

“Protecting Freedom in the Global Age ”

Drugs and Crime Committee

Preventing international drug trafficking in Southeast
Asia

Forum: Special Assembly 1: Drugs and Crime Committee

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Introduction

Domestic and transnational organized crimes have been significant aspects of legislation and administrative regulations between the citizens and governments. However, it is important to realize that every country has their own judicial and executive systems within the borders of their constitution, concerning criminal activity. Ergo, the definition of a criminal activity alters from regimes, governments, and self-governing territories to an international basis. Crime can fundamentally be defined as any activity that is opposing to and can be punishable by the law at hand. The United Nations (UN) defines and categorizes crime within the criteria of International Crime Classification Protocol, which takes conditions such as perpetrators' intentionality, victim status and communal effects into consideration. One of the crime categories that the governments and the UN have been struggling with is organized crime. Organized crime is a more centralized and planned omission that can transcend country's borders within crime networks. It can include trafficking of drugs, arms, people, toxic waste, stolen natural resources or protected animals' parts. Between such categories, drug trafficking is one of the most prevalent aspects of organized crime. Having had critical parts in several parts of the world like Latin America, drug trafficking and manufacturing have been emerging and present in Asia over the centuries. When thinking about drug trafficking, and organized crime, it is important to keep in mind the factor of globalization and how crime networks are affected thereby. Over the last decades, politics and economic relations have been more interconnected than ever, which are substantial steps for a more unified world. However, crime networks are also affected by this surge of globalization and utilizing opportunities that come with it. This report will be focusing on the global problem of drug trafficking, particularly in Southeast Asia.

Definition of Key Terms

Organized Crime

Organized crime is defined as a group of centralized criminals, engaging in illegal activity, usually in the aim of profit.

Transnational Organized Crime (TOC)

Even though United Nations and United Nations Office on Drugs and Crime (UNODC) does not have a specific definition of transnational crime, there is a criterion as follows:

Transnational organized crime groups are groups consisting of three or more persons who are gathered in the aim of obtaining financial or material benefit. The crime should violate the laws of multiple countries and be "punishable by at least four years' incarceration."

Criminal Networks

Criminal networks could be considered as the alterable interconnectivity between the local mafia and crime groups. It is a colossal part of organized crime. The constant trades and connectedness between the domestic mafia and mob groups increase the rates of organized crime.

Drug trafficking

Activities involving the "cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws."⁽³⁾

General Overview

Figure 1: Map of Southeast Asia

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Figure 2: The Golden Triangle

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Figure 3: Perceived crystalline methamphetamine trafficking flows in East and South-East Asia, 2016-2018

Figure 3: Perceived crystalline methamphetamine trafficking flows in East and South-East Asia, 2016-2018

Major Parties Involved and Their Views

China

China can be referred to as a historical pioneer in terms of spreading opium and heroin trafficking both in Asia and globally. China became the first opium producing country in the world, distributing and smuggling approximately 4500 metric tons of opium per year in mid 1800s. However, the legislative aspect of drug trafficking took a turn after the Chinese Revolution in 1949. Chinese authorities have not supported opium and heroin production, especially in the Yunnan region, which is in the northern border of Burma and strongly associated with drug trade. Since this pivotal change in the Chinese government, the state became superior to all. The authoritarian position of the government can coerce the wanted regulation on the citizens, which can be seen from the one-child policy and measures taken against claimed territories in the South China Sea and Republic of China, in the name of sovereignty; which ultimately makes drug enforcement stricter than other countries. Especially in the 1970s, the expansion of population through migration and economic growth in China opened opportunities for drug smuggling through the border. In a single day in 1986, the officials in the Yunnan region seized 22 kilograms of heroin. In the 1990s, major drug lords and smugglers like Yang Maoxian, Lee Guoting were caught.²⁰ They were all executed by the authorities but indicated that Chinese routes were preferred more amongst drug traffickers. Chinese authorities have been fighting against the drug trafficking in Southeast Asia for period of time since the mid 1900s. However, some Chinese 'businesses' perpetuate the robust production and trading from the Golden Triangle to this day.

Myanmar (Burma)

Myanmar, previously referred to as Burma, has a long history intertwined with drug trafficking. There are many political reasons for this, starting with the variety of ethnic groups and states in the country. The lack of unification under one central government causes more complications for trafficking substances like opium, heroin and lately emerging methamphetamine. Looking at the history of Myanmar, the south of Myanmar was captured by Great Britain in early 1800s, where Kayin and Tanintharyi groups are located.¹⁶ In the late 19th century, Great Britain gained more administrative power in the north, over the Kachin and Shan states in Burma. Since then, opium production has provided a considerable amount of income, both to the state itself and the citizens. With the Xinhai Revolution in 1912 in China, Chinese opium growers migrated to Burma as it was prohibited in China's new republic. Burmese powers, mainly imperialized by Great Britain, tried to establish bans against opium outside of medical purposes in 1930s; however, with the diversely independent groups in the country, the execution was not entirely successful. The production in the Kachin state, Trans-Salween states of the Shan States and in the Wa states remained legal, being traded around the Naga Hills in the Indian border. As Burma gained its independence from Britain in 1948, conflicts between the aforementioned states flourished and did not unify under the established government. In the late 1970s, with the effect of the UN convention that was signed in 1961 against narcotic drugs, the government was able to implement laws against opium. However, the newly introduced heroin became pervasive for the drug dealers in the country, mainly to the drug lords and organizations like Khun Sa and Kuomintang. Myanmar to this day remains as the second largest country in opium poppy cultivation. In the last decade, both chemical and plant based drugs have increased in amounts and in crime networks. Myanmar is definitely the most influential country in Southeast Asia in terms of drug trafficking.

Thailand

Thailand is not a major drug producer; nevertheless, is involved with the trafficking of such products. Due to its proximity to the drug organizations and political groups in Myanmar and China, it harbors a territory of the Golden Triangle. In 1961, opium and heroin production substantially increased with new

routes of distribution rings as Kuomintang got into Thailand. Currently, Thailand and southern regions including Malaysia are the most used routes for the drugs coming from Laos, Myanmar and China. China has a more direct connection to Japan, Hong Kong and Australia; however, the political stance and position of the Peoples Republic of China seems to push drug dealers to routes in Thailand. Thailand is also directly affected by the situation of Myanmar. The border in between has transformed into a militarized and killing zone with conflicts between the Wa Army and the state of Myanmar. The Thai law holds punitive steps reaching to death penalty for anyone caught carrying, smuggling, trading or manufacturing drugs. Even so, Thailand harbors the most active drug routes in Southeast Asia.¹⁴

Laos

Even though it is not as active and prominent as Myanmar, Laos is listed as the third largest opium producer in the world in 1998. The Lao People's Democratic Republic has had numerous efforts on obliterating opium production and reducing the addiction rates. In 2005, opium production has been abolished. UNODC has worked first hand in order to develop sustainable goals for food security, job opportunities to small-scale farmers and tackling transnational organized crime in Southeast Asia. However, the ban did not only leave many farmers without an income, it increased illicit drug trafficking between Vietnam and Laos, in conditions where carrying over 600 grams of heroin or 2.5 kg of methamphetamine are punished by death penalty in Vietnam. Similar laws apply to trading and manufacturing as well. Overall, Laos has been actively fighting with drug smuggling with the support of UNODC; however, the country still holds the rooted tradition and culture of opium and heroin trade as an income.¹⁹

Hong Kong

Hong Kong's secession embarks with the First Opium War, through the Treaty of Nanking signed in 1842 between China and Britain. After being under British administration as a colonial region until 1982, China and Britain came to consensus under the "one country, two systems" rule which bestows Hong Kong its economic and democratic system under the People's Republic of China, currently referred to as a Chinese special administrative region. Handed to the Chinese government in 1997 after 150 years of British authority in the territory, the political and democratic limits have been and are still being adjusted between the two states. As for the drug trafficking in Hong Kong, the autonomous region appears to be relatively more lenient towards drug dealers and smugglers in its jurisdiction. It is also important to note that many of the international distribution of opium and heroin products in the Golden Triangle are carried through Hong Kong. In the last five years, particularly methamphetamine doubled the amount to 20 tones, which are shipped to Australia, Japan, and the US etc. Hong Kong primarily tries to manage issues of democratic alterations, legislative freedom and retaining its capitalist economic income from the People's Republic of China. Therefore, drug dealing and smuggling become more tangible with the lack of "effort and execution" in the state's status.¹⁷

Timeline of Events

1839-1842

Opium Wars between Britain and the Chinese dynasty take place.

1849-1870

Chinese immigrants come to the US and disseminate opium smoking and manufacturing, with the main incentive of Gold Rush (the discovery of gold Coloma, California)

1905

The US government bans opium after the fast spread.

January, 1912

The Hague Opium Convention is signed, registered to the League of Nations, being the first international drug control treaty.

1945-1947

Burma gains its independence from Britain after the second world war. Meanwhile, the newly established government is defective and opium trade grows significantly as the primary income of the

state.

1949

Chinese Communist Revolution makes the Chinese Nationalists (Kuomintang) gather in Burma and pursue opium production.

1961

United Nations Single Convention on Narcotic Drugs is signed.

1970-1975

US troops in Vietnam spread heroin in the region. Burmese government takes more initiatives in order to ban opium production.

1995-1997

Southeast Asian governments denounce drugs and cease major drug operations in the region. Nevertheless, domestic issues of production and trading continue and thrive in Golden Triangle.

2010-

Opium is mainly replaced by methamphetamine and heroin. Chemical precursors have a surge in the region and produced drugs are spread globally.

Treaties and Events

- **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988** - https://www.unodc.org/pdf/convention_1988_en.pdf
 - This convention is the most recent treaty within the authority of the UN. It has elaborate measures on specific drug cases and conditions. Delegations refer to this convention in order to address an article or protocol.
- **United Nations Convention against Transnational Organized Crime and the Protocols Thereto** <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
 - Transnational organized crime has been a prevalent issue in the last years. This convention harbors many crime groups from drug trafficking to arm trafficking and such. It does not include any more different decisions than the Narcotic Drugs and Psychotropic Substances; however, covers the issue in a more global and international protocol.
- **GA Resolution (A/55/383)** https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_25.pdf
 - After the Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Convention, this resolution is the most recent solution proposal from the United Nations on the issue. It references the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and the measures taken in the mentioned convention and issues an additional inspection committee.
- **United Nations Convention against Corruption, 31 October 2003 (A/RES/55/61)** <http://www.unodc.org/unodc/en/treaties/psychotropics.html>
 - This is also one of the more generic diplomatic steps taken between the countries. This Conventions specifically addresses human and drug trafficking as a part of corruption.
- **United Nations Office on Drugs and Crime – World Drug Report, 2019** <https://wdr.unodc.org/wdr2019/>
 - This document is quite significant in order to comprehend and speculate the United Nation's data on drugs and crime. It is helpful for delegations to review and support the global report, as the most recent is listed above. The report focuses on the rates and statistics of drug types, their dispersion and addiction rates of each country. Without the data collected and analyzed in a suitable manner, it is almost impossible to formulate solutions.
- **United Nations Single Convention on Narcotic Drugs, 1961** <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

www.unodc.org/pdf/convention_1961_en.pdf

- The United Nations Single Convention on Narcotic Drugs is one of the early political initiatives in the drug trafficking issue. It does not fully cover the topic as imagined and is before the significant surge of heroin distribution in the 1970s.

Evaluation of Previous Attempts to Resolve the Issue

There have been numerous attempts to seize drug production by the governments of the Southeast Asian countries. Almost every country has penal ranges to death penalty and stern laws against drugs. On an international basis, United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances is the most recent treaty that has been signed by many Asian countries in 1988. On transnational organized crime, the United Nations Convention on Transnational Organized Crime (UNTOC) has been an unprecedented international step. The protocols specified in the treaties have been implemented; however, the execution barely brought results in 2003 and every country approaches the issue at hand differently.

As for drug trafficking in Southeast Asia, UNODC has been effectuating several projects, with countries like Myanmar, Laos and Thailand. 2008 to 2011, a project named the Wa project under Kokand and Wa Initiative (KOWI) amalgamated many national and international organizations and government branches. For 2012 to 2014, UNODC provided consultation and guidance as well as implementing projects that provided food access and security and alternatives for income sources for villagers in Myanmar. However, most of the initiatives have been aiming to entirely eradicate the problem. This sudden demolishing of located areas and producers leaves farmers and villagers in poverty and indirectly encourages them to continue their production in illegal terms. Therefore, these large-scale projects often failed, neglecting the needs of the citizens and a well-established solution to the problem.

Possible Solutions

The issue of transnational crime and drug trafficking is a modern and evolving problem. Domestic and international drug trafficking in Southeast Asia holds particular consequences and demands for each country in the region. First of all, it is crucial to realize some incentives behind transnational organized crime, which might be: economic crises, growing unemployment, and limitations on legal job opportunities. This could even expand until a simple want for power. Therefore, understanding these incentives and trying to channel them to legal satisfaction becomes crucial for long-term solutions. However, with the drug trafficking in Southeast Asia, a cultural and traditional aspect is involved as well. Drug manufacturing and farming have been a centric part of the villagers and farmers' lives in countries like Myanmar and Laos; affecting the business establishments ran by local dealers and smugglers as well. Therefore, in the specific case of the Southeast Asia, where most of the southern countries have been colonized and lack the necessary political and economic infrastructure, internal establishments should be prioritized. The United Nations and its organs should be working with countries and advancing their pre-existing projects on this matter in order to form and guide sustainable development goals for each country.

As mentioned before, one of the biggest reasons behind the perpetuation of the drug trafficking Southeast Asia is the profound and rooted history of the job opportunities it brings. For example, the prohibition of opium production without any alternate agricultural decisions left many farmers without their established income of years, only making illicit crops retain themselves. Therefore, any sustainable goal and execution made by the state in the region should be paired with an expenditure on agricultural projects. Citizens should be provided logistical facilities and encouraged to channel agricultural investments to alternate products. However, it is important to target the alternative crops carefully since prior attempts of coffee and rubber cultivation has failed due to their long timed harvests and high transportation costs. Food and Agriculture Organization (FAO) could be an organization to cooperate with in this regard.

Another major issue in the region is the multiple ethnic autonomous states, which primarily depend on drug trafficking. This is a relatively more complicated and political issue since it includes internal affairs

of countries, which technically United Nations cannot interfere with, under certain conditions. In such a case, more international cooperation and encouragements can curb drug trafficking. Further suggestions are listed in the sample resolution.

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