



World Drug Day: Lack of ASEAN Cooperation Fuels Exploitation of Low-level Couriers by Drug Trafficking Syndicates

Today, the UN Office on Drugs and Crime (UNODC) marks the World Drug Day with a call to promote international cooperation in developing and implementing evidence-based strategies for combating drug trafficking and organised crime. It stresses collaboration among governments, organisations, and communities to achieve this.

It is therefore more crucial than ever **to encourage strength within existing ASEAN mechanisms towards a harm reductionist and rights-based approach in combating drug trafficking and organised crime.** This includes, among others, abolishing the death penalty for drug offences, promoting continuous regional dialogue between progressive ASEAN states and civil society, and empowering scrutiny on compliance of domestic drug policies to the international human rights standards, and their impact on economic, social, and cultural rights.

In particular, the use of the death penalty, and its execution, against low-level couriers who are often victims of drug syndicates on the grounds of deterrence or prevention of crime is an issue that should be addressed. This practice enables and empowers transnational drug syndicates as it effectively ends the possibility of tracing and combating transnational drug syndicates, while punishing those with the least agency or responsibility, rendering any deterrent effect completely null. Common understanding and cooperation regarding this impact can prevent rights violations experienced by many victims. For example, the case of Mary Jane Veloso, whose execution was halted due to cries from CSOs and the Philippines back in 2016, highlights the failure of protection against victims of human trafficking and the pressing need for a bilateral mechanism between Indonesia and the Philippines in this matter. Mary Jane's experience could have been completely different and an injustice could have been avoided.

ASEAN member states, all of which are parties to the UN Convention against Transnational Organized Crime (UNTOC), have long had consensus on the need to combat transnational organised crimes¹. States have also acknowledged the necessity to enhance regional cooperation as evidenced within the ASEAN Work Plan on Securing Communities Against Illicit Drugs². One way to do this effectively would be to stop imposing death sentences on the victims of drug trafficking and to instead focus efforts on stopping these crimes before they happen. However, ASEAN's core values of non-interference, along with authoritarian politics within the region, have hampered regional efforts to address the root causes of key issues.

¹ This can be traced back to the 1976 Declaration calling for the prevention and eradication of the abuse of narcotics and illegal trafficking of drugs, and also contained within regional mechanisms including the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and Senior Officials Meeting on Transnational Crime (SOMTC).

² ASEAN Secretariat (2017). 'ASEAN Work Plan on Securing Communities Against Illicit Drugs 2016 - 2025'. Available at <https://asean.org/wp-content/uploads/2017/07/Doc-2-Publication-ASEAN-WP-on-Securing-Communities-Against-Illicit-Drugs-2016-2025.pdf>



Collaboration is essential for ASEAN nations to successfully combat exploitation and reduce drug trafficking. In recent years, Malaysian³⁴ and Indonesian⁵⁶ officials have respectively acknowledged the need for cross-country collaboration in reducing drug trafficking while showing willingness to adopt progressive considerations for exploited low-level couriers. Unfortunately, neighbouring countries, such as Singapore and the Philippines⁷, have not shown such willingness. Notably, Singapore has shown a predisposition to galvanise support for the death penalty for drug offences through UN mechanisms⁸ as opposed to working towards effective and progressive policies against drug trafficking with its neighbours. The lack of collaboration and synergy among ASEAN member states on drug trafficking has directly affected the effectiveness in combating it.

To support ASEAN states to collaborate effectively, the UNODC should ensure that it is consistent in its approach to calling for member states to abolish the death penalty for drug offences. As early as 2012, the agency stated that it “may have no choice but to employ a temporary freeze or withdrawal of support” for governments that are still executing persons for drug-related offences.⁹ The Office has also been vocal about the need for international cooperation in combating organised crime — as demonstrated in this year’s theme for the World Drug Day. This stance should be reflected in the multilateral cooperation programmes the agency has with retentionist ASEAN member states.¹⁰¹¹¹²

We the undersigned organisations call for:

- I. ASEAN member states to take action towards the abolition of the death penalty for drug offences;
- II. ASEAN member states to revisit existing mechanisms with a harm reductionist and rights based approach in combating transnational drug trafficking;
- III. ASEAN member states to pursue intergovernmental collaboration that would foster the repatriation of low-level couriers or other individuals who were victimised or exploited by transnational crime organisations;
- IV. The UNODC and its regional offices consistently stand against the use of the death penalty and torture for drug offences in Southeast Asia.

³ Purushotman (2024). ‘Concern over plight of drug mules held abroad’. Available at:

<https://thesun.my/local-news/concern-over-plight-of-drug-mules-held-abroad-DA1998496>

⁴ Boo (2023). ‘Ramkarpal: Desperately Poor Drug Mules Inspired Malaysia’s Repeal Of Mandatory Death Penalty’. Available at:

<https://codeblue.galencentre.org/2023/04/18/ramkarpal-desperately-poor-drug-mules-inspired-malaysias-repeal-of-mandatory-death-penalty/>

⁵ Rahmani & Sulistiyandari (2024). ‘BNN arrests Asian network drug lord in the Philippines’. Available at

<https://en.antaranews.com/news/313623/bnn-arrests-asian-network-drug-lord-in-the-philippines>

⁶ Llewellyn (2022). ‘Indonesia mulls introduction of a ‘probationary’ death penalty’. Available at:

<https://www.aljazeera.com/news/2022/10/10/indonesia-considers-plans-for-a-probationary-death-penalty>

⁷ Simons (2023). ‘The Philippines Is Losing Its “War on Drugs”’. Available at

<https://foreignpolicy.com/2023/01/11/philippines-drug-war-manila-marcos/>

⁸ The Advocates for Human Rights (2022). ‘One-pager on sovereignty amendment’. Available at:

<https://www.theadvocatesforhumanrights.org/Publications/sovereignty-amendment-response>

⁹ UNODC, UNODC and the Promotion and Protection of Human Rights: Position Paper (2012) 10.

¹⁰ In reference to the Malaysian National Anti-Drug Agency’s reports in 2021,

<https://www.adk.gov.my/en/drug-abuse-information-network-for-asia-and-the-pacific-dainap-focal-points-meeting/> and 2022

<https://www.adk.gov.my/kunjungan-hormat-daripada-united-nations-office-on-drugs-and-crime-unodc/>.

¹¹ Institute for Criminal Justice Reform (2019). ‘Menyelidik Keadilan yang Rentan: Hukuman Mati dan Penerapan Fair Trial di Indonesia’. Available at <https://icjr.or.id/wp-content/uploads/2019/01/Menyelidik-Keadilan-Yang-Rentan.pdf>

¹² UNODC (2006). ‘Criminal justice assessment toolkit’. Available at

https://www.unodc.org/lpomex/uploads/documents/Publicaciones/Prevencion-del-delito-y-justicia-penal/Criminal_justice_assessment.pdf