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**International Regime Building in Southeast Asia:  
ASEAN Cooperation against  
the Illicit Trafficking  
and Abuse of Drugs**

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## ABSTRACT

The Working Paper analyses whether an international regime against the illicit trafficking and abuse of drugs has been established in Southeast Asia. Its objective is to consider the circumstances that could have led to its formation as well as the conditions under which it may operate. The Working Paper claims that the existing cooperative structures for drug control in ASEAN present most of the characteristics of an international regime, though a relatively weak one. The cooperative process is based on a multilateral, long-term and normative dimension as well as on a convergence of views and interests on the need to tackle the illicit production, trafficking and abuse of drugs. The process has also been translated into an institutional structure. The Working Paper starts by reviewing how international regimes are discussed theoretically. It then discusses efforts made by ASEAN since 1972 to address the illicit trafficking and abuse of drugs problem. Adopting a neo-liberal institutionalist perspective, the final section examines the dynamics of the anti-drugs regime by analysing the existence of common interests, its institutional form, its geographical scope, its complementary approach to domestic efforts on drug control as well as its influence on states' behaviour.

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# **International Regime Building in Southeast Asia: ASEAN Cooperation against the Illicit Trafficking and Abuse of Drugs**

## **Introduction**

Governments, national law enforcement authorities and anti-drugs agencies all over the world have had to deal with a particularly difficult question: how to tackle the illicit trafficking and abuse of drugs. The four primary categories of illicit drugs are cannabis, cocaine, heroin and synthetic drugs like amphetamine-type stimulants (ATS). The United Nations (UN) estimates that 185 million people (3 percent of the world population) consume illicit drugs.<sup>1</sup> National responses to the growing problem of narcotics consumption have varied from a more liberal stand that tends to legalize the use of some drugs to a more legalistic and prohibitive one that seeks to reduce the number of people who consume narcotics by criminalizing all its forms. The former approach has been adopted by various Western European countries, especially the Netherlands, which have focused on harm reduction by providing pills and other drug substitutes to narcotics consumers. The latter approach has been the response of a large majority of countries, including the United States and the East Asian nations, and it has been characterized by a more restrictive position and tougher handling of the drug problem.

Despite such domestic differences in approach toward drug control, there is a general agreement in the international community that the illicit trafficking and abuse of drugs cannot be effectively addressed by individual governments alone and requires instead an international response. As part of such efforts, this issue has been addressed both at a global and regional level through the establishment of international regimes. Often deriving from international conventions or treaties, regimes are agreements between states to promote common interests in a defined sphere of influence. They can both regulate conflicting as well as cooperative relations. For example, the Third United Nations Convention of the Law of the Sea aims to establish a maritime regime by

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<sup>1</sup>See United Nations Office on Drugs and Crime, *2004 World Drug Report: Volume 1*, New York: United Nations, 2005.

calling for closer cooperation on maritime issues, offering procedures for the resolution of territorial disputes and introducing new concepts, rights and responsibilities. For states, the formation of a regime should be regarded as a restriction rather than an abandonment of sovereignty in a specific area. International regimes are generally self-enforcing through mutual monitoring behaviour, though some can include dispute procedures and sanctions to guarantee their implementation. Formal international organizations can also be established to ensure the respect of international regimes.

At the global level, the UN has sought to establish an international regime against the illicit trafficking and abuse of drugs through the introduction of several conventions. The 1971 Vienna Convention on Psychotropic Substances provides the terminology for the illicit trafficking of drugs, while the 1988 UN Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances further promotes inter-state cooperation against this problem. In November 1994, the UN organized the Naples Ministerial Conference on Organized Crime that led to the Naples Political Declaration and Global Action Plan Against Organized Transnational Crime. Perhaps the most comprehensive response from the UN since is the 2000 Convention Against Transnational Crime that includes Protocols on the illicit trafficking and abuse of drugs. The UN has established numerous bodies to implement its anti-illicit drug trafficking conventions, including the UN Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs. In particular, the International Narcotics Control Board (INCB), established in Vienna in 1968, is the main monitoring body dealing with the implementation of the UN conventions against the illicit trafficking of drugs. In 1997, the UN also established the United Nations Office on Drugs and Crime (UNODC) to further supervise international efforts against drug trafficking and transnational crime. These UN Conventions, bodies and mechanisms are not so much meant to eradicate the illicit trafficking and abuse of drugs, as they are to criminalize and better manage these problems through inter-state cooperation, information sharing and the spread of more effective domestic and international legislation.

Nonetheless, a global response to the illicit trafficking and abuse of drugs is set to face a series of obstacles and limitations in terms of implementation, the mobilization of resources as well as a lack of sufficient regional and local expertise. It is therefore significant to examine the kind of conventions and mechanisms, that together with these global efforts, have been introduced at a regional level. Complementary to international cooperation, regional efforts can benefit from additional local expertise as well as a better mobilization of domestic capacities and responses. This paper analyses whether an international regime against the illicit trafficking and abuse of drugs may have been established in Southeast Asia. The objective is to consider the circumstances that may have led to its formation as well as the conditions under which it might operate. The paper claims that the existing cooperative structures for drug control in ASEAN present most of the characteristics of an international regime, though a relatively weak one.

The paper first reviews how international regimes are discussed theoretically. While acknowledging that there are important insights to be gained from the neo-realist and constructivist perspectives, the paper adopts the neo-liberal institutionalist analysis to examine its case study. Its second section discusses efforts made by the Association of the Southeast Asian Nations (ASEAN) since 1972 to address the illicit trafficking and abuse of drugs.<sup>2</sup> Based on the neo-liberal institutionalist perspective, the third section examines whether an anti-drugs regime has indeed been formed and sustained in Southeast Asia. The paper concludes on an optimistic note by referring to the increasing level of multilateral collaboration toward drug control in the region.

### **Theoretical Discussion on International Regimes**

In the introduction to a special edition of *International Organization* (1982), Stephen Krasner put forward a definition of the term ‘regime’ that has become generally accepted in the literature. He wrote:

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<sup>2</sup>ASEAN was established in 1967 and its original members were: Indonesia, Malaysia, the Philippines, Singapore and Thailand. Brunei joined in 1984 after gaining its full independence from the United Kingdom. Vietnam joined in 1995, Laos and Myanmar in 1997 and Cambodia in 1999.

Regimes can be defined as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.<sup>3</sup>

Krasner discussed additional elements that further distinguish regimes from other forms of inter-state cooperation.<sup>4</sup> Regimes must be separated from temporary arrangements, which are immediately transformed by changes in power distribution or interests. Moreover, he pointed out that regime behaviour cannot be based exclusively on interests but needs to include some sense of general obligation. The principle of reciprocity is for example an element that characterises regime dynamics.

When reading the literature on regimes, one notices quickly that differing theories exist. Moreover, most authors do not seem to agree on how to divide this vast body of literature into various groups. Krasner refers to three main orientations: the conventional structural; the modified structural; and the Grotian orientation.<sup>5</sup> Haggard and Simmons specify, or complicate, the classification further by referring to four main theoretical approaches to regimes: structuralism; strategic and game-theoretic approaches; functional theories; and cognitive theories.<sup>6</sup> This section briefly introduces three theoretical approaches to regime-creation and dynamics that follow the dominant Schools of International Relations; namely, neo-realism; constructivism and neo-liberal institutionalism.<sup>7</sup>

The neo-realist analysis of regimes rests on a number of underlying assumptions; above all, that states, defined as unitary-rational actors, are the major players in world politics and that anarchy, defined as the absence of a central governing agency, serves as a major constraint that shapes states' preferences and actions. Realists have traditionally advanced the theory of hegemonic stability, first developed by Charles

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<sup>3</sup>Stephen D. Krasner, 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', *International Organization*, Vol. 36, No. 2 (1982), p. 186.

<sup>4</sup>Krasner, 'Structural Causes and Regime Consequences', pp. 186-189.

<sup>5</sup>Krasner, 'Structural Causes and Regime Consequences', pp. 190-194.

<sup>6</sup>Stephan Haggard and Beth A. Simmons, 'Theories of International Regimes', *International Organization*, Vol. 41, No. 3 (Summer 1987), pp. 498-513.

<sup>7</sup>The terms 'regime' and 'institution' have often been used interchangeably in the literature.



Kindleberger,<sup>8</sup> to explain the activities of a security regime. The theory of hegemonic stability argues that the creation and persistence of a regime is dependent on the influence and participation of a single powerful state. Regime dynamics are associated with the capacity of a hegemonic player to promote and lead cooperative arrangements within the international system. The hegemon uses its power in shaping the regime and in making sure that it continues to favour its own interests. According to neo-realism, an international regime cannot survive the decline of the hegemon. In contrast, neo-liberals refer to the theory of hegemonic stability but claim that an international regime survives the decline of the hegemon due to the benefits it provides the other participants.

Neo-realists conclude that regimes are rather insignificant actors in international politics by concentrating on anarchy and the related matter of relative gains. They analyse cooperative arrangements as restricted instruments in the power politics game.<sup>9</sup> While contributing to the debate, their interpretation is less applicable however, to low politics or non-security issues, as well as to situations where states have common interests and the possibility of jointly benefiting from cooperation. In the case of anti-drugs regimes for example, states would be expected to have common interests in collaborating and would not need to fear a disproportionate spread of the benefits of cooperation. Moreover, by minimising issues essential to an understanding of regimes, including the importance of norms and principles and the possibility of a long-term convergence of interests, neo-realism takes a narrow view with respect to inter-state cooperation.

Constructivism is a theoretical approach that has developed as a reaction to neo-realism.<sup>10</sup> Rejecting the assumption that states are unitary and self-interested actors displaying utility-maximising behaviour, it takes a sociological approach to the study

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<sup>8</sup>Charles Kindleberger, *The World in Depression, 1929-1939*, Harmondsworth: Penguin, 1973.

<sup>9</sup>For a discussion on the neo-realist perspective on inter-state cooperation and international regimes, see John J. Mearsheimer, 'The False Promise of International Institutions', *International Security*, Vol. 19, No. 3 (Winter 1994/95) and Joseph Grieco, 'Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism', in Charles W. Kegley (ed.) *Controversies in International Relations Theory: Realism and the Neoliberal Challenge*, New York: St. Martin's Press, 1995.

<sup>10</sup>See Alexander Wendt, 'Constructing International Politics', *International Security*, Vol. 20, No. 1 (Summer 1995), pp. 71-81.

of International Relations. It focuses on the importance of social structures that include shared knowledge, institutions, identities, norms and rules. These normative and social structures are believed to determine the behaviour of the social actors involved in international politics. Constructivism discusses material factors - for instance, the distribution of power in the international system - but examines them in the context of the social structures mentioned above. Ringmar explains that “What matters in the end is not matter, but instead how matter is *represented*”.<sup>11</sup> As a result, constructivism questions the way neo-realists interpret anarchy, which is expected to lead automatically to self-help and insecurity. Instead, constructivists assert that the logic of anarchy is socially constructed, as famously claimed by Wendt when stating that ‘anarchy is what states make of it’.<sup>12</sup>

When examining international regimes, constructivism concentrates on the importance of identity and norms, as well as on the prevailing economic, political and cultural conditions.<sup>13</sup> It rejects the assumption that states are utility-maximising actors with precise and given interests that can be promoted through cooperation. It claims that attention needs to be given to the formation and evolution of identities and norms associated with the process of institution-building. The socialisation of relations may induce identity change and result in the construction of a collective identity among regional states, and even to a sense of community. Although constructivism has a great deal to say on norms and changes in identities, as well as on their respective influence on regime dynamics, it focuses less on the functional dimensions of regimes and on the operational aspects of cooperation. This limits its application to a study on the formation and maintenance of an anti-drugs regime in Southeast Asia.

With the end of the Cold War era, Robert Keohane launched a theoretical framework as a reaction to neo-realism, called neo-liberal institutionalism. The latter is a rational

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<sup>11</sup>Erik Ringmar, ‘Alexander Wendt: A Social Scientist Struggling with History’, in Iver B. Neumann and Ole Waever, eds., *The Future of International Relations*, London: Routledge, 1997, p. 278.

<sup>12</sup>Alexander Wendt, ‘Anarchy is what States make of it: The Social Construction of Power Politics’, *International Organization*, Vol. 46, No. 2 (Spring 1992), pp. 391-425.

<sup>13</sup>Constructivism has been applied to the study of ASEAN and Southeast Asian security relations. See Amitav Acharya, ‘Collective Identity and Conflict Management in Southeast Asia’, in Emmanuel Adler and Michael Barnett, eds., *Security Communities*, Cambridge: Cambridge University Press, 1998, pp. 198-227; Acharya, Amitav, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*, London: Routledge, 2001; and Nikolas Busse, ‘Constructivism and Southeast Asian Security’, *The Pacific Review*, Vol. 12, No. 1 (1999), pp. 39-60.

choice theory that examines states as self-interested actors displaying utility-maximising behaviour. This theoretical perspective is part of a neo-liberal approach to international cooperation. Regimes are studied as instruments for coordinating states' actions so as to promote desired results in specific issue-areas. A state chooses rationally to participate in a regime in order to promote its long-term interests. While accepting core neo-realist assumptions,<sup>14</sup> neo-liberal institutionalism claims that cooperation is far from being limited or short-term. A great deal of attention is given to the issue of information sharing.<sup>15</sup> Regimes are expected to facilitate inter-state cooperation by reducing the potential costs involved and provide information on the intentions and interests of the participants. Regimes are established and continue to exist as a result of "the benefits they provide: by facilitating communication, information, transparency; by reducing mutual threat perceptions and worst-case thinking; and by undercutting the self-fulfilling prophecies that lie at the heart of the security dilemma".<sup>16</sup>

Neo-liberal institutionalists define institutions as "persistent and connected sets of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations".<sup>17</sup> They focus on three forms of institutions: intergovernmental or non-governmental organizations; international regimes and conventions. Neo-liberal institutionalism is applicable when two requirements are fulfilled. First, common interests must exist so that cooperation among states leads to gains. The second requirement is that "variations in the degree of institutionalization exert substantial effects on state behaviour".<sup>18</sup> The lack of common interests leads to the absence of institutions and thus to instability and possibly conflict. In contrast, the existence of institutions facilitates cooperation by limiting opportunist behaviour and by creating a network of interaction between states. Neo-liberal institutionalists assume, at least in the long run, the gradual lessening of anarchy among the participating states of a regime. It supposes the modification of anarchy in the international system through

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<sup>14</sup>Robert O. Keohane, 'Theory of World Politics: Structuralism and Beyond', in Robert O. Keohane (ed.) *Neorealism and its Critics*, New York: Columbia University Press, 1986, pp. 159, 164-165.

<sup>15</sup>Robert O. Keohane and Lisa L. Martin, 'The Promise of Institutional Theory', *International Security*, Vol. 20, No. 1 (Summer 1995), p. 43.

<sup>16</sup>Andrew Hurrell, 'Explaining the Resurgence of Regionalism in World Politics', *Review of International Studies*, 21 (1995), p. 352.

<sup>17</sup>Robert O. Keohane, *International Institutions and State Power: Essays in International Relations Theory*, Boulder, Col.: Westview Press, 1989, p. 3.

<sup>18</sup>Keohane, *International Institutions and State Power*, pp. 2-3.

the building of a network of regimes and formal organizations. This theoretical perspective seems most appropriate to the study of functional cooperation toward drug control in Southeast Asia.

### **International Regime Building toward Drug Control in Southeast Asia**

Southeast Asia has traditionally been affected by the problem of narcotics production and trafficking. The Golden Triangle, which incorporates Northern Thailand, Eastern Myanmar and Western Laos, is one of the leading producing regions of narcotics in the world. It was estimated in the late 1990s that two-thirds of the world's opium poppies (later transformed into heroin) was cultivated in Southeast Asia.<sup>19</sup> It is only since the Afghan war in October 2001 and the collapse of the Taliban regime that Afghanistan has again become the largest producer of opium poppies worldwide. Drug traffickers in the Golden Triangle have diversified their activities to meet the ever growing demand for synthetic drugs. Since the early 1990s, they have increasingly supplemented their involvement in the heroin trade with the manufacturing of ATS.<sup>20</sup> Myanmar has become the largest producer of ATS in Asia and it remains the second largest cultivator of opium poppies in the world. While the heroin produced in the Golden Triangle used to be primarily exported outside the region, the consumption of synthetic drugs in Southeast Asia has in recent years become a dramatic problem, particularly in Thailand. In contrast, the production, trafficking and consumption of cannabis and cocaine have remained limited in the region and are not regarded as major concerns.

Adopting a chronological perspective, this section discusses ASEAN's efforts to combat the illicit trafficking and abuse of drugs. It indicates how international cooperation towards drug control in Southeast Asia has focused both on a normative dimension based on common principles and interests, as well as on the establishment of institutional bodies and mechanisms. As the objective is to examine whether an international regime has been formed and maintained by ASEAN in this area, this

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<sup>19</sup>Alan Dupont, 'Transnational Crime, Drugs, and Security in East Asia', *Asian Survey*, vol. 34, no. 3, May/June 1999, p. 438.

<sup>20</sup>See Ralf Emmers, *Non-Traditional Security in the Asia-Pacific: The Dynamics of Securitisation*, Singapore: Eastern Universities Press, 2004.

section does not review domestic measures for drug control adopted individually by the Southeast Asian countries. It acknowledges however that such domestic measures constitute an integral part of a multi-pronged approach against the illicit trafficking and abuse of drugs.

#### *ASEAN-5*

ASEAN's concern with illegal narcotics can be traced back to 1972 and the organization of a first meeting on the prevention and control of drug abuse. The principles and procedures on which the ASEAN cooperative process would be based were first stipulated in 1976. Drug trafficking was discussed at the first ASEAN Summit of heads of state and government held in Bali in February 1976 and mentioned in the ASEAN Concord.<sup>21</sup> Following the prioritising of this issue at the highest diplomatic level, the ASEAN Declaration of Principles to Combat the Abuses of Narcotic Drugs was adopted in Manila on 26 June 1976. Neither a treaty nor a convention, the declaration still set the initial principles of ASEAN's collaborative efforts toward drug control.<sup>22</sup> It indicated that ASEAN would cooperate in some key areas; namely, the elimination of illicit drug cultivation and production, information sharing on anti-drugs measures, cooperation in research and education, and closer collaboration with relevant UN agencies. The declaration called on each member state to exchange information on drug traffickers operating in their respective countries and to make efforts to eradicate the cultivation of coca, cannabis and opium poppies, as well as the manufacturing of narcotics. In addition, it demanded advancements in national legislations against drug abuse, cooperation vis-à-vis drug research and education, and more collaboration with relevant international bodies. Finally, the members were asked to share information on legal and preventive measures, laboratory investigation, training, and treatment. In short, the declaration sought to stipulate some common principles as well as to initiate a functional process of cooperation against the illicit trafficking and abuse of drugs.

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<sup>21</sup>The Bali Concord called for the 'Intensification of cooperation among member states as well as with the relevant international bodies in the prevention and eradication of the abuse of narcotics and the illegal trafficking of drugs'. Declaration of ASEAN Concord, Bali, Indonesia, 24 February 1976.

<sup>22</sup>ASEAN Declaration of Principles to Combat the Abuse of Narcotic Drugs, Manila, Philippines, 26 June 1976.

Derived from the declaration, the annual Meeting of the ASEAN Drug Experts first gathered in Singapore in 1976 to help implement its recommendations. Four areas were discussed: enforcement and legislation; treatment and rehabilitation; prevention and information; and training and research. An ASEAN Narcotics Desk was also created at the ASEAN Secretariat in Jakarta. The annual gathering was later transformed into the ASEAN Senior Officials on Drug Matters (ASOD) in 1984. That same year, ASOD adopted the ASEAN Regional Policy and Strategy in the Prevention and Control of Drug Abuse and Illicit Trafficking. It described the drug question as a social and health issue as well as a problem that could harm the security, stability and prosperity of the member states and their populations.

If an anti-drugs regime was being formed by ASEAN during this initial period, it did not reach the primary producing countries of Southeast Asia. At the time, the original ASEAN states were all primarily consumer rather than producing countries of illicit drugs. While initially part of the Golden Triangle, Thailand had succeeded after the 1970s in significantly reducing opium cultivation in its Northern provinces, thanks to economic development that offered these regions with an alternative to drug trafficking.<sup>23</sup> Hence, despite the existence of common interests among the ASEAN-5, the potential gains to be derived from the cooperative process were undermined by the inability to exert influence on the producing states of Southeast Asia.

#### *ASEAN-10*

ASEAN's efforts toward drug control were further institutionalised during the 1990s, in conjunction with its enlargement process, to include under its auspices all the ten Southeast Asian countries. Until the inclusion of Myanmar and the Indochinese states, ASEAN had only been able to focus on the consumption of illicit drugs (demand side), having no control or influence over the major producing countries (supply side) in the region.<sup>24</sup> ASEAN was keen to integrate Myanmar partly to pressure Yangon to combat the extensive heroin and ATS production in some of its provinces, particularly in the Shan and Wa states.

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<sup>23</sup>See *Opium Reduction in Thailand 1970-2000: A Thirty-Year Journey*, Prepared by Ronald D. Renard for the United Nations International Drug Control Programme (UNDCP), Regional Centre for East Asia and the Pacific, Bangkok: UNDCP, 2001.

<sup>24</sup>One should note however that Thailand, Indonesia, and the Philippines had by the late 1990s also become producers of synthetic drugs among the ASEAN-5.

The adoption of the ASEAN Plan of Action on Drug Abuse and Control in October 1994 led to new efforts to tackle the narcotics problem. The plan defined ASOD's activities and stated its central objective as:

To create an awareness on the cause and effect of drug abuse in order to generate individual, group and community involvement in the formulation and implementation of preventive drug abuse programmes, with the aim of eliminating the illicit demand for narcotic drugs and psychotropic substances.<sup>25</sup>

The plan of action focused on the four cooperative areas mentioned previously; namely, preventive drug education; treatment, rehabilitation and social integration; law enforcement; and research. The 1995 ASOD meeting initiated the Work Programme to Operationalize the ASEAN Plan of Action on Drug Abuse Control. Developed by the ASEAN Secretariat with the assistance of the United Nations Development Programme (UNDP), it introduced ten specific projects on drug control to reduce narcotics demand and supply.<sup>26</sup> Four training centres were also established to complement ASOD's efforts to carry out the work programme.<sup>27</sup> Endorsed at the 1998 summit, the Hanoi Plan of Action called for the full implementation of the programme by 2004.<sup>28</sup>

The ultimate objective of the cooperative process was eventually revealed at the second informal summit in Kuala Lumpur in December 1997. As part of the ASEAN

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<sup>25</sup>ASEAN Plan of Action on Drug Abuse Control, 17<sup>th</sup> Meeting of the ASEAN Senior Officials on Drug matters (ASOD), October 1994.

<sup>26</sup>1. Training of Trainers in Interpersonal Skills and Peer Support Counselling in Drug Education; 2. Promoting Drug Abuse Prevention Activities Among Out-of School Youth; 3. Promotion of Drug Control Activities in the Workplace; 4. Training on Effective Management in Prevention Drug Education Programmes; 5. Enhancement of Community-Based Drug Prevention Activities; 6. ASEAN Training Seminar for Drug Treatment and Rehabilitation Counsellors; 7. ASEAN Training on Financial Investigations; 8. Training on Intelligence Operations Management and Supervision; 9. ASEAN Seminar on Mutual Legal Assistance; 10. ASEAN Seminar on Precursor Chemicals. ASOD later endorsed an additional project under the work programme entitled the Youth Empowerment Against Drug and Substance Abuse.

<sup>27</sup>These are: the Training Centre for Narcotics Law Enforcement in Bangkok, the Training Centre for Preventive Drug Education in Manila, the Training Centre for Treatment and Rehabilitation in Kuala Lumpur and the Training Centre for the Detection of Drugs in Body Fluids in Singapore. These centres were created to conduct courses for personnel working in various aspects of drug control.

<sup>28</sup>Hanoi Plan of Action, Sixth ASEAN Summit, Meeting of the ASEAN Heads of State/Government, Hanoi, Vietnam, 15-16 December 1998.

Vision 2020, the heads of state and government announced that they saw “well before 2020 a Southeast Asia free of illicit drugs, free of their production, processing, trafficking and use”.<sup>29</sup> To achieve the newly-set objective, the foreign ministers issued a Joint Declaration for a Drug-Free ASEAN during their 1998 ASEAN Ministerial Meeting (AMM).<sup>30</sup> The joint declaration stipulated the members’ commitment to eliminate the production, processing, trafficking and consumption of narcotics by 2020. Fourteen measures were recommended. These included the strengthening of linkages between the different ASEAN bodies involved with narcotics, the adoption of tougher national laws, a better sharing of information, and additional collaboration with the dialogue partners. The foreign ministers also demanded the formation of new programmes to address the ATS problem, more participation from non-governmental organizations (NGOs) and the ratification of all international treaties dealing with narcotics. The joint declaration did not however address issues of funding, monitoring and implementation and failed to establish a compliance mechanism. Despite such limitations, the schedule for creating a drug-free region was later advanced to 2015 during the 2000 AMM in Bangkok.<sup>31</sup>

#### *ASEAN-China Cooperation*

In 2000, ASEAN decided to extend the geographical scope of its cooperative efforts against narcotics by including China. Acknowledging that the production, trafficking and consumption of narcotics were an East Asian problem, the Association broadened its cooperative structures. It also hoped that Beijing would be able to put additional pressure on Yangon. In October 2000, ASEAN organized in Bangkok the International Congress in Pursuit of a Drug Free ASEAN 2015 in association with the United Nations Office for Drug Control and Crime Prevention (UNDCP). In addition to the ASEAN members, the congress was attended by the United States, Canada, Japan, Korea, China, India, New Zealand, Australia and the European Union (EU) countries. The congress led to the formulation of the Bangkok Political Declaration in Pursuit of a Drug-Free ASEAN 2015, and to the adoption of a new plan of action, the

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<sup>29</sup>ASEAN Vision 2020, Second ASEAN Informal Summit, Kuala Lumpur, Malaysia, 14-16 December 1997.

<sup>30</sup>Joint Declaration for a Drug-Free ASEAN, Manila, Philippines, July 1998.

<sup>31</sup>Joint Communiqué of the 33<sup>rd</sup> ASEAN Ministerial Meeting (AMM), Bangkok, Thailand, 24-25 July 2000.



ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD). The Bangkok declaration endorsed the ACCORD as a comprehensive strategy to achieve a region free from drugs.<sup>32</sup>

The ACCORD presents most of the characteristics of an international regime. It creates a Plan of Action that relies on four central pillars:

1. Proactively advocating civic awareness on dangers of drugs and social response
2. Building consensus and sharing best practices on demand reduction
3. Strengthening the rule of law by an enhanced network of control measures and improved law enforcement co-operation and legislative review
4. Eliminating the supply of illicit drugs by boosting alternative development programmes and community participation in the eradication of illicit crops<sup>33</sup>

The plan links the four pillars to task forces to be undertaken by China and the ASEAN states. The task forces include work plans, reviewing processes, priority projects and other cooperative measures. If properly implemented, it may provide a tangible response to drug production, trafficking and consumption. While the ACCORD is a declaration of intent, it addresses some of the limitations that had undermined previous collective efforts. The ACCORD refers to the issue of supervision by establishing a regional coordination mechanism as well as introducing measurable targets and dates. This is an important development in a cooperative process where the adoption of binding and more legalistic measures may remain unattainable in the short to medium term. Finally, the ACCORD is supported by the UNODC, the UNDCP and other UN agencies as well as individual countries in terms of funding, technical cooperation, joint programmes and others.

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<sup>32</sup>Bangkok Political Declaration in Pursuit of a Drug-Free ASEAN 2015, Bangkok, Thailand, 11-13 October 2000.

<sup>33</sup>ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD), Bangkok, Thailand, 13 October 2000.

## **Neo-Liberal Institutionalism and Regime Formation and Maintenance in ASEAN**

This final section asks whether a regime against the illicit trafficking and abuse of drugs has been formed and sustained in Southeast Asia. Neo-liberal institutionalism provides us with some interesting insights when examining the circumstances under which the regime may have been created and how it operates. It claims that regimes influence inter-state relations thanks to their impact on the behaviour and actions of governments. Regimes provide information, reduce transaction costs, promote coordination, and facilitate the operation of reciprocity. Moreover, they can enhance confidence, improve communication networks and expand transparency. The institutionalist approach pays particular attention to the long-term utility of regimes for states' interests and to variations in the level of institutionalisation when studying inter-state cooperation.

Let us start by examining the formation of the regime. The original ASEAN countries first indicated their willingness to address the drug problem by creating a cooperative structure in 1972. By the Bali Summit, they had highlighted common principles and interests on this matter by stressing the threats posed by drug trafficking to their political, economic and social stability as well as their long-term commitment to addressing this problem. Although not a treaty or a convention, the 1976 ASEAN Declaration of Principles to Combat the Abuses of Narcotic Drugs can be regarded as a broad diplomatic stand establishing an embryonic regime among the original members. It stipulated the principles on which the collaborative efforts would be based and indicated four central areas of cooperation.

The neo-realist perspective assumes that the creation of a regime is dependent on the influence and participation of a single powerful state. A hegemon in a defined sphere of influence is expected to use its power to shape the regime. While Indonesia could at the time be regarded as the natural leader of ASEAN-5, Jakarta did not instigate nor lead the cooperative process so that it would benefit its own interests. The initiative came instead from Thailand and the Philippines, two countries which had suffered from 'drug epidemics' in the 1960s and had an obvious interest in promoting inter-

state cooperation on this issue. In contrast to neo-realist predictions, the regime later survived the decline of Indonesia as the natural leader of ASEAN due to the Asian financial crisis of 1997-98. Significantly, anti-drugs cooperation within ASEAN accelerated after 1997 with the enlargement of Myanmar. In short, the theory of hegemonic stability is not helpful in explaining the creation and maintenance of the anti-drugs regime. The formation and survival of the regime has rather been derived from the benefits provided to all the ASEAN participants. Rather than relying on a hegemon, the latter have placed some priority in maintaining and perpetuating the regime.

The existence of common interests among the participants of the regime is indicated by several aspects. First, the ASEAN leaders agree, at least rhetorically, that the illicit trafficking and abuse of drugs is a social and health issue as well as a problem that harms the security, stability and prosperity of their countries and populations. Second, the ASEAN response to this multifaceted problem is based on a multilateral, long-term and non-military response. Joint priority has been given to long-term arrangements as well as to the need for reciprocity. These are important points that contribute to the formation and sustainability of an international regime. Third, the cooperative process focuses on common areas: the elimination of illicit drug cultivation and production; information sharing on anti-drugs measures; cooperation in research and education; and closer collaboration with relevant UN agencies. Finally, through the establishment of an institutional framework for cooperation, the regime is regarded by the participants as a complement to their adopted domestic measures.

Regime dynamics are influenced by the institutional form of the arrangement. In the case of the anti-drugs regime, one has seen since 1976 a gradual deepening in the degree of institutionalization. The ASEAN countries have created an institutional structure based on shared principles, common interests and regional cooperative bodies that focus on actions to reduce narcotics demand and supply. The ten projects on drug control introduced in the 1995 work programme and the 2000 ACCORD that includes China are the most comprehensive mechanisms adopted so far. Endorsing the UN Conventions on drug trafficking, these structures seek to advance in Southeast

Asia the anti-drugs principles and procedures promoted by the world body. They also adopt a functional approach to cooperation by concentrating on the sharing of information and best practices (mutual learning), the creation of communication networks among specialized agencies as well as the promotion of better regional coordination.

Formal international organizations are often established to facilitate and enforce regimes. In this specific case however, the formal organization (ASEAN) predated the formation of the regime. As stipulated in the 1976 Bali Concord, anti-drugs cooperation was introduced as part of the ASEAN cooperative activities. Nonetheless, the regime has been institutionalized by the holding of annual meetings and the creation of mechanisms. The process of institutionalization has avoided a bureaucratic and supra-national model, focusing instead on an inter-governmental, process-orientated and network-based approach. The ASEAN Secretariat has not adopted a directing role in the drug control efforts nor has it operated as a centralized organ enforcing specific solutions. No other autonomous structures have been created. While a Narcotics Desk has been established at the Secretariat, the cooperative process in terms of the adoption of new initiatives and capacity-building has remained firmly dependent on the member countries.

The geographical scope of the anti-drugs regime has been broadened over the years. Through its enlargement process to include Myanmar and the Indochinese states, ASEAN has eventually been able to move from what was essentially a demand side perspective to a more holistic approach that addresses the production, trafficking and consumption of narcotics. While Myanmar has often repeated its determination to combat the drug trade, corruption among state officials has complicated the matter. Non-implementation or violations of regime procedures are to be expected however. This occurs even when actors have common interests in a defined area and are expecting to gain from cooperation. More significant in the case of Myanmar is that most of the trafficked drugs are produced in areas controlled by rebel ethnic groups operating along the border with Thailand. The rebel armies are no parties to the regime on drug trafficking, which undermines the reach of ASEAN's cooperative efforts and affects its ability to address the supply of illicit drugs despite the enlargement process. Conceptually, it questions a core assumption of neo-liberal

institutionalism; namely, that states are unitary-rational actors displaying utility-maximising behaviour when cooperating with others.

Let us now discuss how the anti-drugs regime may have impacted on the behaviour of regional states. As suggested by Keohane and Martin, regimes are ‘created by states *because of* their anticipated effects on patterns of behavior’.<sup>34</sup> Institutionalists expect that a deeper form of institutionalisation will have an impact on the cooperative process by exerting more influence on states. Increased information leads to a closer monitoring of the situation and thus discourages cheating among participants.<sup>35</sup> In particular, peer pressure can lead to a softer and more decentralized form of enforcement.<sup>36</sup> Martin also stresses the importance of distinguishing regimes that serve as complements or as substitutes for domestic structures ”because it allows us to begin specifying more precisely the mechanisms by which institutions can exert influence”.<sup>37</sup> In the case of the ASEAN anti-drugs regime, we have already described a variation in the level of institutionalisation deriving from the formation of new structures and mechanisms over the years, as well as a cooperative process meant to complement rather than substitute domestic structures.

The behaviour of the ASEAN states has not been directly constrained by the anti-drugs regime. Restrictions on sovereignty have been minimal. The jurisdictional scope of the regime is limited as little attention has been given to forms of regional legalization against drug trafficking. No binding agreements have been signed. Although formal bodies and structures have been established to encourage and facilitate member states to cooperate, the regime does not include compliance mechanisms such as sanctions, withdrawal of privileges or of membership to contribute to its implementation and inflict costs for non-cooperation. The delicate questions of compliance, supervision and funding are rarely mentioned or addressed. Lacking sanctions or compliance mechanisms, the ASEAN regime is ill-equipped to

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<sup>34</sup>Keohane and Martin, ‘The Promise of Institutional Theory’, p. 46.

<sup>35</sup>Mearsheimer, ‘The False Promise of International Institutions’, p. 18.

<sup>36</sup>Tony Evans and Peter Wilson, ‘Regime Theory and the English School of International Relations: A Comparison’, *Millennium*, vol. 21, no. 3, 1992, p. 315.

<sup>37</sup>Lisa Martin, ‘An Institutional View: International Institutions and State Strategies’ in T.V. Paul and John A. Hall (eds) *International Order and the Future of World Politics*, Cambridge: Cambridge University Press, 1999, p. 87.

reduce the risk of cheating. Concerns about cheating are significant in drug control efforts due to the large financial sums involved and the risk of official or even state complicity. Yet these characteristics and limitations are common to regimes. Implementation and compliance are traditional problems for functional regimes, whether they focus on health, public safety, movement of people or other issues.

This is not to say however that the ASEAN regime has exerted no influence on states' behaviour. The regime is self-enforcing through mutual monitoring behaviour. Most attention has been given to soft mechanisms of cooperation that focus on information sharing, better coordination, the operation of reciprocity, the lowering of transaction costs, mutual learning and the building up of trust. An approach of peer pressure has also been adopted toward Myanmar on the narcotics issue with mixed results. In addition, the existing meetings and mechanisms facilitate contact and provide an ongoing forum for specialists from the ASEAN states to meet and collect information. Finally, the regime spreads a set of procedures and best practices for dealing with the problem of narcotics at the Southeast Asian level. In short, an anti-drugs regime increases the amount of information, improves inter-state coordination and provides other benefits that should gradually change expectations and exert some influence on patterns of behaviour.

## **Conclusion**

The existing cooperative structures for drug control in ASEAN present most of the characteristics of an international regime, though a relatively weak one. The cooperative process is based on a multilateral, long-term and normative dimension as well as on a convergence of views on the need to tackle the illicit production, trafficking and abuse of drugs. The process has also been translated into an institutional structure. Yet the regime has been dependent on non-binding declarations, an emphasis on common principles and self-enforcing behaviour rather than compliance mechanisms and on a tendency of handling this issue nationally rather than at a regional level.

It is easier to examine how a regime is created and transformed over time than to assess its actual outcomes.<sup>38</sup> To better appreciate the impact of the anti-drugs regime, one can examine its stated objectives and compare them to levels of production, trafficking and consumption of narcotics in Southeast Asia. While international regimes are essentially created to address problems of inter-state cooperation as well as to help manage cross-border interactions, it is interesting to note that their stated objectives are often unrealistic. The ASEAN regime on narcotics is no exception. The drugs-free vision by 2015 is an unachievable objective. Targeting for drug eradication rather than its control, while the number of drug addicts continues to increase in Southeast Asia, undermines ASEAN credibility as well as its initiatives to combat the drug trade.

The overall results in Southeast Asia in the areas of drug production, trafficking and consumption have been mixed. While heroin production has decreased quite dramatically in the Golden Triangle, the manufacturing of synthetic drugs is estimated to have increased substantially in recent years.<sup>39</sup> The quantity of trafficked ATS pills seized by law enforcement agencies in Southeast Asia has also increased in tune with the rise in production.<sup>40</sup> The trafficking of cocaine and cannabis has on the other hand been more limited and kept under control. Finally, while heroin consumption has remained a serious problem in the region, the consumption of ATS has reached epidemic proportions in Thailand and other Southeast Asian countries.<sup>41</sup> When examining these broad regional trends, it is important to remember however that the anti-drugs regime serves primarily as a complement for domestic structures. The regime is no substitute for national successes or failures. Its primary outcomes should therefore not be measured in quantitative terms, but rather in light of the adoption and implementation of multilateral cooperative measures toward drug control in Southeast Asia. In that respect, the increasing level of multilateral collaboration in the region is a positive trend that calls for careful optimism.

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<sup>38</sup>Lisa L. Martin and Beth A. Simmons, 'Theories and Empirical Studies of International Institutions', *International Organization*, vol. 52, no. 4, Autumn 1998, p. 737.

<sup>39</sup>See statistics from the US Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, 2003.

<sup>40</sup>See the United Nations Office on Drugs and Crime, World Drug Report 2004.

<sup>41</sup>Emmers, *Non-Traditional Security in the Asia-Pacific: The Dynamics of Securitisation*, 2004.

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