

# THE DIPLOMAT

## The New War on Drugs: ASEAN Style

*ASEAN nations are stepping up their fight against illegal drugs as other parts of the world are taking a much different approach.*

*By Tom Fawthrop - November 30, 2012*

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The pledge by ASEAN leaders to intensify campaigns to create a drug-free ASEAN by 2015 is increasingly out of step with international trends which, according to the recent findings of The Global Commission on Drug Policy, increasingly favor drug policy reforms like decriminalization and treating addiction as a public health issue.

Dr. Michel Kazatchkine, a member of the Global Commission on Drug Policy told a Bangkok forum that the war on drugs is a failure. Citing the commission's recent report, Kazatchkine said, "We recommend immediate major reforms of the global prohibition regime to halt the spread of HIV infection..." and other health problems.

Many countries around the world seem to agree. In Latin America, for instance, many governments have declared that the war on drugs has failed and are instead searching for a new, more common sense approach to the problem.

In Argentina and Mexico the possession of small quantities of certain drugs has recently been decriminalized. This followed Brazil partially decriminalizing drugs through a series of laws in the middle part of last decade.

Similarly, a majority of voters in the U.S. states of Colorado and Washington recently approved referendums legalizing the personal use of marijuana (marijuana is still illegal under federal statutes, which technically takes precedence over state laws). Many other states have legalized the use of marijuana for medicinal purposes, while others, like New York State, are considering decriminalization. Meanwhile, many European countries—including the Netherlands, Portugal, and Spain have also decriminalized drugs

Doing so has often proved remarkably successful, resulting in lower HIV rates and even, in some cases, a decline in drug usage. For example, a 2009 CATO Institute study of Portugal's decision to decriminalize drugs in 2001 concluded: "In virtually every category of any significance, Portugal, since decriminalization, has outperformed the vast majority of other states that continue to adhere to a criminalization regime."

ASEAN stands in stark contrast to these examples as member nations are clinging to tough anti-drug laws that champion aggressive law enforcement measures and the

detention of 300,000 drug users and sex-workers outside the normal court system in compulsory rehabilitation centers.

Most shockingly, Indonesia, Malaysia, Vietnam, and Singapore still impose the death penalty for narcotic offenses. In some cases, narcotic crimes require mandatory death sentences. Not surprisingly, many drug-addicts are afraid to seek treatment for fear of being jailed... or worse.

Nor does change appear to be imminent. In Thailand last year the government of Prime Minister Yingluck Shinawatra (sister of ousted PM Thaksin) declared a new “war on drugs” in the name of a “zero tolerance” policy. Gen. Adul Saengsingkaew deputy national police chief was quoted by the *Bangkok Post* as stating, “The war on drugs now is going much better than it was under the previous government. Actually, it is even better than under the Thaksin Shinawatra administration which initiated this policy in 2001.”

The fact that the police chief cited Thaksin’s harsh crackdown on drugs in 2002 that led to as many as 2,700 deaths as a benchmark of success, is emblematic of the issue. Amnesty International and other human rights groups condemned the policy that encouraged this spate of extra-judicial killings, and undermined basic legal principles of bringing suspects before a court.

Thai police statistics show that arrests for drug related charges have risen by 14% this year, while drug-related prosecutions have increased by 8%. Already drug offenders constitute 65% of Thailand’s incarcerated population. With prisons overflowing in the country, it’s unsustainable to continue increasing the number of imprisoned drug offenders.

Furthermore, incarceration is unlikely to produce much in the way of results. As IPDC executive director Ann Fordham points out, “Many of those now incarcerated in Thailand’s prisons are likely to be low-level traders and drug users, as they are more easy targets for police, rather than large scale traffickers and organized criminals.”

Dr. Michel Kazatchkine of the Global Commission on Drug Policy points adds that, far from being a success story, Thailand’s war on drugs has “failed by every metric you can think of.” He is particularly critical of the government’s failure to adequately address the spread of HIV among people who inject drugs.

UNAIDS data show that in Indonesia over 36% of individuals who inject drugs are HIV-positive. In Cambodia the number is nearly one-in-four addicts who inject their drugs, while Burma and Thailand have rates of 22%.

“Based on the evidence highlighted in our report, we know that countries that treat addictions as a health issue are winning the fight against HIV,” says Dr.Kazatchkine.

Thousands more are detained in drug detention centers often run by police or military authorities, with very little expert treatment or other forms of rehabilitation available. Both the United Nations and Human Rights Watch have called for the closure of these centers in Thailand, Laos, Cambodia and Vietnam.

Some go further. For example, the Gloria Lai of the International Drug Policy Consortium, a coalition of NGO's involved in drug policy reform, explains that the group is campaigning to put an end to "the stigma and marginalization suffered by people who use drugs, and the disproportionately severe, punitive measures for personal drug use and possession."

The consortium's goals have been tacitly endorsed by UN Secretary General Ban Ki Moon, who issued a statement in 2008 stating, "No one should be stigmatized or discriminated against because of their dependence on drugs. I look to Asian Governments to amend outdated criminal laws that criminalize the most vulnerable sections of society, and take all the measures needed to ensure they live in dignity." While ASEAN countries are clearly lagging behind other parts of the world, the reform lobby has been encouraged by many countries' new willingness to at least consider alternative approaches.

In September, IPDC and the Transnational Institute (TNI) co-hosted a high-level seminar in Bangkok with the Thai Ministry of Justice Rights and Liberties Protection Department, which discussed how to more effectively manage drug problems in the context of public health issues.

Similarly, this year Indonesia and Malaysian government officials participated in a study tour in Portugal to learn about that country's policies of decriminalization and offering voluntary treatment services for drug addicts.

Already the interaction is having positive results notes Nicholas Thomson of the John Hopkins School of Public Health and the Center for Law Enforcement and Public Health.

"I think it is clear that Asia can learn from Portugal. In Malaysia the rolling out and scaling up of harm reduction projects has been in part a result of senior police figures in Malaysia attending study tours in Portugal," Thomson says.

The reformers argue that reducing HIV rates and improving community health treatment for addicts are far more realistic and worthy objectives than the impossible task of making the ASEAN region drug-free by 2015.