

# CONSTRUCTIONS OF NORMS AND VALUES OF ASEAN TOWARD OF NARCHOTICS SMUGGLING IN SOUTHEAST ASIA

**Rendi Prayuda**

**Email: rendiprayuda@soc.uir.ac.id**

*International Relation Study Program, Faculty of Social and Political Sciences,  
Islamic University of Riau, Jl. Kaharuddin Nasution No. 13 Perhentian Marpoyan, Pekanbaru,  
Indonesia 90221*

## **Abstract**

This articles describes the Norms and Values of ASEAN toward of Narchotics Smuggling in Southeast Asia. Southeast Asia are one of part region in the world that was have land area of 4,4 million square kilometers. Based on population data by United Nations Department of Economic and Social Affairs, the populations of ASEAN has increased from 563.7 million in 2006 to 631.8 million in 2015 at a rate of 1,14% per annum. With the bigs of potency from Southeast Asia region that on August 8, 1967 was established The Association of Southeast Asian Nations that have ten member of states are Brunei Darussalam, Malaysia, Lao, Myanmar, Philipine, Singapore, Thailand, Vietnam, Cambodia and Indonesia. Narchotics are one of most threat for human security in Southeast Asia that have drug trends and pattern of always moved and give bad effect for human security in Southeast Asia. This articles use of qualitative methods with descriptive as a technic of the research. The theories applied in this paper are constructivism approach with international security concept, human securities, and narchotics smuggling. This paper have some purposes are to explain the route of narchotics smuggling in Southeast Asia and process of Constructions of Norms and Values of among member states of ASEAN toward of Narchotics Smuggling in Southeast Asia and find some factors that have influence of constructions norm and value that was used of member states that are ASEAN Ways.

**Keyword:** *Constructivism, ASEAN, narchotics and securities.*

## A. Introduction

The constelations of international politics after cold war have been changes polarizations of interaction between states in international issues and actors politics. In cold war the states have topics about security issues and after cold war issues of international politics have moved to non traditional securities issues. Fukuyama says in the End of History, that post cold war, the world will be create a peacefull because the decrease of conflict and war that happened cause a ideological debate (Budi Winarno, 2014). However the conflict and war has decrease in the world, but issues of non traditional security have growth especially in human security context from the transnational security activities.

The changes of interaction between states have give some influences for international relations studies and decision maker between states as a bilateral, regional and multilateral. Acceleratons of issues of non traditional securities in international security perspective since Westphalian Treaty in 1648 has focuss in State Centrics about war and military that have been transformation to human security especially transnational organized crime.

The phenomena of globalization in the world also have give influence for international relations between states from technology, information, transportations and have create a borderless of sovereignty of states and have impact for transnational activities by the society in a states especially transnational crime activities. Toward a transnational activities, so based on realism perspective in international relations studies that state a unitary actor and rational choice have influence the transnational crime activities. In order that needed of cooperation and

coordination between states to solve this problem and actualizations from international organizations was important as communication process from the leader of states. Since 2000, the dynamics of transnational organized crime have spreads in the world in east asia regions, east center and latin of America. In order that the regions that have not a escalations of conflict also have impact from this activities for example Europe and Asia Regions especially southeast Asia that regions that have a good cooperations between states.

ASEAN was created in 1968 from Declaration of Bangkok that have create from 5 states of member likes Indonesia, Malaysia, Singapore, Thailand and Filiphina. Untill now ASEAN has succesfull increase a cooperations between states member and create a peacefull and stability in southeast asia regions. ASEAN also have contributions for region security by ASEAN (ASEAN Regional Forum) since 1994. ASEAN Community was held in Bali with create a Declaration of ASEAN Concord II di Bali, in 2003 and were dealling a three ASEAN Community form that ASEAN Political Security Community, ASEAN Economic Community, ASEAN Socio Culture Community (Budi Winarno, 2014).

The ASEAN Political-Security Community has its genesis of over four decades of close co-operation and solidarity. The ASEAN Heads of States/Governments, at their Summit in Kuala Lumpur in December 1997 envisioned a concert of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies. To concretise the ASEAN Vision 2020, the ASEAN Heads of States/Governments adopted the Declaration of ASEAN

Concord II (Bali Concord II) in 2003, which establishes an ASEAN Community by 2020. The ASEAN Community consists of three pillars, namely the ASEAN Political-Security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC).

Conscious that the strengthening of ASEAN integration through accelerated establishment of an ASEAN Community will reinforce ASEAN's centrality and role as the driving force in charting the evolving regional architecture, the ASEAN Leaders at the 12th ASEAN Summit in the Philippines decided to accelerate the establishment of an ASEAN Community by 2015. At the 13th ASEAN Summit in Singapore, the ASEAN Heads of States/Governments signed the ASEAN Charter, which marked ASEAN Member States' commitment in intensifying community-building through enhanced regional cooperation and integration. In line with this, they tasked their Ministers and officials to draft the APSC Blueprint, which would be adopted at the 14th ASEAN Summit.

The APSC Blueprint is guided by the ASEAN Charter and the principles and purposes contained therein. The APSC Blueprint builds on the ASEAN Security Community Plan of Action, the Vientiane Action Programme (VAP), as well as relevant decisions by various ASEAN Sectoral Bodies. The ASEAN Security Community Plan of Action is a principled document, laying out the activities needed to realise the objectives of the ASEAN Political Security Community, while the VAP lays out the measures necessary for 2004-2010. Both documents are important references in continuing political and security cooperation. The APSC Blueprint provides a roadmap and timetable to establish the APSC by 2015.

The APSC Blueprint would also have the flexibility to continue programmes/activities beyond 2015 in order to retain its significance and have an enduring quality.

Southeast Asia are the territory that have been leaved of people arrounde 628.700.000 people, with 40,47% or around 255.700.000 people are Indonesian peoples that tje states have the bigger of mortality. *United Nations Office of Drugs and Crime (UNODC)* have been estimated that arround 5,2% people in Southeast Asia from age of 15 untill 64 years have been used of narchotics and 0,6% populations of people in Souheast Asia has threats by narchotics smuggling. Data from ASEAN that the states in Southeast Asia that from 40,1% ASEAN people are used of narchotics with methamphetamine type (tablet or ice) and 10% are canabis users, 20% opium users (ASEAN Drug Monitoring Networkk Team. 2016). And more than 50% peoples in Myanmar, Laos, Vietnam and Indonesia are one of active users of opium, and Thailand, Brunei Darussalam and Filiphina are narchotics users with amphetamine type and Thailand also Brunei Darussalam are states that have narchotics consumer always increase since 2014.

## **B. Theoretical Framework**

Toward the narchotics smuggling in Southeast Asia Regions, so ASEAN have been created some effort to solve the threat of narchotics smuggling for the ASEAN members. In order that this paper focuss tell about " how the contructions of norms and values of ASEAN toward transnational crime in narchotics smuggling in Southeast Asia region?" The perspective that used in this paper are constructivism and concept of transnational crime. After the Second

World War, realism became the dominant theory of international relations. Yet this dominance did not go unchallenged, with new theoretical perspectives emerging, forcing revisions in realist theory.

In the 1970s, the classical realism of Claude, Carr, Morgenthau, Niebuhr and others was challenged by liberals, such as Robert Keohane and Joseph Nye, who emphasized interdependence between states, transnational relations and non-state actors, particularly multinational corporations (MNCs). While neo-realists and neo-liberals engaged in a rationalist family feud, critical theorists challenged the very foundations of the rationalist project. Ontologically, they criticized the image of social actors as atomistic egoists, whose interests are formed prior to social interaction, and who enter social relations solely for strategic purposes. They argued, in contrast, that actors are inherently *social*, that their identities and interests are socially constructed, the products of inter-subjective social structures. Epistemologically and methodologically, they questioned the neopositivism of Lakatosian forms of social science, calling for interpretive modes of understanding, attuned to the unquantifiable nature of many social phenomena and the inherent subjectivity of all observation. And normatively, they condemned the notion of value-neutral theorizing, arguing that all knowledge is wedded to interests, and that theories should be explicitly committed to exposing and dismantling structures of domination and oppression (Hoffmann, S. 1990).

The constructivism have all, however, sought to articulate and explore three core ontological propositions about social life, propositions which they claim illuminate more about world politics than rival rationalist assumptions. First, to the

extent that structures can be said to shape the behaviour of social and political actors, be they individuals or states, constructivists hold that *normative* or *ideational* structures are just as important as material structures (Wendt, A. 1992). Second, and following from the above, actors' interests are assumed to be exogenous to social interaction. Individuals and states are thought to enter social relations with their interests already formed. Social interaction is not considered an important determinant of interests. Third, and following yet again from the above, society is understood as a strategic realm, a realm in which individuals or states come together to pursue their pre-defined interests. Actors are not, therefore, inherently social; they are not products of their social environment, merely atomistic rational beings that form social relations to maximize their interests.

These assumptions are most starkly expressed in neo-realism. As we have seen, states are defined as 'defensive positionalists', jealous guardians of their positions in the international power hierarchy. The formation of state interests is of no interest to neo-realists. Beyond maintaining that international anarchy gives states a survival motive, and that over time the incentives and constraints of the international system socialize states into certain forms of behaviour, they have no theory of interest formation, nor do they think they should have (Wendt, A. 1992).

Transnational organised crime, in a literal sense, has a history as old as national governments and international trade. Piracy, cross-border brigandage, smuggling, fraud and trading in stolen or forbidden goods and services are ancient occupations that increased in significance as nation states were taking shape. Piracy

and cross-border brigandage have now been banished to parts of the world where state authority is weak. However, the other occupations have flourished in recent years in most parts of the world, irrespective of the strength or weakness of the authority of individual states or the collective efforts of the international community. Transnational organised crime in the limited sense that most commentators and policy-makers use has a much more recent history. Since the early 1990s, it has usually been used as a synonym for international gangsterism in general or the 'Mafia' or Mafia-type organisations, in particular. In this sense, 'transnational organised crime' has become a term that is now an integral part of the vocabulary of criminal justice policy-makers across the world. Many governments are in a continuous process of devising new ways to combat what for most is a newly discovered problem.

Multilateral treaties, United Nations conventions and transnational lawenforcement institutions are proliferating and intelligence agencies once Fully employed in Cold War activities now take on such presumed entities as the 'Mafia', the 'Camorra', the 'Yakusa', the 'Triads' or any others that may be given a Mafia label as identification. These groups, according to experts cited in a 1993 United Nations discussion guide, effectively constitute organised crime since it 'consists of tightly knit, highly organised networks of operatives that pursue common goals and objectives, within a hierarchical power structure that spans across countries and regions to cover the entire world' (Einstein, S. and Amir, M. 1999).

### **C. Research Method**

The research approach used in this research is qualitative approach. However, in this study also uses some

quantitative data such as statistical data tables, graphs and quantitative diagrams on the development of the scale of the numbers of an empirical phenomenon. This study is a case study study using a qualitative approach that attempts to elaborate the problems faced by ASEAN in dealing with transnational crime of smuggling cases in Southeast Asia. The study object in this study is the ASEAN problematic in addressing the transnational crime of narcotics smuggling in Southeast Asia with a focus on problematic analysis faced by ASEAN in dealing with smuggling narcotics in Southeast Asia. Thus, this study attempts to illustrate the factors that caused the ASEAN security regime to fail in addressing transnational narcotics smuggling in Southeast Asia. Based on the sources, the research data can be grouped into two types of data: primary and secondary data. Primary data is data obtained or collected by researchers directly in the implementation of research conducted by observation, direct interviews to research informants such as ASEAN Secretariat in Jakarta, ASEAN-NARCO National Narcotics Agency Directorate of Drugs and Drugs. Secondary data is data obtained or collected by researchers from various sources that have been obtained from the Annual Report of the Directorate of Drugs Affairs related to handling cases of narcotics circulation, ASEAN SetNas Report, ASEAN Report NARCO as well as books and journals related transnational crime activity and other sources that support this research.

### **D. Result and Discussion**

The narcotics smuggling in Southeast Asia nowadays are massive and structure by narcotics cartel. Narcotics smuggling were held by crossborder

states with technology linkage. Around 49% narcotics smuggling was sent to southeast Asia from China, Afghanistan, Iran and Netherland. Southeast Asia territory are have strategic area as a trade and sea transportations. In order that southeast Asia were used to illegal narcotics smuggling route. Based on data from National Narcotics Agency of Indonesia, narcotics producing in the world are Golden Crescent (Afghanistan, Pakistan and Iran), Golden Peacock (Colombia, Peru and Bolivia), and Golden Triangle (Myanmar, Lao and Thailand) (Sumarno Ma'sum, 1987).

The Golden Triangle is closing a dramatic period of opium reduction," wrote the UN Office on Drugs and Crime (UNODC) Executive Director, Antonio Maria Costa, in his preface to the 2007 survey on Opium Poppy Cultivation in South East Asia. "A decade-long process of drug control is clearly paying off." According to the survey, the region produced one-third of the world's opium production in 1998, but that figure is now down to only about 5%. "The once notorious Golden Triangle has ceased to play a major role as an opium production area and this region can no longer be called Golden Triangle for the reason of opium production alone."

Opium was known in Europe and Asia at the time of the Roman Empire for its medicinal use and was imported from western Asia, especially Turkey and Persia. Opium consumption was introduced to Southeast Asia by Arab traders from the Mediterranean. The first references to opium use in the region date back to 1366 (Thailand) and 1519 (Burma) (Tom Kramer. 2009). India is also a traditional opium producer. Portuguese travellers in the early 16th century found opium cultivation both in the west of the country (Malwa) and the

east (Patna). English merchants who visited India around the same time found that Patna-grown opium was traded in Southeast Asia, including Burma, Siam (present day Thailand), Melaka (present day Malaysia), and the Bay of Bengal. Indian opium was also traded in China at this time.

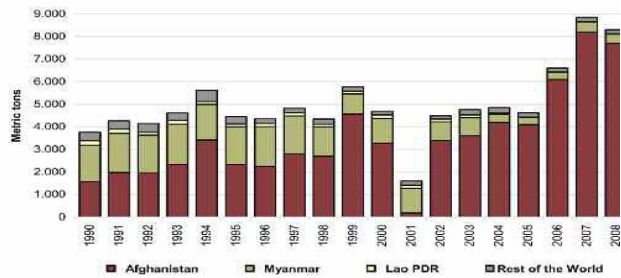
In Asia, the Middle East and Europe, opium was used mainly as a painkiller until substitutes such as penicillin, which came onto the market in 1928, and aspirin were available. "Opium was extremely effective in fighting fever, blocking dysentery, relieving pain, suppressing coughs and abating hunger." It was initially also part of a long distance trade, shipped in relatively small quantities that fetched a high price.

The *Golden Triangle* was created in Thailand, Myanmar and Lao with produce of 60% opium and heroin in the world. The narcotics producing are category of *potential addictive* from *poppy* and *papaver somniferum*. The golden triangle was producing of heroin arround US\$ 160 Million per years (Zarina Othman. 2004). During this time (until 1990), however, Laos was still exporting legallygrown opium to Russia for medicinal use in exchange for imports, making good estimates difficult. US statistics show that opium production in Burma doubled from 1,280 metric tons in 1988 to 2,430 tons in 1989. The same source shows that opium production in Burma remained stable at this high level until 1997 - at over 2,000 tons. The UN Office on Drugs and Crime (UNODC) figures for the same period are lower, but still estimate that production rose from 1,125 tons in 1988 to 1,544 tons in 1989. UNODC figures for the 1990s range between 1,500 and 1,800 tons, and they also drop in 1997.

There are a number of local dynamics that explain why opium

production went up in Burma. Since 1968, the Communist Party of Burma (CPB) had - with support from China - taken over the Wa and Kokang regions in Burma, which were the most productive opium poppy-growing regions in the country. When China decided to stop all aid to its sister party, the CPB became heavily dependent on the opium trade (Zarina Othman. 2004). This graphic from data opium in *Golden Triangle region from UNODC report*, are:

**Picture 1. Growth of Opium in Golden Triangle (Laos, Myanmar dan Thailand)**



Sumber: Opium cultivation in the Golden Triangle (1998-2007) - UNODC Report.

Based on graphic above that growth of opium producing was fluctuative and in golden triangle area in southeast Asia were have been produced in Myanmar, Lao and Thailand. The decline in opium cultivation in the Golden Triangle cannot be explained only by regional conditions. Currently, Thailand and Laos are net importers of opium and the little remaining, domestically-cultivated opium is all for local use, but is not sufficient to meet domestic demand. Burma remains an exporter of opium as well as heroin. The decrease in Burma's opium production is, in large part, also due to shifting patterns in the international heroin market. For many years (1990-2005), annual global opium production ranged between 4,000 and

5,000 metric tons. There were only two exceptions: the bumper harvests in Afghanistan in 1994 and 1999 due to good weather conditions, and the plunge in production in 2001 as a result of the Taliban's opium ban. Currently opium production is higher than ever, due to developments in Afghanistan the past years. Opium production in Afghanistan was estimated to have risen to 8,200 tons in 2007, representing 93 % of global production.

By contrast UNODC estimated opium production in the Golden Triangle at some 470 tons, or 5 % of global production in 2007. The decline of opium production in the Golden Triangle since 1997 - mostly in Burma - is not simply the result of policy interventions by local authorities and the UNODC in Burma and Laos. Global market trends have played a major role in the shift of production from the Golden Triangle to Afghanistan. This is not a new phenomenon, on the contrary. History has seen numerous significant shifts in the international opium and heroin market. These include, for instance, the shift in cultivation from Turkey to Iran and Pakistan in the 1970s, and later to Afghanistan and new cultivation in areas in Mexico and Colombia.

An important yet under-reported factor is that heroin of Burmese origin has been almost completely pushed out of the European and North American markets by heroin originating from Afghanistan (sold in Europe and the US) and Latin America (sold in the US). By the 1990s, Colombian heroin dominated the US market. Virtually all heroin originating from Burma is currently consumed in Southeast Asia, China, India, Australia and Japan. There are indications that groups producing heroin have also shifted to producing amphetamine-type stimulants

(ATS). The first to produce methamphetamines in Burma was Wei Shueh-kang (an ethnic Chinese man who came to Burma with the KMT and later joined the MTA) after being approached by ethnic Chinese and Thai businessmen.

Following the surrender of Khun Sa's MTA, the group disintegrated and some ATS producers moved to the Wa and Kokang regions, while others remained on their own. Wei Shueh-kang moved to the Wa Region and was given nominal control over UWSA area around the town of Mong Yawn region near the Thai border. Various sources claim that cease-fire groups that have implemented bans on opium cultivation and heroin production, such as in the Kokang and Wa regions, have simply shifted to producing ATS.

The political structure are created by political actors and interaction between political actors. Anarchy system in international politics were have been changes to cooperations with the roles of international organizations. As a international regime security that ASEAN have used centralizations and independent to manage their members. In centralizations that interactions between states are held by collective and balance in one structure with the international organizations as a balancer and concept of independent that the capability of ASEAN member to get the agreement from their members and ASEAN always be neutral when created and solve the problem or conflict between their members state.

The international regime security of ASEAN are ASEAN political security. the APSC will bring ASEAN's political and security cooperation to a higher plane. The APSC will ensure that the peoples and Member States of ASEAN live in peace with one another and with the world at

large in a just, democratic and harmonious environment. The APSC shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights and fundamental Roadmap for an ASEAN Community 2009-2015 freedoms as inscribed in the ASEAN Charter (Hall, R. B. 1999). It shall be a means by which ASEAN Member States can pursue closer interaction and cooperation to forge shared norms and create common mechanisms to achieve ASEAN's goals and objectives in the political and security fields. In this regard, it promotes a people-oriented ASEAN in which all sectors of society, regardless of gender, race, religion, language, or social and cultural background, are encouraged to participate in, and benefit from, the process of ASEAN integration and community building. In the implementation of, the Blueprint, ASEAN should also strive towards promoting and supporting gender-mainstreaming, tolerance, respect for diversity, equality and mutual understanding.

The APSC subscribes to a comprehensive approach to security, which acknowledges the interwoven relationships of political, economic, social-cultural and environmental dimensions of development. It promotes renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law and reliance of peaceful settlements of dispute. In this regard, it upholds existing ASEAN political instruments such as the Declaration on Zone of Peace, Freedom and Neutrality (ZOPFAN), the Treaty of Amity and Cooperation in South East Asia (TAC) and the Treaty on the Southeast Asian Nuclear Weapon-Free Zone (SEANWFZ), which



play a pivotal role in the area of confidence building measures, preventive diplomacy and pacific approaches to conflict resolution. It also seeks to address non-traditional security issues. Based on the above, the ASEAN Political-Security Community envisages the following three key characteristics:

1. A Rules-based Community of shared values and norms;
2. A Cohesive, Peaceful, Stable and Resilient Region with shared responsibility for comprehensive security; and
3. A Dynamic and Outward-looking Region in an increasingly integrated and interdependent world.

These characteristics are inter-related and mutually reinforcing, and shall be pursued in a balanced and consistent manner. To effectively realise the APSC, the APSC Blueprint is an action-oriented document with a view to achieving results and recognises the capacity and capability of ASEAN Member States to undertake the stipulated actions in the Blueprint. ASEAN's cooperation in political development aims to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN, so as to ultimately create a Rulesbased Community of shared values and norms. In the shaping and sharing of norms, ASEAN aims to achieve a standard of common adherence to norms of good conduct among member states of the ASEAN Community; consolidating and strengthening ASEAN's solidarity, cohesiveness and harmony; and contributing to the building of a peaceful, democratic, tolerant, participatory and transparent community in Southeast Asia.

Roadmap for an ASEAN Community 2009-2015. Moreover, cooperation in political development will bring to maturity the political elements and institutions in ASEAN, towards which the sense of inter-state solidarity on political systems, culture and history will be better fostered. Such inter-state solidarity can be achieved further through the shaping and sharing of norms. Since the adoption of the ASC Plan of Action in 2003, ASEAN has achieved progress in different measures of political development. There was increased participation by organisations, such as academic institutions, think-tanks, and civil society organisations in ASEAN meetings and activities. Such consultations and heightened interactions fostered good relations and resulted in positive outcomes for the region (The ASEAN Secretariat. 2010).

Efforts are underway in laying the groundwork for an institutional framework to facilitate free flow of information based on each country's national laws and regulations; preventing and combating corruption; and cooperation to strengthen the rule of law, judiciary systems and legal infrastructure, and good governance. Moreover, in order to promote and protect human rights and fundamental freedoms, the ASEAN Charter stipulates the establishment of an ASEAN human rights body. ASEAN promotes regional norms of good conduct and solidarity, in accordance with the key principle enshrined in the ASEAN Charter. In this context, ASEAN also continues to uphold the Treaty of Amity and Cooperation in Southeast Asia (TAC), the SEANWFZ Treaty and other key agreements, as well as the Declaration on the Conduct of Parties (DOC) in the South China Sea (The ASEAN Secretariat. 2010). Some steps are:

1. Prepare and implement a transitional work plan on the necessary institutional reforms needed to comply with the ASEAN Charter
2. Develop, as appropriate, supplemental protocols and/or agreements, including terms of references and rules of procedures, needed to implement the ASEAN Charter; and
3. Develop a legal division to support the implementation of the ASEAN Charter.

#### **E. Conclusion**

Based on result field that constructions norm and values in ASEAN are held by create a ASEAN spirit and ASEAN way. In order that from the ASEAN way that be a constructions norm and values from ASEAN member and they can share over all that they know about the growth of transnational organized crime in narcotics smuggling. To constructivism the norms and values in ASEAN toward transnational crime in Southeast Asia that share the norms and values of ASEAN in security scope and getting the perception all of states about the threats of narcotics smuggling in Southeast Asia.

In order that the APSC Blueprint shall be reviewed and evaluated to ensure that all the activities are responsive to the needs and priorities of ASEAN, taking into account the changing dynamics of the region and the global environment. The review and evaluation shall be conducted biennially by the ASCCO, in co-ordination with the ASEAN Secretariat. In the course of the review and evaluation, ASEAN Member States are given the flexibility to

update the Blueprint. As in the progress of implementation of the APSC Blueprint, the results of the review and evaluation shall be reported by the Secretary-General of ASEAN to the ASEAN Summit through the APSC Council.

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