

CHAPTER 3

IMPACT OF INTERNATIONAL COOPERATION RELATED TO DRUGS ON THAI SECURITY

A. Overview

The discussion and analysis in this chapter is aimed at answering the second research question about how the elements of international cooperation related to control of methamphetamine have an impact on Thailand's security and its efforts to address the perceived threat from illegal drug trafficking. Liberal institutionalism as an approach to the study of methamphetamine trafficking as a security issue involving Thailand and neighboring countries guides the analysis in this chapter. As mentioned in the conceptual framework, this approach presents an alternative explanation about a state's preferences and behavior concerning threats to security, with a focus on cooperation among states. States would have a greater preference to cooperate when they become more certain that exchanges and mutual interdependence would continue. Even where interests might differ, as Robert Axelrod has argued, states as rational egoists are able to learn that they have an incentive to cooperate when they are able to maximize gains.¹ Moreover, their cooperation is likely to be institutionalized when states see that gains and benefits might be increasing. In the case of Thailand's international cooperation, the analysis considers whether the gains and benefits contribute to increased security or reduce the threat from trafficking in methamphetamine from Myanmar and other neighboring countries.

¹ Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984).

The important elements of institutions that influence a state's preferences and behavior, as well as create opportunities for cooperation, are shared principles, norms and rules of behavior. These elements contribute to the arrangements, programs and joint activities that involve benefits such as transparency about states' motivations, preferences and behavior; compliance with norms and rules; decreased uncertainty and greater predictability. For the purposes of answering the research question, it is worthwhile to consider Thailand's international cooperation involving United Nations agencies, regional and subregional cooperation and bilateral cooperation with Myanmar in the issue area of controlling methamphetamine production, distribution and consumption.

The focus of this question is on the nature of the impact of international cooperation covering drug control, enforcement and transnational organized crime involving methamphetamines on Thailand's security and Thai efforts to address the threat from this type of drugs.

In this chapter, major elements of arrangements for anti-drug cooperation are identified. Related bilateral arrangements Thailand has with other countries that have significance to the combating of methamphetamine patterns and dynamics in Southeast Asia will be covered. This includes the arrangements Thailand has with neighboring countries such as Myanmar, Laos and China. Then, the discussion and analysis touch on multilateral arrangements to which Thailand is a member or signatory. The multilateral cooperation to be identified as significant international cooperation concerning Thailand and its efforts in combating methamphetamine threat in this region includes arrangements under the umbrella of the UNODC,

ASEAN, and the ACCORD Plan which is a major form of cooperation between China and ASEAN in response to illicit drugs in this region.

B. International Cooperation Related to Drug Trafficking

The international agreements described in chapter 2 have established certain elements of international cooperation involving all aspects of illicit drugs, especially methamphetamine. Since their international status involves states as parties to these agreements, acceptance of the principles and norms is assumed, at least in terms of commitment even if there might be problems with compliance or enforcement.² As mentioned in chapter 2, Thailand is a party to all three international drug conventions. In addition, Cambodia, China, Myanmar are parties to the 1961 Convention. These three countries plus Lao People's Democratic Republic are also parties to the 1971 Convention. Finally, all four of these neighboring countries to Thailand are parties to the 1988 Convention.³

All three international drug conventions spell out a general set of shared principles and norms intended to generate opportunities for cooperation. One basic shared principle is that abuse or addiction to narcotic drugs results in serious public health, social and economic problems, which states see as their duty to prevent and combat. A second principle is the shared understanding that effective measures

² Andrew Guzman, "A Compliance-based Theory of International Law," *California Law Review* 90, no. 6 (2002): 1823-1887.

³ UNODC, Treaty Adherence, "Single Convention on Narcotic Drugs, 1961, as Amended by the Protocol Amending the Single Convention on Narcotic Drugs."; "Convention on Psychotropic Substances, 1971 as at 13 July 2007."; and "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988," www.unodc.org/pdf/treaty_adherence_convention. (accessed 13 July 2007).

against narcotic and psychotropic drug abuse require coordination and universal action, which in turn requires international cooperation.

A third principle stated in all three conventions is that measures against the abuse of drugs should give special attention to non-criminal approaches to people who are drug addicts or abusers. This means a focus on prevention as well as early identification, treatment, education, after-care, rehabilitation and reintegration into society. Any other types of involvement with illicit drugs should be considered as criminal offenses subject to each state's constitutional principles and the basic concepts of its legal system.

Affirming that control and enforcement takes place at the national level implies an interrelated set of principles; namely that sovereign equality and territorial integrity are respected along with non-intervention in the domestic affairs of other states. In effect, upholding sovereignty and non-intervention means that the scope and the substance of states' commitments to the principle of universal action are not very wide. States' expectations about international cooperation based on agreed principles in the three conventions appear to be somewhat vague and perhaps uncertain.

In fact, the shared commitment about any principle of international cooperation is not very extensive. As found in all three conventions, this principle involves acknowledging the competence of the United Nations in the field of control of narcotic and psychotropic substances and accepting that international organs or agencies concerned should be within the United Nations framework.

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 is noteworthy because it asserts that various aspects of the drug problem, especially at the global level, need to be considered as a whole.

Moreover, the existing drug conventions (the Single Convention, 1961 and the Convention on Psychotropic Substances, 1971) did not envisage the changing nature of the drug problem. That is, illicit trafficking in drugs had become a highly organized international criminal activity with links to other criminal activities, as well as the source of large financial profits that could penetrate and corrupt governments and legitimate businesses.⁴

These points are significant, because the 1988 Convention establishes agreement on the principle that production, demand and trafficking in illicit drugs now adversely affects the political foundations of society. The impact of illicit drugs goes far beyond social and health problems based on the recognition that there were now threats to the stability, security and sovereignty of states.⁵ While the states parties to the 1988 Convention clearly agreed about the security threat, the question of what to do and at what level (national, regional or international) was still a somewhat open issue, especially in terms of norms and activities. It is thus important to see whether there would be greater international cooperation to control trafficking in drugs.

In terms of norms as standards of behavior for states that are parties to the drug conventions, there is a clear deference to their national sovereignty. At the same time, the norms are mostly a set of prescriptions and recommendations that try to separate the way in which users/addicts should be treated from the way that producers/suppliers should be treated. That is, the conventions of 1961 and 1971 have specific articles focusing on special attention and practicable measures for abuse

⁴ United Nations, *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, 1988 (New York: United Nations, 1988), p. 1.

⁵ Ibid.

prevention, early identification, treatment, education, after-care, rehabilitation and social reintegration. The two conventions recommend that the states parties should promote training in the treatment, after-care, rehabilitation and social reintegration as well as promote general public understanding, especially if there is a risk that abuse of drugs would become widespread.⁶

According to annual reports of Thailand's ONCB, from the mid-1990s to 2002, the government has followed this norm by stating that drug addicts must be treated under drug prevention and rehabilitation programs in which they would be patients who receive medical treatment along with physical and mental rehabilitation before any legal proceedings begin. Moreover, a set of rehabilitation programs, such as family camping, rehabilitation by using military camps, vocational training and the therapeutic community approach were used in order to reintegrate former addicts.⁷

The 1988 Convention focuses on trafficking and its complex linkages to other criminal activities, but it significantly downplays the mention of rehabilitation or social reintegration, as well as treatment and aftercare as a norm. The medical and social treatment of addicts now becomes an alternative to conviction or punishment only for appropriate cases of a minor nature.⁸ More significantly, the 1988 Convention widens the scope of norms covered by recommending that governments should have laws and measures to confiscate money and property acquired through drug trafficking; punish anyone who associates or conspires to aid, facilitate or

⁶ United Nations, "Single Convention on Narcotic Drugs, 1961 as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961," Article 38, p. 19 and "Convention on Psychotropic Substances, 1971," Article 20, p. 12. www.incb.org/pdf/e/conv/convention_1961_en.pdf.

⁷ ONCB, *Thailand Narcotics Annual Report 2002*, (Bangkok: ONCB, 2002), p. 52.

⁸ United Nations, "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988," Article 3, subsection 4 (c), p. 4. www.unodc.org/pdf/convention_1988_en.pdf.

counsel anyone involved in drug trafficking; and establish a long statute of limitations period. Moreover, states should facilitate extradition of drug traffickers by using the 1988 Convention as a legal basis for applicable offenses, even when states have no relevant bilateral extradition treaties.⁹ Even though the 1988 Convention is the first to identify drug trafficking as a security threat, the aim is to use the seriousness of this threat to put comprehensive solutions in a framework of international cooperation. However, the 1988 Convention still contains the principles of sovereign equality and non-interference, which implies the norm of national initiatives to cooperate as well as national solutions. This means that decisions and actions are still with national governments.

A final, major norm that reinforces the weight of action at the national level is found in all three conventions. That is, each convention has an article stating that a party may adopt more strict or severe measures than those provided, if the nation considers such measures are desirable or necessary. There is some variation in the rationale, however. In both the 1961 Convention and the 1971 Convention, nations can consider stronger national measures if necessary or desirable for protecting health and welfare.¹⁰ The 1988 Convention states that governments can take stronger national measures if desirable or necessary to prevent or suppress illicit traffic.¹¹

The international framework of these norms was designed to combine international cooperation with national laws and policies, Thailand has tended to separate the two in order to give priority to national solutions, although the

⁹ United Nations, "United Nations Convention against Illicit Traffic," p. 7.

¹⁰ United Nations, "Single Convention on Narcotic Drugs, 1961," Article 39, p. 20. and "Convention on Psychotropic Substances, 1971," Article 23, p. 13.

¹¹ United Nations, "United Nations Convention against Illicit Traffic," Article 24, p. 18.

government has participated in some international activities. According to ONCB, the government began to change its strategy since late 2002, when it started moving away from the international norm of treatment and rehabilitation of addicts.

In Thailand, ONCB claimed that the new strategy still focused on prevention before suppression, but now all people in the country would be targeted and differentiated according to their involvement with drugs – the potential demand groups (including those who were innocent or clean), high risk groups, demand groups (including addicts) and drug traffickers/traders who were addicted. At first, the strategy aimed at making people and communities stronger by “immunizing” and empowering them to be anti-drug for the good of the nation. A total of 41 million people were targeted; 40 million in the potential demand category and 1 million in the demand category. According to ONCB, national security would be restored through various policies and programs for each targeted group. Drug abusers and addicts were supposed to identify themselves and then government officials would assign them to treatment and rehabilitation that included a voluntary system, a compulsory system and a correctional system.¹² This approach paved the way for the 2003 war on drugs, which should be seen as Thailand following the norm of taking stronger measures than those provided in the international conventions. Moreover, Thai officials considered that the security threat was domestic (as discussed in chapter 2), so the priority was not on international cooperation against illicit trafficking.

The last element of institutionalized international cooperation refers to the arrangements, programs and joint activities that are supposed to benefit all countries

¹² ONCB, *Thailand Narcotics Annual Report 2003* (Bangkok: ONCB, 2003), pp. 65, 77.

that are parties to the conventions. The three conventions set the framework for such arrangements, programs and joint activities. International cooperation on drugs involves three bodies of the United Nations. First is the Commission on Narcotic Drugs, established in 1946 as the central policy-making body within the United Nations system. Second is the International Narcotics Control Board (INCB), which is the independent and quasi-judicial control body for the United Nations drug conventions. INCB was established in 1968 to be independent of governments as well as of the United Nations with 13 members who serve in their personal capacity. Third is the United Nations Commission on Crime Prevention and Criminal Justice, which formulates international policies and recommends activities in the field of crime control.¹³

UNODC carries out the actual implementation, programs and activities as a secretariat and administers the Fund of the United Nations International Drug Control Programme (UNDCP).¹⁴ One arrangement spelled out in all three conventions requires that the states parties provide an annual report on the working of the conventions within their territories. The annual country report should include the text of laws and regulations promulgated in order to give effect to each convention; important changes in laws and regulations concerning psychotropic substances; and significant developments in abuse and illicit trafficking in psychotropic substances within their territories. In addition, the countries should report on any case of illicit traffic or seizures considered important because of new trends disclosed; quantities

¹³ United Nations Office of Drugs and Crime, “About Us,” www.unodc.org/unodc/en/about_us.html.

¹⁴ The International Narcotics Control Board also has its own secretariat, but this is outside the scope of the research.

involved; information on sources of substances; or methods employed by illicit traffickers.¹⁵

In order to carry out international cooperation activities to assist developing countries, UNODC needs funding to carry out programs and projects. In 2006, UNODC received 88 per cent of its funding from donor governments, other international organizations and financial institutions in order to provide legal and legislative assistance, research and analysis and technical assistance to developing countries. The consolidated biennial budget (2006-2007) for UNODC was \$US 283 million for 2006-2007. In 2006, voluntary contributions totaled US\$ 150.7 million, of which US\$ 120.2 million was for drug programs and projects.¹⁶ The categories of drug programs are (1) counter-narcotics and law enforcement, (2) preventing drug abuse and (3) scientific support for drug control activities.

In 2006, the number of UNODC projects totaled 279. Out of this total, 73 projects were for counter-narcotics and law enforcement; 71 projects were for preventing drug abuse, treatment and rehabilitation; 8 were research projects; and one project was for legal advisory services. When the 279 projects are considered according to geographic distribution, 49 projects were located in South Asia, East Asia and the Pacific; 54 projects were in West and Central Asia; 64 projects were in Africa and the Middle East; 61 projects were in Latin America and the Caribbean; 16 projects were in Central and Eastern Europe; and 35 were global projects.¹⁷

¹⁵ United Nations, "Single Convention on Narcotic Drugs, 1961," Article 18, p. 9.; "Convention on Psychotropic Substances, 1971," Article 16, p. 10; and "United Nations Convention against Illicit Traffic," Article 20, p. 17.

¹⁶ UNODC, *Annual Report 2007* (Vienna: UNODC, 2007), p. 88. The balance of US\$ 30.5 million was for the crime fund.

¹⁷ Ibid., pp. 14-15.

In 2006, projects of UNODC helped the government of Lao PDR with financial and technical assistance to monitor and collect data on addiction, with special attention to ATS; promote public awareness and media coverage of drug prevention; and develop a comprehensive new drug law and national law enforcement strategy. UNODC has cooperated with other United Nations agencies in Lao PDR to have workshops and training, particularly for law enforcement agencies.¹⁸ In Myanmar, assistance from UNODC was concentrated on eradicating opium production and helping rural communities switch to alternative livelihoods. While this assistance covered areas where the Wa and Shan people live, the UNODC report does not mention anything about methamphetamine.¹⁹ The UNODC has its regional center in Thailand, which means that aid and assistance involves regional activities, such as upgrading technical capabilities, creating a DVD training program in 10 languages about restricting precursors and clandestine ATS laboratories, and training for policy-makers on preventing ATS abuse among young people as well as training for journalists about reporting on drug abuse.²⁰

Activities and arrangements at the regional level are a final area of activity covered in the 1961 Convention and the 1988 Convention as an extension of international cooperation, although countries must take the initiative. The 1961 Convention refers to regional cooperation within a somewhat narrow, technical scope. The suggestion is to develop regional centers for scientific research and education to combat the problems resulting from the illicit use of and traffic in drugs.²¹

¹⁸ UNODC, *Annual Report 2007*, p. 62.

¹⁹ *Ibid.*, p. 63.

²⁰ *Ibid.*, p. 65.

²¹ United Nations, "Single Convention on Narcotic Drugs, 1961," Article 38, p. 19.

Given the complex transnational nature of drug trafficking, suggested activities and arrangements for regional cooperation in the 1988 Convention have a wider scope and advocate the involvement of existing regional organizations. For example, it is suggested that the states parties assist one another in planning and implementing research and training programs where expertise can be shared. Regional conferences and seminars are encouraged to promote cooperation and discussion about problems of mutual concern, including problems and needs of transit states. Furthermore, it is recommended that there should be greater technical cooperation and financial assistance through regional organizations to help developing countries that are transit states, especially to strengthen infrastructure for control and prevention of illicit drug traffic. Regional agreements or arrangements would provide an effective way of dealing with illicit drug trafficking by sea.²² Based on such suggestions about a variety of cooperative arrangements, it is worthwhile considering what kind of initiatives Thailand and neighboring countries, especially Myanmar, have taken to cooperate at the regional level concerning methamphetamine and what principles, norms, arrangements and activities are involved.

C. Regional Cooperation

Countries in Southeast Asia, including Thailand, have had over thirty years of experience with regional cooperation to combat illegal drugs. The focus in this section is on regional cooperation to establish principles, norms and action on

²² United Nations, "United Nations Convention against Illicit Traffic," pp. 11 and 16.

methamphetamine as in illegal drug through the work of the Association of Southeast Asian Nations (ASEAN). ASEAN has served as the cooperative umbrella for a number of declarations, agreements, arrangements, strategies and plans of action. In the 1976 Declaration of ASEAN Concord, the Heads of Government called for intensified cooperation among member states and with the relevant international bodies to prevent and eradicate the abuse of narcotics and the illegal trafficking of drugs. This led to the ASEAN Declaration of Principles to Combat the Abuse of Narcotics Drugs, adopted by the ASEAN foreign ministers in June 1976.²³

The preeminence of the state and national governments is the basic assumption behind the ASEAN Declaration of Principles. Similar to the United Nations' conventions, the ASEAN Declaration of Principles considers drug abuse as a health and welfare issue, but the general implication for development is also recognized.

Given its status as a declaration made by foreign ministers rather than officials involved with drug issues, the scope of opportunities for cooperation were not very wide. The principles were vague and general, while norms involving cooperation were not explicit. The main implicit norm accepted that arrangements, programs and actions were at the national level as shown in statements that each state should intensify national efforts and improve national measures. The ASEAN Declaration mentioned only a very narrow scope for regional actions that included exchange of information and experiences in nine specific drug-related topics.²⁴

²³ ASEAN, "Cooperation on Drugs and Narcotics: Overview." www.aseansec.org/5682.htm

²⁴ Ibid.

The ASEAN Declaration of Principles encouraged national agencies to intensify involvement with international organizations at the discretion of each country's national authorities. The main focus appeared to be on cultivation of opium poppy, cannabis and coca bush.²⁵ Illicit manufacture and trafficking were mentioned in connection with narcotic and psychotropic drugs, but in the mid-1970s ATS and methamphetamine were not yet mentioned.

The First Meeting of ASEAN Drug Experts was held at Singapore in 1976, where officials identified main areas of activity to eliminate drug abuse. By the Fourth Meeting of ASEAN Drug Experts in 1979, four areas for project activities were agreed upon: (1) Law Enforcement; (2) Preventive Education and Information; (3) Treatment and Rehabilitation; and (4) Research and Training.²⁶ In terms of expectations about regional cooperation, the drug experts were taking a conventional point of view that was virtually identical to cooperative approaches at the international level in terms of norms, arrangements and potential activities. While it appears that the experts had identified projects, there would have to be a search for funding before any activities could be implemented.

By 1984, officials at the Eighth ASEAN Drug Experts Meeting adopted an ASEAN Regional Policy and Strategy in the Prevention and Control of Drug Abuse and Illicit Trafficking. Officials emphasized the need for a regional approach to control and prevent drug abuse. The document was considered as a significant departure from the standard perception that illicit drugs were just a social and health problem to a perception that drug issues had implications for the ASEAN values and

²⁵ ASEAN, "Cooperation on Drugs."

²⁶ ASEAN, "Committee on Social Development." www.aseansec.org/10028.htm.

principles related to national security, stability, prosperity and resilience. The logic of this regional approach meant that ASEAN-member countries should develop uniform views, approaches and strategies; to coordinate effectively at national, regional and international levels; and to empower non-governmental organizations (NGOs) in efforts to eliminate drug abuse. The officials at the Eighth Meeting also renamed themselves as the ASEAN Senior Officials on Drug Matters (ASOD).²⁷

ASEAN took action in the late 1970s and early 1980s to set up and operate four specialized regional training centers in line with the shared norm of strengthening national capabilities as expressed in the ASEAN Declaration of Principles. The ASEAN Training Centre for Narcotics Law Enforcement was established at Bangkok in 1979.²⁸ From 1980 to 1988, participants from all member countries participated in nine ASEAN narcotics law-enforcement training courses. The government of the United States provided some support and a three-year training project was set up to meet the need for long-term activities with support from the United Nations Development Programme (UNDP). There have been on-going training courses for middle-management narcotics law-enforcement officers and workshops for senior narcotics law-enforcement officers on topics such as financial investigation and forfeiture of assets; intelligence collection, analysis and dissemination; and controlled delivery.²⁹

²⁷ ASEAN, "Cooperation on Drugs."

²⁸ Ibid. The other three are: ASEAN Training Centre for Preventive Drug Education located in Manila; the ASEAN Training Centre for Drug Treatment and Rehabilitation in Kuala Lumpur and the ASEAN Training Centre for the Detection of Drugs in Body Fluids in Singapore.

²⁹ Ibid.

Although the drug experts highlighted national security, stability, prosperity and resilience for ASEAN and the logic of regional approaches, in 1985, the ASEAN Foreign Ministers seemed more focused on the international drug problem, rather than cooperation on regional drug problems. Rather than regional cooperation, they appeared to agree mostly about words, such as their grave concern about the continuing spread in drug abuse and illicit trafficking and called for urgent international cooperative action.³⁰ The ASEAN Foreign Ministers' joint call for international action without any mention of regional action makes their understanding or awareness of the regional drug problems unclear.

According to the foreign ministers, it was the international drug problem that had serious security implications. However, it was now more than a social and humanitarian problem and transcended national boundaries.³¹ These reasons were the basis for the ministers' call for urgent international cooperative action, but with no mention of urgent regional cooperative action. They mentioned the ASEAN Declaration of Principles to Combat Abuse of Narcotic Drugs in limited and non-urgent terms, saying that it was providing for cooperation on preventive measures. It is clear that the attention of the ASEAN Foreign Ministers was on United Nations' efforts to start negotiations on the international convention against illicit traffic in narcotic drugs and psychotropic substances, which was finalized in 1988. However, the foreign ministers made no mention of how existing international conventions encouraged regional cooperation.

³⁰ ASEAN, "ASEAN Foreign Ministers Joint Statement on the International Problem of Drug Abuse and Trafficking, Kuala Lumpur, 9 July 1985." www.aseansec.org/5727.htm.

³¹ Ibid.

Since there was no mention of regional cooperation, it was not clear that ASEAN member-states had a preference to cooperate on regional drug issues or acknowledge mutual interdependence, even though some exchanges had begun. At the highest levels, ASEAN-member states did not yet view narcotics drugs as a critical regional issue that needed greater cooperation or urgent action for ASEAN. By the middle and late 1980s, ATS had not yet become the drug of choice within Southeast Asia.

Regional cooperation and collaboration on drug issues remained a technical, functional responsibility of the ASEAN Senior Officials on Drug Matters (ASOD) until the mid-1990s. ASOD designed the ASEAN Three-Year Plan of Action on Drug Abuse Control, which was adopted at the Seventeenth ASOD meeting in October 1994. The action plan covered four priority areas: (1) preventive drug education, (2) treatment and rehabilitation; (3) enforcement; and (4) research, with funding from UNDP. Projects under the action plan included workshops on drug education for teachers and curriculum designers and comparative research studies on preventive education. There have been regular exchanges of personnel involved in treatment and rehabilitation at the operational level. Enforcement projects included exchanges of law enforcement officers and personnel; conducting training programs with the assistance of international agencies; and sharing of information concerning trends, patterns of criminal operations and routes of narcotics trafficking.³²

Sharing information and exchanging personnel could be considered as forms of direct regional cooperation to work together. Training and education are forms that are more collaborative than cooperative in line with norms to strengthen national

³² ASEAN, "Cooperation on Drugs."

capabilities, especially in prevention, treatment and rehabilitation.

From 1995, a number of converging factors had a growing political impact on the dynamics of ASEAN regional cooperation on drug issues. At the international level, as discussed in chapter 2, the continued globalization of illicit drug production, trafficking and consumption blurred old distinctions between producer and consumer areas. Trafficking routes were spreading worldwide driven by greater pressure on traffickers to create new markets. United Nations reports said that abuse of ATS was becoming more widespread and increasing rapidly, especially methamphetamine in Southeast Asia. Manufacture and trafficking of methamphetamine was growing rapidly to meet the demand in Southeast Asia, although comprehensive data and study of the scope was lacking in the region.³³ In addition, deliberations began in 1997 on a comprehensive United Nations Convention against Transnational Crime, which would include criminal activities related to illicit drug trafficking. The top leaders in ASEAN-member countries were starting to recognize the impact and some of the political, economic and social implications.

From the late 1980s to the mid-1990s, it is interesting to see how the general statements by the heads of government about illicit drugs were evolving towards a major change in their expectations of regional cooperation on drug issues. Preventing drug abuse and combating illicit trafficking was one of eight functional areas where the heads of government agreed in general as part of the Manila Declaration to intensify their cooperation at the Third ASEAN Summit of December 1987, held in

³³ United Nations, *Global Illicit Drug Trends 1999* (New York: UNODC, 1999), pp. 1, 62, 92.

the Philippines.³⁴ When the Fourth ASEAN Summit was held at Singapore in 1992, drug abuse and illicit drug trafficking were still functional topics now labeled as a serious problem requiring intensified cooperation according to the Singapore Declaration. One significant overall change was agreement to have formal ASEAN Summits every three years with informal meetings during the interval.³⁵ Whether this would help to focus high-level attention on shared principles, norms and action against illegal drugs as a regional issue remained to be seen.

The Bangkok Declaration at the Fifth ASEAN Summit in December 1995 gave the first hint of a change in shared views about issues involving illicit drugs. When the heads of government met for the Fifth ASEAN Summit in December 1995, Thailand was the host country. By this time, the Thai Prime Minister, Mr. Banharn Silpa-Archa, proposed that ASEAN needed to adapt its principles along three dimensions: move ASEAN in a direction going towards One Southeast Asia; widen and deepen ASEAN economic cooperation; and make ASEAN a bigger part of Southeast Asian peoples' lives.³⁶ The prevailing assumption was that the direction and priorities of change were under ASEAN members' control. The notion of One Southeast Asia was linked to the fact that Vietnam had joined ASEAN; Lao People's Democratic Republic and Cambodia announced their intention to become members; and Myanmar had sought observer status in ASEAN. Once all ten Southeast Asian nations had joined, ASEAN was expected to give a sense of common identity and

³⁴ "Manila Declaration," Third ASEAN Summit, Manila, Philippines, 15 December 1987, www.aseansec.org/5117.htm.

³⁵ "Singapore Declaration," Fourth ASEAN Summit, Singapore, 28 January 1992, www.aseansec.org/5120.htm.

³⁶ Banharn Silpa-Archa, "Opening Statement," Fifth ASEAN Summit, Bangkok, Thailand, 14 December 1995, www.aseansec.org/5139.htm.

shared destiny since the Cold War had ended and regional security was changing.

Political and economic issues had center stage at ASEAN Summits, but this was the first time social and human development gained some prominence. The Thai Prime Minister observed that after 28 years, ASEAN has expanded and matured as well as moved forward cautiously but sensibly in response to new opportunities and challenges.³⁷ While the Thai Prime Minister made no mention of issues related to illicit drugs as a focus for cooperation in ASEAN in his welcoming remarks, opening, or closing statements, he observed that ASEAN had set a new direction and this made it a pivotal force for regional peace based on accelerating and consolidating cooperation in all fields.³⁸

As part of the Bangkok Declaration of 1995, ASEAN member countries declared that they would elevate functional cooperation to a higher plane to bring shared prosperity to all members. In addition, they declared:

(...) - ASEAN shall further enhance cooperative efforts against drug abuse and illicit trafficking, with special emphasis being given to demand reduction programmes and information exchange and dissemination, with the aim of creating a drug-free ASEAN;
 - ASEAN shall take into account the existence of new challenges to the peace, economic growth and stability of the region and the implication of these challenges; (...) ³⁹

As declared in the quoted text, the new direction would be the creation of a drug-free ASEAN. Details of cooperative principles, norms and activities leading to such a region still had to be worked out, but the quotation suggested special emphasis

³⁷ Banharn Silpa-Archa, "Closing Statement," Fifth ASEAN Summit, Bangkok, Thailand, 15 December 1995, www.aseansec.org/5149.htm.

³⁸ Ibid.

³⁹ "Bangkok Declaration," Fifth ASEAN Summit, Bangkok, Thailand, 15 December 1995, www.aseansec.org/5189.htm.

on demand reduction and information exchange, although this was already part of functional cooperation. As noted by the heads of government, they considered drug abuse and illicit drug trafficking as new challenges to regional peace, economic growth and stability. The link between illicit drugs and regional security was not yet made, however. From this point at the end of 1995, the foreign ministers were responsible for follow-up action concerning illicit drugs as a new challenge.

When the foreign ministers met at the twenty-ninth ASEAN Ministerial Meeting (AMM) in July 1996, they issued a communiqué covering follow-up action on the wide range of international and regional issues covered at the Fifth ASEAN Summit. In particular, the foreign ministers adopted the Framework for Elevating Functional Cooperation to a Higher Plane as decided by the heads of government in order to bring shared prosperity to the region. Under the theme of shared prosperity, they identified drugs and narcotics control as one of six areas for action. Their aim was to guide regional cooperation and raise the public profile of ASEAN activities, including narcotics control. The foreign ministers said that various sectors involved needed greater coordination and that funding modalities needed consideration in order to ensure effective and timely implementation of priority programs.⁴⁰ At this point, they did not say what the priorities were or what the substance of drug control activities should be.

The foreign ministers did include narcotics under the category of transnational issues, which was new since the Fifth Summit. There seemed to be a shared perception that such issues transcended borders, affected the lives of the people in the

⁴⁰ ASEAN, Joint Communiqué of the Twenty-Ninth ASEAN Ministerial Meeting (AMM), Jakarta, Indonesia, 21 July 1996, www.aseansec.org/1824.htm.

region and needed urgent management so that the long-term viability ASEAN and member nations would not be affected. Despite these shared perceptions of urgency, norms and actions involving cooperation were limited. In terms of cooperative action, the foreign ministers agreed that all work and projects of existing ASEAN bodies in areas such as drug control should be reviewed in order to send recommendations to the ASEAN heads of government. Actions to review and recommend are not exactly consistent with a sense of urgency or the principle of concern for the lives of people in ASEAN-member countries.

At the thirtieth AMM in July 1997, the foreign ministers welcomed Lao PDR and Myanmar as members of ASEAN. The significance of the 1997 Asian financial crisis was not completely apparent at this meeting, but the Foreign Ministers expressed serious concerns about what they called coordinated efforts to destabilize ASEAN currencies and the threat to the stability of all ASEAN economies. They said progress was satisfactory in implementing the Framework for Elevating Functional Cooperation to a Higher Plane. This involved developing a number of flagship projects in five areas, including drugs and narcotics control. They stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking of people, illicit drugs and arms, piracy and communicable diseases.⁴¹ At this stage, expectations about cooperation appeared to focus on identifying projects that could get support and assistance from donors as part of ASEAN's external relations.

When the heads of government met for the Second Informal Summit at Kuala

⁴¹ ASEAN, Joint Communiqué of the Thirtieth ASEAN Ministerial Meeting (AMM), Subang Jaya, Malaysia, 25 July 1997, www.aseansec.org/4010.htm.

Lumpur, Malaysia in December 1997, the viability and usefulness of ASEAN faced major challenges even as they tried to celebrate ASEAN's thirtieth anniversary. They reaffirmed the commitment to the original aims and purposes of ASEAN and charted a vision for ASEAN based on their view of current realities and prospects leading to 2020.⁴² A number of situations and conditions were envisioned about ASEAN's future covering a wide range of issues. For example, they resolved to maintain regional macroeconomic and financial stability by promoting closer consultations in macroeconomic and financial policies, even though they had not done so before the financial crisis.⁴³ However, consultations could be considered a minimal form of regional cooperation without much expectation of joint actions apart from talking to each other.⁴⁴

Under the category of "A Community of Caring Societies", the leaders' vision was to see well before 2020 a Southeast Asia free of illicit drugs, free of their production, processing, trafficking and use. Further, they envisioned the evolution of agreed rules of behavior and cooperative measures to deal with problems that could only be addressed on a regional scale, including, among others, drug trafficking and other transnational crimes.⁴⁵ The general idea of a drug-free region had been mentioned at the Fifth Summit in 1995, but by the Second Informal Summit held in 1997, the deadline of 2020 was set. It is important to note the reference to agreed rules

⁴² ASEAN, "ASEAN Vision 2020," Second Informal ASEAN Heads of Government Meeting, Kuala Lumpur, Malaysia, 15 December 1997, www.aseansec.org/1814.htm. The First Informal ASEAN Heads of Government Meeting was held in November 1996, but illicit drugs were never mentioned in the Press Statement. (See www.aseansec.org/5206.htm)

⁴³ Ibid.

⁴⁴ One academic analysis has argued that even during a regional crisis, ASEAN members avoided focusing on substantive cooperation and preferred public relations instead. Michael L. R. Smith and David M. Jones, "ASEAN's Imitation Community," *Orbis* 46, issue 1 (Winter 2002): 93-109.

⁴⁵ ASEAN, "ASEAN Vision 2020."

of behavior and cooperative measures, but the leaders did not recommend the form that such rules and measures should take. Rather, they envisioned gradual change in evolutionary terms.⁴⁶

Whether a gradual change was possible or not, it could be considered as part of the effort to show ASEAN was still significant even in the midst of a financial and economic crisis. By 1997, it was very clear that illicit drugs had become an immediate problem, as discussed in chapter 2.⁴⁷ It appeared that the ASEAN leaders were overlooking the immediate problems in order to envision an idealistic regional future in all areas—politics, security, nuclear weapons, trade, investment, labor, education, sustainable development, the family, women, children, health and poverty. In December 1997, the leaders' expectations about regional cooperation on issues related to illicit drugs seemed to be based more on hopes and aspirations at a time when each ASEAN member relied on self-help in solving economic and financial problems. Illicit drugs appeared in the ASEAN Vision 2020 as one of many items in a long list for potential regional cooperation, but there was no specific mention of ATS or methamphetamine.⁴⁸

The first mention of ATS within ASEAN was in July 1998, when the Joint Declaration for a Drug-Free ASEAN by 2020 became the centerpiece of regional cooperation concerning illicit drugs. At the thirty-first AMM held in Manila, the ASEAN Foreign Ministers signed the Joint Declaration and showed how significant

⁴⁶ ASEAN, "ASEAN Vision 2020."

⁴⁷ United Nations, *Global Illicit Drug Trends 1999* (New York: United Nations Office on Drug Control and Crime Prevention, 1999), pp. 107-108. UNODCCP reported that since 1997 there were increases in ATS abuse in Indonesia, Malaysia, the Philippines and Thailand.

⁴⁸ ASEAN, "ASEAN Vision 2020."

issues involving illicit drugs had become in the view of ASEAN-member countries.⁴⁹ In terms of principles and values, their shared views started at the global level and then made links to the regional level. They agreed that the alarming growth of the illicit global drug trade adversely affected the welfare of nations and peoples, including ASEAN members. The main shared value concerned how illicit drug abuse and trafficking could seriously endanger national development programs, especially in relation to young people.

The ASEAN-member countries acknowledged the link between illicit drug trade and other transnational crimes, including money laundering and arms smuggling. As one of the most important shared principles, the Joint Declaration stated that those involved in illicit drug trade could pose serious political and security threats to the region.⁵⁰ Once they identified the criminal trafficking aspect as the main security threat, then solutions and measures involving national strength would be most significant. The foreign ministers emphasized links to other initiatives that would address new challenges, such as the ASEAN Declaration on Transnational Crime made in December 1997. That Declaration aimed, among others, to expand the scope of national efforts against transnational crimes, including illicit drug trafficking, as well as strengthen the commitment to cooperate.⁵¹

Their shared perception of a drug-free ASEAN focused on eradication of production, processing, trafficking and use of illicit drugs. The foreign ministers

⁴⁹ ASEAN, "Joint Declaration for a Drug-Free ASEAN," 31st ASEAN Ministers' Meeting, Manila, Philippines, 25 July 1998, www.aseansec.org/6071.htm.

⁵⁰ Ibid.

⁵¹ ASEAN, "ASEAN Declaration on Transnational Crime," Manila, Philippines, 18-20 December 1997, www.aseansec.org/1969.htm. The ASEAN Ministers of Interior/Home Affairs and Representatives of ASEAN Member Countries made the Declaration at their first ASEAN Conference on Transnational Crime.

recognized the extensive work of the ASEAN Senior Officials on Drug Matters (ASOD), in particular, their efforts to implement the ASEAN Three-Year Action Plan on Drug Abuse Control and the work program with priority areas of drug education, drug information, prevention within the community, treatment, rehabilitation and law enforcement.⁵²

In terms of shared norms and recommendations for action, the foreign ministers said they were convinced that a drug-free ASEAN would be attainable through enhanced and concerted regional cooperation in political, social and institutional domains, although their use of the term domains is still quite general. However, the norm of an ASEAN spirit of amity and cooperation was supposed to provide the basis for activities. Table 3.1 lists the 14 measures that were identified as ASEAN activities for making ASEAN drug free.

Table 3.1
14 Measures for a Drug-Free ASEAN by 2020

1. Seek all modalities to eradicate illicit drug production, processing, trafficking and use.
2. Strengthen and promote linkage among existing regional institutional mechanisms, such as ASEAN Senior Officials on Drug Matters (ASOD), ASEAN Chiefs of National Police (ASEANAPOL), ASEAN Senior Law Officials Meeting (ASLOM), ASEAN Sub-Committee on Youth (ASY) and ASEAN Ministerial Meeting on Transnational Crime, the 1993 MOU countries on Drug Control, and the ASEAN Secretariat.
3. Enter into collaborative undertakings to continue developing and upgrading human resources, including with ASEAN Dialogue Partners, particularly in the areas of law enforcement, intelligence, rehabilitation and treatment, alternative development, preventive education, preventive information, community participation, research and human resource development.
4. Seek the review of jurisprudence related to illicit drug abuse and trafficking and move for passage of stricter laws on these crimes against society.
5. Upgrade and expand regional and national data banks on illicit drugs, to include more information on illicit drug production and trafficking, existing drug control activities, programs and legislation, evaluation methodologies and resource experts.

⁵² ASEAN, "Joint Declaration for a Drug-Free ASEAN."

6. Expand awareness, education and rehabilitation programs among the region's youth, including the work program on Skills Training for Out-of-School Youth, to eliminate the demand for illicit drugs by 2020.
7. Establish programs to tackle the growing problem of ATS, with the view to strengthen the national regulatory, legal and administrative controls over importation, exportation, distribution, manufacture and use of ATS
8. Intensify partnerships with relevant international agencies and organizations such as the United Nations International Drug Control Programme (UNDCP), the World Health Organization, World Customs Council, Commission on Narcotic Drugs, Colombo Plan Secretariat, and Interpol.
9. Strengthen existing ASEAN Training Centers for human resource development in related fields on narcotics law enforcement, preventive education, treatment and rehabilitation, and research.
10. Intensify the exchange of information among ASEAN countries.
11. Continue to expand and enhance the role of NGOs, as well as the private sector in alliances to collaborate in developing and implementing drug abuse prevention and control programs and activities.
12. Work for the immediate ratification by all ASEAN Member Countries of relevant international treaties and agreements on illicit drug abuse and trafficking.
13. Reinforce cooperation and coordination among member countries, especially in areas of investigation, prosecution, mutual legal assistance, inquiry, forfeiture of property, rehabilitation and treatment, preventive education, and research to help combat illicit drug abuse and trafficking.
14. Identify and promote alternative sources of livelihood for people who could be adversely affected when drug production is curtailed and eventually stopped.

Source: ASEAN, Joint Declaration for a Drug-Free ASEAN, 31st ASEAN Ministers' Meeting, 25 July 1998, Manila, Philippines. www.aseansec.org/6071.htm.

The table shows that measure number 7 called for establishing programs to strengthen regulations, as well as legal and administrative controls at the national level covering all illicit activities related to ATS. It is clear that the measure supporting the established norm of action at the national level and that training programs, education, rehabilitation and information activities would also strengthen the national level. At the same time, exchange of information and promoting linkages were encouraged as elements of regional cooperation. Specific areas were also suggested where collaboration and coordination could be reinforced. However, in view of the number of new ASEAN declarations and the number of linkages

mentioned in measure number 2, the growing complexity of the region's institutional mechanisms ran the risk of impeding rather than facilitating cooperation concerning illicit drugs, particularly ATS.

From late 1998 onwards, other issues, especially the financial crisis and its widespread effects, tended to overshadow cooperation to address the problem of illicit drugs, particularly in discussions at the higher-level ASEAN meetings. When the sixth ASEAN Summit was held at Hanoi, Vietnam in December 1998, the Hanoi Declaration showed that the leaders focused on ASEAN Vision 2020 in an effort to reassure themselves and the world that ASEAN-member countries would overcome the current economic and social difficulties by working together in what they called “ever closer cooperation and stronger solidarity”.⁵³ They mentioned illicit drugs only briefly and generally.

The Hanoi Action Plan for Vision 2020 accompanied the Declaration. The leaders presented the Hanoi Plan of Action (HPA) as the first in a series of action plans aimed at achieving the goals of Vision 2020. The HPA had a six-year timeframe covering 1999 to 2004 and covered ten major areas with a great number of measures and activities in each area. Within the fourth area, entitled “Promoting Social Development and Addressing the Social Impact of the Financial and Economic Crisis”, a set of eleven measures was listed. The tenth on the list was measures to strengthen regional capacity to address transnational crime. The last item on the list was measures to implement the ASEAN Work Program to Operationalize the ASEAN Plan of Action on Drug Abuse Control by 2004, and continue developing and

⁵³ ASEAN, “Hanoi Declaration of 1998,” Sixth ASEAN Summit, Hanoi, Vietnam, 16 December 1998, www.aseansec.org/686.htm.

implementing high-profile flagship programs on drug abuse control, particularly those related to prevention education for youth, and treatment and rehabilitation.⁵⁴

In the late 1990s, other parts of ASEAN were moving in several different directions related to regional cooperation on drug issues. This made it somewhat unclear about how wide the scope of shared principles and norms would become and whether this could lead to meaningful regional action. In particular, it is important to analyze whether regional implementation would have an impact on the sudden growth of the drug problem of methamphetamines in Thailand.

When the thirty-second AMM was held in July 1999 at Singapore, the foreign ministers said that ASEAN was entering a period of consolidation and rebuilding which would reinforce its foundations and set the stage for a stronger ASEAN. Most of the focus was on financial and economic issues related to the crisis of 1997. In the category of functional cooperation, they identified nine areas, including the urgent need to strengthen the regional capacity to combat transnational crime.

It was clear that illicit drugs no longer stood as a separate issue, but was within the framework of a set of transnational crimes. The foreign ministers acknowledged the regional plan of action initiated at the ASEAN Ministerial Meeting on Transnational Crime held at Yangon, Myanmar in June 1999. The foreign ministers agreed in principle to establish the ASEAN Centre for Combating Transnational Crime (ACTC); they reaffirmed ASEAN's commitment to the Joint Declaration for a Drug-Free ASEAN; and they called for the support of the international community for

⁵⁴ ASEAN, "Hanoi Plan of Action," Sixth ASEAN Summit, Hanoi, Vietnam, 16 December 1998, www.aseansec.org/687.htm. They were referring to the ASEAN Three-Year Plan of Action on Drug Abuse Control adopted at the Seventeenth ASOD meeting in October 1994 (as discussed previously). The action plan covers four priority areas.

the implementation of ASEAN drug control programs.⁵⁵ The Foreign Ministers did not move beyond general statements of principle and emphasized the urgent need to strengthen ASEAN's regional capacity to combat transnational crime with assistance from the international community. Their approach made it difficult to link their principles to any action to strengthen capacity, because waiting for assistance from donor countries or international agencies became a condition for action.

At the same time, the ASEAN Ministers of Interior/Home Affairs had been strengthening their role since December 1997, when the ASEAN Declaration on Transnational Crime stated the shared resolve to adopt a comprehensive approach. By June 1999, they had adopted the ASEAN Plan of Action to Combat Transnational Crime. At the level of general principle, this Plan aimed at strengthening the regional commitment and capacity to have a cohesive regional strategy to fight transnational crime. In terms of norms, the Plan would encompass information exchange, cooperation in legal and law enforcement matters, institutional capacity building, training and extra-regional cooperation.⁵⁶ Another important norm involved establishing closer coordination with other ASEAN bodies, such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs.

It is possible to track the growing importance of the legal dimension of regional cooperation as a result of ASEAN member countries criminalizing specific

⁵⁵ ASEAN, Joint Communiqué of the 32nd ASEAN Ministerial Meeting, Singapore, 23-24 July 1999, p. 5, www.aseansec.org/699.htm.

⁵⁶ ASEAN, Joint Communiqué of the Second ASEAN Ministerial Meeting on Transnational Crime (AMMTC), Yangon, Myanmar, 23 June 1999, www.aseansec.org/5632.htm.

transnational crimes, including illicit drug trafficking. It was clear that ASEAN had widened the perception of illicit drugs beyond the social and health aspects, but the new emphasis on the legal and criminal justice aspects reinforced the value placed on national actions and the implications for national security and stability. Once again, attention focused on strengthening national capacities while referring vaguely to regional arrangements, fostering cooperation and mutual legal assistance.⁵⁷

The Plan of Action to Combat Transnational Crime proposed that the ASEAN Ministerial Meeting on Transnational Crime would be the highest policy-making body on cooperation in combating transnational crime. It even proposed to oversee activities of ASEAN bodies such as the ASEAN Senior Officials on Drug Matters (ASOD) in matters pertaining to transnational crime.⁵⁸ This suggests growing bureaucratic complications in terms of norms and actions within ASEAN, because ASOD already came under the ASEAN Foreign Ministers. It was becoming increasingly unclear which plan or program of action would have priority within ASEAN, especially since cooperative activities involving illegal drugs required funding from international donors.

When the foreign ministers held their thirty-third AMM in July 2000 at Bangkok, they decided to advance the target year for a drug-free ASEAN from 2020 to 2015, mostly because they acknowledged how serious the problem had already become. In their joint communiqué, the Foreign Ministers noted the threat from drug abuse and drug trafficking on the security and stability of the ASEAN region, in terms of both transnational crime and what they called “the newly emerging drugs like

⁵⁷ ASEAN, “Joint Communiqué of the Second ASEAN Ministerial Meeting.”

⁵⁸ Ibid.

Methamphetamine or Amphetamine - Type Stimulants (ATS)".⁵⁹

The foreign ministers emphasized the importance of greater regional and international cooperation in dealing with the rise of transnational crime, due to the perceived threat to the economic prosperity and stability of the region. Nevertheless, their support for initiatives on transnational crime was not very strong. They said they welcomed the efforts of the ASEAN Ministerial Meeting on Transnational Crime. However, the foreign ministers mentioned only initiative within the plan of action and work program on transnational crime--establish the ASEAN Centre for Combating Transnational Crime.⁶⁰

The scope of cooperation on drug control had widened and expanded beyond ASEAN by late 2000. During the International Congress "In Pursuit of a Drug-free ASEAN 2015" held at Bangkok in October 2000, which included ASEAN members, China, 36 other countries and 16 international organizations, the ASEAN and China Cooperative Operations in Response to Dangerous Drug (ACCORD) was formulated. ACCORD and the Plan of Action were endorsed as the sole cooperative framework for drug control in ASEAN and China with a commitment to make the region drug-free.⁶¹

As an example of liberal institutionalism, the Bangkok Political Declaration 2000 expressed the shared value that drugs were a grave threat to the health and well-being of all mankind, the independence of states, democracy, the stability of nations,

⁵⁹ ASEAN, Joint Communique of the 33rd ASEAN Ministerial Meeting, Bangkok, Thailand, 24-25 July 2000, www.aseansec.org/595.htm.

⁶⁰ Ibid.

⁶¹ ACCORD, Bangkok Political Declaration in Pursuit of a Drug-Free ASEAN 2015, Bangkok, Thailand, 11-13 October 2000, www.accordplan.net.

the structure of all societies and the dignity and hope of millions of people and their families. As part of the shared vision of a Drug-Free ASEAN 2015, there was deep concern about the new, dangerous phenomenon of ATS. Shared norms included support for an intersectoral approach, integrated coordination at national, regional and international levels, and implementation of the ACCORD Plan of Action.⁶²

The goal of ACCORD is to strengthen (1) regional operational coordination; (2) collection and reporting of national/regional drug control data; (3) monitoring of national/regional progress; and (4) policy-level understanding of pressing issues. ASEAN and China have also identified four pillars for the ACCORD Plan of Action as priority areas for collaboration: (1) proactively advocating civic awareness on the dangers of drugs and social responses; (2) building consensus and sharing best practices on demand reduction; (3) strengthening the rule of law and enhanced network of control measures and improved law enforcement cooperation and legislative review; and (4) eliminating the supply of illicit drugs by promoting alternative development programs and community participation to eradication illicit drugs.⁶³ Each pillar has an ACCORD Task Force that meets annually to review progress, share knowledge, develop work plans and identify priority areas for funding. For the most part, the pillars involve action at the national level, except for the consensus-building about demand reduction practices.

ACCORD has several unique features that make it a significant cooperative effort to address the drug problem at the regional level. First, it has the financial support that should make action possible, as compared to ASEAN plans that faced a

⁶² ASEAN, “Bangkok Political Declaration.”

⁶³ ACCORD, “Frequently Asked Questions.” www.accordplan.net.

lack of adequate funding. The ACCORD project was endorsed by ASEAN, China and the UNODC. Its total approved budget was US\$ 2.3 million with funds from Australia, Italy, Japan and the United States.⁶⁴ Participating countries established an ACCORD Account as a funding pool to support projects designed and implemented by the participating countries. From 2000 to 2005, ACCORD-related activities by Thailand included two ONCB projects. One was a seminar on illicit drug traffic by waterways and the second was training on drug demand reduction.⁶⁵

Second, the ACCORD Plan of Action proposed to serve as a blueprint for all regional and national drug control efforts based on the logic that this supports greater national/regional coherence. In comparison, the evolution of values, norms and action on drug issues as part of ASEAN cooperation has shown a certain lack of coherence. The ASEAN Secretariat and the United Nations Office on Drugs and Crime (UNODC) serve as the Joint Secretariat of ACCORD.

Third, ATS is the main drug targeted in all four pillars of the ACCORD Plan of Action.⁶⁶ Assessment of action between 2000 and 2005 at the national level showed that most governments in the region acknowledged the ATS situation as serious and have developed responses. However, only a few countries have developed a detailed set of priorities and actions. Thailand was identified as having some of the most well-developed policies and partnerships, especially to implement ATS demand reduction activities. ACCORD recommended that Thailand could provide regional leadership in the development and implementation of ATS demand reduction policies

⁶⁴ ACCORD, “Frequently Asked Questions.”

⁶⁵ ACCORD, *Towards a Drug Free ASEAN and China 2015: Assessing ACCORD Progress 2000-2005* (Bangkok: ASEAN and UNODC, 2005), pp. 46-47.

⁶⁶ ACCORD, “Plan of Action,” www.accordplan.net. Eradication of opium production in Myanmar and Lao PDR is also covered.

and activities.⁶⁷ However, in view of criticisms of the Thai government's drug war, it is unclear whether these can be considered as best practices overall.

At the regional level, the assessment observed that the ASEAN Secretariat was unable to provide continuous support for the work program of the ASOD. Although the ACCORD Joint Secretariat was created to strengthen cooperation and collaboration, the activities of ACCORD and ASOD (as part of ASEAN) were still not streamlined and harmonized. Both ACCORD and ASOD have had limited success securing funds to implement the comprehensive regional action plans agreed upon by partner countries.⁶⁸

The evolution of regional cooperation and the perception of methamphetamines as a non-traditional security threat shows that consensus has been easily formed around the words that express shared values and norms. However, strengthening capacities at the national level has been the dominant value, which means that actions are limited and not very widely shared. Within ASEAN as the main cooperative institution, even minimal cooperative action has faced difficulty due to lack of funds. The shared preference was to seek outside donors rather than action by the member countries to give financial support for ASEAN's drug-related plans and programs of action.

Once ACCORD was established, it appeared to overshadow other regional cooperative efforts, especially since it received funding to implement a well-developed set of actions. The scope of ACCORD was much wider, but the focus was mostly on ATS, especially methamphetamines. Nevertheless, most of the action

⁶⁷ ACCORD, *Towards a Drug Free ASEAN*, p. 4.

⁶⁸ *Ibid.*, p. 46.

remained at the national level. In this context, Thailand could not expect regional institutions to give much help beyond words in the face of the drug threat to Thai security. In effect, the rationale for preferring national action was upheld and confirmed when ACCORD assessed the capabilities of Thailand in civic awareness, control measures and demand reduction as significant and well-developed,

D. Bilateral Cooperation between Thailand and Myanmar to Control Methamphetamines

In order to analyze the values, norms and actions related to bilateral cooperation on drugs and the security threat from methamphetamine involving Thailand and Myanmar, it is important to consider the complex context of foreign policy and foreign business relations between the two countries. According to one observer, for many years, Thai-Myanmar relations have been driven mainly by personal friendship among leaders of the armed forces. They met often and resolved conflicts on an ad hoc basis, usually through gentlemen's agreements. This personal approach to diplomacy helped explain why certain problems could be settled quickly and other problems persisted.⁶⁹

In the past, strong ties between top Thai and Myanmar military officials omitted other key Thai policy-makers including the Foreign Ministry, the National Security Council, the Interior Ministry, as well as other related organizations. As a result, a number of interrelated problems related to illegal drugs remained unsettled, including ethnic minorities at the border, Myanmar troops and artillery at the border,

⁶⁹ Kavi Chongkittavorn, "Thai-Burma Relations," in *Challenges to Democratization in Burma*, ed. International Institute for Democracy and Electoral Assistance (Stockholm, Sweden: IIDEA, 2001), p. 129.

and displaced people at the border fleeing the Myanmar military. At the same time, Thai foreign policy toward Myanmar lacked continuity and was subject to changes based on a combination of personal, business and political interests. During the early 1990s, problems with illicit drugs from Myanmar was not a foreign policy priority for Thailand.

Domestic drug control efforts were not very effective in Myanmar until the government concluded several ceasefire agreements with insurgent ethnic minority groups. Most significant was the divide and conquer tactics used against ethnic groups involved with opium production, especially the most powerful drug lord, Khun Sa. By 1995-1996, he surrendered to the government and moved to Yangon under the protection of General Khin Nyunt, the mastermind behind the government's strategy. While he was Lieutenant-General and Secretary-1 of the State Peace and Development Council (SPDC), Khin Nyunt was also generally credited with adopting a comparatively more open foreign policy for purposes of economic and political development. Nevertheless, the SPDC still contained another powerful group that was more isolationist, more focused on domestic military objectives, less cooperative and highly security conscious.⁷⁰

In 1999, the Myanmar government started to implement a 15-year narcotics elimination plan. The first phase ended in 2004 and showed significant results by reducing opium poppy cultivation by 75 percent.⁷¹

⁷⁰ Trevor Wilson, "Foreign policy as a political tool: Myanmar 2003-2006," in *Myanmar-the state, community and the environment*, eds. Monique Skidmore and Trevor Wilson (Canberra: Australian National University Press and Asia Pacific Press, 2007), p. 84.

⁷¹ ACCORD, "Myanmar: Country Summary," www.accordplan.net.

The growth in methamphetamine production and trafficking is related to the Myanmar military decision since the early 1990s to gain control over the border area through negotiated ceasefires or military offensives against various ethnic minorities, such as the Shan, Karen, Mon, Kachin and Wa. Some of these ethnic groups had dominated opium production and border trade with Thailand while fighting for autonomy and local control without interference from Yangon. However, the situation changed in the late 1990s when Myanmar troops attacked and exerted government control.

The whole region along the border became destabilized, as mentioned in chapter 2, particularly when the Myanmar military forced out Shan people and let the Wa ethnic group and the United Wa State Army (UWSA) move in and take control. In effect, the Myanmar government and the UWSA appeared to be in an alliance in which the Wa operated illicit methamphetamine production and trafficking to Thailand while the Myanmar military concentrated on suppressing the other ethnic groups, eradicate most opium production and probably share the wealth from the new drug business. Such actions showed that the Myanmar government valued national sovereignty and unilateral strategies to control or suppress ethnic insurgent groups. They clearly demonstrated their normative preference for complete non-interference and lack of concern about the impact on Thailand as their neighbor.

In the context of complex economic and political changes at the border, only some parts of the Thai military saw a growing threat to national security. As noted by one scholar, a friendly policy toward Myanmar was important to most Thai leaders, due to personal and business contacts mostly through General Khin Nyunt during the mid-1990s. However, other sectors of the Thai government establishment had

different approaches; especially parts of the Thai military in northern Thailand. They were more concerned about the real issues behind the illusion of so-called friendly Thai-Myanmar relations.⁷²

In effect, there was no shared view in Thailand about the complex threat to national security in the northern border area with Myanmar. Values and norms about Thai relations with Myanmar were fragmented by issue area and personal/business interests. Regardless of what strategies and actions the Myanmar government was taking domestically about illicit drugs and armed ethnic insurgent groups, the Thai government promoted the general value of friendly relations. This was based on the norm of personal connections working best, so it was not possible to see ongoing cooperation or collaboration at the level of governmental agencies to resolve outstanding issues. Such issues as illicit drugs were ignored while business opportunities had priority.

When the government of Chuan Leekpai took power following the financial crisis of July 1997, there was a complete change in values, norms and actions toward Myanmar in many issue areas, including the drug threat to Thai national security. While diplomatic relations cooled, the border area was becoming a hotspot. The new government and Prime Minister Chuan Leekpai did not consider that Thailand and Myanmar were enemies, but he did imply that there were tensions. According to one source, the Prime Minister gave the following description of security concerns:

When we talk about security we have to talk about other problems, for instance, illegal immigrants and minorities fleeing from fighting in

⁷² Pavin Chachavalpongpun, "Alliances and the Problems of Burma/Myanmar Policy: The United States, Japan, Thailand, Australia, and the European Union," paper presented at Seminar on Alliances and the Problems of Burma/Myanmar Policy, Washington, D.C., 3 November 2006, p. 15. www.spfusa.org/Program/av2006/nov0306.htm.

neighboring countries. Then there is the problem of drugs manufactured in neighboring countries, smuggled into Thailand.⁷³

The Thai government recognized that UWSA was the strongest group of minority insurgents within Myanmar. The cease-fire agreement with UWSA was widely viewed as a signal that the Myanmar government had turned a blind eye to drug trafficking and encouraged UWSA to serve as proxy fighters against other indigenous groups. There were reports that Myanmar's military encouraged the UWSA to take over several border strongholds from the opium warlord Khun Sa in the mid-1990s. According to one scholar, the Wa were also seen by Myanmar as an effective counter-weight to Thailand.⁷⁴

There was increased concern in Thailand about the growing power of UWSA, especially since drug money was reported to be the source of their increased military capability. The Wa had started a major development program in the Mong Yawn Valley bordering Chiang Mai province and were constructing new roads, dams, telephone lines, and other infrastructure. The Thai government was also concerned about the relocation of thousands of Wa and ethnic Chinese people to the border region to build up the population under UWSA control. It was still open to question whether this was simply alternative development to substitute for opium production.⁷⁵ Tension was now accompanied by a growing number of cross-border clashes, as mentioned in chapter 2.

⁷³ Paul Kerr, "Myanmar and Thailand: Keep a Look Out," *Harvard Asia Quarterly* IV, no. 4 (Autumn 2000): 3, www.asiaquarterly.com/content/view/82/40.

⁷⁴ Ibid.

⁷⁵ Ibid. See also Pierre-Arnaud Chouvy, "Drugs and War Destabilise Thai-Myanmar Border Region," *Jane's Intelligence Review* (1 April 2002).

While Chuan Leekpai and his government held power from 1997 to 2001, there was no bilateral cooperation between Thailand and Myanmar. As a result, the values and norms involving possible threats to security were changing for Thailand. When Major General Piti Kumpoopong of the National Defence College analyzed the new roles of the Thai military, he placed special emphasis on their role in anti-drug trafficking missions. He observed that new and unconventional threats to national security could not be based on the ability to seize territory or defeat military forces. Rather they may bypass military forces and directly threaten the basic political, economic and social fabric, which is the foundation for the stability, prosperity and security of a nation. In his view, defense establishments can play important roles in meeting these challenges, even if these threats may bypass traditional military structures.⁷⁶

Major General Piti said that the issue of narcotics had serious impacts on national security. The illicit drug trade had a direct impact on domestic security and social stability in Thailand. As a result, Thai authorities faced a great challenge in meeting the immediate, serious threat to national security posed by a flood of illicit narcotics from a neighboring country.⁷⁷ Diplomatic reasons seemed to prevent him from directly naming Myanmar. When he referred to tension along Thailand's northern border with Myanmar building since 1999, he attributed the main cause to UWSA flooding Thailand with methamphetamines. More significantly, he asserted

⁷⁶ Piti Kumpoopong, "New Roles of the Thai Military: Readjusting for the 21st Century," paper presented at the National Defense College, Bangkok, 4 September 2001, p. 4.

⁷⁷ Ibid.

that the Thai Armed Forces and government defined the cross-border drug flow as the nation's foremost security threat.⁷⁸

From 1997 to 2001, the Thai Ministry of Foreign Affairs took a leading role in defining the values and norms that signaled cool, unfriendly relations with Myanmar. For example, Thailand indicated that support for Myanmar in United Nations agencies was no longer automatic and would not necessarily support any common ASEAN approach. The reason was that Thai foreign policy toward Myanmar now valued respect for human rights and political liberalization according to democratic principles.⁷⁹ Surin Pitsuwan as foreign minister and Sukhumbhand Paribatra as deputy foreign minister made changes that enabled the Ministry of Foreign Affairs to take the lead in setting the direction and substance of relations with Myanmar, with the National Security Council and the Army playing supporting and coordinating roles. This ended the use of personal diplomacy by top Army officers, and after General Surayut Chulanond was appointed new chief of the Army in 1998, there was greater willingness to coordinate a common policy toward Myanmar. General Surayut asked the security officials along the Thai-Burmese border not to conduct any cross-border business and he avoided making comments about Thai-Myanmar relations.⁸⁰ The new approach effectively counteracted the divide-and-conquer approach used by the Myanmar government in its relations with various Thai government agencies. affairs and consulting the Ministry, policy-makers are now working as one for the first time. The Myanmar government criticized Thai policies as interference in their internal affairs.

⁷⁸ Piti Kumpoopong.

⁷⁹ Kavi Chongkittavorn, p. 127.

⁸⁰ Ibid., p. 128.

There was evidence of important changes in the norms of Thai foreign policy when Myanmar applied to become a member of ASEAN in 1997. According to one scholar, Myanmar signaled that it wanted to keep its domestic issues off the table, because it was seeking the economic benefits of ASEAN membership, but wanted to avoid making any concessions in the area of political reform. At this point, Thailand advocated the policy of "flexible engagement", a concept proposed by Surin Pitsuwan. This new policy was designed to allow flexibility in the ASEAN principle of non-interference in the internal affairs of other member countries. Mr. Surin proposed that any ASEAN member should be allowed to criticize or advise other member nations that have internal problems with trans-border effects.⁸¹ Drug production in Myanmar and trafficking into Thailand was clearly one issue that he had in mind.

The foreign ministers did not accept the norm of flexible engagement at the thirty-first ASEAN Ministerial Meeting in July 1998.⁸² However, it is interesting to note that they did agree to the Joint Declaration for a Drug-Free ASEAN, which set 2020 as the target deadline.

When flexible engagement was not accepted by ASEAN, Thailand's Deputy Foreign Minister, Mr. Sukhumbhand, provided an explanation about the values and norms that Thailand asserted should cover direct bilateral relations with Myanmar, as well as interactions within ASEAN. In late 1998, he referred to the concept of "constructive engagement", which was initiated by Anand Panyarachun, the Thai Prime Minister in 1991. He said that constructive engagement placed emphasis on

⁸¹ Kerr, 5.

⁸² Ibid.

quiet diplomacy and confidence-building measures designed to encourage the Myanmar government to see the benefit of integrating into the region. Constructive engagement had helped to improve relations progressively between Thailand and Myanmar over a six-year period and expanded the scope of cooperation to a broad spectrum of issue areas.⁸³

Mr. Sukhumbhand observed that Thailand could point to various achievements of constructive engagement during that time, including an end to Myanmar's isolationism and increased linkages with neighbors in the region. He added that the policy also had limitations. The process of reintegrating Myanmar into the community of nations remained uneven. There was an unbalanced situation between cordial, cooperative governmental relations, on the one hand, and the frequent hostile incidents in border areas, on the other. He said that some critics argued that being constructive was merely accepting or consenting to the status quo in Myanmar, and the term engagement was simply a way to justify seeking economic benefits from the wealth of resources in Myanmar. Any positive results from the policy might not be sufficient to overcome the appearance of supporting the ruling regime at the expense of the aspirations and human rights of the people of Myanmar. Despite these limitations, Mr. Sukhumbhand said that Thailand considered the original rationale for engagement as still sound and relevant. Quiet diplomacy was the only way to deal with Myanmar in Thailand's view.⁸⁴ Nevertheless, this speech appeared to signal that the Thai foreign policy toward Myanmar would not allow relations to be unbalanced; efforts to cooperate would not mean quietly accepting drug trafficking. As discussed

⁸³ Sukhumbhand Paribatra, "Engaging Myanmar in ASEAN," speech made at the Conference on Engaging Myanmar in East Asia, Manila, the Philippines, 29 November 1998.

⁸⁴ Ibid.

in chapter 2, this did not mean Thailand would use force to intervene directly against drug producers in Myanmar, but quiet yet forceful diplomacy would be used. Of course, the statistics on the amount of drugs available in Thailand during the period from 1997 to 2001 showed that a constructive engagement approach was not very effective. (See tables and figures in chapter 2.)

According to one analyst, when the government of Prime Minister Thaksin Shinawatra came to power in early 2001, the policy toward Myanmar was turned upside down. With strong support from his coalition partner, Defense Minister General Chavalit Yongchaiyudh, Thaksin changed to a policy that was considered as placating the Myanmar government in order to further economic ties, as well as try to gain cooperation in narcotics suppression.⁸⁵ In fact, Thaksin said that his government was continuing with constructive engagement based on more business-oriented values in order to show that Thailand would use its economic success to reach out to poor neighbors like Myanmar. As the balance has shifted away from human rights, Thaksin said that anyone who disagreed with the economic values behind his policy just wanted to keep Myanmar backward and underdeveloped.⁸⁶

As the Thaksin government's policies to cooperate with Myanmar unfolded, it was clear that the economic results prevailed and there was not much substantive cooperation on drug suppression. According to one scholar, Thailand quickly became one of the most important investment partners of Myanmar. Thaksin attempted to obscure the line between private and national interests and reaffirmed that Myanmar was not a threat to peace and international stability. In his analysis, Dr. Pavin

⁸⁵ Kavi Chongkittavorn, p. 128.

⁸⁶ Pavin Chachavalpongpun, p. 16.

observed that Thaksin would use the claim often made by Thailand in the past – since Thailand shares a common, volatile border with Myanmar, it must, therefore, deal to some extent with whatever government is in power. This means that Thailand would not push for any regime change and just deal with whoever was in power. At the time of the Thaksin government, most Thai political and business leaders preferred continuation of the status quo they had created with Myanmar.⁸⁷ The Thaksin government viewed cooperation in economic development of Myanmar as an indirect way to control illicit drugs at the border. There was a certain logical gap in this formula, however. Economic development would help the Myanmar government, but the UWSA had become powerful on its own terms as a well-armed criminal enterprise with control over territory and outside of government control. The Myanmar government and the UWSA may have agreed to peace with each other, but that did not include any government authority where benefits of economic development could serve as an incentive for drug suppression. The only way to suppress methamphetamine production would be if the Thai government could make a deal directly with UWSA. However, the Thai military were usually involved in armed clashes with UWSA. As noted in chapter 2, Thaksin turned his drug suppression tactics inward to focus on domestic demand and distribution.

Direct cooperation between Thailand and Myanmar on drug suppression was not particularly successful since 2001. It was not on the list of successes in bilateral cooperation of the Thaksin government, which only referred to: existing peace along

⁸⁷ Pavin Chachavalpongpun, pp. 14, 18.

the borders, exchange of information and intelligence, as well as strong economic ties.⁸⁸

As discussed in chapter 2, the problem was that the border area, the armed ethnic groups and their drug production and trafficking were not under effective control of either government. In addition, no amount of cooperation overcame the mutual mistrust about how each government used or encouraged the autonomous power of various ethnic groups in proxy fights. For example, Thailand gave implicit support to any ethnic group that had not yet surrendered to the Myanmar government. At the same time, military leaders in Myanmar gave free hand to ethnic groups that had surrendered to the government by encouraging them to fight insurgent groups as well as carry on illicit drug trafficking into Thailand.⁸⁹

The Thaksin government was less than enthusiastic about cooperation through ASEAN and took constructive engagement in a completely new direction. The Thai Prime Minister preferred to establish regional cooperation initiatives under his personal leadership. One initiative took place in 2003, when Thaksin invited Myanmar and several other countries to participate in the Economic Cooperation Strategy (ECS) cooperative framework, later renamed ACMECS (Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy). The aim of ACMECS is to reduce development gap between member countries and enhance sustainable development through programs and projects that would create jobs and income, especially in border areas. Member countries would help each other, depend on one another's strengths and rely on their own resources. The six areas of cooperation are trade and investment

⁸⁸ Pavin Chachavalpongpun, p. 15.

⁸⁹ Don Pathan, *The Nation*, 6 August 2008.

facilitation, agricultural and industrial cooperation, transport linkages, tourism cooperation, human resource development and public health.⁹⁰ As part of this initiative, Thailand offered the Myanmar government financial assistance worth US\$ 45 million. According to Dr. Pavin, the Thai media widely reported that this economic framework actually paved the way for Thai businesses to take greater economic advantage of the open door to Myanmar's resources.⁹¹ Interestingly, there is no attention to the problems related to illicit drugs, despite a focus on border areas. By 2006, ACMECS members had developed a draft plan of action for a ten-year timeframe (2003-2012), which means that there has not been much cooperative action apart from ministerial summits and meetings of foreign ministers.⁹² This effort at cooperation in a multilateral institution seems to have been based on general values of economic development and aspirations to friendship. As of August 2008, the calendar of events at the website is blank.

In 2004, the weakness of the Thai government's norm that based diplomatic relations and cooperation on personnel connections became apparent. The highest level friendships since the mid-1990s had been with Khin Nyunt, who was considered a pragmatist. These personal and business connections worked in economic and diplomatic terms as long as he kept rising and his advocacy of openness for Myanmar prevailed. He became Prime Minister in 2003 and proposed economic liberalization, a road-map for democracy and using the ceasefires to exert stronger influence on the ethnic groups producing and trafficking drugs, especially UWSA. However, suddenly

⁹⁰ ACMECS, "Frequently Asked Questions," www.acmeecs.org/index.

⁹¹ Pavin Chachavalpongpun, p. 14.

⁹² ACMECS, "Plan of Action," www.acmeecs.org/index.php?id=162.

in late 2004 he was permitted to retire on health grounds and immediately put under protective custody.

By July 2005, he was tried and found guilty of corruption. It was clear that a group of hardliners that included Soe Win, Than Shwe and Thein Sein had won a power struggle at the top of the State Peace and Development Council (SPDC). They reaffirmed that there would be continuity in open economic development and honoring business agreements. A series of visits to ASEAN member countries, including Thailand, reaffirmed existing bilateral relationships.⁹³

The spokesman for the Thai Foreign Ministry said that the power shift was an internal affair of Myanmar and expressed the hope for political stability. The Thai Finance Minister claimed that the power shift in the Myanmar junta would have only a small effect on border trade. The president of Thailand's Export-Import Bank, added that the shift was unlikely to affect its credit line to Yangon for development projects, although disbursements might be delayed for a short time until the political situation stabilized. Similar statements were made by Thailand's oil and gas industry and by the Thai satellite communications company that is helping to build Myanmar's telecommunications infrastructure.⁹⁴ Although the power shift in Myanmar seemed to suggest business as usual for Thailand, there was no mention of what it meant for drug suppression in the border areas.

It is possible to look at some of the activities reported by ONCB to see how cooperation with Myanmar has been arranged or institutionalized in recent years. The

⁹³ Wilson, pp. 82, 86.

⁹⁴ Michael A. Weinstein, "Myanmar's Costless Shift to a Hard-Line," Power and Interest News Report, 27 October 2004. www.pinr.com/report.php?ac=view_report&report_id=228&language_id=1.

discussion focuses on the cooperative activities from 2002 to 2005 during the period when the Thaksin government said it had established friendly relations.

In August 2001, ONCB hosted the Fifth Bilateral Meeting on Drug Law Enforcement Cooperation between Thailand and Myanmar. The Deputy Secretary-General of the Narcotics Control Board (NCB) led the Thai delegation and Myanmar delegation was led by the Secretary of the Central Committee for Drug Abuse Control (CCDAC). The meeting involved discussions and exchanges of information to seek mutual cooperation in drug control across the national border, especially methamphetamine trafficking. The Sixth Bilateral Meeting was held in February 2002 in Taunggyi, Myanmar. Both sides agreed on projects to be implemented under the framework of the 1993 MOU with six signatory countries and UNDCP, which involved airport interdiction between Yangon Airport and Bangkok International Airport, human resource development and exchange of operational information.⁹⁵ It appears that joint meetings had become institutionalized on an annual basis. However, the level of cooperation was not very high since it was limited to exchanging information and discussing possible projects based on United Nations support that involved six countries, not just two. The shared norm appeared to be the standard goal of strengthening national capabilities.

ONCB reported that there were talks between Mr. Thaksin and Lt.Gen. Khin Nyunt during an official visit to Thailand in September 2001. Thailand offered a fund of 20 million baht for technical cooperation with Myanmar. However, it was unclear how soon the project would be implemented or the funds spent, because an analysis study still had to be done. The report added that a special technical team from

⁹⁵ ONCB, p. 82.

Thailand had visited the potential project site in the southern Wa area to identify the needs and the next stage of implementation.⁹⁶

In 2003, ONCB reported on several meetings involving Thailand and Myanmar within a multilateral format. Thailand organized the first Senior Officials and the first Ministerial Meetings of Pentalateral Cooperation on Drug Control among China, India, Lao PDR, Myanmar and Thailand in July 2003 at Chiang Rai. ONCB noted that the Thai Prime Minister created this initiative. The Ministerial Meeting agreed on several proposals: establish a forum of experts to discuss preventing diversion of precursor and essential, take joint action to combat transnational crime among the participating countries, place the three main precursor and essential chemicals in the priority control lists of the five participating countries, place four chemicals under the chemical watch lists in each country. They also agreed that a workshop be initiated on precursor and essential chemical control among China, India, Lao PDR, Myanmar and Thailand. The countries agreed that generating income from alternative development was vital to fight illicit crop cultivation and people's participation at the grass-root level and market access were recognized as keys to sustainable alternative development. The Ministerial Meeting adopted the Chiang Rai Declaration on Drug Control.

The Senior Officials Committee (SOC) and Ministerial Meetings of the 1993 six country MOU on Drug Control among Cambodia, China, Lao PDR, Myanmar, Thailand, Vietnam and UNODC were held in September 2003 at Hanoi. The SOC Meeting discussed a number of project ideas and new initiatives for drug control in the region. The Ministerial Meeting adopted the Hanoi Declaration, which called for

⁹⁶ ONCB.

immediate action, joint policy level efforts and commitment in combating illicit drug production, trafficking and consumption in the region. A project document to support the MOU Partnership in East Asia was signed by the ministers of six signatories of the 1993 MOU on Drug Control. Thailand also held bilateral talks with Myanmar during the meeting.⁹⁷

The ONCB reported that Thailand provided technical cooperation on a bilateral basis to Myanmar in order to implement the Ban Yaung Kha Development Project, which began in Shan State in 2002. The Mae Fah Luang Foundation of Thailand has been the implementing agency. In December 2003, a hospital was opened to provide services to the villagers.⁹⁸ In November 2003, CCDAC of Myanmar hosted the Eighth Bilateral Meeting on Drug Law Enforcement Cooperation between Thailand and Myanmar, in Taunggyi. Once again, both sides discussed and exchanged the information to seek cooperation in drug control across the national border, especially methamphetamine trafficking.⁹⁹ On the one hand, bilateral exchanges between Thailand and Myanmar had been well-established, but on the other hand, progress toward substantive cooperation beyond discussing and exchanging information was limited. The alternative agricultural development project sponsored by Thailand in one Wa village was limited and technical in scale. The larger issue of persuading or negotiating with the leaders of UWSA to give up the illicit drug business seemed to be avoided.

⁹⁷ ONCB, *Thailand Annual Narcotics Annual Report 2003* (Bangkok: ONCB, 2003), pp. 95-96.

⁹⁸ Ibid., p. 97.

⁹⁹ Ibid., p. 100.

The quadrilateral and pentilateral initiatives by Thailand showed recognition of the transnational aspects of the drug problem, especially with concerns about precursor chemicals. Such multilateral approaches indicate a new direction for constructive engagement with Myanmar, but progress toward substantive action beyond declarations and plans might be slower with a larger number of countries involved.

In 2004, the ONCB report on bilateral cooperation with Myanmar was brief and had limited scope. The ONCB hosted the Ninth Thailand-Myanmar Bilateral Meeting on Drug Law Enforcement Cooperation at Phuket in September 2004. It was reported that the meeting discussed the drug situation, intelligence exchange, joint operations, the drug analysis project, and a possible Thai drug liaison posting in Myanmar. The multilateral arrangements in which both Thailand and Myanmar are involved considered progress on the action plans as well as progress reports on the control of precursor chemicals.¹⁰⁰

The ONCB report of 2005 provided information for the first time about results of cooperation in law enforcement activities. For example, close cooperation between Thailand, Myanmar, Lao PDR and China resulted in drug seizures and arrests of traffickers in Myanmar in September 2005. Lao PDR arrested another offender involving in the case and transferred the person to Myanmar authorities. Coordination and cooperation between Thailand and Myanmar authorities concluded with the extradition of a major Thai drug trafficker charged with conspiracy with other offenders who fled into Myanmar in 1997. He was extradited to Thailand in

¹⁰⁰ ONCB, *Thailand Annual Narcotics Annual Report 2004* (Bangkok: ONCB, 2004), pp. 82, 84.

September 2004. In 2005, information sharing and cooperation between Thai and Myanmar authorities on drug trafficking led to the arrest of nine Myanmar suspects and three Thai suspects, plus a large quantity of methamphetamine and ecstasy. Thailand, China and Myanmar carried out a joint investigation of one drug network and Myanmar authorities arrested four drug traffickers and seized drugs in Yangon in May 2005. Chinese and Thai authorities then captured one drug trafficker each. This network trafficked drugs in Myanmar, China, Hong Kong, Thailand and Malaysia. In July 2005, a Thai woman drug trafficker was arrested in Kunming, China based on cooperation among China, Myanmar and Thai authorities.¹⁰¹

When the Tenth Thailand-Myanmar Bilateral Meeting on Narcotics Law Enforcement Cooperation was held in July 2005 at Bagan, Myanmar, the topics covered showed a move toward more substantive cooperation. Representatives from the two countries exchanged intelligence and information on drugs cases and a joint operational plan for cross-border drug cases. The ONCB report said that cooperation and mutual understanding had contributed to the many successful arrest cases mentioned above.¹⁰² At the same time, multilateral cooperation involving the quadrilateral, pentilateral and the six-country MOU on Drug Control involved meetings to discuss drug control developments and assess measures that had been taken at the national level in particular.

It appears that the value of bilateral cooperative action has been seen and acknowledged only recently. The various cooperative institutions have conducted a great number of meetings, but these have been limited to discussions and exchanges

¹⁰¹ ONCB, *Thailand Annual Narcotics Annual Report 2005* (Bangkok: ONCB, 2005), pp. 91-94.

¹⁰² *Ibid.*, p. 101.

or to plans that have not yet been supported or implemented. Constructive engagement between Thailand and Myanmar has worked at a normative level within a scope limited to technical issue areas through the cooperative arrangements described here.

However, several analysts argue that long-term prospects for joint anti-narcotic suppression based on bilateral cooperation remains doubtful. With a policy of non-interference, Thailand has been willing to overlook political conditions inside Myanmar.¹⁰³ Given the norm that bases bilateral relations on personal connections to top leaders in Myanmar, it is obvious that changing political conditions in either country cannot be overlooked. When political conditions are overlooked, any cooperative actions are more improvised under limited conditions and not within a carefully planned framework. Despite all of the meetings and exchanges, the Thai government struggles to adopt a coherent stance that can keep Myanmar engaged in control of methamphetamine production and trafficking. One scholar said that Thailand does not really have an overall policy on Burma. He said that they are quite pragmatic and react to different circumstances with different policies. There is no policy based on clear principles, so the government ends up doing what leaders think is appropriate.¹⁰⁴ Under these circumstances, it is difficult to develop shared values and norms that can serve as the basis for bilateral cooperation between Thailand and Myanmar to control illicit drugs.

¹⁰³ Kavi Chongkittavorn, p. 129.

¹⁰⁴ Panitan Wattanyakorn, Interview with AFP, cited by Samantha Brown, *Current Affairs* (8 July 2003), www.fourelphants.com/current_affairs.php?sid=316.

E. Concluding Points

The focus of discussion in order to answer the second research question considered various forms of cooperation at the international, regional and bilateral levels on narcotics drugs. The analysis looked into the shared principles, norms and rules of behavior involving actions that could help Thailand address the security threat created by methamphetamine trafficking from Myanmar.

Three important United Nations conventions on drugs were analyzed based on the liberal institutionalism approach to drug-related security. The analysis found that shared principles and norms to counter drugs were highly institutionalized at the international level through related conventions, to which Thailand and Myanmar had agreed. One basic principle was the intention to generate and expand international opportunities for cooperation on matters concerning illicit drugs. The three United Nations conventions were quite comprehensive in covering the major elements needed to coordinate actions for countering drugs worldwide, such as public awareness, cooperation to implement effective measures against narcotics, and giving particular attention to drug users.

However, the conventions mentioned that control and enforcement would take place at the national level subject to each state's constitutional principles and legal system. International cooperative actions were expected to strengthen capacity at the national level, along with information and training exchanges among member states. This showed that the principles of sovereign equality and territorial integrity were respected in order to uphold the norm of non-intervention in the domestic affairs of

other states. The scope and substance of states' commitments to the principle of universal action were therefore not very wide.

The analysis of international cooperation within the United Nations found that there were impacts on member states' efforts to counter illicit drugs. However, these impacts involved creation of too many plans to implement together with limited funding from donor governments and international organizations. Cooperation appeared to be an ideal that was difficult to materialize.

At the regional level, ASEAN member states agreed to a number of declarations, and plans of action in order to eradicate illicit drug production, processing, trafficking and use within the Southeast Asian region. The discussion showed, however, that ASEAN had shared agreement in the form of a number of declarations, plans of actions and an aim to eradicate narcotics drugs from the region by a set target year. However, despite many plans of action, ASEAN sought to promote national strength, national action and non-interference principle among members. Even though exchange of information and promotion of linkages were encouraged as elements to strengthen regional cooperation, the actions were still taken at the national level. Actions that were expected at the national level included exchange of information and technical training.

The evolution of regional cooperation and the perception of methamphetamines as a non-traditional security threat showed that consensus was easily formed around the words that express shared values and norms. However, strengthening capacities at the national level has been the dominant value, which means that actions are limited and not very widely shared. Within ASEAN as the main cooperative institution at the regional level, even minimal cooperative action has

faced difficulty due to lack of funds. The shared preference was to seek outside donors rather than action by the member countries to give financial support for ASEAN's drug-related plans and programs of action.

The establishment of ACCORD gave a wider scope to regional cooperation compared to ASEAN with a focus mostly on ATS, especially methamphetamines. Furthermore, it appeared to overshadow other regional cooperative efforts, especially since it received funding to implement a well-developed set of actions. Similarities between ACCORD and ASEAN showed that most of the action remained at the national level. In this context, Thailand could not expect regional institutions to give much help beyond words in the face of the drug threat to Thai security. It was likely that the rationale for preferring national action would be upheld.

Analyzing the bilateral relations between Thailand and Myanmar in terms of cooperation on drugs found that only a few shared values and norms could be identified. In contrast, there was high potential for tension, mistrust and conflict on drug matters. The Thaksin government believed that an economic development approach with Myanmar would help solve the drug problem, but armed ethnic groups who traffic drugs were not under the effective control of either the Thai or Myanmar government. In addition, no amount of cooperation overcame the mutual mistrust about how each government used or encouraged the autonomous power of various ethnic groups in proxy fights.

The analysis found that the explanation behind a few shared values and norms between Thailand and Myanmar was attributed to the fact that bilateral relations were fragmented by issue area and personal/business interests. Regardless of what strategies and actions the Myanmar government was taking domestically about illicit

drugs and armed ethnic insurgent groups, the Thai government promoted the general value of friendly relations. Cooperation that was encouraged at the bilateral level included exchange of information and technical training and joint police action in recent years.

It was found that Thailand subscribed to shared international and regional principles and norms valuing cooperation in words. Nevertheless, action to control methamphetamines as a national security threat easily gave priority to domestic solutions and national capabilities to counter the threat.