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1 2 **Problems Faced by ASEAN in Dealing with Transnational Drug Smuggling in Southeast Asia** 3 **Region** 4 5

31 32 **1. Background**

33 The dynamic international political constellation after the cold war has polarized the
34 relationship among nations in the international political relationship including both issues and political
35 actors. While during the cold war, nations rather emphasized on national and international security
36 issues, after the cold war, the focus has shifted to low politic issues such as economic, social and cultural
37 issues. Francis Fukuyama believes in one side that the end of cold war has brought the peace to the
38 nations as conflicts related to ideology war have stopped (Francis 1992). However, even though the
39 conflicts and military tension subsided, yet issues related to non-traditional security arise, especially the
40 ones related to human security including threat and transnational crimes.

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42 Ever since the 2000, transnational crime has started to become well-organized and it has spread
43 to not only conflict-vulnerable nations such as middle east and Latin American countries, but also to
44 nations that maintain favourable relationship such as European and Asian countries, especially in the
45 Southeast Asian countries which are well known to share favorable and effective cooperation (Tarrow,
46 2005).

47 Southeast Asian countries hold strategic geopolitical and economic conditions. This advantage
48 is reflected from various conflicts that involve the interest of countries after the Word War II such as the
49 competition among superpower countries during the Vietnam War. This fact is also reflected from the
50 conflict of interest among Southeast Asian countries themselves, such as the confrontation that often
51 occurs between Indonesia and Malaysia, territorial conflict between Malaysia and The Philippines
52 related to Sabah region, and the separation of Singapore from the Malaysian Federation (M. Sabir, 1992).

53 Since 1968 up to the present time, ASEAN has succeeded in developing and maintaining the
54 peace and stability in the region, and raising the trust among the members. ASEAN has also made a
55 significant contribution to the security and stability of the broader region in Asian Pacific through the
56 ASEAN Regional Forum since 1994. ASEAN has agreed to form an ASEAN Community which is an
57 intra-ASEAN cooperation in the Declaration of ASEAN Political Security Community, ASEAN
58 Economic Community, ASEAN Socio Culture Community (M. Sabir, 1992).
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2 In 1970, ASEAN countries started to experience problems related to national and international
3 security issues, especially the ones related to the nuclear proliferation-free program in an agreement of
4 Zone of Peace, Freedom and Neutrality (ZOPFAN). However, the dynamicity in the diplomatic
5 relationship among the nations started to bump into problems related to human security issues in 1990.
6 Human security issues occur in various problems related to environment, poverty, disease, organized
7 transnational crime, including drug smuggling, human trafficking, terrorism and corruption.

8 The shift in the concept of national security to human security has affected some issues in
9 international politics. One of the most fundamental change caused by this international security approach
10 is the advancement of technology, making non-military or human security become more serious issues
11 than the military issues. This fact also changes the life style of the society which becomes rather need-
12 oriented lifestyle, driving more complex dependency and integration among the society.

13 High mobility among nations also causes the limits among the nations and limit of authority
14 among nations fade, allowing massive interaction among societies from different nations to occur which
15 also trigger transnational crime. There are various types of transnational crimes that occur massively
16 and they are able to destruct the morality of a generation through drug smuggling. Drugs are substances
17 that can bring certain influence in the body. The effects can be in the form of anesthesia, painkiller,
18 euphoria, hallucination and imagination. Drugs are commonly used in medical treatment such as in
19 surgery, to relieve pain, and so on (Alifia, 2008).

20 Drug smuggling as transnational crime rapidly develops and threatens the national security of
21 a country. Good coordination system among drug mafia allows them to distribute the drugs across
22 countries (Broome, 2000). China and Afghanistan are countries known as major drug supplier for Asian
23 countries including Southeast Asia, South Asia and Middle Asia with a supply rate exceeding 46% of
24 the worldwide drug distribution.

25 Southeast Asia which is located in the middle of world trade route, has been used by drug
26 mafias round the world as the route of their drug distribution. ASEAN Narcotics Center stated that the
27 narcotic plants are planted in areas known as Golden Crescent which includes Iran, Afghanistan and in
28 "Golden Peacock" areas including Latin America as well as "Golden Triangle" area in the borderline of
29 Thailand, Laos, and Myanmar (Su, 2015).

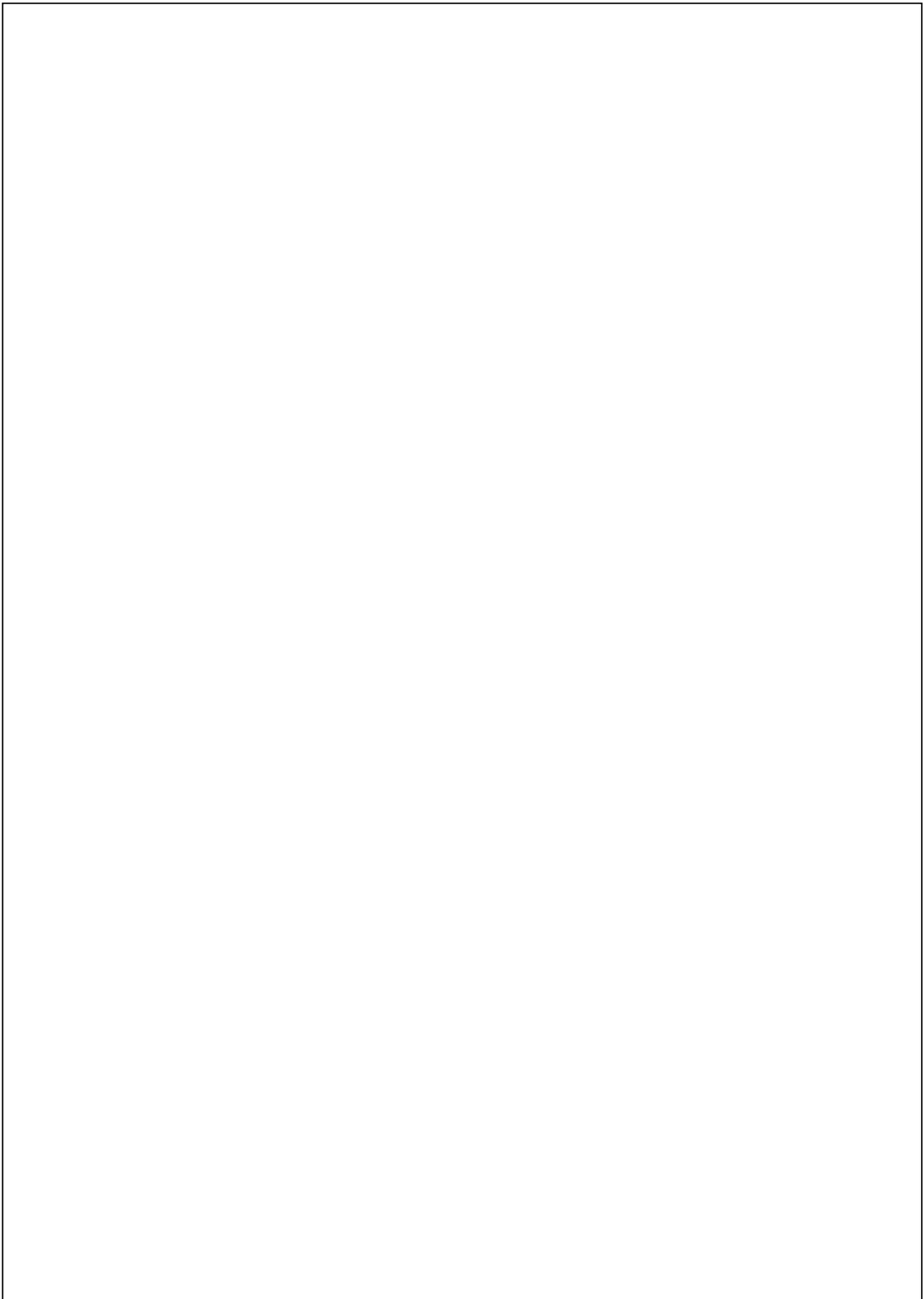
30 The Golden Triangle area in Southeast Asia becomes the places for some people to plant opium
31 which is the main ingredient of heroine and cocaine. The business in this area generates up to US\$ 160
32 billion dollar profit per year (Othman, 2004). The development of poppy farm in the golden triangle
33 area has been the primary source of income for the society around the area in Myanmar as the majority
34 of the society work as poppy farmer (UNODC, 2014).

35 5 Supply-side indicators suggest a notable decrease in heroin production in Southeast Asia. In
36 2014 area of opium poppy cultivation in Myanmar amounted to under 60,000 ha, and has since shown
37 a sharp decline. In 2017, the total area of opium poppy cultivation in Myanmar amounted to 41,000 ha,
38 a 25 per cent decrease from the 55,000 ha recorded in 2015. In 2018, this dropped a further 10 per cent
39 to 37,300 ha. The majority of opium poppy continues to be cultivated in Shan State (90 percent),
40 followed by Kachin State (9 per cent), with negligible cultivation in Chin and Kayah States (UNODC
41 2019).

42 10 Issues on transnational crime including drug smuggling in Southeast Asia were also discussed
43 in ASEAN Senior Officials on Drug Matters (ASOD) to support 2015 ASEAN Drug-Free program.
44 ASOD is the official forum for ASEAN members to solve problems related to drug trade. ASOD was
45 officially established in 1984 in Jakarta as the follow up program of the regular meeting ASEAN Experts
46 Group on the Prevention and Control of Drug Abuse held since 1972 under the authority of the
47 Committee on Social Development (COSD) and Narcotic Desk in the headquarter of ASEAN (ASEAN
48 Narcotics Center, 2015).

49 Different views on the security related to drug smuggling in Southeast Asia countries also
50 triggers inadequacy of the coordination and attempts made by the organization to fight against drug
51 abuse in the area. Several factors are known to relate with drug trafficking in borderline areas between
52 Southeast Asian countries such as the fact that state officials are less professional in working and the
53 inability to catch up with the sophisticated way in performing transnational crime among doers. Those
54 weaknesses become the obstacles that prevents ASEAN from being able to anticipate drug trafficking
55 in ASEAN area (Cipto, 2007).

56 Another problem is also experienced by ASEAN security regime (ASOD) in dealing with drug
57 cartel after ASEAN was stated in an "alarming" situation related to drug trafficking by UNODC in 2013.
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2 Serious actions should be administered to prevent the level from increasing such as in Latin America
3 (Colombia, Quebec and Mexico). The United Nations also asserted that the failure in dealing with drug
4 trafficking occurs due to the inability of ASEAN countries in revealing the regional drug distribution
5 path which is the initial way to reveal the international drug trafficking path from China to the
6 Netherland and other countries.

7 Another form of failure is also shown by Category I drug smuggling including heroine and
8 cocaine in Indonesia, Thailand, the Philippines, and Malaysia. Moreover, in Tangerang, Cakung
9 (Jakarta), Banten and Riau Island indicated that the function of ASEAN in dealing with this problem
10 has not yet effectively implemented. Responding to those issues, the anti-drug smuggling program has
11 been enacted since early 1975 in an agreement attended by ministers in ASEAN on act against
12 transnational crime and the agreement among the leader of ASEAN countries for drug abuse-free
13 ASEAN. Unfortunately, those attempts could not yet effectively reduce the rate of drug abuse as the
14 number of drug abuse keeps arising and more criminals have been caught distributing drugs to ASEAN
15 countries. The modes of drug smuggling to ASEAN countries are presented before ASEAN Drug Free
16 Declaration in 2015 until the end of the declaration, in which it was shown that the number of drug
17 smuggling in Southeast Asian countries kept arising. The ineffective implementation of the ASEAN
18 declaration program as explained previously has intrigued the researcher to analyze the Problems
19 Experienced by ASEAN in Dealing with Drug Smuggling Transnational Crime in Southeast Asia.

22 **2. Literature Review**

23 Drug smuggling is perhaps the worst transnational organised crimes (TOC) communicated by
24 Southeast Asian countries. Although there are no definite statistics on the transport of illegal drugs,
25 every day, at least thousands of kilograms of narcotic drugs, international boundaries by air, sea and
26 land, are sent to drug dealers and users in the region (Coyne 2018; Windle 2016;)

27 There are things that the government cannot handle alone, such as drug cases, theorists, etc.
28 Therefore, cooperation is needed between countries. However, in cooperation between countries there
29 are also some limitations, namely differences in rules and laws owned by each country. According to
30 Ralf Emmers (2003), these differences become a barrier in combating transnational crime in the world,
31 especially Southeast Asia.

32 In 1972, ASEAN held a meeting for ministers to discuss the modes of drug smuggling in
33 ASEAN area namely ASEAN Senior Officials on Drug Matter (ASOD). Drug problem is undeniably a
34 serious issue that threatens the health, security and welfare of the society in Southeast Asia. ASEAN
35 held the 30th ASEAN Ministerial Meeting (AMM) in Kuala Lumpur, resulting in a agreement to enhance
36 the attempts to fight against transnational crime including terrorism, human trafficking, drug abuse,
37 weapon trade, and piracy.

38 The current development of information and technology certainly intensifies the interaction
39 between individuals within local and international scope to become increasingly progressive.
40 Communication and information exchange can be quickly carried out by any country, especially within
41 the cooperation in dealing with drug smuggling in the Southeast Asian region. In fact, Thomas L.
42 Friedman explained that technology encourages globalization which involves global integration, even
43 further according to him the world seems to be a global village that unites humanity in one space of
44 dimensions and time even though they are physically apart (Friedman, 1999. p. 16).

45 The increasing rate of transnational drug smuggling crimes has caused ASEAN member
46 countries being unable to optimally fulfill individual security, economic growth, social protection, even
47 the rights of individuals themselves. This means that human security of a community also becomes
48 threatened due to less optimal protection efforts provided by the country. Therefore, maintaining the
49 security for the ASEAN community in dealing with drug smuggling requires good coordination and
50 cooperation from member countries.

51 The major world transnational drug transaction network, before reaching ASEAN countries,
52 were originated from China, Hong Kong and Laos. These countries also play a role in supplying
53 narcotics in several countries in the Middle East region, while raw narcotics products are mostly
54 produced from the Soviet territory and Asian regions. Thus it can be inferred that transnational drug
55 trafficking in the world is carried out with a fast and neat path.

56 Heroin (Putaw) is often packaged and hidden in congratulatory cards, bath soap packs, powder
57 milk boxes, trash cans, the back of the refrigerator as found in in several drug crime cases in Indonesia,
58 Thailand, Vietnam and Malaysia. Meanwhile, ecstasy pills are often hidden in candy wrappers, beverage
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wrappers, bread cans, matches, helmets as happened in several cases in Indonesia, the Philippines, Thailand, Laos, and Malaysia.

And one of the most common types of narcotics in the Southeast Asia region is methamphetamine and putau which are stored in boxes containing piles of fish to avoid the detection of sniffer dogs and stored in clothes or slippers / shoes that have been modified to avoid being detected by detection devices at pioneer class airports as happened in several disclosures in Indonesia, the Philippines, Thailand, Laos, the Philippines and Malaysia. (https://www.unodc.org/documents/southeastasiaandpacific/Publications/ASEAN_2015).

Drug smuggling does not only threaten a state security, but it also appears as a threat for human security. Hence, a comprehensive anticipation from all parties are necessary including the ones from the government, the public and the private sector. In dealing with drug smuggling in the Southeast Asia region, each ASEAN country has agreed to fight against this crime including Indonesia, Malaysia, Singapore, Thailand, Brunei Darussalam, Philippines, Vietnam, Laos, Cambodia and Myanmar.

Based on research conducted by Luong (2020), several things that must be improved to minimize the possibility of transnational drug smuggling in Southeast Asia, especially Vietnam, are inadequate law enforcement agencies (LEA) to identify and prosecute transnational organized crimes (TOC) operations, lack of international framework and regional law, particularly bilateral agreements on mutual legal assistance and extradition between Vietnam and its neighbors, the data-sharing approach between Vietnam and its regional partners is outdated, with a number of practical limitations. In fact, the TOC's modus operandi changes frequently to avoid detection.

However, within the implementation of this idea in ASEAN cooperation forum there, different perceptions occurred. Seen from the distribution chain, illegal drug business in Southeast Asia starts from the production, distribution and consumption. Up to this present time, the Southeast Asia is still notoriously-known major drug producers for the Asian region.

Myanmar is tops the rank of drug production in the Southeast Asia region. This is due to the poverty chain and cultural history of the people in Myanmar. Since the ancient time, the people of Myanmar have been planting poppy plants which flowers are extracted to produce opium, the raw material for heroin production. The opium is sold to Taiwan and China to be extracted back into semi-finished narcotics or ready-to-use narcotics.

This increase in the number of opium farms is obviously influenced by various factors. One of the most influential factors towards this significant increase is the law enforcement in business field and the high rate of drug abuse, resulting in the rapid development of opium farms. After Myanmar, Laos and Thailand are also known to have opium farms (Kramer, T. 2015, p. 44).

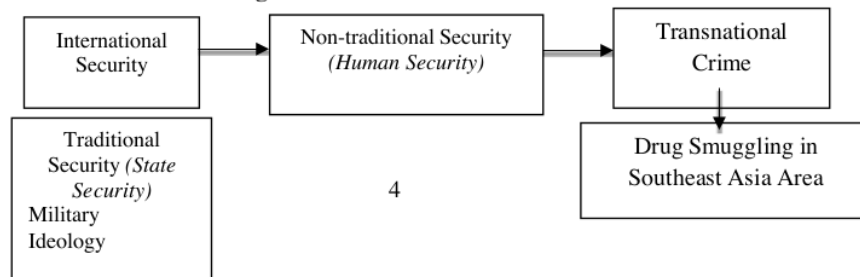
Myanmar, Laos and Thailand regard the farm beneficial for the economic development of the community, as the community have been planting these poppy plants since the ancient time. They regard massive prohibition policy will lead to conflicts within the community which will result in higher rate of. Whereas for other member countries such as Indonesia, the Philippines, Malaysia and Singapore, which are the market of narcotics products, regard the business as a major threat for their society. Those countries then started to establish internal supervision and transnational cooperation to break the chain of drug smuggling crime in their countries.

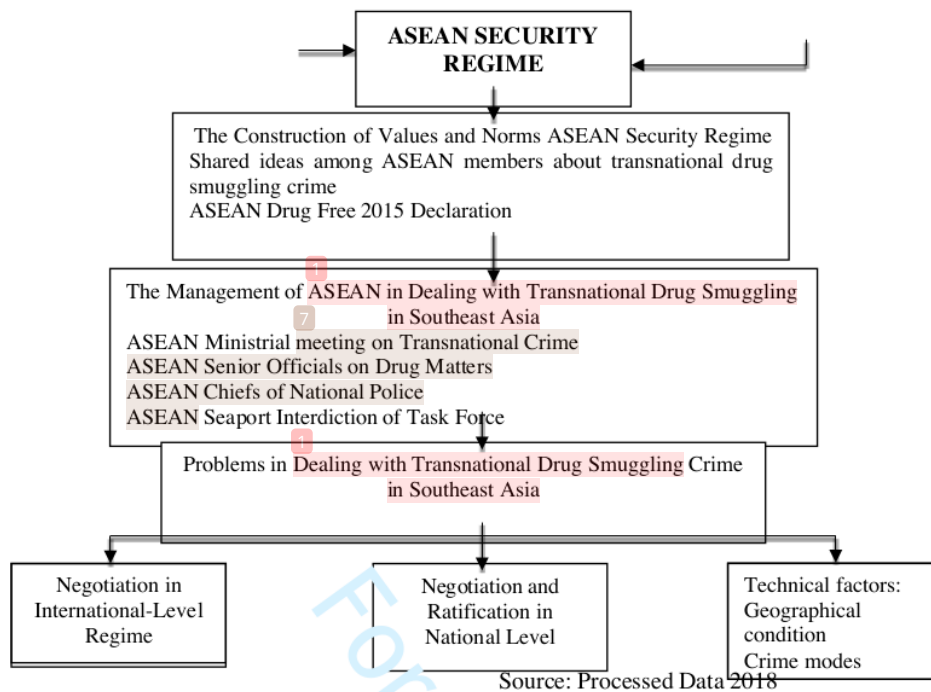
Indonesia and the Philippines are among the countries with the highest consumption of narcotics. Therefore, the governments of those countries are very aggressive in fighting against drug smuggling crime by enforcing harsh legal sanctions up to the death penalty for the drug cartel mafia.

3. Research Framework

The framework of this research on the problems faced by ASEAN in dealing with transnational drug smuggling crime in Southeast Asia is presented as follows.

Figure 1. Research Framework





31 Regarding those problems, the hypothesis of this research was formulated as “the factors that
32 caused ineffective ASEAN security regime in dealing with transnational drug smuggling include the
33 non-optimal internalization of values and norms of ASEAN Drug Free Declaration among member
34 countries which can be analyzed based on regional negotiation among Southeast Asian countries as well
35 as national negotiation within ratification process in the member countries”.

36 4. Methodology

37 This research employed a qualitative approach and case study method that investigated certain
38 event, subject or documentation of certain event in details (Moleong, Lexi J. 2000). The object of this
39 research is ASEAN international organization in dealing with transnational drug smuggling crime.

40 Primary data and secondary data were analyzed in this research to explain the phenomena.
41 Primary data were the data obtained from interviews done to informants from ASEAN headquarter in
42 Jakarta, ASEAN-NARCO, *Badan Narkotika Nasional Direktorat Reserse dan Narkoba*. Meanwhile,
43 secondary data included annual reports of the *Direktorat Reserse Narkoba* on drug trafficking cases,
44 report of *Setmas* ASEAN, report of ASEAN NARCO and journals related to transnational crime
45 activities and other relevant sources.

46 This research is a field research and library research. Therefore, in carrying out the study of
47 this paper, this was done with several data collection techniques, namely in-depth interviews and
48 documentation studies.

49 In conducting this research, the data analysis can be carried out simultaneously with the
50 research observation process. So during the research process the data obtained can be directly analyzed.
51 In accordance with the research methods and data collection techniques used in this study, then to
52 analyze the data that has been collected from the field, the analysis technique used is descriptive analysis.
53 Through this technique, all data or facts obtained will be described by developing categories relevant to
54 the purpose of research and interpretation of the results of descriptive analysis based on appropriate
55 theories.

56 An interactive data analysis was administered in the early step by collecting both primary and
57 secondary data. Data reduction, presentation and verification were also administered to obtain
58 comprehensive conclusions. After that, the data were inductively analyzed by drawing a conclusion of
59
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1
2 the obtained data from the general view to the specific ones. In the other words, conclusions were drawn
3 by involving all of research elements that could not be analyzed related to **the regional organizational**
4 **dynamicity** which was employed by international regime in anticipating drug trafficking.

5 6 7 **5. Recommendation and Implication**

8 Based on the conclusion of ASEAN problems which are still not able to optimally deal with
9 transnational crime of narcotics smuggling in the Southeast Asian region, the following
10 recommendations in this study are:

- 11 1. It is necessary to internalize the values and norms of the joint ASEAN declaration related to narcotics
12 by all ASEAN heads of state and to be lowered in the form of concrete policies in the same form
13 throughout ASEAN member countries so that the declaration is not only limited to ceremonial
14 agreement activities.
- 15 2. There is a need for a humanitarian approach undertaken by the ASEAN security regime through
16 campaign activities, socialization and persuasive approaches, especially among the younger
17 generation so that a future understanding among ASEAN young children towards the dangers of
18 narcotics can be developed. Some forms of policy that can be carried out are ASEAN youth
19 exchanges, camps with school representatives of ASEAN member countries' children related to the
20 dangers of narcotics so that these children have been equipped with an understanding and knowledge
21 of the dangers of narcotics.
- 22 3. It is necessary to establish an "ASEAN Narcotics Agency (BNA) Institution" which focuses on
23 having the main duties and functions as a law enforcement agency and has the same rights as the
24 National Narcotics Agency in each ASEAN member country and the members of the ASEAN
25 Narcotics Agency can come from representatives of the Agency National Narcotics of all ASEAN
26 member countries so that with a special institution that handles narcotics problems at the regional
27 level it is hoped that they will be able to carry out their functions in anticipating narcotics smuggling
28 at the ASEAN regional level so that in the recommendation of this issue the author provides a concept
29 of "Institutionalization of Regional Integration" which is able to become a container and bridges in
30 the implementation of negotiations at the national and regional levels.

31
32 The findings in this study indicate that the development of ASEAN has led to the idea of the
33 "ASEAN Way", namely the ASEAN security forum to eliminate the use of force in maintaining relations
34 between member countries through the dissemination of agreed values. Multilateral negotiation refers
35 to the establishment of a negotiation regime at the ASEAN level that emphasizes the interests of ASEAN
36 member countries in determining agreements relating to transnational drug crime. Thus, the research
37 findings have more comprehensive theoretical implications for scientific development and practical
38 implications for government and related stakeholders.

39
40 Theoretical implications found that cooperation between countries is needed in efforts to prevent
41 the occurrence of transnational crime, especially drug smuggling. Where this will pose a threat to
42 national and international security. If one country cooperates with one another, then the crime of drug
43 smuggling can be minimized. In addition, security between countries will also be increasingly stringent.

44 The practical implications based on the findings in this study are that prevention of transnational
45 crime of narcotics smuggling can be done through a humanitarian approach carried out by the ASEAN
46 security regime, such as holding campaign activities, socialization and persuasive approaches. This is
47 especially done among the younger generation so that the children of the younger generation of ASEAN
48 understand the dangers of the narcotics threat.

49 50 **6. Results and Discussions**

51 Illegal drug business in Southeast Asia keeps increasing every year including from the crime
52 modes and the production of new drug types. This illegal business has been started since the early of
53 1900. Some Southeast Asian countries are known as the major producer as well as transit places in the
54 distribution of drugs to North America, Europe and other parts of Asia. The Golden Triangle area which
55 consists of Northern and Eastern Thailand, West Myanmar and Laos are known as major drug producer
56 in the world.

57 Myanmar and Laos have wide area that produce opium flowers which are the main ingredient
58 of heroine. It can be assumed that the majority of drugs distributed in Southeast Asia comes from those
59 areas. In order to anticipate the crime, cooperation among the nations must be enhanced. ASEAN is a
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1
2 place for Southeast Asian countries to communicate their interest in a formal forum to anticipate the
3 transnational drug smuggling crime in Southeast Asia. The products of the organization include the
4 strengthening of the collaboration among national and regional organizations, the government and
5 international actors in order to effectively collect valid information related to the changes in the trade
6 mode, vulnerability and identification of opportunities that contribute to the mutual trust in fighting
7 against well-organized drug crime (Emmers, 2003, Page 12).

8 The development of ASEAN has delivered an idea "ASEAN Way". ASEAN Way. The ASEAN
9 security forum dreams of abolishing the use of force in maintaining the relationship among the member
10 countries through socialization of the agreed values. The socialization of ASEAN role can be carried
11 out by dominant actors in the community who are able to get the members used to the appropriateness
12 and the expected behavior among the members. This process constructs the identify of the community
13 through regional security community.

14 Based on the Drug-Free 2015 scheme, ASEAN area is projected to be free from drug production
15 and distribution. In a meeting held in Bangkok 2000 on the realization of the Declaration of ASEAN
16 Drug-Free program, the deadline was shortened to 2015. This agreement is explained in 56 points of the
17 Joint Communiqué of the 33rd ASEAN Ministerial Meeting 2000 as follows.

18
19
20 *"The Foreign Ministers took note of the threat from drug abuse and drug trafficking on the security and
21 stability of the ASEAN region, particularly its relations with transnational crime. They urged Member
22 Countries to enhance joints efforts among all affected states in combating the drug menace, especially
23 the newly emerging drugs like Methamphetamine or Amphetamine Type Stimulants (ATS). In this
24 regard, they agreed to advance the target year for realizing a drug-free ASEAN from 2020 to 2015"*
25 *([http://www.asean.org/communities/asean-political-security-community/item/joint-communique-of-](http://www.asean.org/communities/asean-political-security-community/item/joint-communique-of-the-33rd-asean-ministerial-meeting-bangkok-thailand-24-25-july-2000)
26 [the-33rd-asean-ministerial-meeting-bangkok-thailand-24-25-july-2000](http://www.asean.org/communities/asean-political-security-community/item/joint-communique-of-the-33rd-asean-ministerial-meeting-bangkok-thailand-24-25-july-2000), accessed on 15 March 2013).*

27
28 Policies to support the acceleration and implementation of the mutual agreement on drug
29 matters have been implemented by member countries by focusing on the implementation of law
30 supremacy in every nation. This allows every nation to have single law procedure in dealing with drug
31 trafficking in ASEAN area. The framework of the regional ASEAN to the Drug-Free 2015 was
32 categorized in to ACCORD (ASEAN – China Cooperative Operation in Response to Dangerous Drugs),
33 ASOD (ASEAN Senior Officials on Drug matters), and MOU on the control of narcotics and illegal
34 drugs. The ACCORD resulted from the cooperation between ASEAN and China shows that ASEAN
35 recognize the role of China in fighting against drug trafficking and abuse. The cooperation between
36 ASEAN and China has produced ACCORD Plan of Action.

37 Even though preventive, preemptive and repressive actions have been taken to deal with drug
38 smugglings, they could not yet completely solve the problems. The data released by ASEAN Narco
39 Centre shows that since 2015 to 2017, the distribution and smuggling of drug increased in terms of types
40 and crime modes.

41
42 Based on the concept of negotiation in international regime proposed by Bertram I. Spencer
43 and I William Zartman, analysis on illegal drug trafficking can be seen from the bargaining activities in
44 multilateral level and national domestic level. Multilateral negotiation rather refers to the establishment
45 of negotiation regime in ASEAN level which emphasizes more on the interests of ASEAN member
46 countries in determining an agreement related to transnational drug crime.

47 The bargaining in domestic level rather refers to the ratification of international law products
48 among ASEAN countries to comply with the international agreed law in dealing with transnational drug
49 trafficking which is used as the framework of law enforcement in ASEAN. In this research, factors that
50 influence the failure of ASEAN security regime in dealing with transnational drug smuggling crime
51 were analyzed using two models as mentioned; international-level negotiation regime and the one in
52 national level in the form ASEAN international agreement ratification related to drug smuggling as a
53 transnational crime which threatens human security. Factors that influence the effectiveness of regional
54 organizations in dealing with drug trafficking are explained as follows.

55 56 57 **6.1 Negotiation Process in ASEAN Security Regime Level**

58 The negotiation in ASEAN security regime level will be more effective if conflict management
59 is dominated by the principle of openness from all of the member countries. Regarding to the negotiation
60 related to transnational drug smuggling crime in Southeast Asia, ASEAN security regime has

1 administered several methods in carrying out the mutual agreement in international level even though
2 the implementation still faced obstacles especially during the lobbying process. The existence of
3 ASEAN security regime will be able to solve various problems related to mutual security including drug
4 smuggling crime. There are some factors that hinder the effectiveness of the negotiation process in
5 regional ASEAN level including:
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8 9 **6.1.1 Different Perception among ASEAN Countries on the Threat of Drug Smuggling in 10 Southeast Asia Region.**

11 Drug smuggling narcotics in the Southeast Asia region threatens the countries. The increasing
12 number of drug smuggling cases in the Southeast Asia region is due to the influence of globalization
13 which erodes the norms among the community.
14

15 This difference in perceptions of the threat of narcotics in the Southeast Asian region causes
16 ASEAN organization being unable to implement optimal efforts in resolving various problems related
17 to drug smuggling in the Southeast Asia region.

18 Therefore, single agreed perception can be obtained only if ASEAN member countries are
19 willing to communicate this matter in a joint integrity pact even though in the 1970s, ASEAN has begun
20 to discuss this transnational drug smuggling crime in formal forum or dialogues process with other major
21 countries. Forums were held to support the formulation of the political and security agenda in the
22 ASEAN blueprint based on 50 years of ASEAN experience.

23 This different perception on policy priority scale in carrying out ratification, implementation
24 and law enforcement was analyzed from the constructivism point of view, resulting in an insight that
25 the structures which unite the humanity are rather determined by the shared ideas instead of material
26 resources. In fact, ASEAN countries agree to declare drug trafficking a common threat, yet each country
27 has its own priority scale in dealing with this crime. For instance, Indonesia and the Philippines apply
28 death penalty for drug mafia while some other ASEAN countries still apply conventional law of
29 imprisonment in dealing with the crime. This difference in the law supremacy has resulted varied ways
30 of resolving the problem of transnational drug smuggling. In addition, every action made by a country
31 will be taken based on their perception of the interactions with other ASEAN member countries. The
32 cooperation or conflict in dealing with transnational drug smuggling crime are also influenced by the
33 country's shared understanding of the interaction of international political maps.

34 Seen from constructivism perspective, the state policies in the Southeast Asia in dealing with
35 transnational drug trafficking have certain influences on the state, especially in analyzing the behavior
36 of other countries or other international political actors. Meanwhile, seen from the implementation of
37 the handling of drugs in the Southeast Asia region, the different perceptions among ASEAN member
38 countries are formed based on collective meanings understood by each ASEAN head of state. Every
39 ASEAN country does have the desire to stop drug smuggling despite the existence of various inhibiting
40 factors, especially the ones related to the production of drugs in Laos, Myanmar and Thailand and the
41 high market demand upon the products in the Southeast Asia region, especially Malaysia and Indonesia.

42 Therefore, within the context of drug matters in Southeast Asia region, different perceptions
43 arise from each ASEAN country regarding the threat of narcotics. For Indonesia and the Philippines,
44 drug smuggling is highly dangerous and it is considered a massive threat as Indonesia and the Philippines
45 are the destination countries of drug trafficking. The Chairperson of the Indonesian Representative Team
46 at the ASEAN Narcho Center stated that:
47
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49 *Malaysia, Thailand and Singapore are often become the transit countries and according to Myanmar,*
50 *Laos and Thailand, drug is indeed a real threat but keep in mind that mostly, narcotics products are*
51 *distributed in three countries' border areas (Results interview with ASEAN Narcho Center on May*
52 *12, 2018).*
53

54 Based on the explanation above, different perceptions of ASEAN member countries against the
55 threat of narcotics will affect their responses and policies, especially the ones that relate to law and
56 regulation on drug smuggling crimes in the Southeast Asia region.
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59 **6.1.2 The Differentiation of Interest Priority and ASEAN Leaders' Agenda** 60

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2 Since the establishment of ASEAN in 1968, ASEAN member countries have always been
3 committed to apply the values and principles of ASEAN membership. **On one hand**, this appears as a
4 good condition which strengthens the existence of ASEAN organizations. However, the understanding
5 of the shared values, such as respect for national sovereignty, non-intervention and peaceful conflict
6 resolution, these values cannot automatically integrate the communities with distinctive characteristics
7 the way the communities of regional institutions integrate.

8 The cooperation among ASEAN member countries has been able to engage member countries
9 to comply with international norms in the field of security, for example on conflict prevention and
10 resolution and non-proliferation of mass destructive weapons, fostering cooperation in law enforcement
11 between member countries and links communication with powerful countries with intersecting interests
12 in the Southeast Asia region. Overall, big countries play a role in shaping the identity of ASEAN member
13 countries.

14 Different priority scale of the interests among ASEAN countries ever since the establishment
15 of ASEAN ranges from the field of economy, cultural sociology, up to the ASEAN political and security
16 community. It can be inferred that agreement has been taken, yet the implementation is not yet optimal,
17 especially related to ASEAN political and security community issues.

18 The enhancement of security sector among ASEAN countries has not been well
19 institutionalized. This can be seen from the way of problem solving in ASEAN, especially related to
20 transnational crime in the Southeast Asia. Political leaders in ASEAN countries are still focusing on
21 various challenges in the country of each member country rarely discussed regional issues.

22 Looking back at the history, the golden age of ASEAN in the 1980s to the 1990s occurred
23 because ASEAN had strong political leaders who held strong control such as Lee Kuan Yew, Mahathir
24 Muhammad and Suharto. Those leaders had strong political control, time and political resources to
25 discuss regional cooperation, as quoted by Henri Kissinger, saying that foreign policy will be well
26 established as domestic politic gets more stable.

27 Unfortunately, in the present time, ASEAN leaders are rather busy with their respective
28 domestic problems such as President Jokowi, Prime Minister Najib and President Rodrigo Duterte who
29 do not prioritize regional issues discussions including the issue of ASEAN community security which
30 is no longer considered as internal state issue. Prime Minister Lee Hsien Long stated that:

31 *"Domestic agendas must be well-managed, but if it becomes very time consuming and you do not have*
32 *time to take care of ASEAN cooperation or you cannot make ASEAN cooperation matters as important,*
33 *for example in terms of investment guarantees, trade, economic cooperation or problems human*
34 *resources and human security, ASEAN will become a place that has no role"* (Mahbubani and Sng,
35 2017).

36 The above discussion indicates the importance of ASEAN cooperation that can be more
37 effective if ASEAN leaders finish their domestic problems and have good political electability. In fact,
38 Indonesia as one of the founding countries of ASEAN, still faces internal problems (economic inflation,
39 political dynamics and Corruption, Collusion and Nepotism) and Malaysia which also faces chaotic
40 internal politics that result in ASEAN inability to convey its national interests due to the distracted focus
41 of ASEAN member countries on their own national domestic internal problems.

42 In addition, the issue of institutionalization of ASEAN institutions keeps growing but with a
43 relatively weak condition, resulting non-optimal function. This is reflected in the ASEAN-EU
44 collaboration in the program for regional integration support (APRIS) that there was criticism of
45 ASEAN from EU leaders namely "ASEAN personnel and resources are inadequate, its mandate is weak,
46 the organization has no executive power and staffs travel too often (Allison, 2015).

47 National interests are important elements in the achievement of a nation's goals and they are
48 the transformation of the founding fathers' ideals. Especially related to security sector, countries
49 involved in a consensus will find it difficult to achieve common goals. This is certainly different from
50 bilateral cooperation, international or tripartite organizations where countries that embark on
51 cooperation have one agenda.

52 Regional cooperation in the field of security has turned out to be vulnerable to conflicts of
53 interest for several reasons. First, every country has a different priority in maintaining the security sector.
54 Secondly, the relationship between countries is not always favorable. Third, regional security
55 constellation is regarded volatile that it will be difficult to be accommodated by regional organization
56 policies due to varied problems faced by each country. Then related to the clash of national interests
57 among ASEAN countries as a factor inhibiting the handling of regional drug trafficking, it was also
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2 shown on the agenda of the Summit in which drug trafficking was not specifically discussed (Krause,
3 2012).

4 Therefore, the less optimal function of ASEAN becomes the limit of the organizational
5 function. The ASEAN Political and Security Community must determine what security functions must
6 be enhanced in order to be recognized as a community both internally and externally. Problems with
7 other institutions must be avoided and recognized by the legitimacy of other institutions, such as the
8 United Nations.

9 In regard to this functional limitation, ASEAN should be able to enhance the internal potentials
10 and leadership model to comply with the principles of ASEAN that leadership should be administered
11 from the bottom up (bottom up). In addition, NGOs are allowed to make contributions to suggestions to
12 ASEAN to maintain mutual trust and confidence in the region.

13 In addition, ASEAN also needs to be careful not to involve issues that have the potential to
14 cause member disunity or undermine perceptions of ASEAN integrity. Often, media that is taken to
15 resolve disputes between member countries involves external actors instead of internal actors. This
16 triggers debates that divide the commitment and resources in taking certain action on certain issues. In
17 other words, ASEAN should employ the most appropriate institution to determine and implement the
18 resolution of an issue, rather than throwing all issues that are fragmentary to external actors. ASEAN
19 can also learn and build its internal coherence while external actors are involved in conflict resolution
20 (Jürgen Haacke, 2012, p. 49). For instance, ASEAN receives international praise for being able to give
21 Vietnam pressure to withdraw from Cambodia, even though in fact, it was ASEAN that coordinated
22 with China to put pressure on the UN Security Council. Through this process, ASEAN moves the
23 fragmented issue out of the community, and learns as a community in constructing its own norms, values
24 and logic.

25 Conflict that require peace intervention are not considered as ASEAN's "competency areas",
26 although efforts have been made, for example by the establishment of the ASEAN Peacekeeping Center.
27 In fact, ASEAN delegates the issue of peacekeeping to other institutions. Moreover, the software
28 (integrated doctrine) and hardware (integrated forces) for peacekeeping needs are not yet adequate. As
29 the consequence, the agenda for peacekeeping can be an agenda that breaks down or fragmented for
30 ASEAN. Hence, a good mechanism should be built to strengthen the mutual trust in ASEAN member
31 countries.

32 One way that can be done is to strengthen the concept of Confidence Building Measures. The
33 term Confidence Building Measures was first introduced in the 1950s when the United States and the
34 Soviet Union submitted a proposal in front of the UN on the use of space and supervision of the
35 placement of troops in Europe. The attempt failed, but it had a great influence on the academic and
36 political movements. Along with the findings of the two superpowers, in the end, a similar idea
37 reappeared and was officially adopted in Helsinki 1975 (CSCE) as a politically binding agreement.

38 Therefore, Confidence Building Measures are every effort to avoid tensions and the possibility
39 of inter-state conflict carried out formally and informally through unilateral, bilateral and multilateral
40 relationship. The process includes both military and non-military aspects that can be carried out in three
41 forms. First, declaratory measures, such as statements not to make the first attack in any form and / or
42 agreement not to use certain types of weapons if certain armed conflicts if the conflict cannot be avoided.
43 History shows that these agreements have been effective in resolving prolonged conflicts and for
44 constructing common principles to be recognized and adhered in a region or sub-region. The Treaty of
45 Amity and Cooperation in Southeast Asia is one of ASEAN declaratory agreements.

46 The second model is transparency measures, both in the form of information exchange,
47 communication enhancement, military activities notification and permission to conduct observation and
48 inspection in activities related to joint security. The next is constraint measures, such as risk reduction
49 regimes, prohibition on the existence of certain weapons in an area (exclusion / separation zone) or
50 generally it is a restriction on on the number / type of personnel, equipment and operational activities.
51 Agreements or statements about nuclear-free areas, such as ZOPFAN, can be categorized in that effort.
52 The principles and implementation of Confidence Building Measures in the Southeast Asian region
53 include:

- 54 1. Confidence Building Measures will not be carried out without a mutual idea to cooperate. CBM
55 is a partnership / security relationship with a win-win pattern, not a win-lose one. Hence, each
56 party will enjoy the benefits of the collaboration. Therefore CBM should be real, pragmatic and
57 have clearly-defined goals.
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2 2. Confidence Building Measures will be effective if it is enforced above regional and global
3 foundations and norms. It must go accordingly with the strategic situation, culture, and demands
4 for economic development in a region. It is very unlikely that a general approach can apply in
5 any area, although at the same time, interdependence exists between security in a sub (sub)
6 region and another (sub) region.

7 3. Confidence Building Measures are an initial step or building bloc, not an institution. It is often
8 said that CBM is a way to achieve goals. Therefore CBM also refers to the process that must be
9 gradually applied. Processes are often more important than results, at least in the initial stages.
10 Nevertheless there must be progress in substantive issues.

11 Based on the elaboration of the concept, considering that ASEAN still faces quite difficult
12 problems, especially the issue of geopolitics in the region and the busyness of ASEAN leaders in
13 resolving domestic problems, the second version of the Eminent Person Group is considered necessary.
14 This allows them to have enough and intense time to improve the understanding of political will among
15 ASEAN countries such as former President SBY in Indonesia, PM Goh Cok Tong from Singapore, PM
16 Anand Panyarachun from Thailand and President Ramos from the Philippines. These leaders knew each
17 other well and they were not too much focusing on only domestic affairs of their own country, allowing
18 them to also focus on ASEAN issues.

19 7. Summary and Conclusions

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21 Ineffective efforts made by ASEAN occurred because leaders tend to focus on partial and
22 domestic nature of each country. Consequently, only several countries apply strict and strong regulation
23 during operations against drug smuggling, making them able to deal with transnational drug smuggling
24 crime in Southeast Asia region. The non-institutionalization of values and norms against joint threats
25 related to narcotics has resulted in this handling kept focusing on determining which countries have the
26 most negative impact from narcotics threats. This implementation of joint handling efforts in dealing
27 with transnational drug smuggling crimes are still partially done. It has not yet been able to optimally
28 touch the role of ASEAN as a joint community in dealing with transnational drug smuggling crimes in
29 the Southeast Asia region.

30 Contradictions that occur within the vision and mission of ASEAN member countries to
31 eradicate narcotics trigger various obstacles, especially in bargaining at the Southeast Asian regional
32 level and bargaining at the domestic level in the form of implementation and rule of law every ASEAN
33 member countries. The gap between idealism and reality in handling the crime by the ASEAN security
34 regime is the theoretical finding, namely "Paradox of International Organizations". The implementation
35 of the cooperation to handle transnational drug smuggling in still faces various contradictions or gap
36 between the ideality and reality of international organizations. Ideally, all ASEAN member countries
37 agree on the shared values and norms in the ASEAN security regime. However, they show a great
38 difference in perceptions of the drug threat. They also have different national interests which are difficult
39 to unite. As the result, the agreement has not yet being optimally implemented.
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