

## Research Articles

### ASEAN and Transnational Crime: Gains and Challenges in Tackling Drug Trafficking

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#### Abstract

*This essay discusses the drug problem in ASEAN, how the drug problem in the region has been securitized, and the challenges faced by ASEAN in implementing effective solutions. ASEAN is home to the Golden Triangle, an area that is located where the borders of eastern Myanmar, north-western Lao PDR and northern Thailand converge along the Mekong River and infamously known as one of the world's leading regions for narcotics production. To understand the drug problem in ASEAN, one has to approach it from various perspectives that look beyond just the criminality of drug trafficking and the production and consumption of illicit drugs. This article will therefore argue that despite the constant reiteration of the need to tackle the issue of drug trafficking, the ASEAN mechanism has not been able to effectively address the multifaceted nature of illicit drugs in the region due to limitations posed by the "ASEAN Way".*

**Keywords:** ASEAN, drug trafficking, transnational crime

#### I. Introduction

2015 is an important milestone for the Association of Southeast Asian Nations (ASEAN). While it marks the year by which

the envisaged ASEAN Community would have been established, an equally significant goal for ASEAN's member states by 2015 is to be able to declare the Southeast Asian region a drug-free one. However, the problem of drug trafficking, as well as the production and consumption of illicit drugs, continue to plague the region today despite ASEAN's long-running efforts since 1972 to combat the problem.

This article will therefore argue that despite the constant reiteration of the need to tackle the issue of drug trafficking, the ASEAN mechanism has not been able to effectively address the multifaceted nature of illicit drugs in the region due to limitations posed by the "ASEAN Way". While it has become a widely-accepted understanding that it is impossible to eradicate illicit drugs and to bring consumptions and production levels of illicit drugs down to zero, this essay will examine the progress that ASEAN has made in the last forty years with regards to the trafficking, production and consumption of illegal drugs in the region.

The first section will provide an introduction to the nature of the drug problem in ASEAN in terms of the types of illicit drugs proliferating within the region and how forces of globalization have shaped the problem for ASEAN. The second section will chart the progression of ASEAN's drug problem since the 1970s, from how a primarily domestic concern subsequently became a regional concern for the member states of ASEAN. The final section will then discuss the challenges from the various initiatives launched under the banner of ASEAN. In particular, this section will examine how the different priorities and domestic factors of ASEAN's member states, as well as

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the ASEAN Way's emphasis on member states' sovereignty, have led to difficulty in realizing a common and coordinated policy to deal with the drug problem in Southeast Asia.

To understand the drug problem in ASEAN, one has to approach it from various perspectives that look beyond just the criminality of drug trafficking and the production and consumption of illicit drugs. The drug problem in ASEAN is a multifaceted one which also has to be viewed from an understanding of public health, the poverty and limited economic development in producer countries, the lack of social support systems, as well political constraints and instability (Calvani, 2008, p. 19).

ASEAN is home to the Golden Triangle, an area that is located where the borders of eastern Myanmar, north-western Lao PDR and northern Thailand converge along the Mekong River (UNODC, 2013, p. 51) and infamously known as one of the world's leading regions for narcotics production. Seen from an economic perspective, it is also no coincidence that Myanmar and Lao PDR happen to be the least economically developed within the Southeast Asian region, with poor farmers depending on illicit drug crops for a livelihood due to the ease of cultivating poppy and transporting its resin, as well as its monetary returns as a high-value low-weight crop.

Although there was an overall decline in the opium poppy cultivation in the Golden Triangle between 1998 and 2006 following traditional measures of eradicating drug crops, a resurgence that began in 2006 saw Myanmar and Lao PDR's opium poppy cultivation levels reaching a combined total area of over 63,800 hectares by 2014, nearly a three-fold increase from levels in 2006 (UNODC, 2014, p. 13). In addition to opiates, the increasing popularity of both the production and consumption of

amphetamine-type stimulants and other synthetic or designer drugs in the region has also presented continuous challenges to member states of ASEAN seeking to deal with the drug problem (Emmers, 2007).

Methamphetamines are produced either in the pill or crystalized form, with the pill form commonly known as *yaba* in the region. Myanmar takes the lead in the production of both *yaba* and crystalline methamphetamines, where it is strongly associated with non-state armed groups and the instability in the Shan state (UNODC, 2013, p. 63). While Thailand is the epicenter of *yaba* use in the Southeast Asian region, crystalline methamphetamine has been increasingly identified as a drug of primary concern especially with the rise in usage levels in Brunei, Cambodia, the Philippines and Indonesia (UNODC, 2013, p. 9). Evidently, the drug problem in ASEAN is a combination of demand-side and supply-side factors, with each ASEAN member state facing a different set of factors to cope with depending on whether they are producer-states, consumer-states, or both.

Trends in globalization and regional integration have further complicated the task of clamping down on both supply-side and demand-side factors that fuel the illicit drug trade. As ASEAN moves towards the goal of establishing an economic community, the opening of new transport routes and increased ease in the movement of people, goods and capital across national borders of ASEAN states provide the conducive circumstances favoring the trafficking of illicit drugs throughout the region (UNODC, 2013, p. 3).

It is important to note that ASEAN's drug problems are not confined just to its regional borders, but are also affecting, and being affected by trends in the consumption of illicit drugs in other parts of East Asia,

notably in China. Notably, China is the largest single heroin market in the world, and accounts for approximately 70% of heroin users in Asia (UNODC, 2014, p. 4). Much of these users' supply originates from Myanmar due to their close geographic proximity and porous border between Myanmar's Shan state and China's Yunnan Province (UNODC, 2014, p. 5), with approximately 70% of heroin seized in China coming from Myanmar (The Brookings Institution Center for Northeast Asian Policy, 2012, p. 3). Similar trends have also been reflected in the trafficking of methamphetamine between the two countries, where methamphetamine produced in Myanmar accounted for almost 50% of what was seized throughout China in 2009 (The Brookings Institution Center for Northeast Asian Policy, 2012, p. 4).

At the same time, the trafficking of crystalline methamphetamine has become of significant concern to Japan and South Korea. Both countries have identified it as a primary drug of concern since 2008 in light of the high levels of drug-related arrests associated with crystalline methamphetamine, while cannabis has also been ranked the second most commonly used drug in both countries. The negative consequences of drug trafficking and the consumption and production of illicit drugs within the ASEAN region is therefore not limited to the regional border of ASEAN, and characterizes the trans-boundary nature of the drug problem which also requires trans-boundary solutions and collaborative efforts by ASEAN members along with its regional partners.

## **II. Securitization of the drug problem**

From its early years, ASEAN has sought to tackle the drug problem in Southeast Asia as a regional entity, reflecting the acute significance of the drug problem on

ASEAN's agenda. It is worth noting that the United States had played a part in spurring ASEAN to consider the drug issue at a regional level alongside the 'war on drugs' launched by the US since the 1970s. Placing emphasis on the drug problem thus became an incentive for ASEAN to legitimize its recognition as a regional organization from a major power at that time. ASEAN's first initiative in acknowledging the significance of the drug problem was through the organization of the ASEAN Expert Group Meeting on the Prevention and Control of Drug Abuse in 1972, which was then followed by the Bali Accord of 1976 that called for the intensification of co-operation among member states as well as with the relevant international bodies in the prevention and eradication of the abuse of narcotics and the illegal trafficking of drugs (ASEAN, n.d.). This then led to the adoption of the ASEAN Declaration of Principles to Combat the Abuse of Narcotics Drugs on 26 June 1976, which identified the dangers of narcotic drugs abuse and how it could undermine the development of ASEAN's member countries (ASEAN, n.d.). The declaration was a significant milestone as it marked the beginning of ASEAN's efforts towards regional collaboration in drug abuse prevention and control, and provided the framework for adopting a co-operative program to combat the abuse of narcotic drugs (Sovannasam, 2011, p. 78).

While the problems of drug trafficking and the consumption and production of illicit drugs were previously seen from a socio-economic perspective, the security implications of the international drug problem was first highlighted at the 1985 ASEAN Foreign Ministers Meeting in Kuala Lumpur through the Joint Statement on the International Problem of Drug Abuse and Trafficking (ASEAN, n.d.). This was in direct response to the increasing number of

declarations and initiatives launched against drug trafficking and usage of illicit drugs at the international level in the early 1980s, which had certainly raised the profile of the drug problem to become an issue for discussion at the high-politics level and continued to warrant the attention of ASEAN's member countries (ASEAN, n.d.).

With the end of the Cold War, the threat of large-scale inter-state conflict was eclipsed by other concerns that were non-military in nature, yet affected a much greater population size. As states began to realize the destructive potential of such non-military threats posed their respective populations, the concept of non-traditional security gained increasing prominence in order to attribute a heightened status of the urgency of dealing with such threats and to justify the use of military and security forces to cope with them (Caballero-Anthony, 2008, p. 139). Over the years, the drug problem in ASEAN had therefore progressed from a socio-economic malice to a security issue, and it is in recent years that it has been subsumed under the heading of 'transnational crime' and more specifically classified as a non-traditional security concern.

Since the 1990s, ASEAN has intensified its commitment to enhancing regional cooperation in order to deal with the threat of illicit drug trafficking and other forms of transnational crime (Sovannasam, 2011, p. 78). The urgent need to tackle transnational crimes, including the drug problem, was promulgated at the 29<sup>th</sup> and 30<sup>th</sup> ASEAN Ministerial Meetings of July 1996 and December 1997 respectively, with ministers calling for the urgent need to tackle these transnational crimes to prevent them from undermining the long-term viability of ASEAN and its individual states, and for firm measures to combat the different categories of transnational crime (Sovannasam, 2011, pp.

78-79). This also coincided with the admission of Myanmar and Lao PDR as full members of ASEAN, considering that both countries are the major producer- countries of illicit drugs in the region. More specifically on the drug problem, the 1998 Joint Declaration for a Drug-Free ASEAN signed by ASEAN Foreign Ministers at their 31<sup>st</sup> Ministerial Meeting in Manila came after the adoption of the ASEAN 2020 vision during the 1997 ASEAN Summit in Kuala Lumpur, which envisaged a drug-free Southeast Asia in the ASEAN community that would be built by 2020.

Ultimately, the ASEAN Community's three pillars in the areas of politics and security, the economy as well as socio-cultural affairs have been embedded and embraced within the notion of 'comprehensive security' (Caballero-Anthony, 2008, p. 139). The overall emphasis on 'human security' as part of the ASEAN 2020 vision therefore provides the impetus to securitize the drug problem and to tie it in with the understanding that managing the drug problem in ASEAN requires a multidimensional approach through all three pillars.

### **III. ASEAN'S Challenge in Tackling the Drug Problem**

As discussed above, the far-reaching nature and the securitization of the drug problem has led to the introduction of various initiatives under the banner of ASEAN in order to tackle the issues of drug trafficking and the production and consumption of illicit drugs. More specifically, these initiatives include the ASEAN Ministerial Meeting on Transnational Crime that adopted the ASEAN Plan of Action to Combat Transnational Crime, as well as the ASEAN Senior Officials on Drug Matters Meetings that oversee the ASEAN three-year Plan of Action on Drug Abuse

Control (Parameswaran, n.d.). However, it is the substance of these initiatives that have been called into question as the drug problem in ASEAN continues to exacerbate in terms of the number of users, volume of illicit drugs seized and estimated levels of the production of narcotic drugs.

Furthermore, this reported volume is undoubtedly much lower than the volume that is circulating within and beyond the region yet beyond the reach of law enforcement measures, underscoring the greater severity of the abuse of narcotic drugs in Southeast Asia and the wider East Asia region. As seen in the case of Thailand trying to manage the problem of production and trafficking of drugs from Myanmar, the Thai authorities are poorly equipped to deal with the United Wa State Army in the Shan state of Myanmar that is beyond their territorial reach, yet has identified the group as a national threat due to its close links with the military government in Yangon while controlling approximately 80% of the opium-heroin trade and amphetamine-type stimulants producing laboratories in the country (Emmers, 2003, p. 432).

Arguably, limitations posed by domestic factors, such as corruption, the lack of resources and the capacity for political control and law enforcement, as well as the inextricable link between the illicit drug trade and the local economy in developing ASEAN countries, have posed great difficulty for regional initiatives to be effective at the local level.

Instead of the actualization of ASEAN's regional initiatives, action taken at the unilateral and bilateral level between ASEAN member countries, have instead reflected greater degree of frequency and effectiveness in combating the drug problem than through multilateral means. While implemented at the regional level under the

banner of ASEAN, the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD 2000) largely reflected China's primacy and leadership in working with specific countries, such as Myanmar and Lao PDR. At the same time, ASEAN member countries and China have launched their own respective campaigns and intensifying efforts on their own domestically, therefore taking action at the national level instead (Emmers, 2007, p. 517).

Furthermore, much of ASEAN's initiatives have placed a greater emphasis on coping with the supply-side issue in terms of law enforcement measures and clamping down on trafficking groups with minimal focus on addressing the demand-side of the issue in terms of education and civic awareness of the dangers of narcotic drug abuse. Addressing the demand-side factors have largely been left to the auspices of individual member countries, whereby campaigns to promote the anti-drug message also lack specific standards that reflect a collaborative effort by ASEAN member states in their respective top-down Approaches (Emmers, 2007, p. 516).

All this however, is perhaps understandable due to the different problems that each country is facing in terms of whether they are a producer country, consumer country or both. It subsequently ties in with what has commonly been known as the "ASEAN Way" characterized by the non-interference principle, with member countries engaging with each other in ad hoc understandings and informal procedures rather than within the framework of binding agreements arrived through formal processes (ASEAN, 2012). The need to uphold this entrenched and fundamental aspect of ASEAN's diplomacy, compounded by the sensitive nature of security issues to

begin with, has been manifested in the difficulties in pursuing practical cooperation multilaterally, even in the ASEAN Regional Forum (Haacke, 2009, p. 442).

The securitization of the drug problem, despite being a non-traditional security issue, have therefore reflected the same limitations in the sensitivities pertaining to each nation's sovereignty and wariness towards the interference of foreign security forces. This has therefore led to states being more focused on organizing their own counter-narcotics measures, or collaborating with specific countries in seizure operations instead (Emmers, 2007, p. 517) thereby undermining the significance of ASEAN when considering its effectiveness with dealing with the drug problem, and the wider issues of transnational crime.

#### **IV. Conclusion**

This essay has thus far provided an overview of the drug problem in ASEAN, how the drug problem in the region has been securitized, and the challenges faced by ASEAN in implementing effective solutions as a region to cope with the escalation of the drug problem. Ultimately, the frequency and effectiveness of bilateral or unilateral initiatives by ASEAN's member countries and its regional partners raises the question of whether there is still a need to depend on ASEAN to tackle the region's drug problems. Despite the difficulties of achieving a coordinated effort by ASEAN that goes beyond pure rhetoric and translated into practical action, the trans-boundary nature of the drug problem fundamentally requires solutions that stretches beyond national boundaries. This is especially so when the success of one national anti-narcotics agency in keeping drugs out would just

mean that the problem spreads to neighboring countries (Calvani, 2008, p. 20).

The challenge is then to find ways in which individual efforts by ASEAN's member states and bilateral cooperation between them can progress to a multilateral level under ASEAN while retaining, if not further improving, the degree of effectiveness in their strategies in combating the drug problem even when it is carried out multilaterally. The goal of establishing an ASEAN Community goes hand in hand with further enhancing interdependence between member states in addressing security concerns and socio-economic issues in the region.

The multifaceted nature of the drug problem as a non-traditional security threat draws roots from political limitations in cracking down on the illicit trade itself, and is compounded by the limited economic development opportunities and lack of social safety nets for those who are primarily involved in farming and trafficking illicit drugs. The concurrent demand for illicit drugs at the same time also requires measures to address the rising popularity of amphetamine-type stimulants in the region, whether through stricter policing or education on the damaging effects of illicit drugs.

In conclusion, the greater degrees of interdependence underlying the establishment of an ASEAN Community would undoubtedly have a bearing on the expanding drug trade in Southeast Asia and beyond its borders. It is therefore necessary to reassess the notion of the ASEAN Way and concepts of sovereignty when a collective endeavor is needed (Katsumata, 2004, p. 251) to clamp down on the drug problem and the wider issue of transnational crime in the region.

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