recent violence has its roots in a Bodo insurgency against Assamese dominance. Several Bodo militant groups, most notably the National Democratic Front for Bodoland (NDFB) and the Bodo Liberation Tigers (BLT) fought for a separate state within India or complete secession. While the BLT and several NDFB factions have reached a settlement with the government, one NDFB faction, Songbijit, has continued to fight. Despite a major decline in insurgency-related conflict since a 2003 agreement,⁸ minorities, particularly Muslims, continue to suffer intimidation and violence. The national government appears prepared to allow communal violence to continue so long as anti-state activity is absent.⁹

The situation in western Assam has stabilized, with no large-scale communal mass killing since late 2014. NDFB–Songbijit remains at arms, but has been damaged by a security crackdown after it launched a terrorist attack against a market in Kokrajhar in August 2016. The victory of the BLT-linked Bodoland People’s Front in local elections in western Assam means former militants now have little incentive to use violence. Muslims in Bodo areas remain vulnerable, but are free, for now, from large-scale violence.

The third case discussed here is violence against Rohingya Muslims in Buddhist-majority Myanmar.¹⁰ Violence between the Rohingya and the local Buddhist Rakhine (or Arakanese) in Rakhine State has occurred periodically over the postcolonial era, and has surged since 2012 as the country politically liberalized. Since then, a series of deadly riots have killed several hundred and displaced more than 130,000 Rohingya to camps in Rakhine or across the border into Bangladesh.¹¹

The current situation facing the Rohingya in western Myanmar is perilous. Security forces launched a large-scale crackdown on the community after an attack against police posts in October 2016 by a militant Rohingya organization named Harakah al-Yaqin (HaY). Since this operation began, approximately 65,000 Rohingya have fled Myanmar to Bangladesh, and another 25,000 have become internally displaced amid accounts of serious human-rights abuses by both soldiers

and Rakhine villagers.¹² Many of the approximately one million Rohingya still in Myanmar remain displaced, face the danger of further violence, and are being deprived of humanitarian aid.

As the individual country chapters demonstrate, most casualties of communal violence are civilians. The killing is often both indiscriminate and targeted: perpetrators attack men, women, and children of a particular community, leaving other groups unharmed. Local and state authorities often have not pursued cases or charges against the perpetrators; when they have, sentences have often been paltry. While the state is theoretically not a party to communal violence, in many cases the line between state and militant action is blurred. Instead of protecting victims during attacks, police and other security forces have sometimes stood back.¹³ In other cases they have actively participated, as during anti-Muslim rioting in Gujarat in India in 2002 and anti-Rohingya violence in Myanmar in 2012. Leading national political figures such as Aung San Suu Kyi in Myanmar or Narendra Modi in India have failed to condemn attacks, illustrating the political sensitivities involved in majority-minority tensions in many countries in Asia. The next sections examine several factors that have played a central role in stimulating antiminority violence in Asia: historical legacies, extremist ideologies, land and resources, and politics.

Historical legacies

A range of legacies from the colonial and early independence eras play a role in contemporary violence against minorities in Asia. Colonialism and decolonization, the movement of peoples, institutional decisions by the first independence-era leaders, and past violence between communities all create divisions and tensions that help explain contemporary violence.

Pakistan and India share an important history relevant to contemporary attacks against religious minorities: the Partition of 1947. The legacy of Partition is felt most strongly in border areas. Locations such as Assam in India's Northeast (near what is now Bangladesh) and Karachi in southern Pakistan (near India's Gujarat) became the destination for many of the 20 million people displaced. In Pakistani Punjab, many unskilled Sunnis from India became laborers on the farms of Shia landowners, establishing the foundation of class division and economic resentment.¹⁴ In Assam, the 1971 Bangladesh War of Independence drove many more refugees into the area, leading to tensions that embroiled the state with the onset of the Assam Movement in 1979.

Despite their common origins in Partition, within a decade India and Pakistan had taken different paths. This was partly a consequence of the different political situation of the two countries in 1947. The Indian National Congress already possessed deeply entrenched roots in society, but the same could not be said of the All India Muslim League in Pakistan.¹⁵ Effectively a "government in waiting," the Congress fostered political stability and decentralized democracy in India, while the absence of a longstanding political party in Pakistan pushed it towards authoritarianism. Where democracy provided legitimacy in India, and unity was ensured through devolution to ethnolinguistic communities, in Pakistan, a lack of popular participation and a regional schism between Punjab and Bengal left few forces to unify the state. The country did not hold its first countrywide election until 1970.¹⁶ Pakistani leaders were forced to turn to military rule and a conservative strain of Islam to generate legitimacy. This has institutionalized discrimination against minorities, many of whom were excluded from the civil service and government and faced the political use of new blasphemy laws.

It was in this context that anti-Shia violence in Pakistan emerged. Attacks were rare before Partition, but as conservative Sunnis began to demand restrictions on Shia festivals and Muharram (the month of mourning) processions in the 1960s and 1970s, violence became more common. In response, the government put restrictions on Shia processions, which led in turn to greater political mobilization and assertiveness on the part of Shia. The year 1979 was a turning

Historical legacies have left minorities vulnerable to accusations that they are proxies of rival states

point in sectarian relations in Pakistan, as it was in much of the Islamic world. The success of the Iranian Revolution gave Shia in Pakistan a renewed confidence and political identity, and provided local Shia organizations with new sources of funding. This growing influence of Iran also increased anti-Shia sentiment in Pakistan. 1979 also saw the Soviet invasion of Afghanistan. The Pakistani and Saudi governments provided support to jihadist militants fighting the Soviet occupation, and many of these groups went on to become leading anti-Shia militants.

India's reliance on ethnolinguistic federalism has also proved problematic, and many minorities there have also faced violent persecution. State boundaries do not fully reflect the country's diversity, and minorities have pursued further autonomy. This has particularly been the case in the northeast, where indigenous groups in Assam, Nagaland, Manipur, and elsewhere have protested and fought against state political and economic repression for much of the postcolonial period. However, migrants who moved to the region during the colonial and postcolonial periods have been the main victims of contemporary violence.

Past conflict continues to play a causal role in contemporary attacks against minorities, leaving both bitterness and proven repertoires of violence. In Assam, Muslims of Bengali origin have long been caught up in a larger struggle of the Assamese, and then the Bodos, against the Indian state. Derided as "illegal infiltrators" from Bangladesh (like the Rohingya in Myanmar), Muslims in Assam have been the main victims of a series of insurgencies in the state. This was epitomized by the killing of 2,000 people in the 1983 Nellie Massacre, part of the Assam Movement's campaign to remove the names of tens of thousands of illegal immigrants from electoral rolls.

Just as killings during Partition established precedents for later violence in India and Pakistan, past clashes and massacres between Rakhine and Rohingya in western Myanmar have engendered hatreds that resurface periodically. In the years after World War II, Muslims in Rakhine State fought a low-intensity rebellion, and tens of thousands were pushed across the border into East Pakistan (Bangladesh).

Ongoing interstate rivalry has also played its part in stimulating violence against minorities. Historical legacies have left minorities vulnerable to accusations that they are proxies of rival states. The anti-Muslim riots in Gujarat in 2002 can partly be explained by the state's proximity to Pakistan and a longstanding political discourse of terrorist infiltration across the border. Nationalists in Assam and Myanmar have similarly portrayed Muslims as Islamist extremists, acting on behalf of benefactors in Pakistan and Saudi Arabia.

Ideology

Tensions between groups at the domestic level, as well as rivalries on the international stage, have contributed to the emergence of extremist religious and nationalist ideologies. The proliferation of *madrasas* (religious schools) in Pakistan served domestic and foreign policy goals for successive governments. Many became the leading sources of mujahedeen fighting

in Afghanistan and Kashmir. Yet they also became a driver of sectarianism. Several extremist organizations with overt anti-Shia rhetoric emerged during the early 1980s. One leading group, the SSP, demanded that Shias be declared a non-Muslim minority. The group was funded by Saudi Arabia and involved in the dissemination of extremist ideology and sending mujahedeen to Afghanistan to fight the Soviet Union. Internal factionalism led to the splintering of the organization and the emergence of the more radical L-e-J, which has been responsible for some of the worst contemporary violence against Shias, including deadly bombings in Balochistan and Quetta.¹⁷ As International Crisis Group puts it, L-e-J has “umbilical links with [Karachi’s] large, well-resourced madrasas.”¹⁸

Radical ideologies have also played a role in violence in non-Muslim countries. In India, Hindutva supremacism, associated with right-wing Hindu nationalist groups such as the Vishva Hindu Parishad (VHP) and the Rashtriya Swayamsevak Sangh (RSS), has played a leading role in communal violence. While the RSS describes itself as apolitical, focused on the strength and integrity of the Hindu nation, in practice this leads to strident rhetoric aimed at illegal immigration and Muslims. Hindutva discourse portrays Muslims as agents of Pakistan and a threat to the integrity of the Hindu nation. This rhetoric creates a climate for violence in many areas. In 1992, the VHP and RSS led thousands of activists in the destruction of the Babri Masjid mosque in Ayodhya, considered to have been built on the old site of the Ram Temple. The demolition set off several months of violence, killing approximately 2,000 people. In 2002, riots in Gujarat killed another roughly 2,000, mostly Muslims, after VHP activists were immolated in a train carriage in Godhra.

Two Buddhist nationalist organizations in Myanmar, 969 and Ma Ba Tha (Patriotic Association of Myanmar), led by the monk Ashin Wirathu, have played a key role in advancing a virulent anti-Muslim ideology.¹⁹ The two groups emphasize protecting the Buddhist culture and identity of Myanmar.²⁰ The movement has spread provocative propaganda casting the Rohingya as a physical and cultural threat and dehumanizing them as “mad dogs.”²¹ Buddhist extremists point to a rising Muslim proportion of the population, a claim undermined by the 2014 census, which showed Muslims comprising just 4.3 percent of the population. Ma Ba Tha helped push highly discriminatory legislation through the national parliament restricting interfaith marriage.

The violence in Assam has been driven more by ethnonationalism than religious extremism. Despite the religious difference between Bengali-origin Muslims and predominantly Hindu Bodos, it was the latter group’s desire for self-determination and freedom from Assamese hegemony and military repression that led to the violence. Bodo militants see Muslims as the main demographic threat to an autonomous region won after decades of protest and insurgency. Many Bodos and other groups refer to Muslims in the region as Bangladeshi infiltrators so as to cast doubt on their claims to citizenship and rights of residence. Such claims are also made in Myanmar, where this discrimination is written into national law. Rohingya are not recognized as one of Myanmar’s “national races,” despite having lived in the region for generations.

Land and resources

Similar to communal violence in other regions of the world, such as Africa, ethnic groups in Asia have clashed over land and resources. Population growth and the movement of peoples have brought communities into contact and competition. Environmental degradation, the expropriation of communal land, human rights abuses associated with large-scale extraction of resources, and unequal access have been just some of the phenomena creating tension between communities in Asia. Disputes have also arisen from a disjuncture between indigenous understandings of customary ownership of land and resources and the more legalistic, bureaucratic stance taken by governments and migrant groups.

The loss of traditional land was central to the Bodo insurgency and to their more recent violence. Since independence, corporate actors and the state have stripped the Bodos of much of their traditional land for plantations, for the capital in Guwahati, and for the arrival of new migrants from Bangladesh and elsewhere in India. A desire to protect what remains of that land explains the support many gave to the recent violence. Similar dynamics are relevant to the violence against the Rohingya in Rakhine State. For many Rakhine, the Rohingya encroach on their traditional land and resources.²² Many are concerned that if the Rohingya are recognized as one of Myanmar's national races, they will then have legitimate claims to land ownership, government assistance, and other resources. In both Assam and Rakhine, therefore, while the real sources of land expropriation lie with government, military, and corporate interests, blame has been placed on other vulnerable minorities. In urban areas, competition for resources is no less fierce. In Karachi, for example—the site of frequent anti-Shia violence—members of numerous ethnic and religious communities compete for state services, a contest often conducted through middlemen, violent militias, and criminal rackets.²³

Politics

An extensive body of literature has demonstrated the links between communal violence and politics in South and Southeast Asia.²⁴ For some, riots against minorities have become “politics by other means,” used to unite the majority and cow minorities into submission. Attacks against minorities often stem from competition for political power among factions of the majority. The violence between Sinhalese and Tamils in Sri Lanka in the 1950s is often seen as the exemplar of how such “ethnic outbidding” can lead to violence. The 2002 Gujarat riots, discussed above, provide a more contemporary example. Immediately after the anti-Muslim violence, the state government, led by the Bharatiya Janata Party (BJP) scheduled a state election, winning convincingly, and performing best in areas with the worst violence.

Militant groups that conduct attacks against minorities often enjoy mutually beneficial relationships with leading political parties. In some cases, there is little separation between the militant and political wings of a movement. The Gujarat case is just one example of the close connections between the BJP and right-wing nationalist organizations such as the VHP and RSS.

In Assam, recent attacks against Muslims were carried out by ostensibly demobilized rank-and-file members of the BLT. That group's leaders hold political power in a newly autonomous region established as part of a peace agreement to bring the group's insurgency to an end. The violence quashed a challenge to this political dominance from a coalition led by Muslims. The first (and largest) of these killings occurred as preparations began for local elections, the second as it became clear the militants' party had lost a local seat in the national parliament.

These attacks against Muslims were not only connected to the local politics of the Bodo autonomous area. At the state level, the ruling party in Assam was facing a growing challenge from a political party predominantly representing Muslims of Bengali descent, the AIUDF. As Steven Wilkinson has concluded from his study of riots in India, state governments are more likely to order police to protect minorities when they support the party in power or present no challenge to it. In other states in India, where Muslims have not formed political parties to represent their interests, they have not faced such large-scale killings.

Sectarianism has long been tied to national politics in Pakistan, where both Sunni and Shia militant organizations have entered alliances with political parties. In Punjab, anti-Shia activism emerged deeply engaged in the political process. Militant groups such as L-e-J became the primary vehicle for Sunnis to challenge Shia political power.²⁵ Religious rhetoric became a substitute for wealth and connections, the traditional routes into politics.

For some, riots against minorities have become **politics by other means**, used to unite the majority and cow minorities into submission

Particularly important to the rise of conservative Islam was its use by President Zia ul Haq as a way of deflecting criticism of ongoing authoritarian rule.²⁶ Several policies, including the imposition of a *zakat* tax (a Quranic tax, later abandoned), blasphemy laws, and sharia-related regulations, led to large protests by Shias. This mobilization, and claims by extremist Sunnis that Shias were supported by Iran, led to increased violence. The Iran-Iraq war further polarized Sunni-Shia relations.

In addition, elements of the Pakistani government (most notably the Inter-Services Intelligence Agency, ISI) provided support to militant groups in return for assistance in pursuit of regional goals, such as retaining influence in Afghanistan and destabilizing Indian control of Kashmir. Sectarianism in Pakistan increased as militants returned from Afghanistan. The radicalization of sectarian relations that followed saw an increase in attacks against Shias and a rise in the number of fatalities. Assassinations were replaced by bombings of public gatherings.²⁷ While the government has disassociated itself from these groups' sectarianism within Pakistan, their utility for regional goals has deterred it from fully cracking down on them.²⁸

In Myanmar, violence against the Rohingya is linked to both local politics in Rakhine and national politics in Yangon. The new space afforded by political liberalization allowed the emergence of a more militant strain of Buddhism and brought militants together with newly competing political parties. The easing of restrictions on dissent also enabled Rakhine to express frustration over decades of repressive and discriminatory treatment by the military regime in Yangon. The June 2012 violence may have been a spontaneous reaction to rumors of a rape of a Rakhine woman. The months preceding the next and far more serious outbreak of violence, however, saw meetings between militant Buddhist monks from the All-Arakanese Monks Solidarity Conference and politicians from the Rakhine Nationalities Development Party. The two demanded that the Rohingya leave the state. The political nature of prejudice against the Rohingya was again demonstrated when the group was disenfranchised in the lead-up to elections in 2015. In 2010, some Rohingya had been given temporary voting rights (through "white cards") leading to protests by Buddhist nationalists.

The anti-Muslim violence in Myanmar demonstrates the volatile nature of political transitions. Political violence can peak as a country's political system moves from authoritarianism towards democracy, and decline as the country stabilizes. There are various theoretical explanations for this. The first is that groups finally have the space to act on animosities that have been pent up during years of dictatorship. The second, more compelling, explanation is that elites manipulate the lack of democratic institutions and free media to provoke tension as a way of surviving the transition.²⁹ Indonesia saw a similar increase in communal violence following the 1998 resignation of President Suharto and the onset of rapid democratization, until the state stabilized around 2002.

Conclusion

Several common patterns emerge in violence against minorities in Asia. Communal violence often occurs between two communities both of which are economically and politically marginalized. Some of the leading perpetrators of violence against minorities have previously been on the receiving end of long-standing repression and discrimination. The Bodo in Assam and the Rakhine in Myanmar have both faced injustice at the hands of state and national governments dominated by a majority group.

The legacies of colonialism and decolonization, the large-scale movement of peoples, and interstate rivalry have helped provide the conditions for contemporary communal violence. Yet the variation among states in the level of violence suggests these phenomena have not established ironclad path dependencies. India and Pakistan are illustrative in this regard: both experienced Partition and ongoing state rivalry, but the latter has continued to experience much higher levels of violence against minority groups. Other factors have been influential, most notably the rapid descent into authoritarianism and the cultivation of radical Islamic groups for regional goals and domestic legitimacy in Pakistan.

Extremist ideology has provided the mobilizing tools and justification for much of the violence discussed here. Often this has been religious extremism, as in the case of Wahhabism in Pakistan and Hindutva ideology in India. In religiously divided societies, extremist rhetoric is not just useful for politicians, but increases the political and communal influence of religious leaders. As time goes on, these leaders must grow increasingly radical to avoid being superseded by younger, more vocal actors. In some cases however—attacks against Hazara Shia in Pakistan, for example, or violence against Muslims of Bengali origin in both Myanmar and Assam—ethnic tensions over land, identity, and political power have been as important as religious extremism. Several cases discussed here demonstrate that political context can determine the scale of communal violence. Some of the largest killings—Gujarat 2002, Myanmar 2012, and Assam 2014—took place against a backdrop of elections or election campaigning. Election campaigns remain a period of heightened risk.³⁰

The four main phenomena—historical legacies, extremist ideologies, competition over land and resources, and political contestation—are closely interconnected, one reason why violence against minorities remains intractable in Asia. Divisions with origins in the distant past have acquired political utility in the current day. The exploitation of these divisions by political leaders further enmeshes extremism in the fabric of society. The distribution of resources remains determined by patronage along group lines, leading to the use of violence and intimidation to quash the demands of minorities. The political connections of many militants make any effective campaign against them exceedingly difficult. Any reduction in communal violence will require comprehensive national and local strategies that address all of these mutually reinforcing dynamics simultaneously.

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Notes

- 1 Many other groups also face violent attacks in these three countries.
- 2 See the accompanying chapter on Pakistan.
- 3 Frédéric Grare, “The Evolution of Sectarian Conflicts in Pakistan and the Ever-Changing Face of Islamic Violence,” *South Asia: Journal of South Asian Studies* 30, no. 1 (2007): 141.
- 4 “Sectarian Violence in Pakistan: 1989–2017,” South Asia Terrorism Portal, accessed June 26, 2017, <http://www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm>.
- 5 Marvin G. Weinbaum, “Insurgency and Violent Extremism in Pakistan,” *Small Wars and Insurgencies* 28, no. 1 (2017): 48.
- 6 International Crisis Group (ICG), *Pakistan: Stoking the Fire in Karachi*, Asia Report no. 284 (Brussels: ICG, 2017), 19, <https://www.crisisgroup.org/asia/south-asia/pakistan/284-pakistan-stoking-fire-karachi>.
- 7 The Assam Movement emerged in 1979 in response to claims that tens of thousands of illegal migrants had entered Assam from Bangladesh and been placed on the electoral rolls. See Monirul Hussain, *The Assam Movement: Class, Ideology and Identity* (Delhi: Manak Publications, 1993).
- 8 According to the South Asia Terrorism Portal, insurgency-related killings in Assam peaked at 783 in 1998. There were 758 in 2000, followed by a steady decline to 354 in 2004, 174 in 2006, and 91 in 2012. This steady decline has been punctuated by high-casualty years, however, such as 2009 with 392 and 2014 with 305. “Insurgency related killings in Assam 1992–2017,” South Asia Terrorism Portal, accessed June 25, 2017, http://www.satp.org/satporgtp/countries/india/states/assam/data_sheets/insurgency_related_killings.htm. It is important to note that these totals include violence by non-Bodo groups such as the United Liberation Front of Assam and the security forces.
- 9 Bethany Lacina, “The Problem of Political Stability in Northeast India: Local Ethnic Autocracy and the Rule of Law,” *Asian Survey* 49, no. 6 (Nov.–Dec. 2009): 998–1020.
- 10 The Rohingya are a Muslim minority concentrated in Myanmar’s Rakhine State. Many are descended from Bengali laborers who moved to Burma under the British colonial administration during the 19th century, but there is also evidence that Rohingya lived in Rakhine before 1823, the Myanmar government’s cutoff date for groups to be considered indigenous. In 1799, Francis Buchanan, a surgeon with the East India Trading Company, reported meeting “Mohammedans, who have long settled in Arakan, and who call themselves Rooinga, or natives of Arakan.” See Francis Buchanan, “A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire,” reprinted in *SOAS Bulletin of Burma Research* 1, no. 1 (Spring 2003): 40–57, <https://www.soas.ac.uk/sbbr/editions/file64276.pdf>. Many Muslims lived in Rakhine’s Kingdom of Mrauk-U from the 15th to the 18th centuries. See Gregory B. Poling, “Separating Fact from Fiction about Myanmar’s Rohingya,” website of the Center for Strategic and International Studies, February 13, 2014, <https://www.csis.org/analysis/separating-fact-fiction-about-myanmar%E2%80%99s-rohingya>. Despite this history of residence in Rakhine, the Myanmar government, along with nationalist organizations within Myanmar, refers to the Rohingya as Bengalis. Similar terminology is used in Assam, where longtime citizens of India are also derided as illegal Bengali immigrants. This essay was written before the outbreak of violence in Rakhine in August 2017.
- 11 See the accompanying chapter on Myanmar.
- 12 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Interviews with Rohingyas fleeing from Myanmar since 9 October 2016, Flash Report* (OHCHR, February 3, 2017), <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>.
- 13 See the accompanying chapter on Bangladesh.
- 14 Grare, “Sectarian Conflicts,” 131–132.
- 15 Sumantra Bose, “Decolonization and State Building in South Asia,” *Journal of International Affairs* 58, no. 1 (Fall 2004): 98.
- 16 *Ibid.*, 100.
- 17 Grare, “Sectarian Conflicts,” 130.
- 18 ICG, *Karachi*, 9.
- 19 See the accompanying chapter on Myanmar.
- 20 Mikael Gravers, “Anti-Muslim Buddhist Nationalism in Burma and Sri Lanka: Religious Violence and Globalized Imaginaries of Endangered Identities,” *Contemporary Buddhism* 16, no. 1 (2015): 13.
- 21 *Ibid.*, 14.
- 22 This is despite the Rohingya being disallowed from owning land.
- 23 ICG, *Karachi*, 5.
- 24 Paul Brass, *The Production of Hindu Muslim Violence in Contemporary India* (Seattle: University of Washington Press, 2003); Stanley Tambiah, *Leveling Crowds: Ethnonationalist Conflicts and Collective Violence in South Asia* (Berkeley: University of California Press, 1996); Steven Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India* (Cambridge and New York: Cambridge University Press, 2004); Gerry van Klinken, *Communal Violence and Democratization in Indonesia: Small Town Wars* (London and New York: Routledge, 2007).
- 25 Grare, “Sectarian Conflicts,” 132.
- 26 Zia assumed power in a 1978 coup d’état.
- 27 Grare, “Sectarian Conflicts,” 140.
- 28 *Ibid.*, 136.
- 29 Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York and London: W.W. Norton & Company, 2000).
- 30 As the individual country chapters show, this is the case in several countries. See the chapters on Bangladesh and Cambodia for example.

Cross-Border Insurgency and Terrorism in Asia

Anthony Davis

Introduction

The ability of insurgents and terrorists to move easily across international borders and exploit gaps and tensions between national jurisdictions has been a critical element of their survival and success in post–World War II Asia. This was powerfully illustrated in the early 1950s, when the Viet Minh regiments of Ho Chi Minh were trained and resupplied in southern China; it was true in the 1980s, when U.S.-backed Afghan mujahedeen rested and reequipped inside Pakistan before returning to fight Soviet and Afghan communists. Conversely, where insurgent campaigns have been denied or failed to develop cross-border connectivity, they have typically been isolated and ultimately defeated. Such was the fate of communist campaigns in Malaya and the Philippines and ethnic revolt in Pakistani Balochistan. If its current trajectory is any yardstick, the communist insurgency in central India today will face a similar decline into political irrelevance.

Typically, the cross-border dynamic in insurgent campaigns has been facilitated by two overarching factors: the physical geography of inhospitable terrain, which impedes effective interdiction of rebel movement by state security forces; and the human geography of shared ethnicity, binding communities across borderlines often arbitrarily imposed in the age of European colonialism.

Across Asia and beyond, century-old traditions of cross-border trading and smuggling have invariably emerged from the interplay of challenging terrain and common ethnicity. For local families and clans inhabiting borderlands, natural barriers that divide nation-states serve as familiar conduits for economic connectivity and profit. In the modern era, such traditional networks have frequently developed into transnational criminal enterprises characterized by greater sophistication and extended reach. Either subsumed into or cooperating with insurgent organizations, these cross-border crime networks have often played a vital role in the movement of fighters and munitions across remote frontiers.

At the same time, patterns of cross-border insurgent activity have also been conditioned by more modern political drivers. One has been traditional conflict between hardy, often warlike, upland tribal communities and the settled agricultural civilizations of the plains that typically seek to extend their administrative writ and military security. Often playing out in border areas, both the co-opting of hill-tribe disaffection by communist insurgencies and the rise of ethnic movements for tribal autonomy or independence have been recurring leitmotifs of insurgency in Asia in the post–World War II years.

A second crucial driver of cross-border insurgency has been geostrategic competition involving both regional and global players. The willingness of nation-states to undermine and distract

The willingness of nation-states to undermine and distract rival powers by extending support across borders to domestic revolts has been fundamental to the politics of Asian insurgency

rival powers by extending support across borders to domestic revolts has been fundamental to the politics of Asian insurgency in the modern era. Typically, this dynamic has played out in peripheral regions where the administrative and military capacity of a targeted state to contain insurgent threats is at its lowest.

In contemporary Asia, there are four regions where governments confront the challenges of cross-border insurgency and terrorism at their most immediate. These are the Afghanistan-Pakistan border zone; India's northeastern borderlands with Myanmar, China, and Bangladesh; the Thai-Malaysian frontier; and the maritime, tri-border zone between the Philippines, Malaysia, and Indonesia. These topographically and culturally diverse regions illustrate many of the common issues noted above. At the same time, what differentiates them says much about how the challenge can be met and, in at least some cases, held in check.

Afghanistan-Pakistan

Since the late 1970s, the Pakistan-Afghanistan frontier zone has witnessed what can fairly be described as a “perfect storm” of cross-border insurgent and terrorist activity. Arguably nowhere else in the world have so many of the factors underlying and exacerbating persistent political violence in border regions been brought together with such extreme and far-reaching results.

Against a backdrop of harsh terrain, the cross-border dynamic in the “Af-Pak” theater of conflict has been critically underpinned—and arguably rendered intractable—by problems of divided ethnicity that have called into question the very viability of both nation-states. The 2,400 km border was first delineated in 1893. The “Durand Line” cut through some of the world's most daunting terrain, precluding the possibility of either power effectively policing the border. It also severed the lands inhabited by the fiercely independent Afghan or Pashtun tribes whose 18th century confederacy led by Ahmad Shah Durrani had conquered the territories between the Oxus and the Indus and named them Afghanistan.¹ Given a manifest inability to conquer all Afghanistan, and the utility of that country as a buffer against southern expansion of czarist Russia towards British India, the Durand Line and the bifurcation of Pashtun power made strategic sense for the British Raj. But the same logic also held the seeds of bitter geopolitical rivalries. British retreat in 1947 left behind truncated India and new-born Pakistan, an ethnically diverse state bound together only by the tenuous bonds of shared religion.

Fanned by a succession of Afghan rulers in Kabul who have refused to recognize the Durand Line, the specter of Pashtun irredentism has haunted Pakistan and fueled its insecurities ever since.² The Soviet Union's ill-fated intervention to prop up an embattled communist regime in Kabul in 1979 saw cross-border tensions escalate into proxy war. Seen from Islamabad as an existential threat, the Soviet invasion triggered a catastrophic chain-reaction that for both Afghanistan and Pakistan has ushered in an era of war and terror seemingly without end.

India's neighbors have seldom missed opportunities to **destabilize and exhaust** the subcontinent's dominant power

Between 1979 and 1989, Soviet and allied Kabul-government forces faced nationwide guerrilla resistance by Afghan Islamist factions of the mujahedeen, supported financially and logistically by the United States, Saudi Arabia, and China. However, the Pakistan military's Inter-Services Intelligence Directorate (ISI) maintained control over the flow of munitions to the various Afghan factions. And for good reason: beyond expelling the Soviets and ousting the Afghan communist regime, Pakistani strategy was driven by the need to install in Kabul a pliant regime, both Islamist and Pashtun, sympathetic to Islamabad.

The first goal was fulfilled with Soviet withdrawal in 1989; the second with the capture of Kabul by mujahedeen forces in 1992. But it was not until 1996, in the midst of a bitter civil war between ethnically divided mujahedeen factions, that ISI finally secured its third and primary objective. The Pashtun-dominated Taliban movement, backed by the ISI and thousands of Pakistani fighters from the madrasas of the border zone, finally seized Kabul. The establishment of the Islamic Emirate of Afghanistan promised to secure Pakistan's connectivity to central Asia and safeguard its geostrategic interests along an exposed western flank.³

The victory was short-lived, however. Forged in 1996, a fateful compact between Taliban leader Mullah Mohammad Omar and exiled Saudi jihadist Osama bin Laden provided the latter's al-Qaeda organization the perfect base from which to plot an escalating wave of terror attacks, which culminated on September 11, 2001, with al-Qaeda's assault on America itself.

Al-Qaeda's 9/11 attacks confounded Islamabad's Afghan strategy and marked the beginning of a process of terrorist blowback that saw Pakistan falling victim to the very jihadist forces it had sought to manipulate and control. The toppling by U.S.-backed forces of the Taliban regime and the uprooting of al-Qaeda from Kabul had as an unintended consequence the flight of foreign jihadists—Arab, Chechen, Central Asian, and Pakistani—to the sanctuary of Pakistan's Federally Administered Tribal Areas (FATA). In the mountain vastness of the autonomous Pashtun belt, where Pakistan's military was unwilling to challenge tribal writ, an organizational hub and launchpad for international terror slowly took shape.

By 2008, the rise of jihadist extremism in the FATA, exacerbated by a campaign of U.S. drone strikes and the weakening of traditional tribal leadership, finally gave birth to the Tehreek-e-Taliban Pakistan (TTP). A loose but powerful coalition of FATA-based Pashtun tribal forces, the TTP sought to emulate the earlier success of their Pashtun cousins in Afghanistan and impose sharia law country-wide. In the face of at first tentative army resistance, it unleashed a savage campaign of terrorist bombings and attacks in cities across the country.

The army struck back with an unprecedented series of incursions into the tribal agencies. The conflict, still ongoing, has cost tens of thousands of lives and displaced well over one million people.⁴ But even as the military has pummeled the so-called "bad Taliban" of the TTP, the ISI has continued to provide sanctuary for the "good Taliban"—its Afghan protégés—who since 2005 have staged a countrywide resurgence that now poses a critical threat to the Western-backed government in Kabul. Amidst the chaos on both sides of the Durand Line, the Pakistan military's objective of bringing a friendly Taliban government to power in Kabul remains alive and well.

Northeast India

Home to the world's most diverse web of ethnic insurgencies, India's northeast has seen persistent conflict since 1956, when the Indian army was first called in to restore government authority in the Naga Hills. Over the years, a startling proliferation of insurgent groups, seeking either secession from or greater autonomy within the Indian union, have launched violent campaigns in all seven states: Nagaland, Manipur, Mizoram, Meghalaya, Tripura, Arunachal Pradesh, and not least, the largest and most populous state, Assam.

Northeastern insurgency and its terrorist offshoots have been fundamentally rooted in the challenges of assimilating into the fabric of a new nation-state a patchwork of ethnically and religiously diverse communities—hill tribes and plains people, Christian, Hindu, and animist—alarmed by emerging demographic and social threats to their identities. Underdevelopment, unemployment, political neglect, and rampant illegal immigration have further fanned resentment, while heavy-handed counterinsurgency operations and military impunity have perennially inflamed the situation.

At the same time, however, insurgency in the northeast has been profoundly impacted by unremitting, regional, geostrategic rivalries that date back to the First Anglo-Burmese War of 1824. The region today is a far-flung territorial appendage of 255,037 sq. km connected to the Indian “mainland” by a narrow, 22-kilometer-wide corridor between Bangladesh and Bhutan. With Chinese Tibet to the north, Myanmar to the east, and Bangladesh (formerly East Pakistan) to the south and west, it has been vulnerable to a pernicious interplay of domestic tribal unrest and geostrategic power play. As insurgents have looked beyond India's borders for sanctuary and military and logistical support, India's neighbors have seldom missed opportunities to destabilize and exhaust the subcontinent's dominant power.⁵

For Pakistan, weaker in conventional military terms than its giant neighbor, stoking the fires of India's internal discords has long been a strategic reflex, not least in the northeast. From 1962 onwards, Naga, Manipuri, and Mizo rebels were all provided sanctuary, training, and weaponry in erstwhile East Pakistan. It was a tradition that independent Bangladesh, under the nationalist administrations of then-premier Khalida Zia, was to emulate. Until a crackdown imposed after 2009 by the pro-Indian Awami League government, northeastern rebels, notably the United Liberation Front of Asom (ULFA), were provided with safe houses and travel documents by Bangladeshi military intelligence.

Following the Sino-Indian border war of October 1962, China, too, moved to exploit India's vulnerabilities in the northeast. The first of a series of Naga insurgent contingents trekked across northern Myanmar to the Chinese border in 1967 and was given training and weaponry in Yunnan. Later, left-leaning Manipuri rebels were trained in Tibet.

Today, China is more circumspect in providing direct military training, but continues to permit several factions to maintain liaison offices in Yunnan Province and purchase arms on China's grey market. Beijing also appears to have sponsored and to some extent supported the establishment in 2015 of a new rebel alliance, the so-called United Liberation Front of West Southeast Asia (UNLFW). Based in Myanmar's upper Sagaing Division, the umbrella organization brings together a faction of the National Socialist Council of Nagaland (NSCN), along with ULFA and its Assam-based allies, and an alliance of Manipuri factions known as the Coordinating Committee or Corcom.

The UNLFW's April 2015 launch was followed in May and early June by lethal, cross-border attacks on Indian security patrols in Nagaland and Manipur, in which nearly 30 Indian troops were killed. The Indian response was immediate, hard-hitting, and unprecedented: heliborne

commando assaults on two UNLFW camps inside Myanmar where between 50 and 100 rebels were reportedly killed.⁶

The Indian counterpunch appeared to serve notice on the Myanmar government—which was informed only after the event—that Indian restraint along the border could no longer be taken for granted. It marked the culmination of decades of Indian frustration over “ungoverned space” in Sagaing Division opposite Arunachal Pradesh, Nagaland, and Manipur. Sparsely populated by Naga tribals, the hills between the headwaters of the Chindwin River and the border, and the rugged Somra Tract further south, have provided safe haven for Indian Naga insurgents since the 1950s, while Manipuri rebels have established camps in the Kabaw Valley just inside Myanmar territory. Recent Indian ambitions to promote economic connectivity with Thailand and mainland Southeast Asia through northern Myanmar—the so-called “Act East” policy—have only made the issue of the insurgent presence more urgent.

Hard-pressed by insurgencies posing far greater threats, Myanmar’s military, the Tatmadaw, has had little interest in committing the resources needed to exert effective control over upper Sagaing. Indeed, in recent years, its reluctance to make more than occasional token efforts to move decisively against Indian rebels has become a source of perennial frustration in New Delhi, raised in countless diplomatic encounters.

Inside India, the past decade has seen a relative decline in insurgency as the result of two interrelated factors: splits and setbacks suffered by mainstream organizations such as ULFA and the Naga NSCN, and a dizzying descent into criminality involving extortion and cross-border narcotics and weapon smuggling. The epicenter of the crime wave has been Manipur.

Thailand-Malaysia

For decades following World War II, separatist sentiment among the Patani-Malay minority in Thailand’s southernmost border provinces has been a recurring irritant for governments in Bangkok. Driven by the failure of often aggressive attempts to assimilate a Malay community with a proud loyalty to its own culture and religion, political discontent spilled into low-level insurgent violence in the 1970s and 1980s

In sharp contrast, the current insurgency reflects a major escalation in both the intensity and persistence of the conflict. Characterized by widespread bombings, shootings, and arson across the three provinces of Pattani, Yala, and Narathiwat and parts of Songkhla, the violence has claimed over 7,000 mostly civilian lives since it reerupted in 2004. It now constitutes a major threat to national security.

Beyond the failings of Bangkok’s policies of assimilation and a legacy of deep Malay mistrust, the persistence of the current campaign derives primarily from the nature of the organization driving it: the Patani-Malay National Revolutionary Front, better known as BRN. After years of underground preparation during the 1990s, BRN has sustained the violence by means of a remarkable level of operational secrecy and a politico-military organization deeply embedded in a network of religious schools that constitute the crucible of local Malay-Muslim identity.⁷

The party’s political and ideological roots, transmitted through many of those schools, derive largely from Indonesia. But in operational and logistical terms, it has been linkages across the eastern portion of the 646.5 km land border with Malaysia that have sustained BRN’s insurgency.

At one level, ties are underpinned by strong ethnic, cultural, and linguistic affinities with Kelantan and Kedah. At another, a legacy of mistrust between security officials on both sides of

It has been linkages across the **Thailand border with Malaysia** that have sustained BRN's insurgency

the border has also played a role. Between 1960 and 1989, the insurgent Communist Party of Malaya (CPM) maintained secure bases in the jungles of Thailand's Betong Salient and Narathiwat, arousing persistent suspicions in Malaysia over Thai military complicity. Kuala Lumpur reciprocated by supporting the Patani United Liberation Organization (PULO), the leading insurgent faction in the 1970s and 1980s.

The surrender of the CPM in 1989, and the military collapse of PULO in 1998—when Malaysia arrested four key leaders and handed them over to Thai authorities—have repaired strained relations and effectively precluded the possibility of official support from Malaysia to BRN. However, as both governments are well aware, Malaysian soil remains important to the insurgency for sanctuary and logistical support.

Both political operatives and military commanders have benefited from sanctuary south of the border, where well over 100,000 Patani Malays are working. These have included members of BRN's eight- or nine-man Dewan Pimpinan Parti (DPP), or executive council, who reside in or regularly pass through Malaysia. Notable examples have been Sapae-ing Basor, the party's spiritual figurehead, who fled Thailand in 2004 and died in his late seventies in Malaysia in 2016; and Romli Uttarasin, who until his death in Malaysia in 2010 was the most powerful figure in the DPP and a driving force behind the revolt.

Predictably, Malaysian security and intelligence services have sought both to monitor and to manipulate their guests—and, when deemed necessary, to coerce or detain them. Efforts in 2013 to strong-arm reluctant BRN leaders into a peace process “facilitated” by the Malaysian government have not been forgotten in party circles.⁸ Intensely wary of their hosts, and conscious of their own security, senior BRN leaders are unlikely to hold meetings inside Malaysia.

As an armed organization, BRN has consistently stressed a policy of self-reliance, and as far as possible sources munitions from within the Patani region, as seen in raids on government and military facilities to seize arms in 2002–2004. Nevertheless, Malaysia has played an important role in the sourcing of component parts for improvised explosive devices (IEDs), which, along with targeted killings, have constituted a core tactic of the insurgency. These components have included cheap Nokia mobile phones for remote triggering, as well as power-gel emulsion explosives (typically used in mining) and occasionally Malaysian cooking-gas tanks (used as containers for large devices of 20 kg and above).

The Malaysian side of the border has also afforded security for actual IED production, particularly during the high tide of the IED campaign in the 2007–2012 period. Doubts over this were laid firmly to rest when, in December 2009, Malaysian police raided a building in a rural area of Pasir Mas District, across the border from Tak Bai in Narathiwat, under the impression they would surprise narcotics traffickers. In the event, they found a large bomb factory and three Thai Muslims from Narathiwat.

The real danger of cross-border connectivity resides today in the likelihood of Malaysian IS cells looking to southern Thailand as a **black market**

Predictably, the rising profile of the Islamic State in the region and the emergence of IS-inspired self-starter cells in Malaysia have focused the attention of governments and news media on possible links into southern Thailand. However, BRN's own ideology and objectives militate against the forging of any such organizational links. As an organization, BRN remains fundamentally opposed to IS's Salafist ideology and terrorist tactics, while the tight-knit, clandestine nature of its military networks weighs heavily against the prospect of "rogue" elements being co-opted by IS interlopers from south of the border.

As seen by Malaysian intelligence sources, the real danger of cross-border connectivity resides today in the likelihood of Malaysian IS cells looking to southern Thailand as a black market for both readily available firearms and, no less dangerously, bomb-making expertise that over 13 years has proliferated beyond BRN's current operational networks.⁹

Philippines-Malaysia-Indonesia

Within months of 9/11 and the U.S. intervention to uproot al-Qaeda sanctuaries in Afghanistan, Southeast Asia was identified as the "second front" in the new global war on terror. Fifteen years later, the military collapse of the Islamic State's "caliphate" in Syria and Iraq is giving rise to a strikingly similar narrative, in which the region's emergence as a focus of global jihadist activity is again being assessed.

Then as now, one of the most salient challenges in countering the terrorist threat in Southeast Asia lies in the movement of terrorists and weapons in the tri-border zone that connects the majority-Muslim states of Malaysia and Indonesia with the active insurgent zones of the southern Philippines.

Vast and largely unpoliced, the tri-border region centers on two seas—the Sulu Sea, lying between the Visayas in the Philippines and Sabah in East Malaysia, and the Celebes Sea, which stretches from the Philippine island of Mindanao to Indonesia. Separating the two bodies of water is the Sulu archipelago—the Philippine island provinces of Basilan, Jolo, and Tawi-Tawi—which lies like a line of stepping stones linking the Zamboanga peninsula, on Mindanao, to Sabah.

Effective policing of the tri-border region has been complicated by three factors. First, a stark lack of state resources, both on the sea and in the air, has long been a basic constraint. Already overstretched combating aggressive, land-based insurgent threats on Mindanao and the islands of the Sulu archipelago, Manila's security forces have been essentially overwhelmed by the demands of maritime security.

Resource constraints have been compounded by longstanding political distrust and a lack of security cooperation and coordination across national jurisdictions. Only today are the slow evolution of ASEAN as a cooperative regional body and a recognition of common security challenges acting belatedly to mitigate long-standing, interstate frictions. Not least of these have been

Manila's claim on Sabah in east Malaysia—which is still outstanding—and Malaysian support for the insurgency of the separatist Moro National Liberation Front in the 1970s.

A second factor has been a history of economic and social connectivity in the tri-border region, which in recent decades has facilitated the movement of insurgents and now terrorists. In contrast to the constraints imposed on governments by concerns over resources and national sovereignty, a centuries-old tradition of sea-borne commerce between local tribal groups—Tausug, Samal, Badjau, and Yakan—has paid little or no attention to international boundaries. Recent patterns of mostly unregistered migration, involving several hundred thousand people from the southern Philippines seeking work in Sabah, only underscore the scale of the problem.

In the case of the warlike Tausugs of the Sulu archipelago, a tradition of maritime mobility has long underpinned a proclivity for smuggling and piracy and a history of fierce resistance to the impositions of Christian-run central government in Manila.¹⁰ In recent decades, Sulu Tausugs have played dominant leadership roles in both the MNLF and its extremist offshoot, the Abu Sayyaf Group (ASG).

Founded in 1991 and based mainly on the Sulu islands of Jolo and Basilan, the ASG has proven itself uniquely adaptive in bringing together insurgent, terrorist, and criminal tactics in a virulent and fluid mix. Impressive guerrilla capabilities in operations against the Philippine army have been supplemented with the bombings and beheadings of jihadist terrorism targeted on Christian communities. At the same time, the ASG has transformed kidnap-for-ransom into an enterprise worth millions of dollars annually. ASG raiders have seized high-value hostages from commercial shipping as well as from tourist resorts in Sabah, Palawan, and Davao.¹¹ More than any other insurgent group in the tri-border region, the ASG has alarmed and embarrassed both Manila and Kuala Lumpur, while underscoring the stark inadequacies of naval coordination between the two states.

The rise of IS as a global jihadist brand has only highlighted the social and religious vulnerabilities of archipelagic Southeast Asia to jihadist ideology, and the specific dangers posed by connectivity between Indonesian and Malaysian terrorist cells and Moro insurgents with control of territory in the Philippines. The mid-2017 seizure of Marawi City by a coalition of Philippine jihadist groups that had sworn allegiance to IS came as a sharp goad to governments to ramp up intelligence sharing and operational coordination in the tri-border zone.

The protracted siege of the city demonstrated powerfully to a region-wide audience the capabilities of a new coalition of jihadist groups that had never before coordinated operations in a well-planned, sustained campaign, and that is willing to entertain the participation of foreign fighters. It also reflected a potentially decisive shift in the insurgents' center of operational gravity from the Sulu archipelago to central Mindanao, where mountain terrain offers a far wider area of operations than Sulu.

Conclusion

Stretching from the Hindu Kush to the western Pacific, the four zones of major, cross-border insurgent activity examined here reflect obvious dissimilarities in geography, ethnicity, military culture and tactics, and, not least, the roots of conflict. Social and political forces fueling violence in the borderlands of southeastern Afghanistan and Pakistan's FATA have little in common with those underpinning the disaffection of Muslim communities on the islands of the Sulu Sea. Nevertheless, two variables emerge as drivers of a cross-border dynamic that invariably exacerbates and prolongs conflict. One is terrain, physical and social; the other, the specific nature of state-to-state relations.

Cross-border conflict is driven by physical and social terrain, and the nature of state-to-state relations

Extreme mountain terrain characterizes two of the zones examined: the Pakistan-Afghanistan frontier at one end of the Himalayas and, at the other, the borderlands of India's northeast. In both cases, the population is composed of hill tribes—hardy, independent, and often warlike. Traditionally distrustful of state power projected from the plains, and dismissive of modern borders, upland tribal peoples are by their very nature predisposed to play central or supporting roles in cross-border insurgencies.

Conversely, extreme terrain powerfully constrains counterinsurgency operations. As the Russians and Americans discovered in Afghanistan, maintaining in hostile mountains a presence aimed at interdicting cross-border insurgent movement is a hugely expensive undertaking that tends to become increasingly dependent on airpower, both for resupply and for (usually ineffective) kinetic operations. By the end of their respective wars, both superpowers had effectively given up on close-in border control.

India faces similar if less extreme challenges in the Naga Hills. Resort to drones, as pioneered by the Americans along both sides of the Durand Line, can go some way toward mitigating the problem, but will never solve it. And, in a very different geographical setting, the maritime environment of the Philippine-Malaysian-Indonesian tri-border region also poses security challenges that can be mitigated, but never entirely overcome.

In all four case studies, however, the tenor of state-to-state relations emerges as a decisive variable in the severity of cross-border conflict dynamics. At one end of the spectrum, the viscerally toxic nature of relations between Islamabad and Kabul not only precludes effective cooperation in constraining cross-border insurgent movement; it actively promotes competitive cross-border violence by proxy actors in a savage downward spiral. For decades, Pakistan's ISI has supported Afghan proxies, mujahedeen and Taliban, to advance its foreign policy objectives in Afghanistan, and it continues to do so today.

While arguably the more aggrieved of the parties, Kabul has sought to fight fire with fire, turning to its own terrorist proxies. Most recently, that has involved turning a blind eye to the activities of TTP terrorist factions such as Jamaat ul-Ahrar (JuA) on its soil as a counter to perceived Pakistani aggression. With horrific bombings of civilian targets in Kabul, Quetta, and Lahore occurring on a weekly basis, the situation has never been worse than today.

At the other end of the spectrum, the impact of cross-border insurgency and terrorism in Southeast Asia has been significantly constrained by ASEAN's cooperative and collegial framework. Indeed, in the case of the Patani conflict, it would be difficult to find another insurgency with an important cross-border dynamic that has had less negative impact on state-to-state relations. Bangkok and Kuala Lumpur have learned simply to side-step the conflict in the interests of a far broader and mutually beneficial relationship. While the Malaysian government has neither the capacity nor the desire to "close down" BRN activities south of the border, it has made clear it has no intention of covertly supporting the revolt. Unspoken ground rules are well understood by all three parties: Kuala Lumpur, Bangkok, and BRN.

Notwithstanding the diplomatic baggage of Manila's claim to Sabah, a similarly cooperative relationship exists between the three states confronting the cross-border dynamics that support insurgency on Mindanao and, potentially, terrorism region-wide. ASG depredations, the battle for Marawi, and wider international alarm have all acted as powerful catalysts for expanding security and intelligence cooperation. The risks to stability are today simply too big to ignore.

It is worth stressing, however, that in the modern era these cooperative impulses have not been a given in Southeast Asia. Thailand has had a long tradition of accommodating or supporting foreign insurgents from across all its borders, the Malaysian frontier included; while in the 1970s, covert Malaysian backing for the MNLF fueled a bitter war with Philippine government forces in Sulu and Mindanao. Previously, Kuala Lumpur also tolerated on its soil the activities of Patani-Malay insurgents from Thailand, in a manner that would be unthinkable in the context of the common threats posed by jihadist terrorism today.

The difficulties faced by India along its exposed northeastern flank reflect perceptions of risk in New Delhi and Nayptidaw that are notably less balanced. Against the backdrop of deteriorating relations with China, a revived and more cohesive cross-border insurgent threat in the shape of the UNLFW poses potentially serious risks for New Delhi. It threatens both stability and development in the northeast and hopes for overland connectivity and trade with Southeast Asia. For Myanmar's military, however, the calculus is altogether different. Resource-costly campaigns to expel Indian insurgents from rugged terrain in the far northwest offer few if any strategic returns. Meanwhile, notwithstanding Indian raids that briefly but pointedly violated Myanmar's sovereignty, the wider relationship remains cordial and largely cooperative, conditioned in both capitals by the need to balance the rising power of China.

Anthony Davis

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Conflict in Asia and the Role of Gender-Based Violence

Jacqui True

Gender-based violence (GBV) against women and girls is a major societal problem across Asia.¹ It is imperative that we identify and analyze its patterns and trends in order to adequately respond to the problem. Due to the historical impunity of perpetrators, however, we are only beginning to understand the scale and forms of GBV in Asia. Many countries in Asia have no consistent definition, baseline data, or systematic documentation of types of GBV against women and girls.² There are few official reports to state agencies, and these barely scratch the surface of actual violence, as indicated by recent UN and World Health Organization (WHO) surveys. These surveys show high levels of self-reported GBV, such as spousal violence, and sexual violence including nonpartner rape and gang rape, perpetrated overwhelmingly by men against women.³ At the same time, the extremely low conviction rates for GBV in Asia, and the slow adoption of specialized services, policies, and legal reforms, perpetuate the culture of impunity for this violence. Paradoxically, one of the starkest indications that GBV is widespread in a society is the presence of gender norms that prohibit or constrain its reporting or recording.⁴

In order to better understand GBV against women and girls, it is important to define and conceptualize what is included in the term. The UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), General Recommendation No. 19, defines GBV against women and girls as "violence that is directed against a woman because she is a woman or that affects women disproportionately."⁵ It addresses a range of forms of violence as defined in the UN General Assembly's 1993 Declaration on the Elimination of Violence against Women (DEVAW). There are four types of GBV—emotional, physical, economic, and sexual. Mapping GBV, as defined, is difficult in Asia due to the limitations of existing data.

First, there are few datasets designed to record GBV, and those that do are not comprehensive, but rather focus on one particular type of GBV. For example, country-level demographic and health surveys include questions only about intimate partner violence,⁶ and only in fewer than half the countries in Asia, while a database covering 1989–2009,⁷ recently added by the Uppsala Conflict Data Program (UCDP),⁸ collects data only on conflict-related sexual violence. Second, there are reporting biases related to the reliance on just a few data sources,⁹ and the different conceptualizations of GBV across the countries in the region prevent comparative analysis. Third,

there are significant issues with the quality of available data, given the significant underreporting by victims in societies that have, until recently, failed to recognize GBV as a criminal offense or a public-policy problem. As such, data may not reflect *which* groups of women are most vulnerable to GBV or the specific obstacles to reporting violations they may face.

Analyzing GBV amid ongoing conflict and political violence in the region presents further challenges. Asia has some of the most protracted conflicts in the world.¹⁰ Conflict and military violence negatively affect women's social and economic rights in Asia as a result of displacement, which disproportionately affects women compared with men.¹¹ In the Asia-Pacific, there were 3.2 million new internally displaced persons (IDPs) at the end of 2013, fleeing armed conflict, violence, and human rights violations as well as disasters.¹² The great majority of all IDPs are women and children.¹³ Protracted displacement places women at greater risk of intimate-partner violence as well as conflict-related sexual violence. Displacement is also associated with higher proportions of female-headed (single-parent) households, which generally have higher rates of poverty and malnourishment, with poor access to water, food, housing, education, and livelihoods.¹⁴ In conflict and displacement in Asia, GBV severely affects minority women and girls, who are often doubly vulnerable: as members of a subordinate ethnic, religious, or political minority group, and as the subordinate gender within that group.¹⁵

This paper has three parts and draws on examples from India, Sri Lanka, Myanmar, Indonesia, and the Philippines. The first section highlights gaps in prevailing analyses and proposes analyzing GBV as a cross-cutting problem interrelated with other types of violence. The second section illustrates some key connections between conflict dynamics and GBV in Asia. The third section considers state responses to GBV, highlighting approaches in the region that have worked to address it.

Mapping levels of violence

The complexity of subnational conflicts in Asia often masks the gendered dimensions of violence. The Asia Foundation's *The State of Conflict and Violence in Asia* examines GBV at the local level, positioning it, along with electoral violence and urban crime, outside of subnational conflict (separatism, autonomy, and large-scale communal conflict) and national conflict (interstate and civil war). This positioning does not adequately reveal the contexts in which GBV occurs. We need to conceptualize the national and subnational as well as the local aspects of GBV, even in domestic and intimate-partner situations. For example, there is a national or subnational context to GBV when there is a high degree of structural gender inequality at a national or regional level—inequality of access to resources or to public space and voice, legal discrimination in civil and family status, and societal attitudes that condone violence against women. Research shows that structural gender inequality is the most significant risk factor for GBV.¹⁶

A GBV lens can help us see how forms of violence are connected, from the interpersonal to the intergroup and overtly “political” types of violence. The power of GBV compared with other types of violence lies not in the physical acts of violence themselves, but in the shame and social stigma that victims suffer. Physical, psychological, sexual, or economic GBV intends to denigrate and silence the victims and, by association, their families or communities. It both exploits and reinforces stereotypes and oppression based on gender, ethnicity, class, caste, sexuality, or other identities. Thus, GBV and conflict or violence at various levels play into and affect one another.

The symbolism and stigma of GBV have a specific, catalytic effect on political and intrastate conflict. For example, in Myanmar, Tatmadaw soldiers have immunity from civil prosecution, and can perpetrate GBV with impunity. That threat is very real to the Kachin people in northern Myanmar,¹⁷ and threats of sexualized GBV against Kachin women and girls, which aim to

oppress and shame the entire ethnic group, may be used to mobilize group members to fight in the subnational conflict with the Burmese state.¹⁸

GBV is underreported everywhere in the world due to gendered stigma, but reliable data is especially scarce in Asia, where demographic and health surveys are comparatively infrequent and national reporting systems are relatively underdeveloped.¹⁹ Underreporting of GBV is affected by the low level of public awareness; the scarcity of institutions to report to or their inaccessibility in rural, conflict, and displacement settings; the lack of protection for victims or others reporting GBV due to ineffective or gender-biased law enforcement and justice systems; and institutional incapacity to record and analyse GBV data. These problems compound the underreporting of GBV, even with more rigorous efforts to gather better data through surveys or incident reporting. Thus, it is crucial to address the causes of this underreporting at the same time as we seek to improve the tools for data collection and analysis.²⁰

Conflict dynamics and GBV in Asia

GBV has been documented in several conflicts in Asia since 1945, and is frequently heightened in conflict-affected situations.²¹ Women and girls' severe lack of access to social and economic resources in conflict-affected and displacement situations affects their vulnerability to violence. However, differences are discernable in GBV patterns across countries, based on official and unofficial reports.

Awareness of GBV against women and girls is nascent in the region, and where awareness is low there is lower reporting. In Myanmar, GBV awareness was triggered by the presence of international actors in the context of regime change, and by reports of conflict-related sexual violence that have captured the attention of the global media.²² Sexual violence perpetrated against civilian women by uniformed men is highly controversial and socially more contested than incidents of intimate-partner or domestic violence, which are often seen as “normal” or acceptable and therefore are not reported. True and Davies observe that reports of GBV, including domestic violence perpetrated by civilians, began to escalate at the same time as the increased reporting of conflict-related sexual violence and the opening of the country after Cyclone Nargis in 2008.²³

In Rakhine State, however, GBV against Rohingya women is extremely underreported.²⁴ Conflict broke out in Rakhine in 2012, 2016, and 2017 between the Myanmar border police and military and the Rohingya minority, with deaths and human rights violations, including sexual and physical GBV, recorded by the UN.²⁵ Restricted humanitarian access has limited the reporting of GBV, as have fears of retaliation and mistrust of health services, which continue to report GBV to the police (though this is no longer required under the 2014 Emergency Treatment of Patients Law). Recourse to justice, given the immunity of the Tatmadaw, is also nonexistent,²⁶ and there is no voice or civil society organization within the Rohingya community to represent women and girls who are GBV survivors.²⁷ Qualitative study of the Rakhine case suggests that GBV is widespread and systematic, and that the paucity of reporting does not reflect actual levels.²⁸

How a conflict ends has implications for the reporting and underreporting of GBV. In Sri Lanka, GBV is widely referred to in government reports; however, there are only a few official reports of sexual violence.²⁹ The nonrecognition of wartime GBV and the lack of institutional capacity to respond to postwar GBV reflect a self-reinforcing cycle of acceptance of this violence. Women in the Northern and Eastern Provinces appear to experience the highest levels of GBV, as well as other violations of physical security, according to reports available since the end of the war.³⁰ The victory of government forces has led to continued sexual abuse and torture of Tamil minorities, with no promise of transitional justice, contributing to impunity for GBV.³¹ A UN survey of GBV perpetrated by men, based on a national sample across four districts, including

two in the war-affected Eastern Province, shows that less than 10 percent of rape cases have been successfully prosecuted in Sri Lanka, and that 60 percent of men feel entitled to sex without prior permission of their partner.³²

GBV perpetrated by nonstate armed actors is rarely reported, leading to the false assumption that it does not occur. This is the case in both Myanmar and Sri Lanka. In Sri Lanka, however, the UN's *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka* found that both the Sri Lankan armed forces and the Tamil Tigers (LTTE) committed acts of GBV,³³ despite the narrative that the LTTE did not perpetrate GBV within the group due to a moral code prohibiting sexual relations.³⁴ The LTTE are suspected of committing GBV within the minority population to increase conscripts and coerce civilian support with threats of rape and abduction of family members.³⁵ As a result of these practices, early marriage of girls was promoted during the war to prevent their recruitment by the LTTE. It has continued in the Eastern and Northern Provinces since the end of the conflict, as evidenced by the high rates of teenage pregnancy.³⁶ Given that no prosecutor has been appointed to investigate war crimes, including GBV committed by both Sri Lankan and LTTE forces, there are strong incentives to not report this violence.

It is still difficult to get reliable GBV data in conflict-affected settings, even where government capacity and reporting institutions exist. The Philippines has among the highest levels of reported domestic violence in Asia, reflecting the country's early adoption of an elimination of violence against women (EVAW) law and the government's institutional capacity to implement the law. However, the conflict-affected Autonomous Region of Muslim Mindanao (ARMM) recorded the lowest number of GBV cases of any region in the Philippines in 2014 and 2015, while the neighboring, peaceful region of Davao recorded the highest number, despite its much smaller population.³⁷ Due to strong, gender-based codes of honor within families and communities in ARMM, and the shame associated with rape and other sexual violence, women and girls are expected to keep silent about the violence they have experienced. They may do this to prevent the escalation of clan violence in contexts where abduction, rape, and forced marriage are common,³⁸ and where daughters may be offered for marriage to appease warring clans.³⁹ A high-ranking police official in ARMM stated, "Because of culture, people will not report [crimes] to the police. They consult their village chiefs, because once they report it to the police, it is tantamount to a declaration of war."⁴⁰ Moreover, police may not accurately apply the EVAW law, and they are forbidden by law to record the gender and other demographic data of crime victims.⁴¹ These barriers thwart the collection of GBV data that could lead to more effective responses.

Qualitative studies of conflict situations can help to explain the variation in reporting of specific kinds of GBV committed by the military, nonstate armed groups, or civilians, as the cases above show. To qualify and contextualize data on all forms of reported GBV in conflict-affected Asian contexts, we need to map the social, political, and institutional barriers to reporting, and the prevailing degree of gender discrimination and inequality.

State responses to GBV

How can countries protect women and girls and prevent future GBV? *National laws against GBV and government action plans to implement them* are crucial. With appropriate institutional capacity to protect victims and prosecute perpetrators, anti-GBV laws directly address the culture of impunity, and thus can help prevent GBV. In the Asia-Pacific, only Myanmar has not adopted specific laws prohibiting domestic violence.⁴² In Myanmar, however, a civil society coalition has been engaged in more than three years of dialogue with the government over the GBV law.⁴³ A major point of contention in this dialogue, amid widespread reports of Tatmadaw abuses, has been the inclusion of conflict-related sexual violence.

One of the starkest indications that GBV is widespread in a society is **the presence of gender norms that prohibit or constrain its reporting or recording**

Domestic violence laws were adopted in Indonesia in 2004 and India in 2005. High-profile local cases in Sri Lanka in 2005, Nepal in 2009, Bangladesh in 2010, and India in 2013 shaped new or stronger anti-GBV laws that have closely mirrored the UN’s normative definitions (see note 1) covering the four types of GBV—emotional, physical, economic, and sexual. Best known is the Indian case, in which the fatal gang rape of a 23-year-old female tertiary student on a Delhi bus drew mass protests in the streets of Delhi and media attention around the world.⁴⁴ In South Asia, 74 percent of countries have adopted laws covering all four forms of GBV, compared with 44 percent in East Asia and the Pacific.⁴⁵ In India, following the adoption of the anti-GBV law, a civil society initiative supported by transnational advocacy networks and the UN set up *a system to monitor the implementation of the law* in collaboration with state agencies. The Lawyers Collective, along with other organizations and stakeholders, evaluated the effectiveness of the infrastructure envisaged by the Domestic Violence Act and the performance of the implementing agencies. They also examined the responsiveness of the judiciary to the issue of GBV. This initiative has substantially increased the state’s accountability to civil society.⁴⁶

Across Asia, *specialist courts* have been established to hear GBV cases, although transitional-justice hearings for conflict-related GBV, including sexual violence, have hardly been established. The Extraordinary Chambers in the Courts of Cambodia (ECCC), addressing crimes perpetrated during the Khmer Rouge regime, are an exception.⁴⁷ Despite the fact that many conflicts in the Asia-Pacific region have included documented acts of sexual violence, primarily against minority women (e.g., Bangladesh in 1971, Cambodia during the Khmer Rouge regime, Indonesia in East Timor), less than half the region’s countries have ratified the 1998 Rome Statute of the International Criminal Court, compared with 63 percent of African and 82 percent of Latin American and Caribbean states.⁴⁸ The lack of local judicial infrastructure is cited as a reason for nonratification,⁴⁹ as well as the nature of ongoing conflicts.⁵⁰ The Sri Lankan government is currently considering appropriate transitional-justice mechanisms; however, it is unlikely that prosecutions for war crimes, including GBV, will take place. In Nepal in 2014, the Supreme Court mandated the establishment of fast-track courts for rape and domestic violence in addition to the on-camera hearings provided for in the Domestic Violence Crime and Punishment Act.⁵¹ The implementation of the fast-track GBV provision has not yet been evaluated, however.

Countries in Asia also have *extremely low GBV conviction rates*. In India, only 3,860 of the 5,337 rape cases of women and girls reported over a 10-year period resulted in prosecutions. Perpetrators were either acquitted or discharged by the courts for lack of “proper” evidence, according to the Indian National Crime Records Bureau.⁵² In the case of Indonesia, despite the existence of a specialized court, the CEDAW Committee voiced concern over the limited number of cases of sexual violence and trafficking brought to court and the absence of a monitoring mechanism for the domestic-violence law. It also emphasized the failure of the Indonesian government to prosecute the perpetrators of conflict-related GBV crimes and to provide women victims with justice, reparation, and rehabilitation.⁵³ The UN study singles out the sense of sexual entitlement that fuels men’s physical and sexual GBV in Asia. The fact that the majority of men face no legal consequences for committing GBV is a reflection of the gender inequalities in the law and justice system.⁵⁴

With respect to *specialized policing*, only the Philippines among those countries with sub-national conflicts has created women's police units in some districts to receive GBV reports. Research has yet to examine whether there are more GBV reports in those districts. The Philippine Commission on Women compiles nationwide statistics from police reports of 13 different types of violence against women and girls across 18 different regions, in accordance with national law.⁵⁵ However, Davies, True, and Tanyag found in their research that even if cases are reported, they may not be recorded and shared at higher levels of policymaking, because professional reputations are at stake, and there is low institutional transparency on the data collection.⁵⁶

In terms of *government provision of GBV services* to address the health, psychological, and livelihood needs of victims, India has introduced “one-stop shop” crisis centers for GBV victims, following the recommendations of the 2013 Justice Verma Commission.⁵⁷ Initially these centers were intended to serve only victims of sexual violence, but the majority of clients soon turned out to be victims of domestic violence rather than sexual violence by strangers (as in the Delhi Rape case, which had prompted their creation). Demand for the crisis centers clearly exists, and we should expect to see their impact in increased reporting of GBV—the pattern seen in developed countries—although how this will translate into GBV prevention remains both uncertain and hard to measure, due to the problems with data collection and the lack of accurate baseline data.

There are several lessons to be learned from recent GBV policies and interventions in Asia. First, where GBV responses have effectively tackled impunity, civil society has played a role in monitoring the implementation of EAW laws, including judicial processes, policing, and health services. Second, the infrastructure and capacity offered by specialized courts, fast-track processes, and one-stop shops for survivors are promising, but their usefulness and potential adoption elsewhere in Asia must be rigorously evaluated. Third, women police units are also an innovation, but they do not eliminate the need for all police officers to be trained in the EAW law. More research is needed to assess whether these specialized police units increase GBV reporting and whether they are located in the districts most susceptible to GBV. Finally, in post-conflict situations in Asia, transitional-justice processes remain rare, yet without them there is a risk of continued impunity for GBV, and of renewed conflict.

Conclusion

There are significant issues in the relationship of GBV to other forms of conflict and violence in Asia, including the major problem of GBV underreporting, especially in situations of conflict and displacement, and the widely varying responses of governments. Greater awareness of GBV in Asia, where just one country is now without an EAW law, has also increased attention to the institutional and political barriers to GBV reporting and recording. This is a positive sign of progress in the region. Conflict-related GBV is more visible than ever before, but it is also a contentious matter for governments to address. A regional GBV mechanism could help governments monitor and analyse GBV, ensure redress for victims, and hold states accountable for due diligence against GBV, particularly in conflict situations.⁵⁸

The linkages between conflict-affected GBV and gender inequality in Asia are still being established. There is an urgent need to better understand the obstacles to reporting GBV and how to overcome them, as well as for improved collection of data on the incidence of GBV to contribute to this research and to inform policy and prevention initiatives. However, broad measures to redress structural gender inequality will likely also have benefits for reducing GBV. Reforming discriminatory civil and family law, strengthening the legal rights of minority women and girls, and promoting their access to resources, formal employment, and secondary education will make them less vulnerable to exploitation and violence and more empowered to report it. These measures remain crucial to GBV prevention in Asia.

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Notes

- 1 This paper is focused on GBV against women and girls. However, GBV against men and boys is also a problem. In Asia, *violence against women* (VAW) is often the preferred term, which has a legal basis in national law but encompasses GBV against women and girls, though typically not GBV against men and boys. GBV includes physical, psychological, and sexual violence, including rape, forced prostitution and trafficking, dowry-related violence and other traditional practices harmful to women, female genital mutilation, marital rape, spousal violence, sexual harassment and intimidation at work, and economic abuse and violence (UN General Assembly, “Declaration on the Elimination of Violence against Women,” A/RES/48/104, 85th plenary meeting, December 20, 1993). Other forms of violence are also considered under the UN’s Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), such as “early and forced marriage, and online sexual abuse.”
- 2 The term *domestic violence* refers to spousal and nonspousal violence occurring in the family home or household. Although in common usage it often denotes intimate partner violence (IPV), the term is broader than that.
- 3 In a systematic review of scientific data collected by WHO VAW-prevalence surveys, ever-partnered women in the WHO region of Southeast Asia were found to have the highest lifetime prevalence of physical violence (37.7 percent). See World Health Organization, London School of Hygiene and Tropical Medicine, and South African Medical Research Council, *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence* (Geneva: WHO, 2013), 17, <http://www.who.int/reproductivehealth/publications/violence/9789241564625/en/>. The prevalence rate of physical and sexual violence for ever-partnered women in Southeast Asia was the second highest in the world after Africa (WHO et al., *Global and regional estimates*, 20). Similarly, in the 2010 Global Burden of Disease study, the Southeast Asia region recorded the second-highest prevalence rate of intimate-partner violence, at 41.73 percent, after Central Sub-Saharan Africa (WHO et al., *Global and regional estimates*, 47). E. Fulu et al., *The United Nations Multi-country Study on Men and Violence in Asia and the Pacific* (Bangkok: UNDP, UNFPA, UN Women and UNV, 2013) further supports the pervasiveness of VAW in the Asian region, though the prevalence rate varies within and across Asian countries. This survey of men and women in nine rural and urban sites in six countries found men’s perpetration of intimate-partner physical and sexual violence extremely common, with rates of 26 to 80 percent across sites, and women’s experience of partner victimization at 25 to 68 percent: on average a 30–57 percent prevalence rate (Fulu et al., *Multi-country Study*, 27). Among women respondents, between 10 and 59 percent reported rape by a nonpartner (Fulu et al., *Multi-country Study*, 39). According to the UN study, the majority of men perpetrating rape—between 72 and 97 percent across the nine sites—did not experience any legal consequences (Fulu et al., *Multi-country Study*, 3).
- 4 Sara E. Davies and Jacqui True, “Reframing the Prevention of Conflict-Related Sexual and Gender-Based Violence.” *Security Dialogue* 46, no. 6 (2015): 14.
- 5 “Convention on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 19 (11th session, 1992),” website of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), accessed August 22, 2017, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.
- 6 See The Demographic and Health Surveys Program website, <http://dhsprogram.com>.
- 7 Dara Kay Cohen and Ragnild Nordås, *Sexual Violence in Armed Conflict Dataset*, retrieved August 10, 2017 from the Sexual Violence in Armed Conflict Dataset website, <http://www.sexualviolencedata.org/dataset/>.
- 8 Uppsala Conflict Data Program (UCDP) and Peace Research Institute Oslo (PRIO), *UCDP/PRIO Armed Conflict Dataset Codebook Version 4-2014a* (Oslo: PRIO, 2014).
- 9 For example, the Sexual Violence in Armed Conflict dataset is reliant on three international sources of English-language reporting—the U.S. State Department, Human Rights Watch, and Amnesty International—that are likely to be heavily compromised in Asia, where local civil society and news reports may be more important for tracking GBV. See Dara Kay Cohen and Ragnild Nordås, “Sexual violence in armed conflict: Introducing the SVAC dataset, 1989–2009,” *Journal of Peace Research* 51, no. 3 (2014): 418–428.
- 10 Thomas Parks, Nat Coletta, and Ben Oppenheim, *The Contested Corners of Asia: Subnational Conflict and International Development Assistance* (San Francisco: The Asia Foundation, 2013), <https://asiafoundation.org/resources/pdfs/ContestedCornersOfAsia.pdf>.
- 11 World Bank, *World Bank Annual Development Report 2011: Conflict and Development* (Washington, DC: World Bank, 2011).
- 12 Alexandra Bilak et al., *2016 Global Report on Internal Displacement* (Geneva: Internal Displacement Monitoring Centre and Norwegian Refugee Council, 2016), <http://www.internal-displacement.org/library/publications/2016/2016-global-report-on-internal-displacement-grid-2016/>.
- 13 There is little or no data disaggregating the gender and age of IDPs. However, the numbers are estimated to be similar to those in the population, with some indication that they are weighted toward women and children, given that men may stay to fight or secure land. Sebastián Albuja et al., *Global Overview 2014: People internally displaced by conflict and disaster* (Geneva: Internal Displacement Monitoring Centre and Norwegian Refugee Council, 2014), 13, 23, <http://www.internal-displacement.org/library/publications/2014/global-overview-2014-people-internally-displaced-by-conflict-and-violence/>. For example, see UN Office for the Coordination of Humanitarian Affairs (OCHA), *Myanmar Humanitarian Response Plan: January–December 2017* (OCHA, 2016), 3, <http://reliefweb.int/report/myanmar/2017-myanmar-humanitarian-response-plan-january-december-2017>, which estimates that over 80 percent of the internally displaced are women and children.

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- 15 Nira Yuval-Davis, *Gender and Nation* (New York: Sage Publishing, 1997).
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- 18 Jenny Hedström, "The political economy of the Kachin revolutionary household," *Pacific Review* 30, no. 4 (2017): 581–595, <http://dx.doi.org/10.1080/09512748.2016.1273254>.
- 19 For example, just seven of the 15 countries in South and Southeast Asia that conduct demographic and health surveys collect data on intimate-partner physical and sexual violence, compared with 29 out of 42 countries in Africa. See The Demographic and Health Surveys Program website, <http://dhsprogram.com>.
- 20 For example, see Government of Nepal, *A Study on Gender-Based Violence Conducted in Selected Rural Districts of Nepal* (Kathmandu: Office of the Prime Minister and Council of Ministers, 2012), <http://asiafoundation.org/publication/a-study-on-gender-based-violence-conducted-in-selected-rural-districts-of-nepal/>.
- 21 Jacqui True, *The Political Economy of Violence against Women* (Oxford: Oxford University Press, 2012); Doris Buss, "Seeing Sexual Violence in Conflict and Post-Conflict Societies: The Limits of Visibility," in *Sexual Violence in Conflict and Post-Conflict Societies*, ed. Doris Buss et al. (Abingdon: Routledge, 2014), 3–27; Janie L. Leatherman, *Sexual Violence in Armed Conflict* (London: Polity, 2011).
- 22 Gender Equality Network (GEN), *Behind the Silence: Violence Against Women and their Resilience* (Yangon: GEN, 2015), <http://www.genmyanmar.org/publications/Behind%20the%20SilenceFullReportEnglish.pdf>.
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- 28 Ibid.
- 29 Fulu et al., in their survey, found that physical violence within marriage had a higher incidence than sexual violence. Fulu et al., *Multi-country Study*, 2. See United Nations Population Fund (UNFPA), *Keeping the Promise to Women* (Colombo: UNFPA, 2016), <http://srilanka.unfpa.org/en/publications/keeping-promise-women?page=2>. The culture of impunity for GBV is maintained by the Sri Lankan government's failure to collect baseline data on any type of violence against women.
- 30 See FOKUS Women, *Whither Justice? The Language Barrier in Accessing The Criminal Justice System* (Colombo: FOKUS Women, 2016), <http://www.fokuswomen.lk/language-barrier/>. See also UN Security Council, *Conflict-related sexual violence*, paras. 83–84, which mentions the GBV reports of the International Truth and Justice Project. See also Sepali Gamage et al., "Intimate partner violence in the post-war context: Women's experiences and community leaders' perceptions in the Eastern Province of Sri Lanka," *PLoS ONE* 12, no. 3 (2017), <https://doi.org/10.1371/journal.pone.0174801>.
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- 33 Marzuki Darusman, Steven Ratner, and Yasmin Sooka, *Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka* (New York: United Nations, 2011).
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- 40 “ARMM is most peaceful Philippine region–PNP,” *Manila Times*, January 25, 2014, <http://www.manilatimes.net/armm-is-most-peaceful-philippine-region-pnp/70675/>.
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Resource Conflict and Democratic Land Governance

| Saturnino M. Borras Jr.

Rising resource conflicts: context and causes

Asia is a hotspot in the global land rush that has been gaining momentum over the past two to three decades. Multiple crises confronting humanity, in food, animal feed, fuel, finance, climate, and the environment; the responses to these crises, such as biofuel production and nature conservation; and the growing economic dynamism in newer centers of capital such as China and India have all increased the demand for land. The mainstream narrative on this global land rush is straightforward: there is a solution, and it lies in the existence of marginal, empty, and available lands. Two sets of actors have converged on this narrative—corporate actors and the state—in turn attracting bewildering layers of individual land brokers, entrepreneurs, scammers, swindlers, and thieves.

Most of these “available” lands are occupied and worked by the rural poor. Conflict erupts when the state moves in to claim these lands, often using extra-economic coercion, and offer them to corporate investors. This leads to the eruption of new conflicts, themselves built on older conflicts over natural resources. But while grabbing land from villagers is the most visible and immediate cause of these (often violent) conflicts, they are usually also entangled with social tensions due to ethnicity, nationality, class, caste, gender, and generation, leading to other types of vertical and horizontal conflict and violence society-wide. The present volume reveals medium to high levels of resource-related conflict that simultaneously occurs or overlaps with other forms of conflict and violence in 14 Asian countries.

The global land rush and the widespread conflict linked to it have forced national and international institutions to respond. The UN Committee on Food Security, in 2012, adopted the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security.¹ The World Bank proposed a “code of conduct” for companies engaged in the global land rush.² Jean Ziegler, the UN special rapporteur on the right to food, from 2000 to 2008, declared that the conversion of farmlands to biofuel production is a “crime against humanity.” In 2016, the International Criminal Court declared that it would be willing to investigate and try executives of companies engaged in land grabbing. National parliaments in Asian countries have rushed to address the chaotic situation of villagers losing their lands. For example, the Cambodian government was forced to cap land concessions at 10,000 hectares after widespread protests against large-scale concessions.³

Social inequities and widespread feelings of injustice are among the root causes of social tension, conflict, and violence. Land politics lies at the heart of this in societies with an important agrarian sector. Responses to land and resource conflict should be based on social justice, where poor people's interest is the starting point and is protected and promoted, otherwise tension, conflict, and violence are likely to explode again in various forms in the future.⁴ But many efforts to resolve land conflicts tend to address important but secondary issues: largely procedural matters such as transparency in cadaster records; the consultative process in large-scale corporate acquisitions; formalization of the individual, private land rights of villagers; conflict-resolution mechanisms that are nonstate and community-based. At best, these procedural measures may reduce the extent and intensity of conflict, but they do not necessarily get at the roots of conflict or resolve it in favor of the poor. System-wide deep social reforms will be necessary to strategically address current conflict and violence, and in the current context of natural resource politics it will require the interconnected policies of restitution, recognition, land redistribution, and fairer incorporation.

Cast of characters

The land rush has attracted three principal players, namely the state, corporations, and nonstate, noncorporate individuals. First, at center stage in “land politics”—who gets which land, how, how much, why, for what purposes, and with what implications—is the state. The state is often involved in investment prospecting, speculating on land and enticing large-scale land investors. Contested land, frequently in the hinterlands or coastal areas, is lumped together as “public land”⁵ and therefore in the grey area of property-rights systems. The state lays claim to these resources and spaces, even though they are often occupied and worked by indigenous peoples or ethnic minorities, marginalized rural poor, artisanal fishers, or urban and peri-urban poor. Or the state expropriates the privately controlled lands of villagers by eminent domain, as has been done in India,⁶ in China, and in Myanmar.

Often, public and private purposes can become quite blurred. Investment opportunities may coincide with a state-building agenda, helping the state to extend its sovereignty over territory that historically has been outside its authority and power. None of the national governments in Asia today can be characterized as a passive victim of corporate-driven land enclosures. The Indian state plays a key role in land expropriation.⁷ The Cambodian, Indonesian, and Myanmar governments have been aggressive in investment prospecting, offering vast public lands that they claim to own, even though these are the territories of indigenous peoples and ethnic minorities. The state's role is central, whether it is a straightforward corporate agribusiness deal or something linked to climate-change mitigation, such as hydropower or biofuel projects, most of which are promoted as market-based initiatives.

Second are the corporate players—diverse, international and domestic, and from multiple sectors: food, animal feed, energy and fuel, mining, real estate, tourism, auto and aviation, seed, timber and pulp, chemicals, machinery, banking and finance, pension funds. Add a plethora of actors associated with climate-change mitigation initiatives. Many of the climate-change mitigation

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Responses to land and resource conflict should be based on social justice, where poor people's interest is the starting point and is protected and promoted

policies have implications for land politics and policies, such as carbon-sequestration initiatives like REDD+, generic nature conservation, hydropower megaprojects, and biofuel—increasingly understood as “flex crops.”⁸ Because they often require involuntary recasting of land control, access, distribution, and use, these mitigation policies can provoke conflict and violence. For example, the massive expansion of oil-palm plantations across Southeast Asia, which has led to widespread expulsion of villagers from their land, has been partly justified by national governments as a contribution to climate-change mitigation through the production of biofuel.⁹ Often, these actors from different sectors interact. There is a convergence of new and old players in land politics. Most have engaged in speculative land prospecting. When they meet the investment prospecting of the state, the effect is explosive and provokes further conflicts.

Third, opportunities have opened up for nonstate and noncorporate individual actors: land brokers, entrepreneurs, scammers, thieves, and swindlers, some of them in paramilitary or militia groups. Across Asia, these individuals operate to accumulate land, and in some locations they can acquire far more than corporations, as documented in India.¹⁰ The transformation of northern Shan State in Myanmar from biodiverse, shifting agricultural communities into monocultures of corn, sugarcane, and rubber has been driven largely by this noncorporate process. In some places in Myanmar, militias have directly engaged in forcibly and violently grabbing villagers' lands.

Combined, these three actors engage in all sorts of land transactions, some of which fit the category of land grabbing while others do not. Some of these transactions are easily recognized and monitored, especially those involving big corporations, while others are below the radar of any institutional monitoring. Individually and jointly, these actors recast the politics of land ownership, control, distribution, and use, and poor villagers are usually on the losing side. Thus, these state, corporate, and noncorporate, nonstate actors become key players in conflict and violence, and are therefore parties to conflict transformation initiatives, as seen throughout Asia today.

Old and new resource conflicts

Investments in agriculture do not automatically cause conflict and violence, but recasting land politics—who gets which land, how, how much, why, and for what purposes—does. Resource conflict is about power and power relations, which in turn have significant class and identity dimensions—dimensions of gender, ethnicity, nationality, religion, caste, and generation. Almost always, those who lose land are already disadvantaged, and they often belong to socially marginalized ethnic groups. Full-scale conflicts and even violence erupt, not because the “moral economy” (in the tradition of James Scott's work) in societies of those losing lands has been violated, but because of the *manner* in which that moral economy has been violated.¹¹ In addition, not all unjust expropriations erupt into full-scale conflict and violence, especially where villagers are too scared to resist (although these tensions are palpable and should be addressed). In general, however, there are a number of ways that social and political tension and conflict arise and explode, which should be seen within the broader context of recasting the institutional rules on land ownership, control, distribution, and use.

First, there are land enclosures driven by the state, corporations, or individual land brokers and entrepreneurs. These actors take control of villagers' land and expel them from it, with or without extra-economic coercion, and whether villagers resist overtly or not. Conflict does not happen only when villagers are able to file formal complaints or overtly resist. Conflict over resources has spiked in recent years across Asia, associated with the dramatic expansion of agricultural monoculture such as industrial tree plantations; of mines, tourism enclaves, and speculative real-estate megaprojects like special economic zones; and of market-oriented, climate-change mitigation initiatives including carbon-sequestration projects, large hydropower projects, and nature conservation projects.

Second, states may refuse to recognize the rights to land, territory, and associated resources of specific social classes and groups in society. In some parts of Asia, the state has half-heartedly or problematically implemented policies that call for such recognition, like the Indigenous People's Rights Act (IPRA) in the Philippines. But in several countries, these tensions over state recognition of land rights have led to conflict between the central state and local actors, or to interethnic violence. These conflicts often have gender and generational social dynamics. The state refuses to recognize the land rights of these groups, because their territories have coveted resources—productive lands, forests, water, and mineral ores that can be offered to corporate investors—as well as being integral parts of its sovereign territory.¹² The violent conflict in the Chittagong Hills Tracts in Bangladesh is an illustration.¹³

Third, the land rush has exacerbated preexisting social inequality based on land monopoly by the landed classes and corporations. The dramatic revaluation of land, which has become exponentially more coveted, has impacted land distribution in two ways. On the one hand, landlessness and inequality have increased due to the new landless population created by the land rush, many of whom have been forced into the already bloated informal sector.¹⁴ Villagers are often forcibly expelled from their land, leading to escalation of conflict, which can become violent at times. On the other hand, political opposition to the redistributive land policies of the past has become even stronger and more entrenched. The landed classes and corrupt government officials, at times involving the military, are at the forefront of the effort to cash in on the land rush, and are thus vigorously opposed to democratic land redistribution. The use of extra-economic coercion by these elite actors to expel villagers from their land is quite common, igniting old and provoking new conflicts. Both ways in turn can link to broader issues of conflict, violence, and peace-building. In Myanmar, many corporations that seized village lands were owned by ex-military officials capitalizing on the 2011 ceasefire to penetrate some ethnic minority territories that were impenetrable before.¹⁵

Fourth, not everyone whose land is coveted by investors and the state is expelled from the land. In some instances, the investors need the land *and* the people, as cheap labor that comes with the land. In such settings, villagers are not expelled. Instead, they are incorporated into the

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emerging enterprise, either as workers or as contract farmers, through a variety of growership arrangements. Where this happens, villagers often remain the nominal owners of the land, but they have no more control over it. Many Malaysian and Indonesian oil-palm plantations are organized this way, for example. Demands for better wages, fairer prices for produce, better living conditions, or greater autonomy are often ignored, creating a trigger for escalation to conflict and violence, as scenes in the banana-plantation belt in Mindanao have demonstrated in recent years.

Fifth, there is often conflict over whether preexisting land laws, environmental standards, and so on that regulate land politics will be recast, and if so, how and for what purposes. These questions provoke tension and conflict between local communities and the state. This in turn transforms the arena of institutional rules into a key zone of conflict, where the state and corporations want to change the rules to favor their takeover of the land, while villagers resist. More often than not, however, villagers are completely ignored and excluded from the processes that recast these institutional rules. The villagers are denied representation in the institutions, spaces, and processes that determine the fate of their lands. The current National Land Use Policy in Myanmar is hotly contested for this reason.¹⁶

Policy responses

The global resource rush has produced a consensus among a range of state and nonstate actors. Everyone talks about governance: the situation is chaotic, many villagers are being expelled from their land, so there is a need for “good governance” to address the land rush, resource conflict, and violence. Yet, those who talk about land governance are not necessarily talking about the same thing. There are three broad political tendencies.

Tendency 1: governing land politics in order to smooth corporate land investments. The land rush is considered a rare opportunity, whereby states and corporations that are once again interested in land and the rural economy can achieve the most efficient use of land, a scarce resource. Proponents of this view acknowledge that the current land rush has resulted in the expulsion of many villagers from their land, involuntarily and unfairly, but they are not against voluntary displacement. They encourage it for those who have no potential to become efficient and competitive producers. Voluntary and market-based schemes, including formalization of individual private-property rights, formal and clear cadaster records, transparent land deals, consultative processes in large-scale land acquisitions, and a code of conduct for corporations, are solutions to involuntary displacement.¹⁷ Market- and community-based conflict-resolution mechanisms can address existing land conflicts by promoting a vigorous land market. In the longer term, expansion of a system based on individual private-property rights will address resource conflict. The World Bank, most government ministries in charge of promoting land investments, and corporations are the key actors in this tendency.¹⁸

Tendency 2: governing land politics in order to mitigate negative impacts on villagers while maximizing opportunities. The land rush is here to stay, so negative impacts on villagers must be mitigated while maximizing all the opportunities that come with it. Proponents of this view believe in a win-win-win formula, where the state, corporations, and local communities all are better off when a land deal is consummated. Like the first tendency, market- and community-based conflict-resolution mechanisms are favored. Corporate social responsibility and community partnerships with corporations are a pragmatic response to the resource rush. Some in this tendency see individual private-property rights as the strategic way to address resource conflict and violence, while others see a more social-justice-oriented approach. Most big NGOs and development agencies take this position, making it the most popular of the three tendencies. Advocacy focuses on international standards framed as corporate social responsibility, such as the push for “sustainable palm oil” in Indonesia and Malaysia.¹⁹

Investments in agriculture **do not automatically cause conflict** and violence, but recasting land politics—who gets which land, how, how much, why, and for what purposes—does

Tendency 3: governing land politics in order to stop land grabbing and return expropriated land to villagers. The land rush is seen as an inherent manifestation of the imperatives of capital to continuously generate profit at the expense of poor people, especially the rural poor. Proponents of this view think conflict-resolution mechanisms and other voluntary and market-based solutions will facilitate, not stop, the land rush, and will expand, not end, land-based inequality. The solution can only be a system of social-justice-oriented, redistributive land policies. Globally, La Vía Campesina, the world's largest farmers' movement, with strong although uneven presence across Asia, and its allies are at the forefront of this tendency.

These are ideal types. Real life situations are rarely a perfect fit. But the typology can help contextualize responses to resource conflict and violence.

Towards social justice-based resource conflict resolution and transformation

Most policy responses to resource conflicts, national and international, have been from tendencies 1 and 2 and advocate short-term measures oriented towards resolving specific land disputes. Voluntary and market-based policies, many of which are procedural in nature, are popular among mainstream institutions and national governments.²⁰ While such short-term, procedural measures are important, they are secondary. They are reactive, while existing problems require a stance that is both reactive and proactive.²¹ They could also unintentionally fan the flames of conflict and violence.

More urgent and important is to take a proactive stance alongside a defensive stance, pitched at the system level, in order to address current land and resource conflicts and violence on the one hand, and prevent future ones from exploding and recurring on the other hand. A social-justice-oriented response should be based on the four policy strategies of restitution, recognition, land redistribution, and fairer incorporation.

First, *restitution*. Before and during the recent land rush, villagers have been expelled from their farmland and home lots, whether legally or illegally, voluntarily or involuntarily, with or without compensation, with or without extra-economic coercion. Some may have been absorbed into other productive sectors of the economy, but others likely have not. They either remain in the countryside, or they have gambled on urban and peri-urban spaces, joining the already oversized informal sector. In many places, the recent wave of expulsions is just the latest in a long history of expulsions. For example, in Myanmar, waves of military operations have resulted in Karen villages that may have three different waves of occupants from three different ethnic groups, and each group is currently seeking to go back to “their” village. Many of these displaced people live in camps, while others are scattered throughout the country and beyond. This is not unique to

A social justice-oriented response should be based on the four policy strategies of **restitution, recognition, land redistribution, and fairer incorporation**

Myanmar; it is common where major armed conflict has resulted in complex layers of claimants to land, as in Timor-Leste, Sri Lanka, and other places. Where land restitution has been attempted elsewhere in the context of postconflict peacebuilding, it has adopted market-based approaches based on voluntary schemes and combined with land-market-oriented resettlement strategies. This was done in the 1996 Peace Accords in Central America, for example. These market-based approaches failed, partly demonstrating the inherent contradictions and limits to market mechanisms when the task at hand principally concerns redress, fairness, and social justice.

Second, *recognition*. Not all villagers have lost their access to and control over their land during the recent land rush. But their access to land is now seriously threatened in the midst of the spike in land investments. The key task in this context is to protect this existing access. In many settings in Asia, this means recognizing the rights of various social groups to land, territory, and associated resources. The politics of recognition has deep and intersecting dimensions of social class, gender, ethnicity, nationality, and generation. Protection through recognition does not only mean providing formal, individual, private-property rights. It can be achieved through various mechanisms, including democratic forms of customary arrangements, either individual or community or a combination of both. There are some progressive laws in Asia that have potential for fuller implementation, such as the IPRA in the Philippines.

Third, *land redistribution*. Many people who do not have stable jobs, either in the city or in the countryside, and who want to farm for a living do not have land to work. In addition, in many societies, those who work the land as tenants or farmworkers do not own the land they work, and thus have to pay exorbitant rent to private owners, or are subject to constant harassment from government or militia forces for informal rent, or are under constant threat of expulsion from land on which they are squatting. Many of them might have had land before, but lost it for a variety of reasons. System-wide land redistribution is urgent and necessary for a huge number of people across Asia today. Land reform, tenancy reform, leasehold reform, and forest-land reallocation programs are common policies for land redistribution. Many countries in Asia have such policies, but they are either not implemented or implemented perversely, while other countries do not have the necessary policies. In societies with an important agrarian sector, resource-conflict resolution and peace-building are inconceivable without taking redistributive land policies seriously.

Fourth, *fairer incorporation*. There are villagers who have been incorporated into the emerging capitalist farms and plantations, either as workers or as contract farmers, through a variety of growership arrangements. Most do not want to go back to autonomous, individual farming, or could not do so even if they wanted to, because the infrastructure for small, family farming is gone. Conflict arises over the terms of their incorporation: wages, working conditions, prices of produce, access to home plots and food gardens, and so on, as in palm-oil plantations in Asia. The task at hand is to improve the terms of such incorporation.

The four redistributive policies can only be fairly and effectively carried out if there is appropriate, meaningful *representation* of villagers in the policy process. “Not about them without them,” as a popular grassroots slogan goes. In many societies, the institutional bases of representa-

tion—the right to information; participatory processes; mandatory consultation; free, prior, informed consent (FPIC); and so on—are established but are not harnessed and are contested,²² while in other countries such institutional bases still need to be put in place. Representation is the lynchpin that links the four redistributive policies.

In short, only through system-wide, interconnected, social-justice-oriented land policies will conflict and violence be resolved democratically. There are two across-the-board principles that should guide such policies: a “land-size ceiling” that would limit how much land corporations and individuals can accumulate, and a “minimum land access” for farming, home lots, and garden plots to ensure that those who want to farm, full-time or part-time, have a place to live and land to work. Anything short of this will result in more of the same: some scattered policy reforms here and there, now and then, benefitting some, but not really attacking the agrarian roots of tension, conflict, and violence.²³ In Asia, as elsewhere, system-wide redistributive land policies are difficult, but not impossible to carry out.

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Notes

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