

# Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

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# Table of contents

Abbreviations ..... 1

Background and Rationale ..... 3

## Chapter 1 심인식 · Shan Kelley

Introduction ..... 9

Section 1 Sustained growth of supply and demand ..... 11

Section 2 Ineffective drug policies ..... 13

Section 3 Consequences of excessive imprisonment and  
overcrowded prisons ..... 14

Section 4 The scope for drug policy reform in East and  
Southeast Asia ..... 15

## Chapter 2 심인식 · Shan Kelley

Latest drug situation in Southeast Asia ..... 19

Section 1 Overview of the situation ..... 21

Section 2 The methamphetamine market in East and Southeast  
Asia ..... 27

|   |    |
|---|----|
| Section 3 Transnational organized crime (TOC) shifting their trafficking routes ..... | 32 |
| Section 4 Precursor chemicals .....   | 37 |
| Section 5 Assessing demand for drugs in Southeast Asia .....                          | 40 |

**Chapter 3** 심인식 · Shan Kelley

**Impact on public health and criminal justice systems in Southeast Asia .....** 43

|   |    |
|---|----|
| Section 1 Importance of reexamining drug policy in Southeast Asia .....                         | 45 |
| Section 2 Overview of prison populations in ASEAN .....   | 46 |
| Section 3 Threshold amounts and mandatory minimum sentencing in ASEAN .....                     | 49 |
| Section 4 Overburdened correctional and criminal justice systems .....                          | 52 |
| Section 5 Abuse of the criminal justice system, recidivism and stigmatized drug offenders ..... | 54 |
| Section 6 Compulsory drug treatment in Southeast Asia .....                                     | 55 |

**Chapter 4** 심인식 · Shan Kelley

**COUNTRY CHAPTERS .....** 59

|   |    |
|---|----|
| Section 1 BRUNEI DARUSSALAM .....                   | 61 |
| 1. Drug prisoners .....                             | 61 |
| 2. Threshold amounts and mandatory sentencing ..... | 62 |
| 3. Drug policies .....                              | 62 |

|   |    |
|---|----|
| Section 2 INDONESIA .....                           | 66 |
| 1. Drug prisoners .....                             | 66 |
| 2. Threshold amounts and mandatory sentencing ..... | 67 |
| 3. Drug policies .....                              | 67 |
| Section 3 MALAYSIA .....                            | 70 |
| 1. Drug prisoners .....                             | 70 |
| 2. Threshold amounts and mandatory sentencing ..... | 71 |
| 3. Drug policies .....                              | 72 |
| Section 4 MYANMAR .....                             | 77 |
| 1. Drug prisoners .....                             | 77 |
| 2. Threshold amounts and mandatory sentencing ..... | 78 |
| 3. Drug policies .....                              | 78 |
| Section 5 THAILAND .....                            | 80 |
| 1. Drug prisoners .....                             | 80 |
| 2. Threshold amounts and mandatory sentencing ..... | 81 |
| 3. Drug policies .....                              | 82 |

## Chapter 5 승재현 · 정세윤

### Drug crime trends and laws in Korea ..... 85

|  |    |
|--|----|
| 1. Growing volumes of crystalline and tablet methamphetamine<br>trafficked from Southeast Asia ..... | 92 |
| 2. Drug policies .....   | 96 |
| 3. Drug offenders in prisons .....   | 98 |

## Chapter 6 심인식 · 승재현 · 정세윤

### Ways forward ..... 103

|   |     |
|---|-----|
| 1. Prioritize control of precursors and chemicals used in the<br>illicit manufacture of drugs in Southeast Asia ..... | 106 |
|---|-----|

|  |     |
|--|-----|
| 2. The Republic of Korea and ASEAN cooperation .....   | 107 |
| 3. Make better use of existing regional and global mechanisms<br>designed to help Member States more effectively address<br>and counter the drug problem ..... | 108 |
| 4. UNODC and the Mekong Memorandum of Understanding<br>(MOU) on Drug Control .....   | 109 |
| 5. Promote alternatives to imprisonment for people with drug<br>use disorders .....  | 111 |

|                  |     |
|------------------|-----|
| References ..... | 113 |
|------------------|-----|



# List of figures and tables

## 【Figures】

|   |    |
|---|----|
| [Figure 2-1-1] Seizures of methamphetamine (tablet and crystalline) in East and Southeast Asia, 2011-2019 .....   | 22 |
| [Figure 2-1-2] Changes in typical prices of methamphetamine tablets in selected countries in Southeast Asia, 2011, 2015 and 2019 .....  | 23 |
| [Figure 2-1-3] Changes in typical prices of crystalline methamphetamine in the Republic of Korea, Australia and New Zealand, 2011, 2015 and 2019 or latest year available .....               | 23 |
| [Figure 2-2-1] Number of methamphetamine manufacturing facilities dismantled in Indonesia, Malaysia and the Philippines, 2014-2019 .....  | 29 |
| [Figure 2-2-2] Changes in methamphetamine tablet and crystalline methamphetamine seizures in Southeast Asia, 2014-2019 .....  | 30 |
| [Figure 2-2-3] Retail prices of crystalline methamphetamine per 1 gram among selected countries in East and Southeast Asia, Australia and New Zealand for 2019 or latest year available ..... | 31 |
| [Figure 2-3-1] Seizures of methamphetamine in Lao PDR and Viet Nam, 2018 and 2019 .....   | 33 |
| [Figure 2-3-2] Methamphetamine tablet trafficking flows in the Mekong region, 2019 .....  | 35 |
| [Figure 2-3-3] Crystalline methamphetamine trafficking flows in East and Southeast Asia, 2019 .....   | 36 |
| [Figure 2-4-1] Crystalline methamphetamine forensic profiles reported from China, Indonesia, the Philippines and Thailand, 2017-2019* .....   | 39 |
| [Figure 3-3-1] Share of prison births filled in 2015, selected countries .....  | 51 |
| [Figure 4-1-1] The proportion of female to male prisoners in Brunei Darussalam, 2015-2020 .....   | 63 |

|  |    |
|--|----|
| [Figure 4-1-2] Proportion of female to male drug prisoners in Brunei Darussalam, 2015-2020 .....                               | 64 |
| [Figure 4-1-3] Proportion of drug prisoners in Brunei Darussalam, by age group, 2015-2020 .....                                | 64 |
| [Figure 4-1-4] Completed education levels of drug prisoners in Brunei Darussalam, 2015-2020 .....                              | 65 |
| [Figure 4-1-5] Recidivism rates for drug offenders by number of convictions, 2015-2020 .....                                   | 66 |
| [Figure 4-2-1] Proportion of drug prisoners to total prisoners in Indonesia, 2015-2019 .....                                   | 68 |
| [Figure 4-2-2] Percentage of drug prisoners to total prisoners in Indonesia, 2015-2019 .....                                   | 68 |
| [Figure 4-2-3] Number of drug-related arrests in Indonesia by drug type, 2014-2019 .....                                       | 69 |
| [Figure 4-2-4] Proportions of drug-related arrests in Indonesia by drug type, 2018 and 2019 .....                              | 69 |
| [Figure 4-3-1] Number of drug prisoners in Malaysia, 2015-2020 .....   | 73 |
| [Figure 4-3-2] Number of prisoners detained at rehabilitation centers via court order and voluntary admission, 2015-2020 ..... | 73 |
| [Figure 4-3-3] Portion of voluntarily admitted drug prisoners at rehabilitation centers, 2015-2020 .....                       | 74 |
| [Figure 4-3-4] Number of drug-related cases in the court system in Malaysia, 2016-2020 .....                                   | 77 |
| [Figure 4-4-1] Drug-related arrests and number of cases in Myanmar, 2015-2020 .....  | 80 |
| [Figure 4-5-1] Offenses for which Thai prisoners were held as of 1 January 2020 .....  | 82 |
| [Figure 4-5-2] Drugs for which prisoners are incarcerated as of 1 January 2020 .....   | 83 |
| [Figure 4-5-3] Drug offenses for which prisoners are incarcerated as of 1 January 2020 .....                                   | 83 |
| [Figure 5-1-1] Number of persons arrested for drug-related offenses in the Republic of Korea, 2009-2019 .....                  | 88 |

[Figure 5-1-2] Quantity of methamphetamine seized by the Korea Customs Service,  
2010-2019 ..... 93

[Figure 5-1-3] Proportion of methamphetamine trafficked into Korea by source country,  
2017-2019 ..... 94

## 【Tables】

|   |    |
|---|----|
| [Table 4-1-1] The four prisons operated by the Brunei Darussalam Prison Department .....  | 63 |
| [Table 4-1-2] Minimum and maximum sentencing for drug law offenses in Brunei Darussalam .....   | 65 |
| [Table 4-2-1] Mandatory minimum prison sentences for drug crimes in Indonesia, number of years .....  | 70 |
| [Table 4-2-2] Drug treatment admissions by drug type and gender in Indonesia, 2018 .....  | 70 |
| [Table 4-3-1] Prisons and rehabilitation facilities for drug offenders and locations in Malaysia .....  | 74 |
| [Table 4-3-2] Five core principles of Malaysia's National Drug Policy 2017 and key government agencies responsible for its implementation ..... | 75 |
| [Table 4-3-3] Threshold amounts for drug possession and drug trafficking in Malaysia .....  | 76 |
| [Table 4-3-4] Threshold amounts and mandatory sentencing for drug possession offenses in Malaysia .....   | 76 |
| [Table 4-4-1] Minimum and maximum sentencing for drug offenses in Myanmar   | 79 |
| [Table 4-4-2] Threshold amount for drug possession and drug trafficking in Myanmar .....  | 79 |
| [Table 5-1-1] Number of drug offenses in the Republic of Korea by type of offense, 2019 .....   | 88 |
| [Table 5-1-2] Number of drug offenses in the Republic of Korea by gender, 2009-2019 .....   | 90 |
| [Table 5-1-3] Number of drug-related offenses in the Republic of Korea by age group, 2009-2019 .....  | 91 |
| [Table 5-1-4] Number of repeat offenders and recidivism rates in the Republic of Korea, 2009-2018 .....   | 92 |
| [Table 5-1-5] Quantity of methamphetamine seized by the Korea Customs Service, by trafficking routes, 2018-2019 .....                           | 94 |
| [Table 5-1-6] Seized quantity of yaba in the Republic of Korea, by source country, 2017-2019 .....  | 95 |

|  |     |
|--|-----|
| [Table 5-1-7] Number of cases and amounts of methamphetamine seized in the Republic of Korea by embarkation point, 2018 and 2019 .....   | 96  |
| [Table 5-1-8] Minimum and maximum sentencing for drug offenses in the Republic of Korea .....  | 96  |
| [Table 5-1-9] Number of drug offenders in prisons in the Republic of Korea, 2009-2018 .....  | 98  |
| [Table 5-1-10] Number of female drug offenders in prisons in the Republic of Korea, 2009-2018 .....                                      | 99  |
| [Table 5-1-11] Number of drug offenders provided with psychotherapy programs in the Republic of Korea, 2012-2018 .....                   | 100 |
| [Table 5-1-12] Number of drug offenders provided with rehabilitation and treatment service by region in the Republic of Korea, 2014-2018 | 101 |



# Abbreviations



|          |  |
|----------|--|
| AFP      | Australian Federal Police  |
| AIPA     | ASEAN Inter-Parliamentary Assembly   |
| AIPACODD | AIPA Advisory Council on Dangerous Drugs   |
| ASEAN    | Association of Southeast Asian Nations   |
| ATS      | Amphetamine-type stimulants  |
| B.E.     | Buddhist Era   |
| BNN      | National Narcotics Board (Indonesia)   |
| CCDAC    | Central Committee for Drug Abuse Control (Myanmar)                                   |
| CCDU     | Compulsory enters for drug users   |
| CNB      | Central Narcotics Bureau (Singapore)   |
| CND      | Commission on Narcotic Drugs   |
| CSOs     | Civil society organizations  |
| CTS      | United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems |
| DAINAP   | Drug Abuse Information Network for Asia and the Pacific                              |
| DDA      | Dangerous Drugs Act 1952 (Malaysia)  |
| DDB      | Dangerous Drugs Board (Philippines)  |
| EMCDDA   | European Monitoring Centre for Drugs and Drug Addiction                              |
| INCB     | International Narcotics Control Board  |
| KIC      | Korea Institute of Criminology   |
| Lao PDR  | Lao People's Democratic Republic   |
| LCDC     | Lao National Commission for Drug Control and Supervision                             |
| LSD      | Lysergic acid diethylamide   |
| MDA      | Misuse of Drugs Act (Brunei Darussalam)  |
| MDMA     | 3,4-methylenedioxymethamphetamine  |
| MOU      | Memorandum of Understanding (Mekong region)  |
| MPF      | Myanmar Police Force   |

|        |  |
|--------|--|
| MYR    | Malaysian ringgit                                      |
| NACD   | National Authority for Combating Drugs (Cambodia)      |
| NADA   | National Anti-drugs Agency (Malaysia)                  |
| NCB    | Narcotics Control Bureau (Brunei Darussalam)           |
| NNCC   | National Narcotics Control Commission (China)          |
| NPS    | New psychoactive substances                            |
| ONCB   | Office of the Narcotics Control Board (Thailand)       |
| P-2-P  | 1-phenyl-2-propanone                                   |
| PDEA   | Philippine Drug Enforcement Agency                     |
| SDGs   | Sustainable Development Goals                          |
| SMART  | Synthetics Monitoring: Analyses, Reporting and Trends  |
| SODC   | Standing Office on Drugs and Crime (Viet Nam)          |
| SPO    | Supreme Prosecutors' Office (Republic of Korea)        |
| THB    | Thai baht  |
| TIJ    | Thailand Institute of Justice                          |
| TOC    | Transnational organized crime                          |
| UNAIDS | The Joint United Nations Programme on HIV/AIDS         |
| UNGASS | Special Session of the United Nations General Assembly |
| UNICEF | United Nations Children's Fund                         |
| UNODC  | United Nations Office on Drugs and Crime               |
| USD    | United States dollar                                   |
| WHO    | World Health Organization                              |

# Background and Rationale



The East and Southeast Asia region has long upheld some of the strictest drug laws in the world. In their attempts to eliminate illicit drug trafficking and use, countries in the region have pursued law-enforcement-led supply reduction strategies and imposed severe penalties for drug offenses, including lengthy prison sentences, compulsory treatment and the death penalty. Just more than two decades ago, the Association of Southeast Asian Nations (ASEAN)<sup>1)</sup> proclaimed its goal to create a “drug-free” society by 2020, a date that later was advanced to 2015. However, the region has seen its methamphetamine market grow and diversify at an unprecedented scale over the past ten years. The quantities of methamphetamine being seized in East and Southeast Asia have increased each year, reaching well over 115 tons in 2019 – a figure that does not include data from China (which seizes an average of roughly 30 tons annually).

A large and growing proportion of the illicit drugs trafficked in Asia originates from the Golden Triangle<sup>2)</sup> area of Myanmar, which has long been known for manufacturing large volumes of illicit drugs, mainly heroin and methamphetamine tablets, but which has more recently also become the epicenter of the trade of higher purity crystalline methamphetamine and other synthetic drugs, including ketamine. Drug trafficking syndicates continue to concentrate their illicit manufacturing activities in this subregion to expand the production of

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1) Includes Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam.

2) The Golden Triangle refers to the mountainous drug producing areas in the northern regions of Myanmar, Lao PDR and Thailand.

#### 4 Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

methamphetamine and other synthetic drugs, and to traffic a larger proportion to less traditional, more distant markets, particularly Australia, Japan and the Republic of Korea. Now that synthetic drugs and their precursor chemicals are being illicitly produced and transported in record quantities, and both drug markets and the transnational organized crime (TOC) groups that control much of the trade have become increasingly interconnected and interdependent across East and Southeast Asia and neighboring regions, there has been growing recognition within ASEAN of the need to reevaluate the region's drug policies.

Decades of criminal sanctions and social stigmatization of drug users and dealers have made minimal impact on the supply or demand for illicit drugs in the region. For instance, the 63 tons of crystalline methamphetamine seized in Southeast Asia in 2019<sup>3)</sup> represent an increase of more than 50 per cent compared with the previous year and a more than 27-fold increase from the amount seized in the region in 2010, when just under 2.3 tons (2,280 kg) were seized.<sup>4)</sup> There is such an oversupply of finished methamphetamine and other synthetic drug products in Southeast Asia that the drugs illicitly produced in the remote and cash-poor region of northern Myanmar are increasingly being trafficked by transnational drug trafficking groups greater distances to markets in East Asia, South Asia and Oceania, creating new demand and driving down prices. Decades of trying to deter drug use and solve the region's drug problems through strict supply reduction law enforcement efforts by seizing drugs and arresting users have resulted in the incarceration of hundreds of thousands of drug offenders throughout the region, overwhelming national prisons and criminal justice systems. Meanwhile, purities of drugs remain high, while price points for synthetic drugs, methamphetamine in particular, have reached their lowest levels in over a decade in a large number

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3) Based on preliminary data.

4) Drug Abuse Information Network for Asia and the Pacific (DAINAP).

of countries in the region, including in the Republic of Korea.

The scale of the region's drug problem has already prompted some governments to consider alternative strategies that include emphasis on preventive measures with a stronger focus on addressing the health and social consequences of synthetic drug use. These efforts have been underpinned by the UN General Assembly Special Session on Drugs (UNGASS) 2016. The outcome document from that session was unanimously adopted by Member States in April 2016. Prepared by the Commission on Narcotic Drugs (CND), the principal drug policymaking body of the United Nations, the UNGASS 2016 outcome document contains over 100 operational recommendations in seven thematic chapters, focused on demand and supply reduction, the availability of controlled substances for medical and scientific purposes, human rights, challenges and new trends, international cooperation, and development.<sup>5)</sup>

The special session was convened just after the adoption of the 2020 Agenda for Sustainable Development, which embraced a multidimensional approach to development and committed Member States to work together in a spirit of shared responsibility, including to address the world drug problem. The UNGASS 2016 outcome document emphasized that the three international drug conventions, namely the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, as well as other relevant international instruments, constitute the cornerstone of the international drug control system. The outcome document also reaffirms the commitment to implement the 2009 Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced

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5) UNODC. *Post UNGASS 2016*. Available at: <https://www.unodc.org/postungass2016/>.

Strategy to Counter the World Drug Problem, as well as the Joint Ministerial Statement adopted at the CND high-level review in 2014.<sup>6)</sup>

Since UNGASS 2016, Member States have recognized that efforts to achieve the Sustainable Development Goals (SDGs) and to effectively address the world drug problem are complementary and mutually reinforcing, and they have worked, to varying degrees, to implement UNGASS by making the provisions an integral part of national laws, programs and policies.<sup>7)</sup>

**UNGASS 2016 resolution A/RES/S-30/1**

The UN General Assembly held a Special Session (UNGASS) on drugs in 2016 and adopted the outcome document, "Our joint commitment to effectively addressing and countering the world drug problem", also known as A/RES/S-30/1. In this document, Member States committed themselves to implementing the operational recommendations contained therein and to reporting on progress made in this endeavour to the Commission on Narcotic Drugs (CND).

Following the adoption of the UNGASS outcome document, the CND initiated an intensive follow-up process, based on the principles of comprehensiveness and inclusiveness, with all seven thematic chapters of the UNGASS outcome document dealt with equally, and ample opportunities provided for all stakeholders to share their expertise, including United Nations entities and specialized agencies, international and regional organizations and civil society. A core part of that UNGASS follow-up process is the thematic discussions focused on the exchange of good practices and challenges and lessons learnt in the practical implementation of the UNGASS operational recommendations.

The outcome document states: "We reiterate our commitment to promoting the health, welfare and well-being of all individuals, families, communities and society as a whole, and facilitating healthy lifestyles through effective, comprehensive, scientific, evidence-based demand reduction initiatives at all levels, covering, in accordance with national legislation and the three international drug control conventions, prevention, early intervention, treatment, care, recovery, rehabilitation and social reintegration measures, as well as initiatives and measures aimed at minimizing the adverse public health and social consequences of drug abuse (...)"

Operational recommendations on demand reduction and related measures as well as other health-related issues are directed toward prevention of drug abuse as well as treatment of drug use disorders, rehabilitation, recovery and social reintegration, prevention, treatment

6) UNODC. *People at the Centre: UNODC Support for UNGASS 2016 on the World Drug Problem*, Vienna, April 2018. [https://www.unodc.org/documents/postungass2016//follow-up/8-01924\\_UNGASS\\_eBook\\_002.pdf](https://www.unodc.org/documents/postungass2016//follow-up/8-01924_UNGASS_eBook_002.pdf).

7) Ibid.

and care of HIV/AIDS, viral hepatitis and other blood-borne infectious diseases. These include operational recommendations on the following:

- Ensuring the availability of and access to controlled substances exclusively for medical and scientific purposes, while preventing their diversion;
- Supply reduction and related measures; effective law enforcement; responses to drug-related crime; and countering money-laundering and promoting judicial cooperation;
- Cross-cutting issues: drugs and human rights, youth, children, women and communities;
- Cross-cutting issues in addressing and countering the world drug problem: evolving reality, trends and existing circumstances, emerging and persistent challenges and threats, including new psychoactive substances, in conformity with the three international drug control conventions and other relevant international instruments;
- Strengthening international cooperation based on the principle of common and shared responsibility;
- Alternative development; regional, interregional and international cooperation on development-oriented balanced drug control policy; addressing socioeconomic issues.

Building on the momentum generated by UNGASS, the Korean Institute of Criminology (KIC) and UNODC Regional Office for Southeast Asia and the Pacific have developed this report with the aim of providing a rapid assessment of how the evolving illicit drug market in Southeast Asia is impacting the Republic of Korea. The report also reviews current drug policies and criminal justice mechanisms in Southeast Asia and the Republic of Korea so as to identify opportunities for change. The data presented in this report make clear the close interconnectivity between the drug markets in Southeast Asia and the Republic of Korea and also highlight the opportunities to work together to develop a collective, multifaceted response to the shared drug threats.

## Scope and Methodology

This report aims to provide a preliminary description and analysis of the key drug policies and laws in Southeast Asia and the Republic of Korea in order to better understand their impact on non-violent drug offenders, national criminal justice systems and overall drug markets, and the potential for policy interventions. The report was prepared from June to December 2020. UNODC and KIC initially

planned to hold workshops with ASEAN Member States to gather data from relevant agencies. However, because of the travel restrictions and social distancing policies resulting from the COVID-19 pandemic, holding such workshops was not possible. To facilitate the data collection, UNODC developed an in-depth questionnaire which was sent to each ASEAN Member State requesting available data related to drug policies and criminal justice systems. The questionnaires were designed to collect both quantitative and qualitative data from national authorities. The findings of the report are based on the responses to the questionnaires as well as on previous UNODC studies and Korea Institute of Criminology data. In addition, public sources were also used, to a lesser degree, to supplement gaps in the official data. Unfortunately, substantial gaps in the data remain.

## Chapter 1

Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

# Introduction

심인식 · Shan Kelley



### Section 1 | Sustained growth of supply and demand

The sustained growth of the methamphetamine market in East and Southeast Asia is being driven by the massive increase in supply over the past several years and the powerful transnational drug trafficking groups and their networks that control much of the trade. Although law enforcement agencies in some countries have successfully cracked down on illicit synthetic drug manufacture, it has had the effect of simply displacing production to vulnerable areas elsewhere in the region where drug enforcement capacities are weak and the conditions for illicit drug manufacture are favorable.

The data indicate that illicit manufacture of drugs has become increasingly concentrated within and around the Golden Triangle region of Myanmar and in nearby countries such as Cambodia and Viet Nam. This shift in the Golden Triangle has been observed since late 2015 when Myanmar authorities started seizing substantial quantities of methamphetamine and various other synthetic drugs. During the same time, there has been a corresponding decrease in the number of production facilities dismantled in other parts of East and Southeast Asia. TOC groups have been able to operate in the northern Myanmar region with minimal interference, and they have shifted towards producing increasing amounts of crystalline methamphetamine and other synthetic drugs, particularly

ketamine, using more sophisticated manufacturing methods and expanding the scale of their facilities. Of course, the illicit production of massive amounts of synthetic drugs requires corresponding quantities of precursor chemicals, most of which appear to be manufactured in and trafficked from neighboring countries. Unfortunately, however, the amounts of precursor chemicals being seized each year in Southeast Asia are insignificant.

Today, the region's synthetic drugs markets have grown more diverse, dynamic and profitable than ever, with increasing amounts of methamphetamine and other drugs being trafficked greater distances to drug users in East Asia, South Asia and Oceania, creating new demand in these markets in the process. As a result of the oversupply, methamphetamine has become substantially cheaper in Southeast Asia, reaching its lowest price points in the last decade. Decreases in prices of crystalline methamphetamine have also been observed in the Republic of Korea as well as in Australia and New Zealand, all of which are important and lucrative destinations for drugs illicitly manufactured in Southeast Asia. Meanwhile, purities remain high and have even increased in a few countries. In other words, organized crime groups have been able to provide better quality methamphetamine products at cheaper prices, indicating reduced production costs and a change in the business model.

The scale of the problem has become so large that the illicit methamphetamine (in crystalline and tablet forms) market in Southeast Asia, East Asia and Oceania is now estimated to be worth some US\$ 30–60 billion, enriching TOC groups and enabling them to become more deeply integrated within these regions, with significant public health and security implications.

## Section 2 | Ineffective drug policies

All countries have severe punishments for trafficking large quantities of drugs and violent drug related crime, and the non-medical use of narcotic drugs and psychotropic substances is prohibited under the drug control Conventions; however, the severity of the punishment for drug use and possession of drugs for personal use varies considerably between countries. In some countries outside of the region personal use is not a criminal offense or is not penalized with criminal justice sanctions. In some jurisdictions, drug dependence is considered as a mitigating factor for other drug-related offenses, and the legal system may impose a more lenient sentence for a defendant who is drug dependent than for someone who is not, particularly if they are prepared to enter treatment.

However, countries in East and Southeast Asia continue to uphold restrictive interpretations of the Conventions and have some of the harshest drug laws in the world, which include capital punishment for trafficking, and corporal punishment, imprisonment and compulsory detention for personal, non-medical drug use and possession. To enforce drug laws, police and security officials have at times responded with excessive force and other extrajudicial measures that have resulted in thousands of deaths and numerous human rights violations.

More than two decades ago, ASEAN foreign ministers attending the 31st ASEAN Ministerial Meeting in Manila in July 1998 signed the Joint Declaration for a “Drug-Free ASEAN by 2020”, with the objective to eradicate illicit drug production, processing, trafficking and abuse by the year 2020. Two years later, ASEAN reiterated its commitment to its pledge and advanced the target year to 2015, before later pushing it back to its original target date.<sup>8)</sup>

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8) UNODC. *Drug-Free ASEAN 2015: Status and Recommendations*, UNODC Regional Centre for East Asia and the Pacific and ASEAN Secretariat, Bangkok, 2008. Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/ASEAN\\_2015.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/ASEAN_2015.pdf).

With better drugs now more widely available and affordable than ever, it is evident that policies that address the drug problem almost exclusively through supply-side and punitive measures have failed to make any meaningful long-term reduction of regional drug supply and demand. Moreover, the social and financial costs of sustained law enforcement efforts and long-term incarceration of large numbers of drug users and other non-violent drug offenders in prisons and compulsory treatment facilities continue to rise, resulting in budget pressures, overcrowded prisons, overwhelmed police and courts, and devastated families and communities.

### **Section 3 | Consequences of excessive imprisonment and overcrowded prisons**

In most countries, the bulk of the resources dedicated to solving crime problems are given to the criminal justice system. The prison system is based on the idea that social problems – such as violence, illicit drug use, and acquisitive crime – can be addressed by punishing individuals who participate in these problems.<sup>9)</sup> In East and Southeast Asia, heavy-handed enforcement of national drug laws and the disproportionately long sentences given to drug law violators have filled the region's prisons and detention facilities with excessive numbers of non-violent drug offenders. A principle reason for the over-incarceration of drug offenders is the low threshold amounts applied to differentiate between drug consumption and intent to supply, and the application of mandatory minimum penalties. As a consequence, prison capacities are being pushed to their limits.

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9) UNODC and Thailand Institute of Justice (TIJ). Unpublished study on the Thai correctional system and recidivism, Bangkok and Vienna, August 2020.

Severely overcrowded prison conditions can have myriad adverse health and social effects, including the more rapid transmission of COVID-19 in particular and also of HIV, hepatitis B and C, tuberculosis and other infectious diseases. Moreover, confinement in custodial settings such as prisons and compulsory drug treatment centers often can have other consequences for the lives of individual drug users and low-level drug offenders which are difficult to measure. While in prison, individuals are likely to be exposed to criminals and they also may learn criminal behavior or even develop affiliations with criminal gangs; once released, they may experience social stigma and discrimination, inhibiting their reintegration into their families or communities.

## **Section 4 | The scope for drug policy reform in East and Southeast Asia**

Recognizing that traditional drug suppression methods have failed, many governments in East and Southeast Asia are beginning to reconsider their policies and are now looking for alternative approaches to incarceration for drug use, possession and related non-violent crime. Thailand, for example, has approved the medical use of cannabis and is easing restrictions on the use of other plant-based substances, namely kratom. Thailand is also rolling out community-based treatment in some regions with support from the Ministry of Public Health and Ministry of Justice. Unfortunately, however, most countries in the region continue to incarcerate large numbers of drug users and non-violent offenders each year, including Thailand. Some countries are even accelerating their law-enforcement-led war-on-drugs campaigns, striving to eliminate drug dealing and use with excessive and sometimes deadly force, prompting growing international concerns over

human rights violations and renewed dialogue about the need for the region's drug policies to evolve.

Despite the continued and growing complexity of the illicit drug challenges in the region, ASEAN is significantly better prepared to respond than it was in the previous decades. There is now a clearer understanding among some countries of the need to address the issue of drugs in a more balanced and comprehensive way, with increased emphasis on demand reduction approaches that focus on public health, education and development while also maintaining a continued focus on supply reduction and its related enforcement approaches. There is also increased recognition that drug dependence is a treatable condition and not always a criminal threat, and also that treatment has been more effective than incarceration in reducing drug-related crime. At the same time, national drug control agencies have a more balanced understanding of the reasons for drug use and now share information more regularly with officials from other agencies, including the ministries of health and education. In addition, police and public security officials are also strengthening their capacity to manage transnational investigations and communicate with counterparts in other countries.

The transition from imprisonment and criminal justice sanctions for drug-related crime to an approach that emphasizes drug dependence treatment, after-care, rehabilitation and social reintegration as well as proportional drug sentencing will require wide-ranging governance changes that will not be easily or quickly implemented. At present, not all people who commit drug offenses are able to access treatment due to the limited availability and access to treatment services. Furthermore, most countries lack the political commitment and resources to allocate the necessary policy focus and investment in drug demand reduction measures that reduce social harms and promote public health.

The Korea Institute of Criminology (KIC) and the UNODC Regional Office for Southeast Asia and the Pacific conducted this study to examine the rapid

expansion of methamphetamine market in Southeast Asia and its impact on the Republic of Korea, and to analyze policy responses to counter the threats related to the illicit trade. In doing so, this study demonstrates the clear linkages between the drug markets in Southeast Asia and the Republic of Korea, and the reasons why addressing drug challenges in Southeast Asia is critical for the Republic of Korea. The findings of this study are intended to provide an evidence base that can be used to inform drug policies in the Republic of Korea and Southeast Asia. The findings also are intended to support Member States in developing and implementing truly balanced, comprehensive, integrated, evidence-based, human rights-based, development-oriented, and sustainable responses to the regional drug problem, in alignment with the framework of the 2030 Agenda for Sustainable Development.



## Chapter 2

Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

# Latest drug situation in Southeast Asia

심인식 · Shan Kelley



## Chapter 2

# Latest drug situation in Southeast Asia

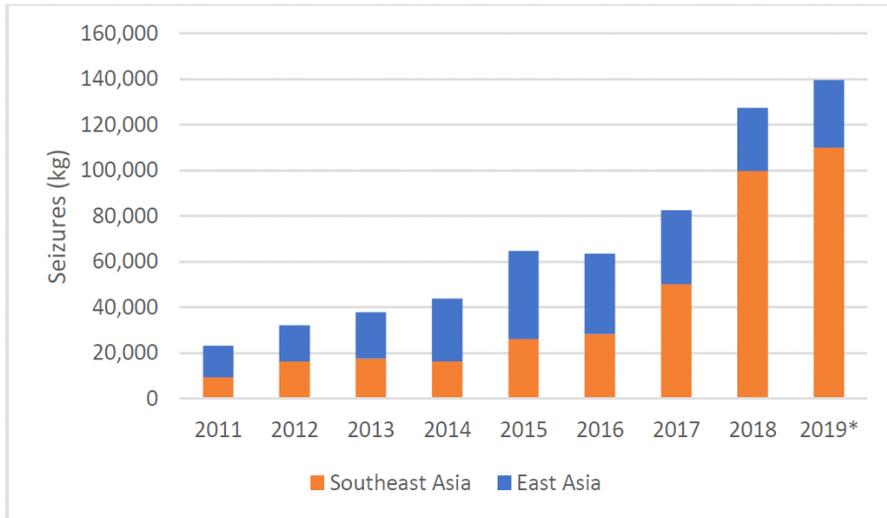
### Section 1 | Overview of the situation

Southeast Asia and neighboring regions are experiencing a rapid expansion and diversification of the methamphetamine market and the latest data confirms that the variety and volume of synthetic drugs continues to increase. Seizures of methamphetamine in East and Southeast Asia have increased year-on-year over the last decade, something not observed in any other part of the world. Countries in the region have confirmed seizures of 115 tons of methamphetamine in 2019, but the figure does not include data from China, which has seized an average of nearly 30 tons in each of the last five years.

One of the major developments observed in the methamphetamine market in recent years is the increase in supply of methamphetamine in crystalline form, particularly in Southeast Asia, which has been more pronounced and persistent compared to methamphetamine in tablet form. While in 2019, seizures of methamphetamine tablets in Southeast Asia decreased for the first time in years, by a fifth, from 647 million to 511 million tablets, seizures of crystalline methamphetamine continued to increase. Preliminary data show that at least 63 tons of crystalline methamphetamine were seized in 2019, more than a 50 per cent increase compared to 2018 and a significantly higher quantity than in previous years.<sup>10)</sup>

10) UNODC. *Synthetic Drugs in East and Southeast Asia: Latest Developments and Challenges*,

»» [Figure 2-1-1] Seizures of methamphetamine (tablet and crystalline) in East and Southeast Asia, 2011-2019

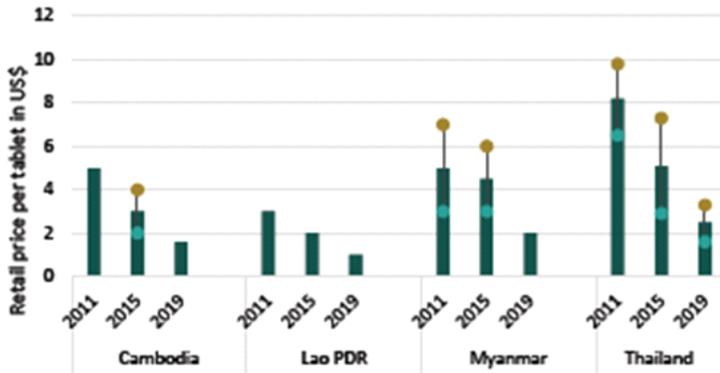


Note: Data for 2019 include only those confirmed by countries in the region. At the time of writing, Macau, China, the Democratic People’s Republic of Korea, Mongolia, and Timor Leste for 2019.

Sources: UNODC, responses to the annual report questionnaire; UNODC, *Synthetic Drugs in East and Southeast Asia: Latest Developments and Challenges*, UNODC Global SMART Programme, Bangkok, May 2020; National Narcotics Control Commission of China, Annual Report for 2019.

The intensified supply has resulted in methamphetamine becoming cheaper in 2019, reaching its lowest price points in the last decade in Southeast Asia and in the high-profit markets of the Republic of Korea, Australia and New Zealand. Despite declining prices, the purity of Southeast Asian methamphetamine remains high and has even increased in some countries.

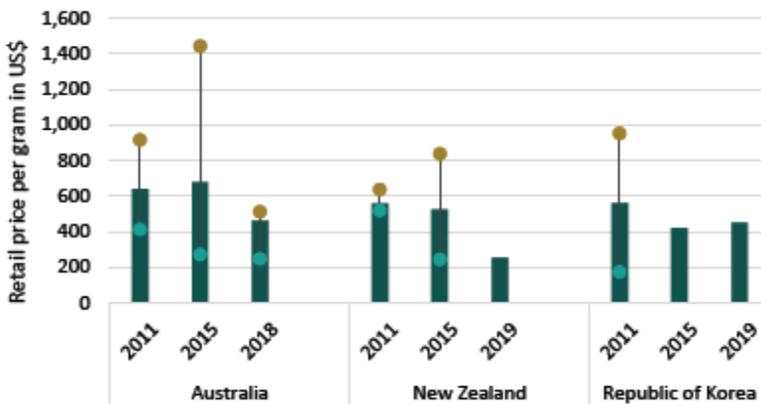
»» [Figure 2–1–2] Changes in typical prices of methamphetamine tablets in selected countries in Southeast Asia, 2011, 2015 and 2019



Note: The high–low bars represent the upper and lower limits of the price range for those countries which reported such range in addition to the typical price; data in the table are not adjusted with purities. For the purpose of this figure, a mid–point of upper and lower limit was used when data were reported in a range format.

Source: UNODC, responses to the annual report questionnaire; DAINAP; Official communication with NACD of Cambodia, LCDC of Lao PDR, CCDAC of Myanmar, and ONCB of Thailand, February 2020.

»» [Figure 2–1–3] Changes in typical prices of crystalline methamphetamine in the Republic of Korea, Australia and New Zealand, 2011, 2015 and 2019 or latest year available



Note: The high–low bars represent the upper and lower limits of the price range for those countries which reported such range in addition to the typical price; data in the table are not adjusted with purities. For the purpose of this figure, a mid–point of upper and lower limit was used when data were reported in a range format.

Source: UNODC, responses to the annual report questionnaire; NDIB, *Illicit Drug Pricing Report*, February 2020; Official communication with SPO, February 2020.

In addition to methamphetamine, the steady rise of dangerous synthetic opioids is a concern in the East and Southeast Asia region, particularly as the data indicate that organized crime groups are pushing the limits of the business and attempting to develop new markets. In 2014, the number of opioids identified in the region's illicit drug supply was just three, a figure which increased to 28 in 2019, and seizures of synthetic opioids are being made in new locations. The increasing availability of synthetic opioids such as fentanyl and even more potent variations deserves special law enforcement and public health attention across the region, particularly given the concerns that these substances could get mixed into or displace part of the heroin supply and that Southeast Asia could become a source for other synthetic opioid markets outside the region. Potent new psychoactive substances (NPS) with opioid effects are already available in the regional drug market, and retrospective forensic data of recent autopsy cases from Thailand have shown the concurrent use of fentanyl with benzodiazepines and methamphetamine, although it is unclear what proportion was associated with the non-medical use of synthetic opioids. Moreover, some synthetic opioids identified in the region have been implicated in overdose deaths outside the region, including in North America and to a lesser extent in Europe.<sup>11)</sup> These trends are cause for concern.

Beyond methamphetamine and synthetic opioids, a wide range of other synthetic drugs are found in East and Southeast Asia, including ecstasy, ketamine and various non-opioid NPS, particularly cannabinoids. A total of 461 different NPS were reported by countries in East and Southeast Asia by the end of 2019, almost half of the total number reported at the global level.<sup>12)</sup> The largest number of

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11) UNODC. *Synthetic Drugs in East and Southeast Asia: Latest Developments and Challenges*, UNODC Global SMART Programme, Bangkok, May 2020.

12) UNODC Early Warning Advisory (EWA) on NPS.

NPS were reported by Japan (366 substances) and Singapore (118), as well as in the Republic of Korea (93), where national authorities have continued to intercept several shipments of NPS in recent years. It is also important to note that the number of NPS detected in some countries in the region, including Cambodia, Lao PDR, and Myanmar remain limited and may, in part, be attributed to their limited capacity to identify these substances.

The use of MDMA (“ecstasy”) is not yet widespread in East and Southeast Asia, partly because of its high cost and lack of availability, but there are indications of increased use of the drug in recent years, according to expert perception, in countries such as Brunei Darussalam, Cambodia, Hong Kong, China, Japan, Singapore and Viet Nam. One notable development in the region’s “ecstasy” market is the high proportion of female users compared with methamphetamine and heroin and other illicit drugs.

MDMA manufacture does not appear to be significant in East and Southeast Asia. However, as with methamphetamine, there are strong indications of increased production of MDMA in the lower Mekong region, by drug producers that have relocated MDMA manufacture from maritime Southeast Asian countries. Trafficking of “ecstasy” originating in other regions, in particular from Europe, continues to be reported. Seizures of “ecstasy” tablets totaled some 4.7 million tablets in 2019, of which about 90 per cent were seized by Cambodia, Indonesia, Hong Kong, China, and Malaysia, and showed increases in several countries during the year including the Republic of Korea, which has reported increasing “ecstasy” seizures each year since 2016, and in Cambodia, Japan, Malaysia and Thailand.<sup>13)</sup> “Ecstasy” has also reportedly become increasingly pure, while crystalline MDMA, associated with an increased risk of overdose events in other regions, appears to be available in the region. In addition, drug products in liquid form

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13) Based on preliminary data. Complete 2019 data and 2020 data were not available at the time of writing.

containing MDMA in combination with other synthetic drugs have been found in the region.

“Ecstasy” trafficking flows from other regions, in particular Europe, continue to be reported in East and Southeast Asia. The Netherlands, Germany, Belgium and France were among the major embarkation points for “ecstasy” seized in the Republic of Korea as well as in Hong Kong, China, Indonesia, Myanmar and the Philippines in 2018.<sup>14)</sup> In the Republic of Korea, more than half of the “ecstasy” trafficking cases detected by national authorities appear to have originated from the Netherlands.<sup>15)</sup> North America was also identified as a source of “ecstasy” by the Republic of Korea and China in the same year.<sup>16)</sup>

The non-medical use of ketamine has long been a challenge for the region, and recent changes in the ketamine market ensure that it will continue to be so. As with methamphetamine, seizures of ketamine have increased sharply in the region since 2015, driven primarily by substantial quantities of the drug being illicitly manufactured in, and trafficked from, Myanmar. Although most of the ketamine available in the regional drug market is being supplied from within the region, there are also indications pointing to supply routes from other regions, including South Asia and Europe.<sup>17)</sup>

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14) UNODC, responses to the annual report questionnaire.

15) Supreme Prosecutors’ Office (SPO), *White paper on illicit drugs-related crime for 2018*, August 2019.

16) Ibid.

17) UNODC. *Synthetic Drugs in East and Southeast Asia: Latest Developments and Challenges*, UNODC Global SMART Programme, Bangkok, May 2020.

## Section 2 | The methamphetamine market in East and Southeast Asia

The intensification of methamphetamine manufacturing activity within and around the Golden Triangle, including in countries like Cambodia and Viet Nam, has been accompanied by a corresponding decrease in the number of methamphetamine manufacturing facilities dismantled in East and maritime Southeast Asia. The massive scale of manufacturing capacity in the Golden Triangle region indicates how swift and thorough this transformation has been.

In response to the surge in methamphetamine manufactured in and trafficked from the Golden Triangle, the Government of Myanmar has launched a number of successful operations, dismantling methamphetamine and heroin manufacturing facilities of an unprecedented scale, including a total of 14 clandestine drug laboratories in 2018 and 2019, after having not dismantled any manufacturing sites in 2017.<sup>18)</sup> During one notable trafficking case, reported in July 2019 in Kayah State, authorities seized 500 kg of crystalline methamphetamine, 649 kg of ketamine and 1,150 kg of concentrated caffeine, a typical bulking agent for methamphetamine tablets,<sup>19)</sup> which may indicate possible methamphetamine and ketamine manufacturing sites outside Shan State.

Throughout early 2020, Myanmar law enforcement authorities conducted a series of operations in North Shan State which resulted in the largest methamphetamine manufacturing sites ever dismantled in the Golden Triangle. As of 14 March, Myanmar authorities dismantled several methamphetamine manufacturing sites and warehouses leading to seizures of over 143 million methamphetamine tablets,

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18) CCDAC. *2019 Precursor Situation in Myanmar*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

19) CCDAC. *Drug trends and precursor control in Myanmar*, presented at the 43rd Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific (HONLAP), Bangkok, Thailand, October 2019.

a figure greater than the entire amount seized in the country in 2019, as well as 441 kg of crystalline methamphetamine.<sup>20)</sup> In addition, 246 different types of chemicals and laboratory equipment were also seized during the operations.<sup>21)</sup>

Large-scale methamphetamine manufacturing is also reported in other lower Mekong countries. In July 2019, authorities in Viet Nam dismantled the largest ever methamphetamine manufacturing facility in Kon Tum province, located near the border with Cambodia and Lao PDR.<sup>22)</sup> Some 20 tons of laboratory equipment and 13 tons of various chemicals, including more than 1,050 litres of P-2-P, 14 litres of benzyl cyanide, and 213 kg of tartaric acid, were found at the site.<sup>23)</sup> In Cambodia, authorities dismantled a synthetic drug refinery in April 2019, the first time such a facility had been dismantled since 2015, resulting in the seizures of 18 kg of MDMA, all in powder form, as well as 173 kg of pyrovalerone, tableting moulds and laboratory equipment.<sup>24)</sup>

Although the data indicate that clandestine methamphetamine in China appears to have decreased significantly in recent years, Chinese authorities continued to dismantle clandestine methamphetamine laboratories. The number of clandestine methamphetamine laboratories dismantled in China has fallen sharply, from 526 in 2015 to 85 in 2018, the latest year for which confirmed data are available.<sup>25)</sup> In November 2019, Chinese authorities dismantled four methamphetamine manufacturing facilities and three warehouses containing precursor chemicals across multiple provinces, including Fujian, and seized 450 kg of ephedrine and more than 77 tons of other chemicals.<sup>26)</sup> Some of the dismantled laboratories were being used

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20) Office of the Commander-in-chief of Defence Services of Myanmar. *More narcotic drugs, related materials used in drug production seized in Lwekham Village, Kutkai Township*, March 2020.

21) Ibid.

22) SODC. *Precursor chemical control in Viet Nam*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

23) Ibid.

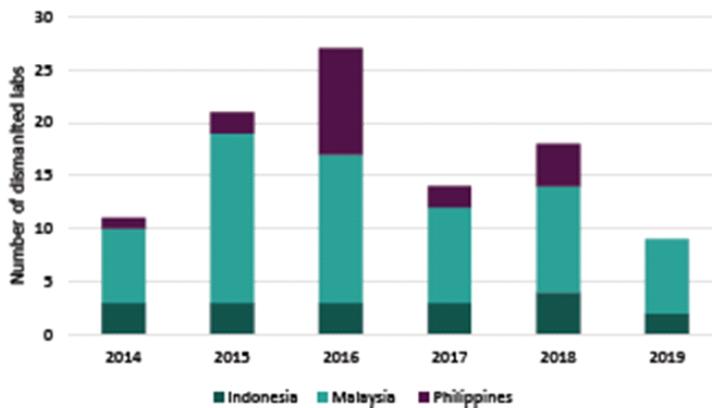
24) NACD. *Precursor chemical control in Cambodia*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020; and DAINAP.

25) Responses to the annual report questionnaire.

for the illicit manufacture of ephedrine and 2-bromopropiophenone, a precursor for ephedrine. The National Narcotics Control Commission (NNCC) of China noted that organized crime groups based in Fujian province, remain active in the illicit trade of drugs and chemicals.<sup>27)</sup>

Data also strongly indicate that the level of illicit methamphetamine manufacture in maritime Southeast Asian countries may be decreasing. In 2019, for instance, the Philippines reported no seizures of methamphetamine laboratories in the country, the first time no clandestine manufacture has been reported in years, while during the same year, the number of methamphetamine laboratories dismantled in Indonesia and Malaysia was the lowest reported since 2014.<sup>28)</sup>

»» [Figure 2-2-1] Number of methamphetamine manufacturing facilities dismantled in Indonesia, Malaysia and the Philippines, 2014-2019



Note: The figures refer to all laboratories, regardless of the size of the facility or the scale of the output. At present, there is no comprehensive data to assess the scale of the dismantled manufacturing facilities.

Source: DAINAP.

26) NNCC. *Seven Provinces Jointly Solved "9·25" Extraordinary Drug Manufacturing cases*, official press release, November 2019. Available at: [http://www.nncc626.com/2019-11/14/c\\_1210353398.htm](http://www.nncc626.com/2019-11/14/c_1210353398.htm).

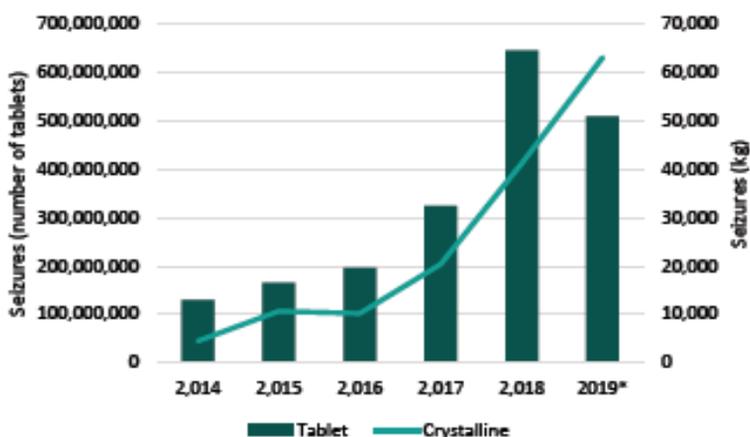
27) Ibid.

28) DAINAP.

In comparison, the small number of clandestine laboratories for methamphetamine and other synthetic drugs dismantled each year in the Republic of Korea is trivial when compared with the amounts being produced and trafficked from other parts of the region.

As drug trafficking syndicates are consolidating methamphetamine manufacture into regions with deep governance challenges, namely the Golden Triangle region of Myanmar and other parts of the lower Mekong region, the challenges for governments to respond are manifold, particularly as this development is taking place in areas where drug enforcement agencies are lacking critical institutional capacity and resources. The lack of law enforcement deterrent at the manufacturing centers is also making transit and destination countries increasingly vulnerable to the security and public health threats that are resulting from the flood of methamphetamine and other synthetic drugs originating from the Golden Triangle and lower Mekong countries.

»» [Figure 2-2-2] Changes in methamphetamine tablet and crystalline methamphetamine seizures in Southeast Asia, 2014-2019

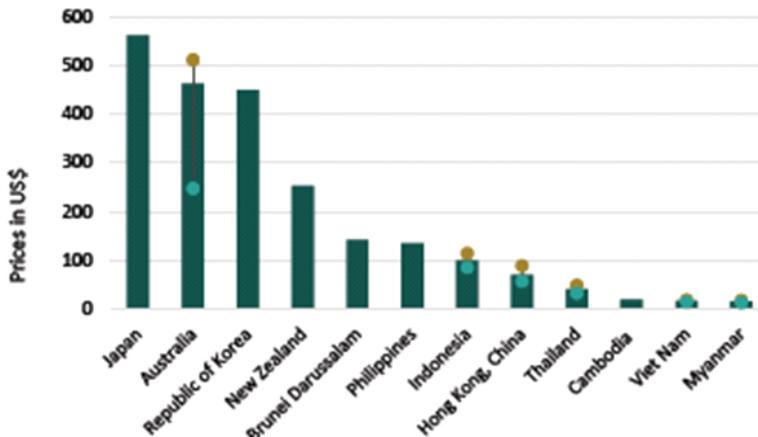


Source: UNODC, responses to the annual report questionnaire; DAINAP.

Transnational organized drug trafficking syndicates in Asia are becoming increasingly innovative and mobile, and through their extensive networks in

source, transit and destination countries have been able to expand the reach and scale of synthetic drugs, in particular methamphetamine, trafficked from Southeast Asia. The oversupply is reflected by stable purities and declining street prices across the region, as drug trafficking groups are in a position to provide better quality methamphetamine at much cheaper prices compared to a decade ago, increasing affordability and harm as well as the size of their consumer market.

»» [Figure 2-2-3] Retail prices of crystalline methamphetamine per 1 gram among selected countries in East and Southeast Asia, Australia and New Zealand for 2019 or latest year available



Source: UNODC, responses to the annual report questionnaire; DAINAP; National Drug Intelligence Bureau of New Zealand, *Illicit Drug Pricing Report*, February 2020; Official communication with SPO of the Republic of Korea, February 2020; National Police Agency of Japan, *Drug Control in Japan*, presented at the 25th Asia-Pacific Operational Drug Enforcement Conference, Tokyo, Japan, February 2020.

In addition to the evolving crystalline methamphetamine market, the market for methamphetamine tablets is similarly changing, as evidenced by recent trends in trafficking from Myanmar to South Asia, which has evolved into an important destination for methamphetamine tablets outside the Mekong region. Experts have suggested two explanations for this development: first, a growth in trafficking of methamphetamine tablets from the Golden Triangle overland to Bangladesh, with some routes first passing through India;<sup>29)</sup> second, the use of maritime

trafficking routes from Myanmar along the Andaman Sea, some of which cross Indian territorial waters.<sup>30)</sup> Meanwhile, the trafficking of methamphetamine precursor chemicals and ketamine originating from or transiting through South Asia to Southeast Asia has also been observed.<sup>31)</sup>

### Section 3 | Transnational organized crime (TOC) shifting their trafficking routes

Transnational organized crime groups that control much of the trade have responded to changes in the environment, innovating their business model and cooperating with each other to evade law enforcement and maximize profits.

In 2019, there were major shifts in trafficking routes of crystalline methamphetamine observed across the region, demonstrating the agility and flexibility of organized crime to respond to intensified law enforcement operations conducted the previous year. During the previous two years, for instance, almost all the crystalline methamphetamine seized in Myanmar was seized in Shan State, including 98.2 per cent of all seizures by weight in 2018.<sup>32)</sup> In 2019, however, while Shan State continued to account for the largest amount of crystalline methamphetamine

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29) Bangladesh Department of Narcotics Control. *Drug Control in Bangladesh*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

30) For instance, in September 2019, Indian authorities seized 1,156 kg of crystalline methamphetamine in Nicobar Island, located at the juncture of the Bay of Bengal and the Andaman Sea. The drug was destined from Malaysia and Thailand, and concealed in distinctive teabag packaging used in the Golden Triangle; NCB of India. *Country briefing on drug and precursor situation in India*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

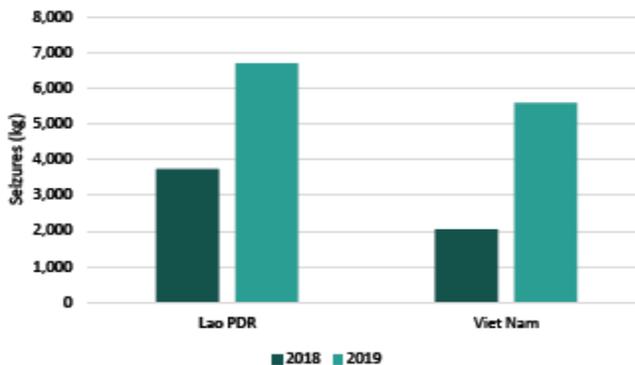
31) Royal Malaysian Police, National Anti-Drug Agency, and the Ministry of Health of Malaysia. *Country briefing*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

32) UNODC. *Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact*, July 2019.

seizures (4,167 kg), one-third of the 2019 total (3,145 kg) was seized in Tanintharyi Region, located in the southern part of the country.<sup>33)</sup> In comparison, in 2018, Tanintharyi Region accounted for merely 0.1 per cent of the total seizures, amounting to just 3.5 kg.<sup>34)</sup>

A similar shift in trafficking routes has taken place in Thailand. In 2018, a large majority of crystalline methamphetamine seizures was seized in northern and southern provinces of the country, particularly in Chiang Rai and Chumphon, highlighting the direct trafficking flows that run from Thailand's northern border to the southern border. In 2019, there was an increase in the trafficking into the country along its western border. On the other hand, no significant changes in entry points of methamphetamine tablet trafficking from the Golden Triangle to Thailand were observed in 2018 and 2019.<sup>35)</sup> The disparity is likely due to different organized crime groups financing trafficking of the two drug types and their different intended destinations.

»» [Figure 2-3-1] Seizures of methamphetamine in Lao PDR and Viet Nam, 2018 and 2019



Sources: DAINAP; Official communication with Lao PDR and Viet Nam, February 2020.

33) Official communication with CCDAC, Myanmar, February 2019 and March 2020.

34) Ibid.

35) For instance, four provinces in Thailand – Chiang Rai, Chiang Mai, Bangkok and Lampang – were listed in the top five provinces for methamphetamine tablet seizures in both 2018 and 2019; Official communication with ONCB, February 2020; and ONCB. *Synthetic drug situation in Thailand*, presented at the 2019 SMART Regional Workshop, Singapore, August 2019.

At the same time, both Lao PDR and Viet Nam have reported record methamphetamine seizures in recent years, indicating that both countries have become major gateways for trafficking increased quantities of the drug within the region.

Viet Nam has emerged as a major transit point for drugs trafficked from the Golden Triangle to the Philippines, as indicated by several crystalline methamphetamine trafficking cases in 2019, including one in March 2019 where Philippine authorities seized 276 kg of crystalline methamphetamine trafficked via Ho Chi Minh City, Viet Nam,<sup>36)</sup> and destined to Taiwan Province of China.<sup>37)</sup>

In addition, there are growing indications that Cambodia is gaining importance as a transshipment point for regional and inter-regional methamphetamine trafficking, particularly the coastal province of Sihanoukville. According to data from Cambodian authorities, crystalline methamphetamine has been trafficked by sea from the Sihanoukville port to countries such as the Philippines and Australia.<sup>38)</sup> Furthermore, in March 2020, Thai authorities seized more than 600 kg of crystalline methamphetamine in several islands of Trat Province, adjacent to Cambodia, which was believed to be destined for Sihanoukville for onward trafficking.

Larger volumes of drug trafficking have been detected along other maritime routes, namely the route that originates from Myanmar and traverses the Andaman Sea and Malacca Strait, sometimes passing through or landing in Thailand, along the way to crystalline methamphetamine markets in Indonesia and Malaysia as well as for onward trafficking to Australia, Japan and New Zealand. For instance, in June 2019, Australian authorities reportedly seized 1.6 tons of crystalline methamphetamine trafficked in sea cargo via Bangkok, Thailand,<sup>39)</sup> the largest

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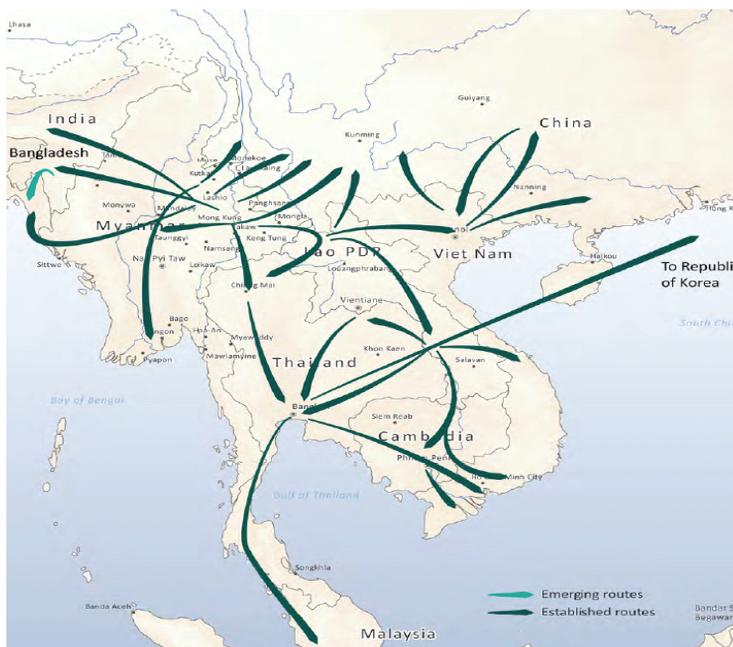
36) SODC. *Latest situation on synthetic drugs and responses to the threats in Viet Nam*, presented at the 2019 Regional SMART Workshop for East and Southeast Asia, Singapore, August 2019.

37) DDB and PDEA. *Latest situation on synthetic drugs and responses to the threats in Philippines*, presented at the Regional SMART Workshop for East and Southeast Asia, Singapore, August 2019.

38) NACD. *Precursor chemical control in Cambodia*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

single seizure ever reported by Australia.<sup>40)</sup> In September 2019, New Zealand authorities seized 452 kg of crystalline methamphetamine also trafficked in a shipping container via Bangkok, the largest amount ever seized at its border.<sup>41)</sup> These recent trafficking trends indicate that Thailand remains a major transit for crystalline methamphetamine trafficked to Oceania.

»» [Figure 2-3-2] Methamphetamine tablet trafficking flows in the Mekong region, 2019



Note: Flows arrows represent the general direction of trafficking and do not coincide with precise sources of production or manufacture, are not actual routes, and are not weighed for significant/scale. Boundaries, names and designations used do not imply official endorsement or acceptance by the United Nations.

Source: UNODC elaboration based on information presented at the 2019 SMART Regional Workshop, Singapore, August 2019 and the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

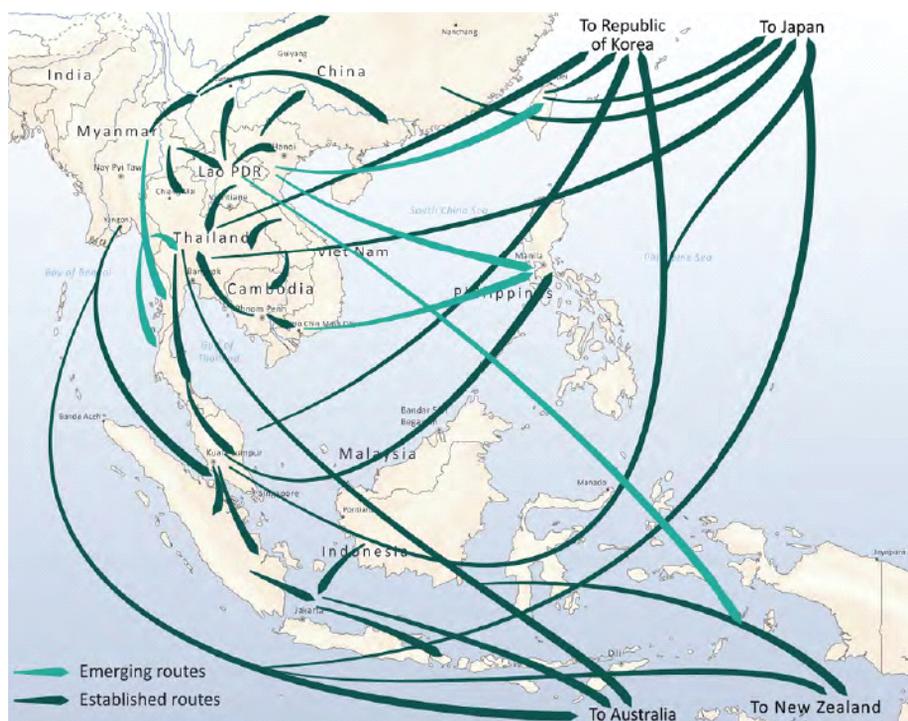
39) AFP. *Authorities make largest ever onshore ice seizure*, official press release, June 2019. Available at: <https://www.afp.gov.au/news-media/media-releases/authorities-make-largest-ever-onshore-ice-seizure>.

40) Ibid.

41) New Zealand Customs Service. *Customs' biggest methamphetamine seizure*, official press release, September 2019. Available at: <https://www.customs.govt.nz/about-us/news/media-releases/customs-biggest-methamphetamine-seizure/>.

The shifting trafficking patterns within the region have heightened the importance of Southeast Asia as an origin and transit region for neighboring countries, including the Republic of Korea, Japan, Australia and New Zealand.

»» [Figure 2-3-3] Crystalline methamphetamine trafficking flows in East and Southeast Asia, 2019



Note: Flows arrows represent the general direction of trafficking and do not coincide with precise sources of production or manufacture, are not actual routes, and are not weighed for significant/scale. Boundaries, names and designations used do not imply official endorsement or acceptance by the United Nations.

Source: UNODC elaboration based on information presented at the 2019 SMART Regional Workshop, Singapore, August 2019 and the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

## Section 4 | Precursor chemicals

Growing methamphetamine manufacture in East and Southeast Asia would not be possible without a corresponding surge in precursor chemical diversion and trafficking, and TOC networks are diverting and trafficking massive quantities of precursor chemicals into the region. However, the minimal amounts of precursor chemicals being seized are not commensurate with trends in methamphetamine seizures, and the limited information about their diversion and trafficking continue to impede the ability of law enforcement to counter the illicit trade.

The manufacture of methamphetamine requires key precursor chemicals, such as ephedrine, pseudoephedrine, and 1-phenyl-2-propanone (P-2-P).<sup>42)</sup> However, since 2015, the amounts of ephedrine and pseudoephedrine seized in Myanmar have decreased significantly. There has been no recent seizure of pseudoephedrine (mainly in the form of pharmaceutical preparations) and only 4 kg of ephedrine were seized in 2019. At the same time, seizures of P-2-P in Myanmar have fluctuated widely, with only insignificant amounts (300 lt) of the chemical seized in 2019.<sup>43)</sup>

However, recent seizures have confirmed continuing flows of chemicals from South Asia into Southeast Asia, including the seizure of large quantities of solvents including sulphuric acid during special operations conducted in northern Shan State in March 2020 and believed to have originated from India; and in November 2019 Malaysian authorities seized 200 kg of pseudoephedrine shipped from Bangladesh en route to Australia.<sup>44)</sup>

42) Ephedrine, pseudoephedrine and P-2-P are listed in Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

43) UNODC. *Synthetic Drugs in East and Southeast Asia: Latest Developments and Challenges*. UNODC Global SMART Programme, Bangkok, May 2020.

44) Royal Malaysian Police, National Anti-Drug Agency, and the Ministry of Health of Malaysia. *Country briefing*, presented at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

In addition to Myanmar and Viet Nam, only three other countries in Southeast Asia – Indonesia, Malaysia and the Philippines – reported seizures of either ephedrine, pseudoephedrine or P-2-P in 2019. However, the amounts seized in these countries were not significant,<sup>45)</sup> further illustrating the increasing challenges in detecting methamphetamine-related precursor chemicals in the region and beyond.<sup>46)</sup>

Nevertheless, the vast majority of recent precursor chemical seizures reported by Myanmar authorities indicate that areas bordering China are being heavily exploited by transnational drug trafficking groups for precursor trafficking. To eliminate these precursor chemical flows, the Government of China has intensified its law enforcement efforts. Between January to early October 2019, Chinese authorities seized a total of 873.4 tons of various illicit drug making materials, including precursor chemicals and auxiliaries, along all border check points in Yunnan province of China, bordering Myanmar.<sup>47)</sup>

Another significant entry point for chemicals to Myanmar is the southern Shan State on the border with Thailand. The types of chemicals seized in both countries in recent years also suggest that new synthesis methods are being used for the manufacture of methamphetamine in Myanmar. For instance, large quantities of hydrochloric acid and sodium cyanide<sup>48)</sup> have been seized along this route in recent years.<sup>49)</sup> Since 2017, increasing quantities of sodium cyanide and, very

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45) For instance, Malaysia reported to have seized 200 kg of pseudoephedrine and 12 kg of ephedrine while only 46 g and 76.8 g of ephedrine were seized respectively in Indonesia and in the Philippines. Data for Indonesia for 2019 are preliminary and subject to change.

46) See also: UNODC. *An expanding synthetic drugs market - implications for precursor control*, Global SMART Update, Vol. 23, March 2020.

47) NNCC. *Yunnan Entry-Exit Border Inspection Station Commends Advanced Groups and Individuals*, official press release, November 2019.

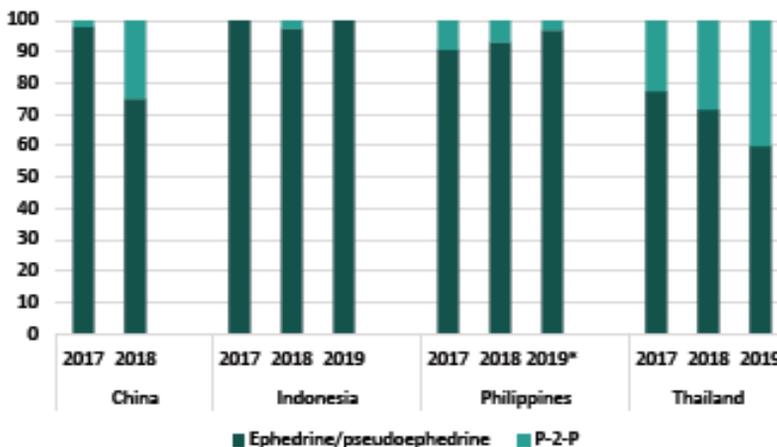
48) A combination of benzyl chloride and sodium cyanide is required for the synthesis of benzyl cyanide and subsequently P-2-P. The absence of seizures of benzyl chloride makes it difficult to determine if the sodium cyanide seized in recent years is intended as precursors for the production of P-2-P.

49) CCDAC. *2019 Precursor Situation in Myanmar*, at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

recently, benzyl cyanide, have been seized in Myanmar and Thailand en route to the Golden Triangle.<sup>50)</sup> During the first quarter of 2020, Myanmar authorities reported separate seizures of about 8,000 lt of benzyl cyanide and more than 12 tons of sodium ethoxide,<sup>51)</sup> both of which can be also used for synthesizing P-2-P.

That seizures of such chemicals have increased over the past few years at the same time the region started witnessing a surge of methamphetamine manufactured in the Golden Triangle may not be a coincidence, but rather likely suggests that organized crime groups have become increasingly sophisticated, flexible, and adept at using non-traditional chemicals to engineer the expansion of the market.

»» [Figure 2-4-1] Crystalline methamphetamine forensic profiles reported from China, Indonesia, the Philippines and Thailand, 2017-2019\*



Note: Data for the Philippines for 2019 are preliminary.

Source: NNCC, Latest situation of synthetic drugs in China; BNN, Latest situation of synthetic drugs in Indonesia, presented the 2019 Regional SMART Workshop for East and Southeast Asia, Singapore, August 2019; DDB & PDEA, Country report, presented at the Meeting of Drug Forensic Specialists, Beijing, China, December 2019; Official communication with ONCB, February 2020.

50) Sodium cyanide and benzyl cyanide are not listed as controlled substances under the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and both these substances can be used to synthesize P-2-P.

51) CCDAC. *2019 Precursor Situation in Myanmar*, at the Meeting of Drug and Precursor Intelligence Specialists, Mandalay, Myanmar, February 2020.

Nevertheless, drug forensic profiles reported by countries in the region indicate that ephedrine and pseudoephedrine remain the major precursor chemicals used for the manufacture of methamphetamine in the region. This highlights the significant intelligence gaps in addressing diversion, trafficking and illicit manufacture of these key precursor chemicals.

## Section 5 | Assessing demand for drugs in Southeast Asia

Due to a significant lack of drug demand data in the region, it is difficult to assess changes in methamphetamine market demand. However, as methamphetamine becomes cheaper in East and Southeast Asia, it may have an impact on changes in the total number of methamphetamine users and quantities of the drug consumed by existing users. Drug demand data, albeit limited, show increases in use of methamphetamine in recent years, owing to the high availability, declining street prices, and social dynamics, despite aggressive law enforcement approaches to reducing drug use. The rapid expansion of the methamphetamine market in Southeast Asia and neighboring regions and the application of non-evidence-based responses in attempt to combat drug trafficking are having adverse health and security impacts across the region.

To assess trends in the use of methamphetamine and other illicit drugs and in the absence of representative, population-based prevalence of use surveys in most countries, countries in the region mainly rely on the number of drug users brought into formal contact with authorities, either through law enforcement or public health agencies, although both indicators should be used with caution for that purpose. Changes in the number of methamphetamine related treatment admissions reported from several countries in the region show sharp increases; and methamphetamine-related admissions account for a large and growing

majority of all drug-related treatment admissions in the region. For instance, in Malaysia, the number of treatment admissions for the use of methamphetamine increased by 31 times between 2011 and 2018, from 528 to 16,384 admissions.<sup>52)</sup> The number of registered ATS users in Viet Nam also increased significantly from 11,140 in 2011 to 140,000 as of the first half of 2019, and the surge has been highly likely due to the use of methamphetamine considering the drug being the most frequently used form of ATS in the country.<sup>53)</sup> In Singapore, methamphetamine users continue to account for the largest proportion of drug treatment admissions and drug users brought into formal contact with the authorities for the first time.<sup>54)</sup>

Similarly, arrest data from the region must be used with caution. In most countries in East and Southeast Asia, drug-related offenses typically reflect drug-related possession, use and sale, and to a much lesser degree, illicit drug manufacture offenses. The number of drug-related arrests recorded is related to both illicit drug activity and drug enforcement activity in a particular country, and the reporting of arrests varies among countries because of differences in national definitions of crimes involving drugs. For instance, a particular drug offense is often defined by the threshold amounts of drugs involved – i.e. greater quantities may be classified as an offense for drug trafficking as opposed to drug possession or drug use. These issues and others make it possible for countries with relatively minor drug problems to report higher drug-related arrest figures than countries with more severe drug problems, making comparison among countries difficult, if not inadvisable.

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52) DAINAP.

53) Ibid: SODC. *Synthetic drug situation in Viet Nam*, presented at the 2019 SMART Regional Workshop, Singapore, August 2019.

54) DAINAP; UNODC. *Synthetic Drugs in East and Southeast Asia: Latest Developments and Challenges*, UNODC Global SMART Programme, Bangkok, May 2020.



## Chapter 3

Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

# Impact on public health and criminal justice systems in Southeast Asia

심인식 · Shan Kelley



## Chapter 3

# Impact on public health and criminal justice systems in Southeast Asia

### Section 1 | Importance of reexamining drug policy in Southeast Asia

Though some countries in Southeast Asia have supported efforts to develop non-punitive, health-oriented, and demand-reduction drug policies in recent years, the Asia region continues to rely on law enforcement-led approaches to reduce the supply of illicit drugs and deter use, and all countries impose punitive sanctions to drug offenders. In their efforts to create a “drug-free” society, several countries have employed compulsory treatment for persons suspected of using drug and have applied capital punishment for supplying and trafficking. According to the limited data available, drug offenders account for as much as 50 percent or more of the total number of prisoners in many countries in Southeast Asia, and a considerably higher percentage in Thailand and the Philippines. The data also show that the proportion of drug prisoners continues to rise in several countries in the region.

However, aggressive supply reduction measures are not working, as evidenced by the continual growth of the supply and demand for methamphetamine and other synthetic drugs throughout East and Southeast Asia and neighboring regions. Incarceration is expensive and has proven ineffective in curbing drug use, and

the massive numbers of drug users, low-level dealers and small-time traffickers imprisoned for non-violent drug offenses has caused prison populations across the region to swell as the levels of methamphetamine production, trafficking and use have been rising, leading to dangerously overcrowded prisons and burdened criminal justice systems, with serious human rights and health implications. Moreover, the mass incarceration of marginalized populations such as the poor and women has had devastating effects on their families and communities, often driving them deeper into poverty, without having any measurable effect on the drug trade. Given these realities, there is a critical need to reexamine drug policies in Southeast Asia.

## Section 2 | Overview of prison populations in ASEAN

Obtaining meaningful comparative data on prison populations is challenging for several reasons. First, some countries in the region do not systematically collect data or regularly update the data. Second, some countries only report data from prisons but not from jails, detention centers, labor camps, and compulsory treatment centers, for example, while some countries do not specify. In some countries, data are not available for certain categories of prisoner including drug offenders, or of the numbers of persons detained pre-trial or prior to sentencing. Therefore, comparisons between countries and conclusions about the region based on the official data must be made with a high degree of caution. However, the data that are available do shed light on broad general trends that help to elucidate how the region's drug policies, criminal justice systems and corrections institutions intersect, providing some evidence base for developing policy interventions.

The total population of the ten ASEAN countries is approximately 690,000.<sup>55)</sup> The total prison population in Southeast Asia is unknown, due to the limited data; however, data from the Thailand Institute of Justice estimate that approximately 1.5–2.0 percent of the total population in ASEAN may be currently detained in prisons and other corrections facilities.<sup>56)</sup>

As with the general prison population, estimating the total number of drug offenders and percentage of overall prison population is difficult in the absence of data, which are only available from a few countries in the region. However, the official data that are available, triangulated with figures from previous UNODC studies and open source reports, suggest that drug law offenders make up a sizable proportion of the prison population in some countries in Southeast Asia, a large number of which are detained for drug use or possession.

Thailand presently has one of the highest prisoner-to-population ratios in the world (524 prisoners per 100,000 population in 2019); it also has the world's highest share of female prisoners (14 percent) and one of the largest female prison populations in the world (over 40,000 convicted prisoners as of July 2020). Women bear a disproportionate impact from the application of criminal sanctions against drug law violators, and the data underscore the heightened vulnerabilities experienced by female prisoners. In Thailand, for instance, roughly 80 percent of women imprisoned during the past few years have been arrested for drug-related crime, of which 90 percent related to methamphetamine.<sup>57)</sup> Approximately three fourths of all female drug prisoners were first-time offenders. While the total number of female drug prisoners and their percentage of the overall prison population is highest in Thailand, these figures appear to be similarly high throughout most of Southeast Asia. Women drug offenders are highly vulnerable

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55) United Nations Department of Economic and Social Affairs, Population Dynamics. Available at: <https://population.un.org/wpp/DataQuery/> [27 August 2020].

56) Thailand Criminology and Corrections. Prison Statistics in ASEAN, undated. Available at: <http://www.thaicriminology.com/prison-statistics-in-asean.html> [29 September 2020].

57) DAINAP.

because of poverty, lack of other economic opportunities, comparatively lower levels of education, and because they are caregivers for dependent children and the elderly.

Eighty (80) percent of the total number of prisoners in Thailand are incarcerated for drug offenses, of which 78 percent were detained for methamphetamine tablets and 10 percent for crystalline methamphetamine.<sup>58)</sup> In Indonesia, the ratio of drug prisoners to total prisoners has increased steadily from 35 percent in 2015 to just more than half in 2019,<sup>59)</sup> and the large and growing majority continue to be detained for offenses related to methamphetamine (86 percent as of the first nine months of 2019).<sup>60)</sup> Of the total number of drug prisoners in Indonesia in 2019, drug users accounted for approximately 36 percent and drug traffickers roughly 64 percent.<sup>61)</sup>

In Brunei Darussalam, on the other hand, drug prisoners constitute just 10 percent of the overall prison population.<sup>62)</sup>

In Malaysia, although data on the portion of drug prisoners compared with the total prison population are not available. However, as with other countries in Southeast Asia, the number of drug prisoners in Malaysia continues to rise. As of August 2020, there were a total of 70,555 drug prisoners in Malaysia, which represents an increase of about 41 percent from the total number of drug prisoners in 2015. Approximately 58 percent of drug prisoners in 2020 were convicted for offenses related to drug use, and the remainder convicted of offenses related to trafficking and dealing. Female drug prisoners accounted for 5.7 percent of the total drug prisoners in Malaysia; females also accounted for 2.9 percent

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58) UNODC and TIJ. Unpublished study on the Thai correctional system and recidivism, Bangkok and Vienna, August 2020.

59) BNN response to UNODC questionnaire, August 2020.

60) DAINAP; BNN, *Latest situation on synthetic drugs and responses to the threats in Indonesia*, presented at the 2019 SMART Regional Workshop, Singapore, August 2019.

61) BNN response to UNODC questionnaire, August 2020.

62) NCB response to UNODC questionnaire, August 2020.

of drug prisoners detained at rehabilitation centers through court order and 10.7 percent of the total drug prisoners detained through voluntary admission.<sup>63)</sup>

In Brunei Darussalam, the proportion of women drug prisoners compared with men drug prisoners has remained relatively stable, at about 9.4 percent during the 2015–2020 period. During the same period, women have represented an average of about 12.3 percent of the total number of persons imprisoned and held in remand for all offenses.

### Section 3 | Threshold amounts and mandatory minimum sentencing in ASEAN

A main reason for the incarceration of such large numbers of drug offenders is the national legal thresholds that differentiate between the amounts intended for personal consumption and those indicating intent to supply. All countries in Southeast Asia have laws that criminalize the transporting, selling or possessing drugs; however, the wording of those laws and interpretation of them vary considerably among the countries, so there is considerable difference among countries' offenses or penalties and circumstances for criminal prosecution and imprisonable offenses. One result of this discrepancy is that the threshold amounts and mandatory minimum and maximum sentencing also be established at different legal levels in laws, ministerial decrees, prosecutor guidelines or sentencing guidelines.<sup>64)</sup> Whereas some countries have extensive lists of banned substances and specific amounts that differentiate between "possession" and "trafficking", in some countries,

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63) NADA response to UNODC questionnaire, October 2020.

64) EMCDDA, Threshold quantities for drug offenses, European Monitoring Centre for Drugs and Drug Addiction, August 2015. Available at: [https://www.emcdda.europa.eu/publications/topic-overviews/threshold-quantities-for-drug-offenses/html\\_en](https://www.emcdda.europa.eu/publications/topic-overviews/threshold-quantities-for-drug-offenses/html_en) [30 Aug 2020].

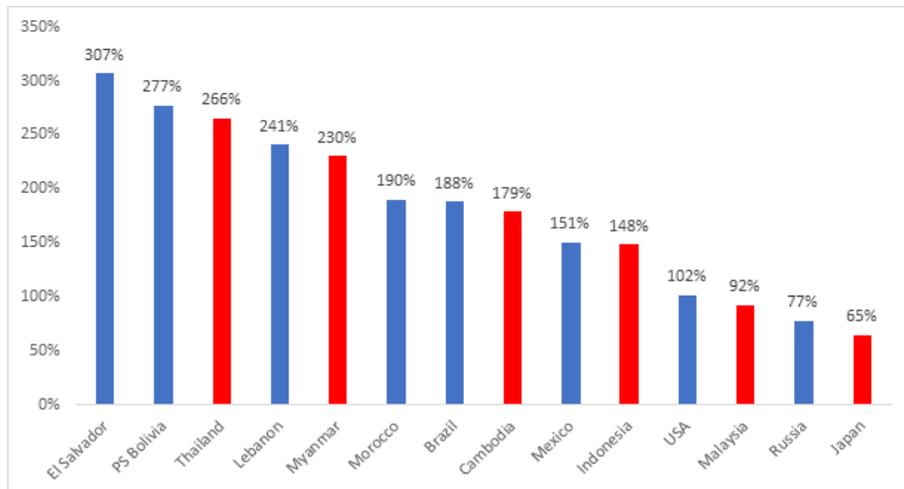
quantities are mentioned as small or large but the law specifies no quantitative limits; these are interpreted by expert opinion, judicial precedent, or both. Evidence that may be included during the investigation and prosecution to determine this distinction may include recordings of statements, fingerprints, urine sample and medical examination, as well as any other evidence which may include drug packaging and equipment and any record of transaction such as books, hand phones, and computer hard drives among other things. Some countries only apply a defined threshold amount to a few substances.

Whereas criminalization of drug use, possession and other minor drug offenses often results in disproportionate sentencing and aggravates the stigmatization of and discrimination against people who use drugs, the much heavier penalties given to offenders found in possession of more than the threshold amount results in excessive numbers of drug prisoners and high levels of prison overcrowding.

Evidence suggests that this problem can be alleviated through changes of legislation. For instance, recognizing that the use of prison to deal with addiction was inappropriate, Thailand in 2002 passed the Rehabilitation of Drug Addicts Act (B.E. 2545), which provided for diversion to treatment rather than prison for those found using or in possession of small amounts of drugs. The Act appeared to have reversed the steep increase in incarceration levels and by 2006 they were 40% lower than in 2002. However, in the same year of 2002, Thailand also amended the Narcotics Act (B.E. 2545, Vol. 5), which reduced the threshold for “possession with intent to distribute”. Those found in possession of more than the threshold amount were presumed to be dealers, rather than users, based on the notion that no user would have a need for such large quantities. The reduction for methamphetamine was from 20 grams of pure substance to 375 milligrams, less than one-fiftieth what it had been. Those in possession of 375 milligrams of pure methamphetamine, or 15 tablets (“dose units”) or 1.5 grams total weight were now regarded as being in possession for the purposes of distribution.

Suddenly, offenders in possession of quantities formerly regarded as sufficient for personal use could be convicted as dealers, with more severe penalties, adding to the prison burden.<sup>65)</sup> In addition, many prisoners in Thailand have claimed that they bought drugs in quantity to reduce the risk of being arrested at a sales point, or at the request of a dealer seeking to avoid police attention. Some users claimed they had been arrested as dealers as a result. As of 2019, more than three fourths (76 percent) of all drug prisoners were convicted for possession with intent to sell. As a result of these trends, Thailand has one of the highest levels of prison overcrowding in the world, with about 2.5 prisoners for every available prison space, or 266 percent capacity.<sup>66)</sup> Several other countries in East and Southeast Asia also have excessively overcrowded prisons, including Myanmar (230 percent), Cambodia (179 percent), and Indonesia (148 percent).<sup>67)</sup>

»» [Figure 3–3–1] Share of prison births filled in 2015, selected countries



Source: CTS and Thailand Department of Corrections.

65) UNODC and TIJ. Unpublished study on the Thai correctional system and recidivism, Bangkok and Vienna, August 2020.

66) The last CTS Thailand submitted that asked about prison capacity was in 2016, referring to 2015 data. The capacity then was said to be 118,638.

67) United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS) and Thailand Department of Corrections.

## Section 4 | Overburdened correctional and criminal justice systems

Overcrowded prisons create many risks to the prisoners. They often lack adequate standards of sanitation and hygiene and prisoners have only limited access to healthcare and medical treatment. Such conditions increase the risk environment for the spread of diseases, especially tuberculosis (TB) and more recently Covid-19. For persons who inject drugs, the risk of HIV and hepatitis transmission is magnified in prisons and closed spaces, since people continue to inject drugs and engage in other high-risk activities in prison. Moreover, this risk is exacerbated by the lack of continuity of HIV treatment on entering and leaving prison, which in turn also increases the risk of developing drug resistant strains of the virus. Although some healthcare and medical services, including screening for infectious diseases, psychologist and counsellor services, are available in some prisons in the region.

In many countries, although drug users continue to constitute a large part (or the majority) of the prison population, the prison system lacks appropriate treatment and rehabilitation programs for inmates, including treatment of the concurrent psychiatric disorders that affect a high proportion of drug dependent prisoners.<sup>68)</sup> Evidence demonstrates that there is a high rate of relapse to drug use, drug overdose and crime recidivism among drug dependent individuals after they are released from prison.<sup>69)</sup>

Malaysia offers some of the most developed rehabilitation services for drug prisoners in Southeast Asia. However, the number of prisoners in the NADA rehabilitation centers has decreased each year since 2016. Similarly, the portion

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68) UNODC. *From coercion to cohesion: Treating drug dependence through health care, not punishment*. Discussion Paper, Vienna, 2010.

69) Ibid.

of voluntary admissions compared with court ordered compulsory admissions has shown a strong downward trend, from 41.2 percent in 2016 to 2.3 percent in 2019 and back up to 14.8 percent in 2020 (as of August).

It is evident that countries in the ASEAN region must rethink the practice of using threshold amounts and minimum sentencing to prosecute drug cases. Severe sentences for low-level offenders and the practice of lengthy incarceration, or the zero-tolerance, war-on-drugs, law enforcement approach to drug control has had serious public health and criminal justice implications, not only hindering persons in need of treatment for drug use from receiving such treatment but also burdening the criminal justice system with an overwhelming number of drug cases in the court system.

After a drug user or trafficker is arrested by law enforcement, they will proceed through the criminal justice system with varying degrees of speed and efficiency in different countries. In some countries in the region, including Indonesia, every defendant must be accompanied by a legal adviser; if the defendant is unable to pay bail or a legal representation, the state is obliged to provide it free of charge. The onus is on the defendants to prove whether they are users and not dealers. The practice of pre-trial detention in most countries has resulted in large numbers of defendants incarcerating while awaiting trial or sentencing. In Indonesia, for instance, there were 40,756 drug cases in the courts in 2019. The average drug case, from the onset of the investigation to the court examination, takes about 120 days. Detention orders can be issued for up to 30 days and extendible for an additional 30 days.<sup>70)</sup> The mandatory minimum sentences in Indonesia are one year for possession and five years for trafficking, while the maximum sentences are four years for possession and 20 years for trafficking. The average length of sentences for drug offenders in Indonesia is 4-12 years.<sup>71)</sup>

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70) BNN response to UNODC questionnaire, August 2020.

71) BNN response to UNODC questionnaire, August 2020.

In Malaysia, the average length of time to prosecute and adjudicate a drug-related case is 12 months; however, the duration of pre-trial detention is not clearly defined by law. The number of drug-related cases in the Malaysian court system increased each year from 2016 (130,910 cases) to 2019 (158,089 cases), while the number of drug cases in court through July 2020 (75,518 cases) was just less than half the total from the previous year.<sup>72)</sup>

In addition to the health and social costs of overincarceration, the imprisonment of such high numbers of drug offenders and prosecution of excessive numbers of drug cases also creates serious financial burdens on the correctional and criminal justice systems. Each year Thailand spends around THB 12,000 million (USD 380 million) on prison administration. Some 95 percent of the Department of Corrections budget is spent on food for the prisoners, salaries for the guards, and construction of new prisons, with only 1 percent for rehabilitation programs.<sup>73)</sup> Data for expenditures on drug cases in the criminal justice in Thailand are unavailable.

## **Section 5 | Abuse of the criminal justice system, recidivism and stigmatized drug offenders**

During the investigation and trial processes, defendants may be vulnerable to abuse. They often face restricted access to legal counsel, experience unfair trials, and offer “confessions” under conditions of torture or other forms of duress. Moreover, there is little evidence to suggest that imprisoning drug users is having any meaningful impact on the overall drug market. Recidivism rates for drug law offenders in Southeast Asia remains high.

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72) NADA response to UNODC questionnaire, October 2020.

73) CTS and Thailand Department of Corrections.

In Thailand, since 2013, about one-third of prisoners released from Thai prisons have been reincarcerated within three years; however, this figure has declined slightly of late, to about 31 percent in 2018 and 21 percent in 2019. Of those who recidivate, some 64 percent are reincarcerated for drug offenses.<sup>74)</sup> In Brunei Darussalam, the number of drug prisoner recidivists has averaged about 125 offenders annually since 2015. The majority (56 percent) were first-time recidivists, about 19 percent were second-time recidivists, 12 percent were third-time recidivists, and about 14 percent recidivated four times or more.<sup>75)</sup>

Not only has the current approach failed to rehabilitate drug offenders, but it further punishes drug offenders, who face stigmatization and discrimination in their families and communities upon release, and this is especially the case for women. The societal condemnation of drugs and ostracization of drug users may have the paradoxical effect of causing drug-related harms to increase by deterring problem drug users from seeking treatment or by pushing them further into high-risk drug-taking behaviors and environments. Previous studies have demonstrated how large numbers of drug users have avoided health interventions, particularly those that reported previously being detained by law enforcement or refused medical care.<sup>76)</sup>

## Section 6 | Compulsory drug treatment in Southeast Asia

As part of their efforts to reduce demand, countries in Southeast Asia generally have employed a compulsory treatment model, forcing individuals to remain in

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74) Thailand Department of Corrections. Recidivism Statistics of Prisoners. Available at: <http://www.correct.go.th/recstats/index.php/en/home> [12 Oct. 2020].

75) NCB response to UNODC questionnaire, August 2020.

76) UNODC. *From coercion to cohesion: Treating drug dependence through health care, not punishment*. Discussion Paper, Vienna, 2010.

detention centers while they undergo some form of drug treatment. Some countries are slowly deemphasizing the use of criminal penalties for drug use and possession and have started to promote the use of compulsory centers for drug users (CCDUs). However, evidence suggests that such forced treatment is ineffective and, in many instances, a violation of rights. CCDUs in the region have been criticized for being punitive, not based on medical evidence, and requiring abstinence.<sup>77)</sup> Compulsory treatment is also associated with enhancing stigmatization and harm to users.

In Southeast Asia, CCDUs are used primarily in Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand, and Vietnam.<sup>78)</sup> In Singapore, repeat drug users who do not face other concurrent drug or criminal charges and who admit to their drug abuse are channeled towards the rehabilitation regime instead of being charged for their drug consumption offense.<sup>79)</sup> In some countries, drug users who do not voluntarily seek treatment can be involuntarily detained in a CCDU for extensive periods. For instance, in Viet Nam, a drug user can be detained in a center for as long as five years in Vietnam.<sup>80)</sup> Estimating the number of detainees in the region's CCDUs is difficult, since not all reported treatment admissions are related to CCDUs, as some drug users voluntarily seek treatment. The official data that are available indicate that while the total number of CCDUs has declined in recent years, the number of detainees remains high. The estimates that are available vary widely, ranging from more than 235,000 drug users detained in more than 1,000 CCDUs across the region, including China, in 2010<sup>81)</sup> to perhaps

77) Bruce Pardo, Beau Kilmer and Wenjing Huang, *Contemporary Asian Drug Policy: Insights and Opportunities for Change*, RAND Corporation, Santa Monica, CA, USA, 2019.

78) UNODC, *Transition from Compulsory Centres for Drug Users to Voluntary Community-Based Treatment and Services*, UNODC Regional Office for Southeast Asia and the Pacific, Bangkok, 2015. Available at: [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/hiv/Discussion\\_Paper\\_on\\_Transition\\_from\\_CCDUs\\_Edited\\_Final4\\_04Sept15.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/hiv/Discussion_Paper_on_Transition_from_CCDUs_Edited_Final4_04Sept15.pdf).

79) As announced by Singapore in Parliament on 15 Jan 2019.

80) Adeeba Kamarulzaman and John L. McBrayer, *Compulsory Drug Detention Centers in East and Southeast Asia*, International Journal on Drug Policy, Vol. 26, No. 1, February 2015, pp. S33-S37.

81) Kamarulzaman, Adeeba, and John L. McBrayer, "Compulsory Drug Detention Centers in

as many as half a million detained in in the region in 2014.<sup>82)</sup> By one estimate, detainees at CCDUs are remanded to facilities for treatment for an average of 3 to 24 months.<sup>83)</sup>

The negative consequences of current drug policies could be mitigated by taking immediate steps to minimize human rights violations associated with overincarceration and compulsory treatment. While strengthening the rule of law is at the core of the UNODC mandate, the Office also supports Member States in the design and implementation of drug policies that respect, protect and promote human rights, and in promoting fair and accountable criminal justice and correctional systems.

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East and Southeast Asia,” *International Journal on Drug Policy*, Vol. 26, No. 1, February 2015, pp. S33-S37.

82) Bryce Pardo, Beau Kilmer, Wenjing Huang, *Contemporary Asian Drug Policy Insights and Opportunities for Change*, RAND Corporation, Santa Monica, CA, USA, 2019.

83) Bryce Pardo, Beau Kilmer, Wenjing Huang, *Contemporary Asian Drug Policy Insights and Opportunities for Change*, RAND Corporation, Santa Monica, CA, USA, 2019.



## Chapter 4

Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

# COUNTRY CHAPTERS

심인식 · Shan Kelley



### Section 1 | BRUNEI DARUSSALAM

#### 1. Drug prisoners

- The number of persons imprisoned for drug offenses and held in custody on remand has fluctuated over the past five years, reaching its peak in 2018 at 182 persons and its low in 2020 at 83 persons, accounting for 10 percent of the overall prison population (829) during the year.<sup>84)</sup>
- The proportion of women drug prisoners compared with men drug prisoners has remained relatively stable, at about 9.4 percent during the 2015–2020 period. During the same period, women have represented an average of about 12.3 percent of the total number of persons imprisoned and held in remand for all offenses.
- From 2015 through 2020, the majority of drug prisoners in Brunei Darussalam have been aged 30–39 years, followed by those aged 40–49 years. During the same period, about three fourths of drug prisoners had completed secondary education (years 7 to 11), roughly 16.5 percent had completed primary education (up to year 6), and only a small proportion had completed O-level (year 12) or a higher level of education (about 4.4 percent each).

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84) All data for 2020 refer to the period from 01 January to 03 August 2020.

- The number of drug prisoner recidivists has averaged about 125 offenders annually since 2015. The majority (56 percent) were first-time recidivists, about 19 percent were second-time recidivists, 12 percent were third-time recidivists, and about 14 percent recidivated four times or more.

## 2. Threshold amounts and mandatory sentencing

- In Brunei Darussalam, the threshold amount that differentiates between the amounts intended for personal consumption and intent to supply is determined under Section 15, Chapter 27 of the Misuse of Drugs Act (MDA).
- For Class A drugs, suspects found in possession of 20 g of methamphetamine, 2 g of heroin, 2 g of ecstasy (MDMA) are presumed to have that controlled drug in their possession for the purpose of trafficking “whether or not contained in any substance, extract, preparation or mixtures”.

## 3. Drug policies

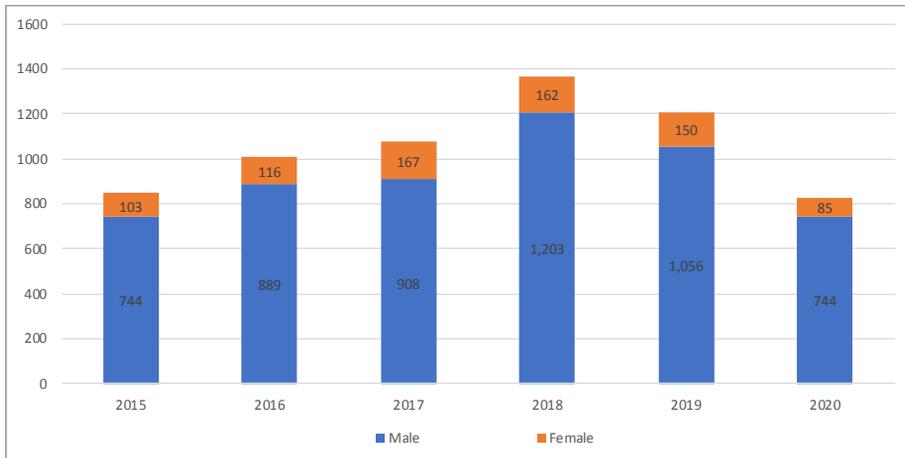
- The Narcotics Control Bureau (NCB) is the lead agency in combating drug related crime in Brunei Darussalam.
- The Misuse of Drugs Act (MDA), is the primary drug legislation. Specifically, Chapter 27 of the MDA authorizes the NCB to conduct arrests, seizures, investigations and prosecutions of drug trafficking activities.
- The Criminal Asset Recovery Order of 2012 consolidates the various procedures and powers related to asset seizure and forfeiture.
- The Brunei Darussalam Prison Department (*Jabatan Penjara*), under the Ministry of Home Affairs, operates four prison institutions in the country.
- There are no specific health or treatment services available for drug prisoners; however there is routine health screening for infectious diseases, and medical, psychological and counselling services are available for all prisoners.

»» [Table 4-1-1] The four prisons operated by the Brunei Darussalam Prison Department

|  |   |
|--|---|
| Maraburong Prison (Phase 1)              | For first- and second-time male offenders, transferred from Jerudong Prison   |
| Maraburong Prison (Phase 3)              | For multiple (third-time and above) offenders   |
| Women’s Prison ( <i>Penjara Wanita</i> ) | For female offenders; established in 2002. <sup>85)</sup>   |
| Jerudong Prison                          | Admission and isolation center for male and female prisoners; and detention center for all categories of prisoners. The facility can accommodate a total of 130 male prisoners and 16 female prisoners. First- and second-time offenders are transferred to Maraburong Prison. <sup>86)</sup> |

Source: NCB response to UNODC questionnaire, August 2020.

»» [Figure 4-1-1] The proportion of female to male prisoners in Brunei Darussalam, 2015-2020<sup>87)</sup>



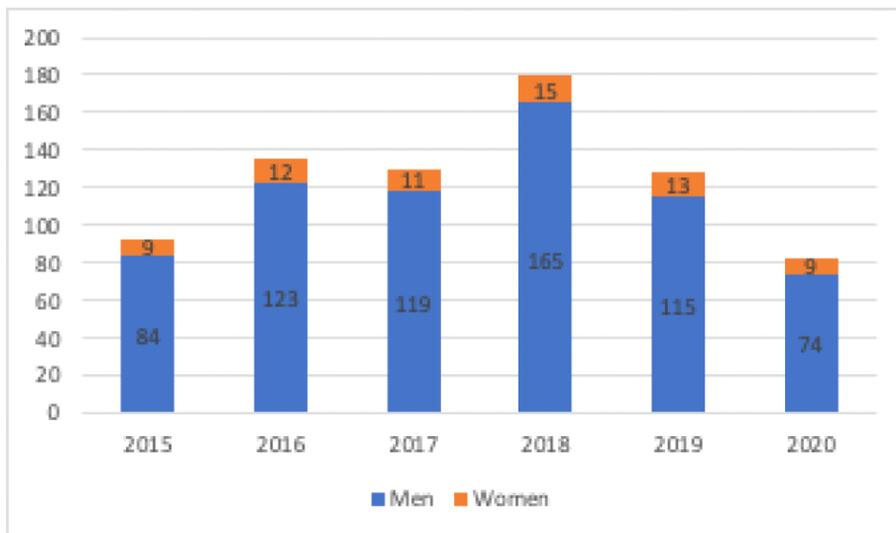
Source: NCB response to UNODC questionnaire, August 2020.

85) Brunei Darussalam Prison Department, Penjara Wanita, undated. Available at: <http://prisons.gov.bn/SitePages/Penjara%20Wanita.aspx> [22 Sep. 2020].

86) Brunei Darussalam Prison Department, Penjara Jerudong, undated. Available at: <http://www.prisons.gov.bn/SitePages/Penjara%20Jerudong.aspx> [22 Sep. 2020].

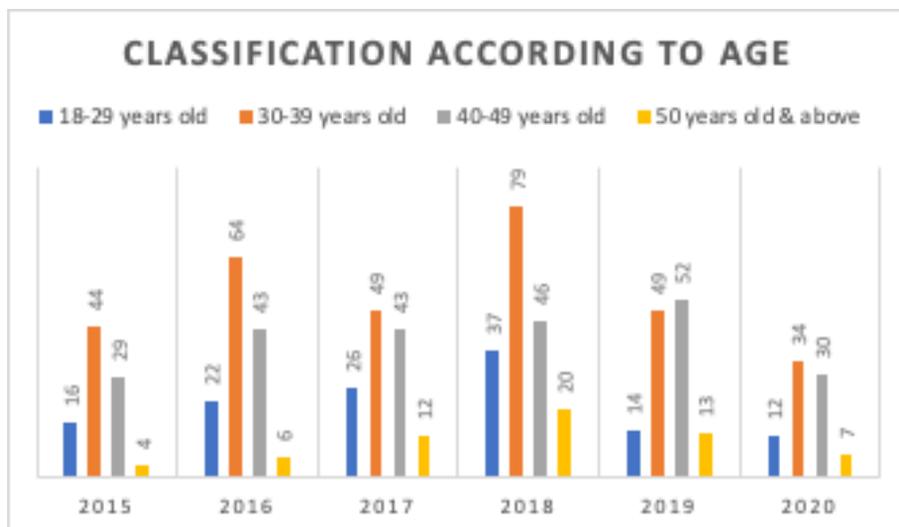
87) As of 03 August 2020.

»» [Figure 4-1-2] Proportion of female to male drug prisoners in Brunei Darussalam, 2015-2020<sup>88)</sup>



Source: NCB response to UNODC questionnaire, August 2020.

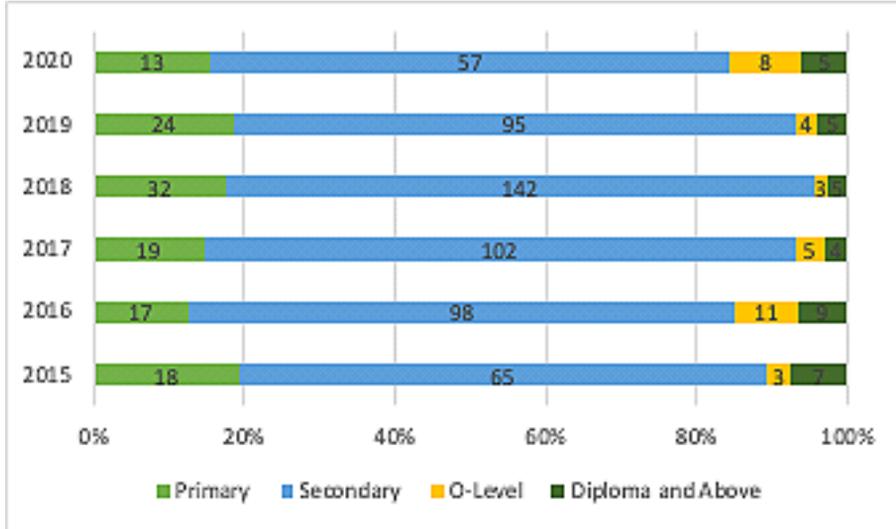
»» [Figure 4-1-3] Proportion of drug prisoners in Brunei Darussalam, by age group, 2015-2020



Source: NCB response to UNODC questionnaire, August 2020.

88) As of 03 August 2020.

»» [Figure 4-1-4] Completed education levels of drug prisoners in Brunei Darussalam, 2015-2020



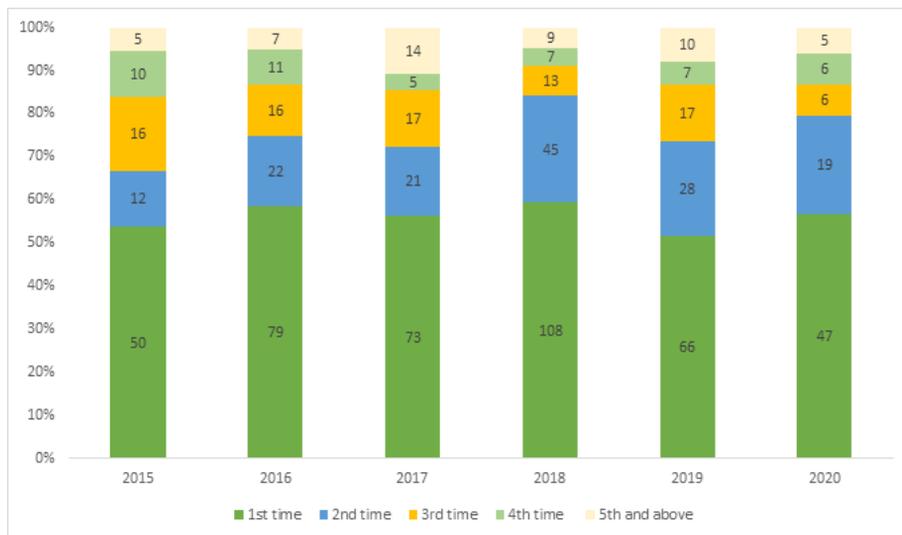
Source: NCB response to UNODC questionnaire, August 2020.

»» [Table 4-1-2] Minimum and maximum sentencing for drug law offenses in Brunei Darussalam

| Offenses   | Minimum                           | Maximum                                       |
|--|-----------------------------------|---|
| Sec 6(a) MDA, Cap 27 (Possession)                                | None                              | Fine \$20,000, 10 years imprisonment, or both |
| Sec 3(a) MDA, Cap 27 (Trafficking)                               | Meth / Heroin / Ecstasy / Cocaine |   |
|  | 5 years, 5 strokes                | Death   |
|  | Ketamine                          |   |
|  | 3 years, 3 strokes                | 20 years, 10 strokes                          |
| Sec 3(a) MDA, Cap 27 (Possession for the purpose of trafficking) | Meth / Heroin / Ecstasy / Cocaine |   |
|  | 5 years, 5 strokes                | Death   |
|  | Ketamine                          |   |
|  | 3 years, 3 strokes                | 20 years, 10 strokes                          |

Source: NCB response to UNODC questionnaire, August 2020.

»» [Figure 4-1-5] Recidivism rates for drug offenders by number of convictions, 2015-2020



Source: NCB response to UNODC questionnaire, August 2020.

## Section 2 | INDONESIA

### 1. Drug prisoners

- In Indonesia, the ratio of drug prisoners to total prisoners has increased steadily from 35 percent in 2015 to just more than half in 2019.
- The large and growing majority of drug prisoners continue to be arrested for offenses related to methamphetamine (86 percent as of the first nine months of 2019).<sup>89)</sup> This is in part a result of the Indonesian government’s intensified anti-drug efforts since mid-2017 as well as the increasing availability and affordability of crystalline methamphetamine.
- Of the total number of drug users in prison in 2019, drug users accounted

89) DAINAP; BNN, *Latest situation on synthetic drugs and responses to the threats in Indonesia*, presented at the 2019 SMART Regional Workshop, Singapore, August 2019.

for approximately 36 percent and drug traffickers roughly 64 percent.

- Of the total number of all prisoners in Indonesia in 2019 (265,648 prisoners), women represented about 5.4 percent (14,246 women prisoners).

## 2. Threshold amounts and mandatory sentencing

- The threshold quantity that determines whether a suspect will be prosecuted for possession or trafficking in Indonesia is five grams for most all illicit substances, including crystalline methamphetamine, methamphetamine tablets, heroin, ecstasy (MDMA), cocaine and ketamine. A suspect found with more than five grams of a substance will be presumed a trafficker unless able to prove otherwise.
- The mandatory minimum sentences in Indonesia are one year for possession and five years for trafficking, while the maximum sentences are four years for possession and 20 years for trafficking. The average length of sentences for drug offenders in Indonesia is 4–12 years.
- In 2019, a total of 40,756 drug-related cases were being processed in the criminal justice system.

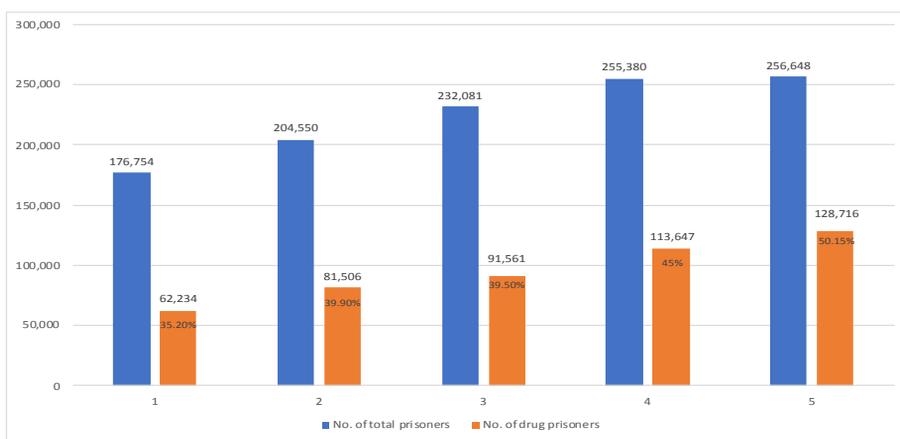
## 3. Drug policies

- The National Narcotics Board of Indonesia (*Badan Narkotika Nasional*, or BNN) is responsible for coordinating with other government agencies to draft and implement national drug legislation in Indonesia. BNN also provides assistance to law enforcement agencies in the investigation of drugs-related crimes and operates prevention and treatment programs.
- In 2009, BNN implemented a revised version of the 1997 national drug law, known as Narcotics Law No. 35/2009. The revised law maintains the criminalization of drug use, but it also provides the framework for diverting persons arrested

for using drugs away from prison and towards treatment.

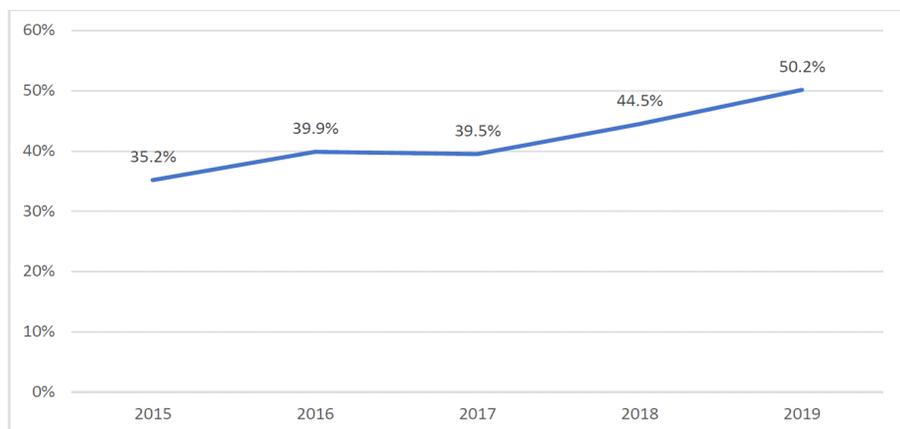
- The Attorney General’s Office prosecutes drugs crime cases and provides free legal assistance to defendants who are unable to provide their own. The Directorate General of Corrections manages the prison system, which includes 24 prisons for drug offenders.

» [Figure 4–2–1] Proportion of drug prisoners to total prisoners in Indonesia, 2015–2019



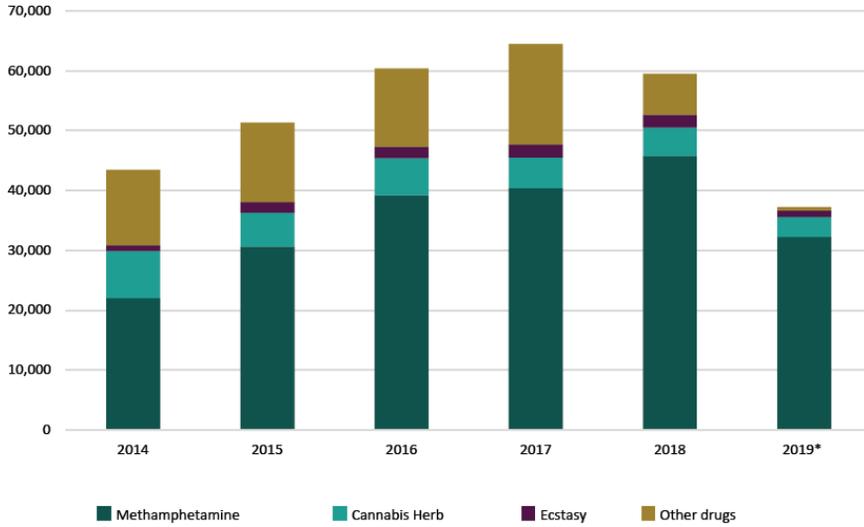
Source: BNN response to UNODC questionnaire, August 2020.

» [Figure 4–2–2] Percentage of drug prisoners to total prisoners in Indonesia, 2015–2019



Source: BNN response to UNODC questionnaire, August 2020.

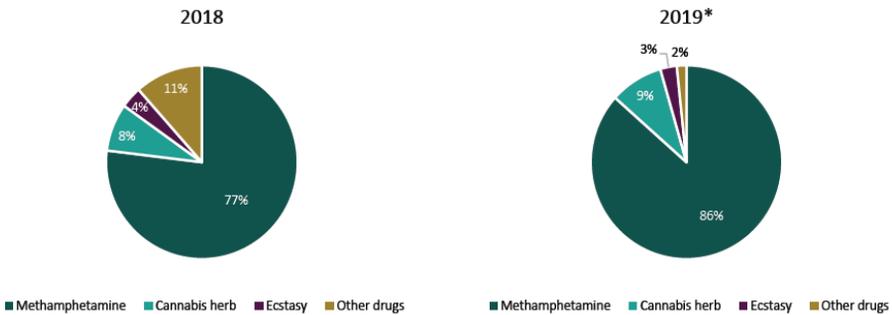
»» [Figure 4-2-3] Number of drug-related arrests in Indonesia by drug type, 2014-2019\*



Note: \* Data cover the first nine months of the year. Other drugs include other psychotropic drugs and dangerous substances.

Source: DAINAP; BNN, *Latest situation on synthetic drugs and responses to the threats in Indonesia*, presented at the 2019 SMART Regional Workshop, Singapore, August 2019.

»» [Figure 4-2-4] Proportions of drug-related arrests in Indonesia by drug type, 2018 and 2019\*



Note: \* Data cover the first nine months of the year. Other drugs include other psychotropic drugs and dangerous substances.

Source: DAINAP; BNN, *Latest situation on synthetic drugs and responses to the threats in Indonesia*, presented at the 2019 SMART Regional Workshop, Singapore, August 2019.

»» [Table 4-2-1] Mandatory minimum prison sentences for drug crimes in Indonesia, number of years

|             | Minimum | Maximum |
|-------------|---------|---------|
| Possession  | 1       | 4       |
| Trafficking | 5       | 20      |

Source: BNN response to UNODC questionnaire, August 2020.

»» [Table 4-2-2] Drug treatment admissions by drug type and gender in Indonesia, 2018

| Drug type       | All admissions |        |        |
|-----------------|----------------|--------|--------|
|                 | Male           | Female | Total  |
| Methamphetamine | 5,439          | 599    | 6,038  |
| Opiates         | 529            | 47     | 576    |
| Cannabis        | 1,764          | 55     | 1,819  |
| Cocaine         | 28             | 3      | 31     |
| Benzodiazepines | 782            | 104    | 886    |
| Barbiturates    | 115            | 8      | 123    |
| LSD             | 473            | 87     | 560    |
| Inhalants       | 441            | 37     | 478    |
| Poly-drug use   | 274            | 0      | 274    |
| Other drugs     | 25             | 0      | 25     |
| Total           | 9,870          | 940    | 10,810 |

Source: BNN, Latest situation on synthetic drugs and responses to the threats in Indonesia, presented at the 2019 SMART Regional Workshop, Singapore, August 2019.

## Section 3 | MALAYSIA

### 1. Drug prisoners

- As of August 2020, there were a total of 70,555 drug prisoners in Malaysia, which represents an increase of about 41 percent from the total number of drug prisoners in 2015. Approximately 58 percent of drug prisoners in 2020 were convicted for offenses related to drug use.

- Female drug prisoners accounted for 5.7 percent of the total drug prisoners; females also accounted for 2.9 percent of drug prisoners detained at rehabilitation centers, operated by the National Anti-drugs Agency (NADA), under the Ministry of Home Affairs, through court order and 10.7 percent of the total drug prisoners detained through voluntary admission.
- There are a total of 39 prisons and jails for drug offenders in Malaysia. Treatment and rehabilitation programs are available at 32 facilities, including 21 for compulsory treatment and 11 for voluntary treatment. The number of prisoners in the NADA rehabilitation centers has decreased each year since 2016. Similarly, the portion of voluntary admissions compared with court ordered compulsory admissions has shown a strong downward trend, from 41.2 percent in 2016 to 2.3 percent in 2019 and 14.8 percent in 2020 (as of August).
- Methadone maintenance therapy programs are available for prisoners who are dependent on opiates.

## 2. Threshold amounts and mandatory sentencing

- The threshold quantity that determines whether a suspect will be prosecuted for possession or trafficking in Malaysia and minimum sentencing are determined under the Dangerous Drug Act 1952. The severity of the sentence is determined by the quantities of drugs found in a defendant's possession and investigation of other evidence.
- For methamphetamine, in tablet and crystalline forms, the threshold amount is 50 grams.
- The number of drug-related cases in the Malaysian court system increased each year from 2016 (130,910 cases) to 2019 (158,089 cases), while the number of drug cases in court through July 2020 (75,518 cases) was just less than half the total from the previous year. On average, it takes approximately

12 months to adjudicate a drug-related case in the high court and subordinate court.

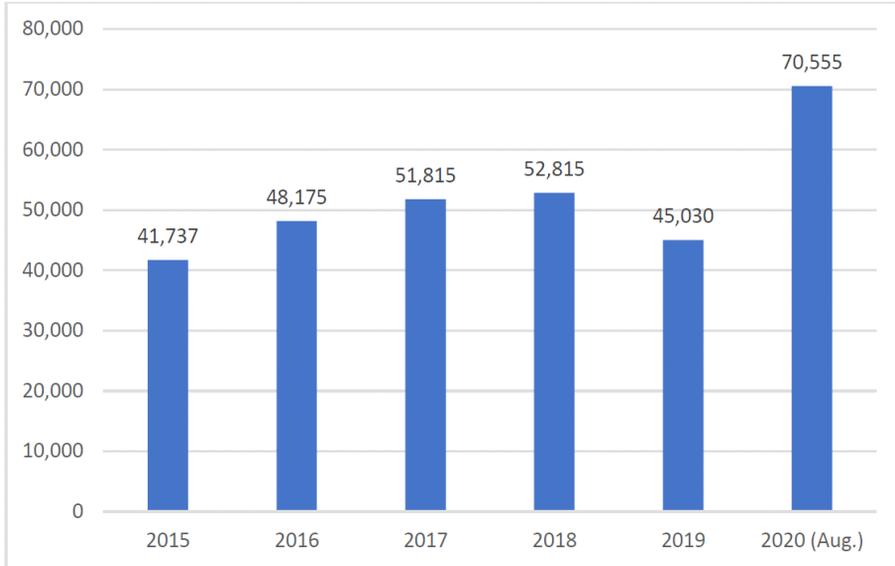
### 3. Drug policies

- The Ministry of Home Affairs and NADA conducted a review of the National Drug Policy (NDP 2017, or DDN 2017) which was then approved by the Cabinet in March 2017. The revised law incorporates both demand and supply reduction approaches, and emphasizes five core principles: prevention, treatment and medicine, enforcement, harm mitigation and international cooperation.
- Other national drug legislation in Malaysia include the Dangerous Drugs Act 1952, the Poisons Act 1952, Dangerous Drugs (Special Preventive Measures) Act 1985, and the Dangerous Drugs (Forfeiture of Property) Act 1988.
- The Narcotics Crime Investigations Department of the Royal Malaysia Police is the primary agency for the enforcement of drug laws. The Narcotics Division of the Royal Malaysian Customs Department is also involved in enforcing national drug laws. Additionally, the Pharmacy Enforcement Division of the Ministry of Health enforces the Poisons Act 1952 and its regulations and the Dangerous Drugs Act 1952 and its regulations which control the sale, import and export of dangerous drugs, poisons (including psychotropic substances), precursors and essential chemicals.<sup>90)</sup>

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90) Malaysia country presentation, presented at the Second Meeting of the AIPA Advisory Council on Dangerous Drugs (AIPACODD), Chiang Mai, Thailand, 12-15 March 2019. Available at: <https://www.parliament.go.th/ewtadmin/ewt/aipa2019/download/article/AIPACODD/Annex%20M%20-%20Country%20Report%20of%20Malaysia.pdf>.

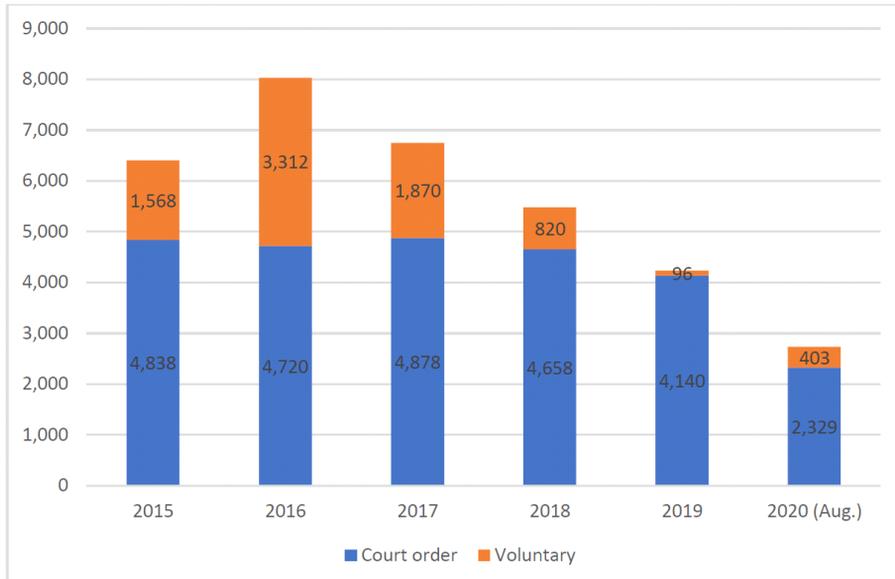
»» [Figure 4-3-1] Number of drug prisoners in Malaysia, 2015-2020\*



\* As of August.

Source: NADA response to UNODC questionnaire, October 2020.

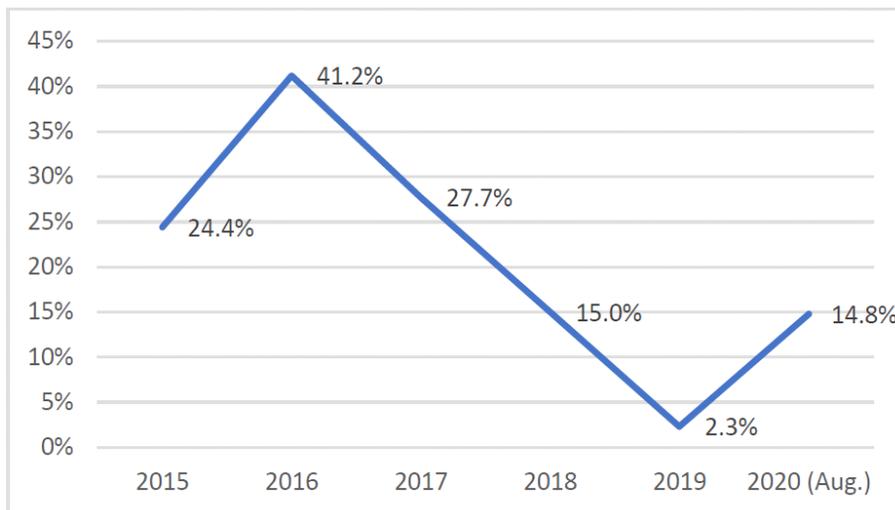
»» [Figure 4-3-2] Number of prisoners detained at rehabilitation centers via court order and voluntary admission, 2015-2020\*



\* As of August.

Source: NADA response to UNODC questionnaire, October 2020.

»» [Figure 4-3-3] Portion of voluntarily admitted drug prisoners at rehabilitation centers, 2015-2020\*



\* As of August.

Source: NADA response to UNODC questionnaire, October 2020.

»» [Table 4-3-1] Prisons and rehabilitation facilities for drug offenders and locations in Malaysia

| Prison Department   | National Anti-Drugs Agency   |  |
|---|--|--|
|   | Court order – Section 6 (1a)   | Voluntary – Section 8 (31)   |
| Drug Rehabilitation Center, Jelebu, Negeri Sembilan<br>Drug Treatment Block, Kajang, Selangor<br>Seremban Prison, Negeri Sembilan | <b>Cure and Care Rehabilitation Centre (CCRC)</b><br><br>Tampoi, Johor (for ATS)<br>Jeli, Kelantan<br>Tampin, Melaka<br>Jelebu, Negeri Sembilan<br>Karak, Pahang<br>Perlop, Perak<br>Serendah, Selangor<br>Besut, Terengganu<br>Papar, Sabah (for ATS)<br>Kuching, Sarawak<br>Muar, Johor<br>Karangan, Kedah<br>Bachok, Kelantan (for women)<br>Tiang Dua Melaka<br>Benta, Pahang<br>Kampung Selamat, Pulau Pinang | <b>Cure and Care Clinic (C&amp;C)</b><br><br>Tampoi, Johor (for ATS)<br>Karangan, Kedah (for minors, under 18 years old)<br>Kota Bharu, Kelantan<br>Tampin, Melaka (for women)<br>Jerantut, Pahang<br>Bukit Mertajam, Pulau Pinang<br>Papar, Sabah (for ATS)<br>Kuching, Sarawak<br>Sungai Besi, Kuala Lumpur<br>Bachok (for women)<br>Sri Iskandar, Perak |

| Prison Department | National Anti-Drugs Agency   |                            |
|-------------------|--|----------------------------|
|                   | Court order – Section 6 (1a)   | Voluntary – Section 8 (31) |
|                   | Batu Kurau, Perak<br>Dengkil, Selangor<br>Serdang, Kedah<br>Raub, Pahang<br>Gambang, Pahang<br>Sungai Ruan, Pahang |                            |

Source: NADA response to UNODC questionnaire, October 2020.

»» [Table 4–3–2] Five core principles of Malaysia’s National Drug Policy 2017 and key government agencies responsible for its implementation

| Prevention education   | Treatment and Rehabilitation   | Enforcement   | Harm reduction  | International cooperation  |
|--|--|---|---|--|
| To prevent, suspend and deter individuals from engaging in drug abuse by focusing on programs capable of enhancing protective factors and reducing risk factors.   | Helping drug users to stop compulsive drug use through interventions in different settings, approaches and time frames.  | Enforcement encompasses the broad scope of activities in the eradication of drug symptoms and complements treatment and rehabilitation services, in particular in ensuring that individuals who have been ordered by the courts to undergo treatment and rehabilitation programs  | Aimed at reducing the health, social and economic harms of drug abuse for persons who are unable or unwilling to stop using drugs               | Bilateral and multilateral cooperation related to supporting the other four core principles  |
| <ul style="list-style-type: none"> <li>• Ministry of Education</li> <li>• Ministry of Communications and Multimedia</li> <li>• Ministry of Youth and Sports</li> <li>• Ministry of Women, Family and Community Development</li> <li>• Ministry of High Education</li> <li>• Department of Youth and Sports</li> <li>• Department of High Education</li> <li>• Department of Education</li> </ul> | <ul style="list-style-type: none"> <li>• National Anti-drugs Agency</li> <li>• Ministry of Health</li> <li>• Ministry of Human Resources</li> <li>• Prison Department</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry of Home Affairs</li> <li>• Prime Minister’s Department</li> <li>• Ministry of Foreign Affairs</li> <li>• Royal Malaysia Police</li> <li>• Prison Department</li> <li>• Royal Malaysian Customs Department</li> <li>• Road Transport Department</li> <li>• Malaysia Border Control Agency</li> <li>• National Anti-drugs Agency</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry of Health</li> <li>• Department of Chemistry</li> <li>• National Anti-drugs Agency</li> </ul> | <ul style="list-style-type: none"> <li>• Ministry of Home Affairs</li> <li>• Ministry of Foreign Affairs</li> <li>• National Anti-drug Agency</li> </ul> |

| Prevention education   | Treatment and Rehabilitation | Enforcement | Harm reduction | International cooperation |
|--|------------------------------|-------------|----------------|---------------------------|
| <ul style="list-style-type: none"> <li>• Department of Information Services</li> <li>• National Anti-drugs Agency</li> </ul> |                              |             |                |                           |

Source: NADA response to UNODC questionnaire, October 2020.

»» [Table 4-3-3] Threshold amounts for drug possession and drug trafficking in Malaysia

| Drug type                                 | Possession  | Trafficking   |
|---|---|---|
| Methamphetamine (tablets and crystalline) | < 50 grams  | ≥ 50 grams  |
| Heroin                                    | < 15 grams  | ≥ 15 grams  |
| Ecstasy (MDMA)                            | < 50 grams in weight of MDMA                                    | ≥ 50 grams in weight of MDMA                                    |
| Cocaine                                   | < 40 grams  | ≥ 40 grams  |
| Ketamine                                  | No specific amount<br>Sentence determined on case-by-case basis | No specific amount<br>Sentence determined on case-by-case basis |

Source: NADA response to UNODC questionnaire, October 2020.

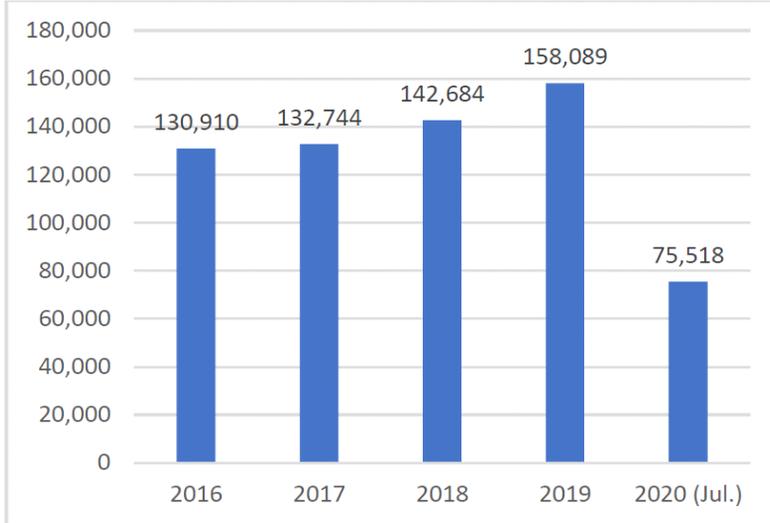
»» [Table 4-3-4] Threshold amounts and mandatory sentencing for drug possession offenses in Malaysia

| Drug type                                 | Weight    | DDA Section: Punishment   | Weight                  | DDA Section: Punishment  | Weight     | DDA Section: Punishment*   |
|---|-----------|---|-------------------------|--|------------|--|
| Methamphetamine (tablets and crystalline) | < 5 grams | Section 12(3):<br>Fine not exceeding MYR 100,000 or imprisonment not more than five years or both | ≥ 5 grams to < 30 grams | Section 39A:<br>Imprisonment not less than two years but not more than, and whipping of not less than three strokes but not more than nine strokes | ≥ 50 grams | Section 39A:<br>Imprisonment for life or not less than five years, and whipping of not less than ten strokes |
| Heroin                                    | < 5 grams |   | ≥ 5 grams to < 15 grams |  | ≥ 15 grams |  |
| Ecstasy (MDMA)                            | < 5 grams |   | ≥ 5 grams to < 30 grams |  | ≥ 50 grams | Section 39B:<br>punishable by death or imprisonment for life and whipping of not less than 15 strokes        |
| Cocaine                                   | < 5 grams |   | ≥ 5 grams to < 15 grams |  | ≥ 40 grams |  |

\* Severity of the sentence for serious drug offenses is determined by the court

Source: NADA response to UNODC questionnaire, October 2020.

»» [Figure 4–3–4] Number of drug-related cases in the court system in Malaysia, 2016–2020\*



\* Through July 2020.

Source: NADA response to UNODC questionnaire, October 2020.

## Section 4 | MYANMAR

### 1. Drug prisoners

- The Myanmar Prisons Department, under the Ministry of Home Affairs, operates 92 prisons and other correctional facilities. Myanmar does not have custodial facilities specifically for women; women prisoners are housed in separate compounds at the same facilities as men.
- The number of prisoners convicted of drug offenses increased by 5,600 during the 2015 through 2020 (July). Unfortunately, the total number of drug prisoners in Myanmar is unavailable.
- In 2020 (January through July), there were 12,896 persons arrested for drug-related offenses, including 11,524 males and 1,372 females, in 9,028

cases. During the same period, a total of 6,605 drug cases were prosecuted in court, and a total of 8,628 defendants were convicted, including 7,819 males and 807 females.

## 2. Threshold amounts and mandatory sentencing

- The threshold quantity that determines whether a suspect will be prosecuted for possession or trafficking in Myanmar is 3 grams for most substances, including methamphetamine and heroin. Suspects tried for offenses involving quantities greater than the threshold amount are assumed to be in possession of drugs for the intent to distribute.
- Drug possession offenses carry a mandatory minimum sentence of five years imprisonment.

## 3. Drug policies

- The Government of Myanmar announced its new National Drug Control Policy in February 2018, signaling a significant shift in approach towards an evidence-based and more people and health-focused approach, while advocating for practical strategies to reduce the negative effects of drug production, trafficking and use. The new policy was developed by the Myanmar Police Force (MPF) Central Committee for Drug Abuse Control (CCDAC), the Ministry of Home Affairs, with support from the United Nations Office on Drugs and Crime Regional Office for Southeast Asia and the Pacific and Country Office for Myanmar.<sup>91)</sup>
- The new National Drug Control Policy marks the first time the Government of Myanmar has formally adopted a harm reduction approach to drug use.

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91) CCDAC. National Drug Control Policy, Naypyitaw, February 2018. Available at: [https://www.unodc.org/documents/southeastasiaandpacific//2018/02/Myanmar\\_Drug\\_Control\\_Policy.pdf](https://www.unodc.org/documents/southeastasiaandpacific//2018/02/Myanmar_Drug_Control_Policy.pdf).

»» [Table 4-4-1] Minimum and maximum sentencing for drug offenses in Myanmar

| Min. sentence | Max. sentence             | Section of National Drug Control Policy And Offenses   |
|---------------|---------------------------|--|
| 5 years       | 10 years                  | <p><i>Section 16</i></p> <p>(a) cultivation of poppy plant, coca plant, cannabis plant or any kind of plant which the Ministry of Health has declared to be narcotic drug;</p> <p>(b) possession, transportation, distribution and sale without permission of materials, implements and chemicals which the relevant Ministry has declared to be materials used in the production of a narcotic drug or psychotropic substance;</p> <p>(c) possession, transportation, transmission and transfer of a narcotic drug or psychotropic substance;</p> <p>(d) transfer of a narcotic drug or psychotropic substance by a person who is not so permitted;</p> <p>(e) inciting, inducing, deceiving, coercing, using undue influence or any other means to cause abuse of a narcotic drug or psychotropic substance;</p> <p>(f) misappropriating, causing to disappear, destroying, removing or transferring any property which has been seized.</p> |
| 10 years      | unlimited period          | <p><i>Section 19</i></p> <p>(a) possessing, transporting, transmitting and transferring a narcotic drug or psychotropic substance for the purpose of sale;</p> <p>(b) offering for sale, agreeing thereto or communicating to market a narcotic drug or psychotropic substance;</p> <p>(c) concealing and causing to disappear money, property and benefits derived from the commission of any offense contained in the Narcotics Law, to interfere with the investigation and prosecution;</p> <p>(d) transferring and converting money, property and benefits involved in an offense, so that it may appear to have been acquired from a legitimate source.</p>  |
| 15 years      | unlimited period or death | <p><i>Section 20</i></p> <p>(a) production, distribution and sale of a narcotic drug or psychotropic substance;</p> <p>(b) importing and exporting a narcotic drug or psychotropic substance;</p> <p>(c) communicating to effect such import and export.</p>   |

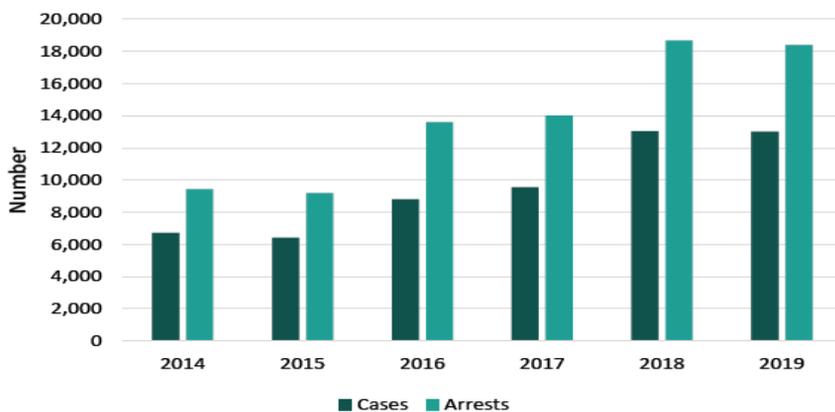
Source: CCDAC response to UNODC questionnaire.

»» [Table 4-4-2] Threshold amount for drug possession and drug trafficking in Myanmar

| Drug type  | Possession | Trafficking |
|--|------------|-------------|
| Methamphetamine (tablets and crystalline), heroin, morphine, cocaine, Ephedrine, pseudoephedrine | 3 grams    | >3 grams    |
| Opium  | 100 grams  | >100 grams  |
| Cannabis   | 75 grams   | >75 grams   |
| Kratom   | 6 kg       | >6 kg       |

Source: CCDAC response to UNODC questionnaire.

»» [Figure 4-4-1] Drug-related arrests and number of cases in Myanmar, 2015-2020<sup>92)</sup>



Sources: DAINAP; CCDAC, Synthetic drug situation in Myanmar, presented at the 2019 SMART Regional Workshop, Singapore, August 2019; Official communication with CCDAC, March 2020; response to UNODC questionnaire, September 2020.

## Section 5 | THAILAND<sup>93)</sup>

### 1. Drug prisoners

- Thailand presently has one of the highest prisoner-to-population ratios in the world (524 prisoners per 100,000 population in 2019), and the world’s highest share of female prisoners (14 percent). It also suffers from one of the highest rates of overcrowding, with about 2.5 prisoners for every available prison space.
- Approximately 80 percent of Thailand’s prisoners are incarcerated for drug offenses, of which 78 percent were convicted for offenses related to methamphetamine tablets and 10 percent for crystalline methamphetamine;

92) Until 31 July 2020.

93) Thailand data based primarily on UNODC and TIJ, Unpublished study on the Thai correctional system and recidivism, Bangkok and Vienna, August 2020.

roughly 76 percent of all drug prisoners were convicted for possession with intent to sell.

- Thailand's official prison capacity is about 110,000 prisoners.<sup>94)</sup> As of the end of 2018, some 363,825 prisoners were held.
- Each year Thailand spends around THB 12,000 million Thai Baht (USD 380 million) on prison administration. Some 95 percent of the Department of Corrections budget is spent on food for the prisoners, salaries for the guards, and construction of new prisons, with only 1 percent allocated for rehabilitation programs.
- Since 2013, approximately one-third of prisoners released from Thai prisons have been reincarcerated within three years, of which approximately 64 percent have been reincarcerated for drug offenses.

## 2. Threshold amounts and mandatory sentencing

- The reduction in the threshold amount was implemented the same year that the Rehabilitation of Drug Addicts Act (B.E. 2545) 2002 was passed. This Act allowed for diversion to treatment for those found in possession of less than five methamphetamine tablets. After the Act was passed, there was a strong decrease in prisoner numbers. This trend continued until 2006, at which point it reversed and rose to ever higher levels.
- Currently, those found in possession of more than 375 milligrams of pure methamphetamine, or 15 methamphetamine tablets ("dose units"), or 1.5 grams total weight of drugs containing methamphetamine are charged with intent to distribute.<sup>95)</sup> This means that if methamphetamine tablets are presently selling at 20 baht per tablet, then the 15 pills that qualify the

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94) The last CTS Thailand submitted that asked about prison capacity was in 2016, referring to 2015 data. The capacity then was said to be 118,638.

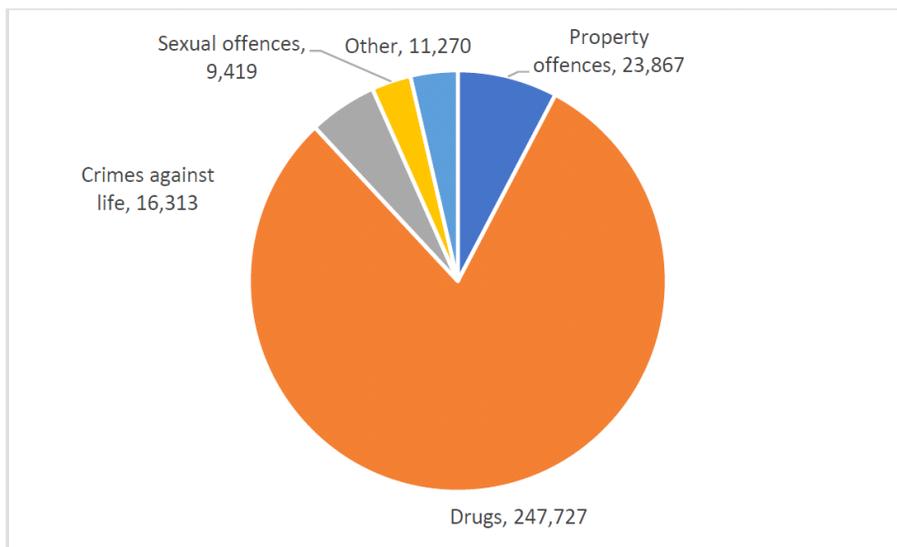
95) Narcotics Act 2522 of 1979, Chapter 2, section 15, sub 2, as revised.

possessor as a presumptive dealer are worth THB 300 (or less than USD 10).

### 3. Drug policies

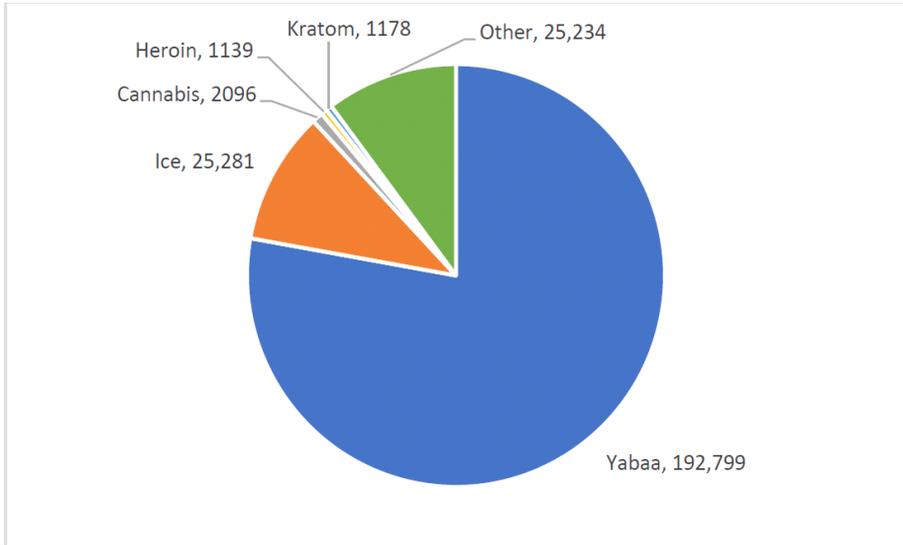
- The crime of possession with intent to sell methamphetamine is defined in the Narcotics Act 2522 of 1979, Chapter 2, section 15, sub 2, as revised. The statute specifies that possession of 375 mg of pure substance creates the presumption of intent to distribute. This threshold was reduced from 20 grams of pure substance in 2002, a 50-fold reduction.
- The Rehabilitation of Drug Addicts Act (B.E. 2545) 2002 reduced the threshold amount but allowed for diversion to treatment for those convicted of possession of amounts below the threshold.

»» [Figure 4-5-1] Offenses for which Thai prisoners were held as of 1 January 2020



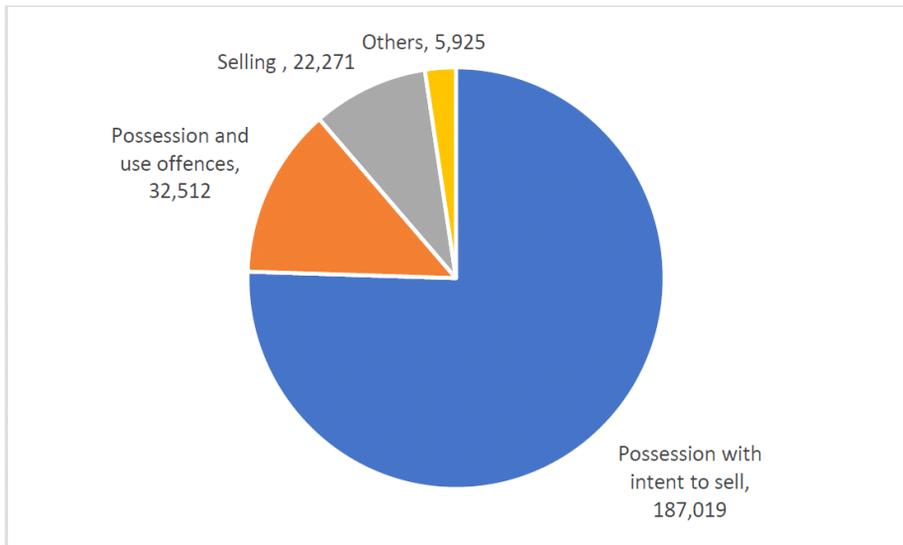
Source: Thailand Department of Corrections

»» [Figure 4-5-2] Drugs for which prisoners are incarcerated as of 1 January 2020



Source: Thailand Department of Corrections

»» [Figure 4-5-3] Drug offenses for which prisoners are incarcerated as of 1 January 2020



Source: Thailand Department of Corrections



## Chapter 5

Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

# Drug crime trends and laws in Korea

승재현 · 정세윤



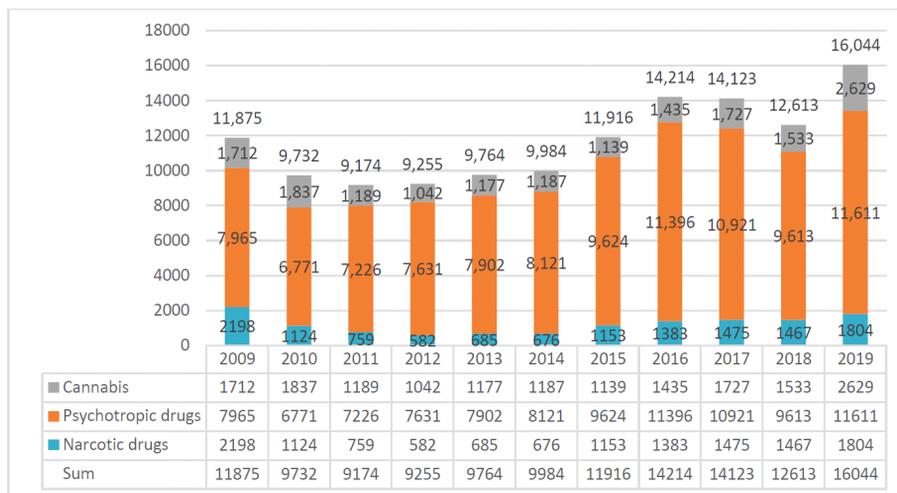
## Chapter 5

# Drug crime trends and laws in Korea

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The number of persons arrested or charged for violating drug laws in the Republic of Korea has fluctuated over the last decade but has shown an overall increasing trend, particularly over the past few years. In 2019, the number of persons arrested for drug-related offenses rose substantially to 16,044, representing a 27 percent increase from the previous year (12,613) and the highest total recorded over the last decade. In addition, the number of persons arrested for offenses related to psychotropic drugs, such as methamphetamine, MDMA and LSD, in 2019 (11,611 persons) increased by 21 percent compared with the previous year (9,613), and also reached its highest level over the last decade. The number of offenses involving narcotic drugs, including opium, heroin and cocaine, has risen since 2014, from 676 persons, to 1,804 persons in 2019, while the number of persons arrested for cannabis-related offenses since 2013 has also shown an upward trend, and in 2019 increased by more than 71 percent from the previous year to 2,629 persons, the highest level since 2009. During the 2009–2019 time period, psychotropic drugs accounted for more than three fourths of all persons arrested for drug-related offenses in the Republic of Korea.

»» [Figure 5-1-1] Number of persons arrested for drug-related offenses in the Republic of Korea, 2009-2019



Sources: The Supreme Prosecutors' Office (SPO) of the Republic of Korea, *White paper on illicit drugs-related crime* (2013-2014, 2018, and 2019).

By type of offense, cultivation accounted for 60.8 percent of all narcotic drugs-related offenses in 2019. More than half of all psychotropic drugs-related offenses in 2019 were related to consumption, accounting for 54 percent, followed by sales (25.2 percent) and possession (7.9 percent). Consumption also accounted for the majority of all offenses related to cannabis (61.3 percent), followed by sales (16.4 percent), possession (7.6 percent), and import (7.2 percent). It is notable that consumption accounted for the majority of offenses involving psychotropic drugs and cannabis, while the number of offenses related to drugs sales was significantly higher for psychotropic substances than for cannabis.

»» [Table 5-1-1] Number of drug offenses in the Republic of Korea by type of offense, 2019

| Type of offense | Narcotic drugs | Psychotropic drugs | Cannabis      | Total         |
|-----------------|----------------|--------------------|---------------|---------------|
| Production      | 0<br>(0%)      | 5<br>(0%)          | 0<br>(0%)     | 5<br>(0%)     |
| Import          | 26<br>(1.4%)   | 569<br>(4.9%)      | 188<br>(7.2%) | 783<br>(4.9%) |

| Type of offense | Narcotic drugs    | Psychotropic drugs | Cannabis          | Total              |
|-----------------|-------------------|--------------------|-------------------|--------------------|
| Sales           | 74<br>(4.1%)      | 2,931<br>(25.2%)   | 432<br>(16.4%)    | 3,427<br>(21.4%)   |
| Cultivation     | 1,098<br>(60.8%)  | 0<br>(0%)          | 63<br>(2.4%)      | 1,161<br>(7.2%)    |
| Consumption     | 328<br>(18.2%)    | 6,272<br>(54.0%)   | 200<br>(7.6%)     | 8,210<br>(51.2%)   |
| Possession      | 65<br>(3.6%)      | 920<br>(7.9%)      | 134<br>(7.6%)     | 1,185<br>(7.4%)    |
| Others          | 215<br>(11.9%)    | 914<br>(7.9%)      | 134<br>(5.1%)     | 1,263<br>(7.9%)    |
| Sum             | 1,806<br>(100.0%) | 11,611<br>(100.0%) | 2,627<br>(100.0%) | 16,044<br>(100.0%) |

Note: Figures were rounded-up to the first decimal point.

Sources: The Supreme Prosecutors' Office (SPO) of the Republic of Korea, *Monthly Drug Trends* (December 2019).

More than three fourths of all drug offenders in the Republic of Korea are male, on average. The portion of female drug offenders over the past decade peaked in 2009, at 23.5 percent, and ranged from between 13 and 15 percent from 2010 to 2014. Since 2015, female drug offenders have accounted for more than 19 percent of all drug offenders, and reached 22.3 percent in 2019. The majority of female drug offenders have been arrested for psychotropic substances, accounting for between approximately 12 and 19 percent of all persons arrested for psychotropic substances since 2009, but has shown an increasing trend since 2014, reaching 20.3 percent in 2019, the highest figure in 11 years. As a portion of the total number of drug offenders, females have accounted for more than half of narcotic drugs-related offenders over the past decade, on average, accounting for 58 percent in 2009 and 48.7 percent in 2019. The portion of females who committed cannabis-related offenses during the past decade has remained relatively stable, at about 10 percent.

»» [Table 5–1–2] Number of drug offenses in the Republic of Korea by gender, 2009–2019

|      | Narcotic drugs |                  | Psychotropic drugs |                  | Cannabis         |                | Total             |                  |
|------|----------------|------------------|--------------------|------------------|------------------|----------------|-------------------|------------------|
|      | Male           | Female           | Male               | Female           | Male             | Female         | Male              | Female           |
| 2009 | 923<br>(42.0%) | 1,275<br>(58.0%) | 6,626<br>(83.2%)   | 1,339<br>(16.8%) | 1,536<br>(89.7%) | 176<br>(10.3%) | 9,085<br>(76.5%)  | 2,790<br>(23.5%) |
| 2010 | 720<br>(64.1%) | 404<br>(35.9%)   | 5,900<br>(87.1%)   | 871<br>(12.9%)   | 1,717<br>(93.5%) | 120<br>(6.5%)  | 8,337<br>(85.7%)  | 1,395<br>(14.3%) |
| 2011 | 388<br>(51.1%) | 371<br>(48.9%)   | 6,294<br>(87.1%)   | 932<br>(12.9%)   | 1,102<br>(92.7%) | 87<br>(7.3%)   | 7,784<br>(84.8%)  | 1,390<br>(15.2%) |
| 2012 | 285<br>(49.0%) | 297<br>(51.0%)   | 6,721<br>(88.1%)   | 910<br>(11.9%)   | 940<br>(90.2%)   | 102<br>(9.8%)  | 7,946<br>(85.9%)  | 1,309<br>(14.1%) |
| 2013 | 350<br>(51.1%) | 335<br>(48.9%)   | 6,951<br>(88.0%)   | 951<br>(12.0%)   | 1,056<br>(89.7%) | 121<br>(10.3%) | 8,357<br>(85.6%)  | 1,407<br>(14.4%) |
| 2014 | 367<br>(54.3%) | 309<br>(45.7%)   | 7,167<br>(88.3%)   | 954<br>(11.7%)   | 1,072<br>(90.3%) | 115<br>(9.7%)  | 8,606<br>(86.2%)  | 1,378<br>(13.8%) |
| 2015 | 541<br>(46.9%) | 612<br>(53.1%)   | 8,086<br>(84.0%)   | 1,538<br>(16.0%) | 1,017<br>(89.3%) | 122<br>(10.7%) | 9,644<br>(80.9%)  | 2,272<br>(19.1%) |
| 2016 | 642<br>(46.4%) | 741<br>(53.6%)   | 9,397<br>(82.5%)   | 1,999<br>(17.5%) | 1,276<br>(88.9%) | 159<br>(11.1%) | 11,315<br>(79.6%) | 2,899<br>(20.4%) |
| 2017 | 714<br>(48.4%) | 761<br>(51.6%)   | 8,895<br>(81.4%)   | 2,026<br>(18.6%) | 1,493<br>(86.5%) | 234<br>(13.5%) | 11,102<br>(78.6%) | 3,021<br>(21.4%) |
| 2018 | 715<br>(48.7%) | 752<br>(51.3%)   | 7,812<br>(81.3%)   | 1,801<br>(18.7%) | 1,367<br>(89.2%) | 166<br>(10.8%) | 9,894<br>(78.4%)  | 2,719<br>(21.6%) |
| 2019 | 926<br>(51.3%) | 878<br>(48.7%)   | 9,258<br>(79.7%)   | 2,353<br>(20.3%) | 2,283<br>(86.8%) | 346<br>(13.2%) | 12,467<br>(77.7%) | 3,577<br>(22.3%) |

Note: Figures were rounded-up to the first decimal point.

Sources: The Supreme Prosecutors' Office (SPO) of the Republic of Korea, *White paper on illicit drugs-related crime* (2013–2014, 2018–2019) and *Monthly Drug Trends* (December 2019).

The age distribution of drug offenders over the last decade show that persons aged 30–39 years accounted for 39.3 percent of all drug offenders in 2009, the highest proportion of all age groups. However, between 2010 and 2018, persons aged 40–49 years accounted for the highest proportion of all drug offenders; in 2019, persons aged 30–39 years again accounted for the largest portion (26.6 percent). The proportion of drug offenders aged 20–29 years decreased from 14 percent in 2009 to 8.3 percent in 2012, but then increased almost continually

each year thereafter, rising to 22.7 percent in 2019. The proportion of drug offenders below 19 years of age remains small but has increased from 0.7 percent in 2009 to 1.5 percent in 2019.

»» [Table 5-1-3] Number of drug-related offenses in the Republic of Korea by age group, 2009-2019

|      | Below 19      | 20-29            | 30-39            | 40-49            | 50-59            | Over 60          | Total              |
|------|---------------|------------------|------------------|------------------|------------------|------------------|--------------------|
| 2009 | 82<br>(0.7%)  | 1,608<br>(14.0%) | 3,371<br>(39.3%) | 3,297<br>(28.7%) | 1,502<br>(13.1%) | 1,643<br>(14.3%) | 11,503<br>(100.0%) |
| 2010 | 35<br>(0.4%)  | 1,111<br>(11.8%) | 2,924<br>(31.0%) | 3,185<br>(33.8%) | 1,427<br>(15.1%) | 752<br>(8.0%)    | 9,434<br>(100.0%)  |
| 2011 | 41<br>(0.5%)  | 750<br>(8.4%)    | 2,552<br>(28.5%) | 3,392<br>(37.9%) | 1,523<br>(17.0%) | 693<br>(7.7%)    | 8,951<br>(100.0%)  |
| 2012 | 38<br>(0.4%)  | 758<br>(8.3%)    | 2,493<br>(27.4%) | 3,516<br>(38.7%) | 1,717<br>(18.9%) | 566<br>(6.2%)    | 9,088<br>(100.0%)  |
| 2013 | 58<br>(0.6%)  | 1,010<br>(10.5%) | 2,500<br>(26.1%) | 3,539<br>(36.9%) | 1,833<br>(19.1%) | 642<br>(6.7%)    | 9,582<br>(100.0%)  |
| 2014 | 102<br>(1.0%) | 1,174<br>(11.9%) | 2,640<br>(26.9%) | 3,542<br>(36.0%) | 1,768<br>(18.0%) | 603<br>(6.1%)    | 9,829<br>(100.0%)  |
| 2015 | 128<br>(1.1%) | 1,305<br>(11.1%) | 2,878<br>(24.5%) | 4,099<br>(35.0%) | 2,190<br>(18.7%) | 1,124<br>(9.6%)  | 11,724<br>(100.0%) |
| 2016 | 121<br>(0.9%) | 1,842<br>(13.1%) | 3,526<br>(25.1%) | 4,496<br>(32.1%) | 2,659<br>(19.0%) | 1,378<br>(9.8%)  | 14,022<br>(100.0%) |
| 2017 | 119<br>(0.9%) | 2,112<br>(15.2%) | 3,676<br>(26.4%) | 3,919<br>(28.2%) | 2,589<br>(18.6%) | 1,491<br>(10.7%) | 13,906<br>(100.0%) |
| 2018 | 143<br>(1.2%) | 2,118<br>(17.1%) | 2,996<br>(24.2%) | 3,305<br>(26.7%) | 2,352<br>(19.0%) | 1,457<br>(11.8%) | 12,371<br>(100.0%) |
| 2019 | 239<br>(1.5%) | 3,521<br>(22.7%) | 4,126<br>(26.6%) | 3,487<br>(22.5%) | 2,554<br>(16.5%) | 1,598<br>(10.3%) | 15,525<br>(100.0%) |

Note: Figures were rounded-up to the first decimal point.

Sources: The Supreme Prosecutors' Office (SPO) of the Republic of Korea, *White paper on illicit drugs-related crime* (2013-2014, 2018-2019) and *Monthly Drug Trends* (December, 2019).

The recidivism rate for drug offenders was 36.6 percent in 2018, the latest year for which data are available. This is roughly in line with the average annual recidivism rates during the past decade. By drug type, recidivism rates in the

Republic of Korea have been highest for psychotropic drugs and cannabis: in 2019, recidivism rates were 41 percent and 36.1 percent, respectively. For narcotic drugs offenders, the recidivism rate has remained at less than 10 percent since 2014. Between 2014 and 2018, there have been approximately 5,000 repeat drug offenders in the country.

»» [Table 5-1-4] Number of repeat offenders and recidivism rates in the Republic of Korea, 2009-2018

|      | Narcotic drugs | Psychotropic drugs | Marijuana      | Total            |
|------|----------------|--------------------|----------------|------------------|
| 2009 | 99<br>(4.5%)   | 3,333<br>(41.8%)   | 586<br>(34.2%) | 4,018<br>(33.8%) |
| 2010 | 182<br>(16.2%) | 2,808<br>(41.5%)   | 593<br>(32.3%) | 3,583<br>(36.8%) |
| 2011 | 62<br>(8.2%)   | 2,877<br>(39.8%)   | 417<br>(35.1%) | 3,356<br>(36.6%) |
| 2012 | 131<br>(22.5%) | 3,089<br>(40.5%)   | 376<br>(36.1%) | 3,596<br>(38.9%) |
| 2013 | 127<br>(18.5%) | 3,365<br>(42.6%)   | 377<br>(32.0%) | 3,868<br>(39.6%) |
| 2014 | 63<br>(9.3%)   | 3,327<br>(41.0%)   | 427<br>(36.0%) | 3,817<br>(38.2%) |
| 2015 | 77<br>(6.7%)   | 4,009<br>(41.7%)   | 413<br>(36.3%) | 4,499<br>(37.8%) |
| 2016 | 101<br>(7.3%)  | 4,641<br>(40.7%)   | 543<br>(37.8%) | 5,285<br>(37.2%) |
| 2017 | 115<br>(7.8%)  | 4,451<br>(40.8%)   | 565<br>(32.7%) | 5,131<br>(36.3%) |
| 2018 | 123<br>(8.4%)  | 3,946<br>(41.0%)   | 553<br>(36.1%) | 4,622<br>(36.6%) |

Sources: The Supreme Prosecutors' Office (SPO) of the Republic of Korea, *White paper on illicit drugs-related crime* (2013-2014, 2018-2019).

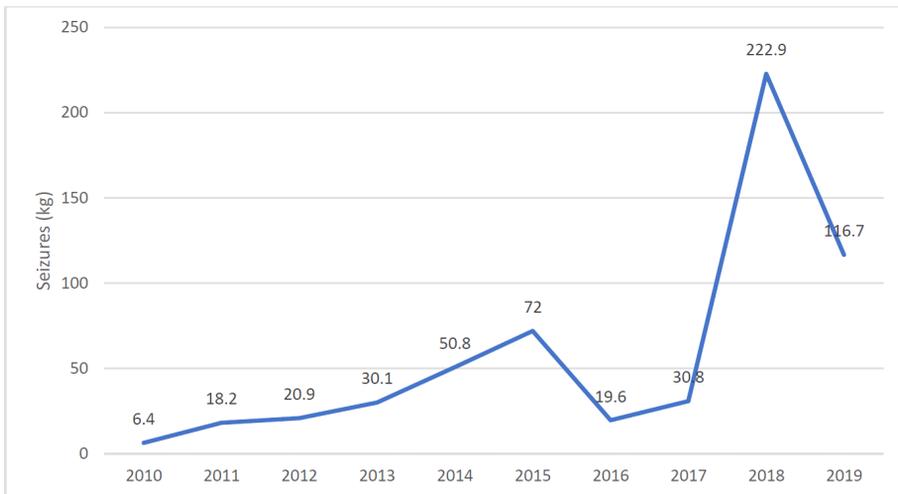
## 1. Growing volumes of crystalline and tablet methamphetamine trafficked from Southeast Asia

Methamphetamine remains the primary drug of concern in the Republic of Korea, and methamphetamine sourced from overseas continues to be a growing

and significant challenge. According to the data on seized methamphetamine of which the country of origin can be identified, methamphetamine has accounted for the majority of foreign-sourced drugs seized in the Republic of Korea, including 85 percent (46,515 grams) in 2017, 59 percent (22,585 grams) in 2016, 63 percent (17,117 grams) in 2017, and 66 percent (193,240 grams) in 2018.

In addition, the quantities of methamphetamine seized by the Korea Customs Service have grown exponentially in recent years. The seized amount of the drug increased seven-fold from 30.8 kg in 2017 to 222.9 kg in 2018 and decreased to 116.7 kg in 2019. In 2019, large quantities of methamphetamine (92,791 grams) were trafficked by passengers using commercial airlines, while the highest number of drug detections were made in the postal services, with 61 cases.

»» [Figure 5-1-2] Quantity of methamphetamine seized by the Korea Customs Service, 2010-2019



Source: Customs Service of the Republic of Korea, *2019 Methamphetamine Trafficking Trends* (January 2020).

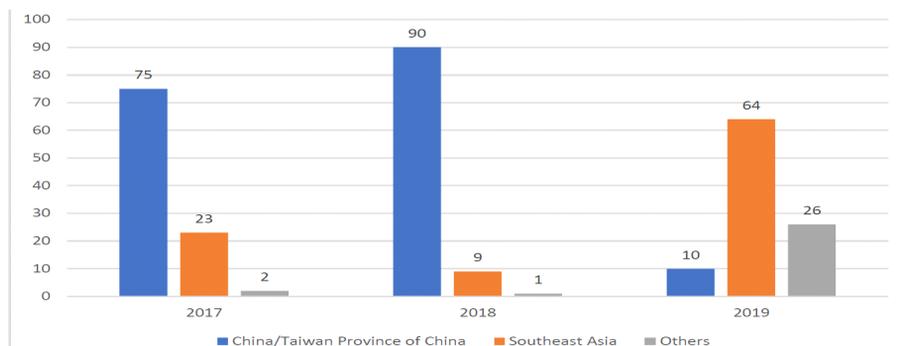
»» [Table 5-1-5] Quantity of methamphetamine seized by the Korea Customs Service, by trafficking routes, 2018-2019

|          | 2018            |              | 2019            |              |
|----------|-----------------|--------------|-----------------|--------------|
|          | Number of cases | Seizures (g) | Number of cases | Seizures (g) |
| Air      | 28              | 42,275       | 35              | 92,791       |
| Sea      | 2               | 103          | 1               | 1            |
| Mail     | 64              | 10,590       | 61              | 17,484       |
| Shipping | 7               | 85           | 10              | 6,476        |
| Others   | 9               | 169,882      | 1               | 21           |
| Total    | 110             | 222,935      | 108             | 116,773      |

Source: \Customs Service of the Republic of Korea, *2019 Methamphetamine Trafficking Trends* (January, 2020).

There has been a dramatic shift in the sources of methamphetamine trafficked into the Republic of Korea in recent years. Whereas in previous years, China and Taiwan Province of China have been the primary sources of crystalline methamphetamine, in 2019 the Southeast Asia region became the primary region of origin. Data from both the Korea Customs Service and the Supreme Prosecutors’ Office demonstrate that the share of methamphetamine originating in China and Taiwan Province of China decreased from 75 percent in 2017 to 10 percent in 2019 while the share from Southeast Asia grew substantially, from 23 percent in 2017 to 64 percent in 2019.

»» [Figure 5-1-3] Proportion of methamphetamine trafficked into Korea by source country, 2017-2019



Source: SPO of the Republic of Korea, *White paper on illicit drugs-related crime* (2019).

In addition to crystalline methamphetamine, the Southeast Asia region has also become a primary source country for trafficking of methamphetamine tablets, largely known as yaba, a mixture of methamphetamine and caffeine. The amount of yaba trafficked into Korea showed a 15-fold increase from 847 grams in 2017 to 13,330 grams in 2019. The main driver for the increase could be a growing number of residents in the Republic of Korea originating from Southeast Asian countries where yaba is popular. For instance, between 2018 and 2019, about two-fifths (39 percent) of the illegal residents in the Republic of Korea were from Thailand. It appears that some of these residents are involved in trafficking in yaba tablets by colluding with organized criminal groups based in Thailand and trafficking the substance through the use of the postal stream, courier services, or passengers on commercial flights. Some of the workers seem to engage in wholesale and retail distribution of the trafficked drugs to other migrant workers.<sup>96)</sup>

»» [Table 5-1-6] Seized quantity of yaba in the Republic of Korea, by source country, 2017-2019

| Country  | 2017            |              | 2018            |              | 2019            |              |
|----------|-----------------|--------------|-----------------|--------------|-----------------|--------------|
|          | Number of cases | Seizures (g) | Number of cases | Seizures (g) | Number of cases | Seizures (g) |
| Thailand | 7               | n/a          | 15              | n/a          | 33              | n/a          |
| Cambodia | 0               | 0            | 0               | 0            | 2               | 67           |
| Lao PDR  | 1               | 66           | 2               | 2,484        | 0               | 0            |
| Viet Nam | 1               | 259          | 0               | 0            | 1               | 13           |
| Total    | 9               | 847          | 17              | 7,934        | 36              | 13,330       |

Source: SPO of the Republic of Korea, *White paper on illicit drugs-related crime* (2019).

The amount of methamphetamine seized from air passengers in the Republic of Korea has increased over the past couple of years, and accounted for nearly 80 percent of the total amount seized in 2019, the majority of which originated from Southeast Asian countries.

96) SPO, *White paper on illicit drugs-related crime*, 2019.

»» [Table 5-1-7] Number of cases and amounts of methamphetamine seized in the Republic of Korea by embarkation point, 2018 and 2019

| Region         | Number of cases | Amount seized (kg) |
|----------------|-----------------|--------------------|
| Southeast Asia | 121             | 260                |
| North America  | 30              | 8                  |
| Europe         | 17              | 2                  |
| Africa         | 1               | 1                  |

Note: Embarkation points do not necessarily mean source regions.

Sources: Customs Service of the Republic of Korea, *Combat against methamphetamine trafficking*, presented at the Operation Ice Break Pre-Operational Meeting, Seoul, October 2019; Official communication with KCS, February 2020.

## 2. Drug policies

- In the Republic of Korea, the primary legislation covering drug offenses is the Narcotics Control Act. The penalty provisions for drug offenses are proscribed in Articles 58 and 59 of the Act. Under the Act, supplying drugs is punished more harshly than possessing or consuming drugs. The maximum penalties for supplying narcotic or psychotropic drugs for profit or repeatedly is imprisonment for an unlimited period or the imposition of the death penalty. The maximum sentence for supplying narcotic drugs and psychotropic drugs is 10 years in prison.

»» [Table 5-1-8] Minimum and maximum sentencing for drug offenses in the Republic of Korea

| Min. sentence | Max. sentence    | Article of Narcotics Control Act  |
|---------------|------------------|---|
| 5 years       | Unlimited period | <p><i>Article 58 penalty provisions on supply</i></p> <p>(a) exporting or importing, manufacturing narcotics drugs or assisting in trade of narcotics drugs or those carrying or possessing narcotics drugs for such purposes</p> <p>(b) exporting, importing, or manufacturing precursor chemicals with the intent to manufacture narcotic drugs or psychotropic substances or carrying or possessing precursor chemicals for such purposes</p> <p>(c) exporting or importing, manufacturing, trading, assisting in the trade thereof, giving, receiving or providing narcotics drugs or</p> |

| Min. sentence | Max. sentence | Article of Narcotics Control Act   |
|---------------|---------------|--|
|               |               | psychotropic substances for such purposes<br>(d) extracting psychotropic ingredients from plants or mushrooms or carrying or possessing such plants or mushrooms for such purposes<br>(e) exporting or importing or carrying or possessing marijuana or psychotropic substances for such purposes<br>(f) giving, preparing, administering, or delivering psychotropic drugs or temporary narcotics to a minor.   |
| 1 year        | 10 years      | <i>Article 59 penalty provisions on demand</i><br>(a) cultivating plants used as raw materials of narcotic drugs for the purpose of export, import, trade, or manufacture, or holding or possessing raw materials, seeds, or seedlings containing their component<br>(b) controlling, giving or receiving raw materials, seeds or seedlings containing the narcotic component, or extracting such component therefrom<br>(c) holding, possessing, controlling, giving, receiving, transporting, using, administering, or providing for administration, the heroin, its salts, or other substances containing its salts<br>(d) trading or assisting in the trade of, or giving or receiving basic substances for narcotics for the purpose of manufacturing narcotic drugs or psychotropic drugs, or holding, possessing, or using them for such purpose<br>(e) holding, possessing, using, or controlling psychotropic drugs or other psychotropic drugs containing their substance<br>(d) trading or assisting in the trade of, or giving or receiving plants or mushrooms used as raw materials for psychotropic drugs or holding or possessing them for such purpose<br>(e) manufacturing, trading, or assisting in trade of marijuana, or holding or possessing it for such purpose<br>(f) giving or receiving or delivering marijuana to the minors, or having the minors smoke or take in marijuana or its seed coats<br>(g) holding, possessing, controlling, or giving or receiving narcotic drugs<br>(h) manufacturing, exporting, or importing psychotropic drugs or other psychotropic drugs containing their substance |

Source: The Narcotics Control Act of the Republic of Korea

- To reduce the motivation of drug suppliers for illegal profits, the Republic of Korea enacted the Act on Special Cases Concerning the Prevention of Illegal Trafficking in Narcotics, Etc., prohibiting concealment and acceptance of criminal proceeds derived from narcotic drug trafficking. Under the Act, the authorities can confiscate profits or properties obtained from drug trafficking or collect an amount equivalent to such profits or properties.
- With respect to a criminal case against a defendant involved in a drug

offence, the court can order the preservation of assets or properties for confiscation. The court, on reasonable grounds, can also confiscate assets or criminal profits in a defendant’s possession prior to conviction.

- If the court has reasonable grounds to believe that a property may be subject to confiscation and deems it necessary to confiscate, the court may prohibit the disposition of the property by issuing an order of preservation for confiscation upon the request of the prosecutor or ex officio.

### 3. Drug offenders in prisons

- The Korea Correctional Service, under the Ministry of Justice, manages 52 correctional facilities located nationwide. Among them, eight facilities have dedicated rehabilitation and treatment programs for drug offenders.
- In 2018, the number of drug offenders in prisons was 1,329. The number of drug offenders remained stable from 2009 to 2014, at around 1,300, and then increased each year until 2017, when there were 2,133 drug offenders in prison. The number of female drug offenders in prison remained stable at around 50 from 2009 to 2014, and increased to 98 in 2016. The number slightly decreased to 66 in 2017 and increased again to 104 in 2018. The proportion of female drug offenders over the last decade has remained below 4.5 percent.

»» [Table 5–1–9] Number of drug offenders in prisons in the Republic of Korea, 2009–2018

|      | Drug-related Crime | Total            |
|------|--------------------|------------------|
| 2009 | 1,348<br>(4.2%)    | 32,297<br>(100%) |
| 2010 | 1,336<br>(4.2%)    | 31,981<br>(100%) |
| 2011 | 1,339<br>(4.3%)    | 31,198<br>(100%) |

|      | Drug-related Crime | Total            |
|------|--------------------|------------------|
| 2012 | 1,295<br>(4.1%)    | 31,434<br>(100%) |
| 2013 | 1,380<br>(4.3%)    | 32,137<br>(100%) |
| 2014 | 1,344<br>(4.0%)    | 33,444<br>(100%) |
| 2015 | 1,553<br>(4.4%)    | 35,098<br>(100%) |
| 2016 | 1,890<br>(5.4%)    | 36,479<br>(100%) |
| 2017 | 2,133<br>(5.9%)    | 36,167<br>(100%) |
| 2018 | 1,329<br>(3.8%)    | 35,271<br>(100%) |

Source: Corrections Service of the Republic of Korea, *Corrections Yearbook* (2019).

»» [Table 5-1-10] Number of female drug offenders in prisons in the Republic of Korea, 2009-2018

|      | Drug-related Crime | Total           |
|------|--------------------|-----------------|
| 2009 | 50<br>(3.3%)       | 1,538<br>(100%) |
| 2010 | 55<br>(3.8%)       | 1,447<br>(100%) |
| 2011 | 51<br>(3.4%)       | 1,504<br>(100%) |
| 2012 | 45<br>(2.9%)       | 1,571<br>(100%) |
| 2013 | 56<br>(3.5%)       | 1,612<br>(100%) |
| 2014 | 49<br>(2.7%)       | 1,783<br>(100%) |
| 2015 | 64<br>(3.2%)       | 1,976<br>(100%) |
| 2016 | 98<br>(4.5%)       | 2,198<br>(100%) |
| 2017 | 66<br>(2.9%)       | 2,262<br>(100%) |
| 2018 | 104<br>(4.4%)      | 2,339<br>(100%) |

Source: Corrections Service of the Republic of Korea, *Corrections Yearbook* (2019).

- For the treatment of convicted drug offenders, the Minister of Health as well as mayors and governors of cities and provinces can establish and operate medical treatment and protection agencies or designate entities as such agencies. The medical treatment and protection agencies can administer drug screening tests and provide medical treatment to drug offenders diagnosed with substance abuse. A drug screening test should not last more than 1 month and the treatment service should be less than 12 months. The Narcotics Control Act was revised to allow the court to impose 1 year of probation on those who have received suspended sentences for drug offences. The court must also impose less than 200 hours of education or rehabilitation programs when ordering convictions or summary judgements.
- In prisons, drug offenders were provided with psychotherapy tailored to different types of offenders. Basic programs comprised of eight individual sessions are offered for first-time drug offenders; intensive programs comprised of 20 sessions are offered for repeat offenders convicted of a fourth offense; and advance programs comprised of 67 sessions are offered for repeat offenders with five or more offenses. In 2018, a total of 788 offenders received psychotherapy.

»» [Table 5-1-11] Number of drug offenders provided with psychotherapy programs in the Republic of Korea, 2012-2018

|                    | 2012  | 2013  | 2014  | 2015  | 2016  | 2017 | 2018 |
|--------------------|-------|-------|-------|-------|-------|------|------|
| Basic programs     | 4,802 | 4,830 | 5,411 | 3,912 | 4,159 | 574  | 648  |
| Intensive programs | 105   | 107   | 81    | 89    | 464   | 101  | 113  |
| Advanced programs  | n/a   | n/a   | n/a   | n/a   | n/a   | 19   | 27   |
| Total              | 4,907 | 4,937 | 5,492 | 3,994 | 4,248 | 694  | 788  |

Source: Corrections Service of the Republic of Korea, *Corrections Yearbook* (2019).

- Although Korean courts have the tendency to impose lenient sentences on drug offenders, the sentences have not been coupled with adequate levels of rehabilitation and treatment services to offenders with drug dependency and mental illness. For instance, in 2018, only 267 drug offenders out of the total of 12,613 received any form of rehabilitation and treatment, while in 2017, rehabilitation and treatment were received by only 330 out of the total of 14,123 drug offenders. The relatively low number of offenders receiving rehabilitation and treatment in comparison to those receiving psychotherapy indicates that the government needs to increase these services to drug offenders.

» [Table 5-1-12] Number of drug offenders provided with rehabilitation and treatment service by region in the Republic of Korea, 2014-2018

| Region   | 2014 | 2015 | 2016 | 2017 | 2018 |
|----------|------|------|------|------|------|
| Total    | 73   | 191  | 252  | 330  | 267  |
| Seoul    | 11   | 87   | 147  | 208  | 140  |
| Incheon  | 1    | 4    | 0    | 29   | 26   |
| Daejeon  | 0    | 1    | 2    | 0    | 0    |
| Daegu    | 0    | 6    | 2    | 2    | 1    |
| Busan    | 1    | 2    | 4    | 4    | 1    |
| Ulsan    | 0    | 0    | 1    | 1    | 35   |
| Gwangju  | 0    | 0    | 0    | 0    | 0    |
| Gyeonggi | 15   | 12   | 4    | 4    | 1    |
| Kangwon  | 0    | 0    | 1    | 1    | 0    |
| Chungbuk | 0    | 0    | 0    | 0    | 1    |
| Chungnam | 0    | 0    | 0    | 0    | 0    |
| Kyungbuk | 0    | 0    | 0    | 0    | 0    |
| Kyungnam | 41   | 78   | 81   | 81   | 62   |
| Jeonbuk  | 0    | 0    | 0    | 0    | 0    |
| Jeonnam  | 0    | 0    | 0    | 0    | 0    |
| Jeju     | 0    | 1    | 0    | 0    | 0    |

Source: Supreme Prosecutors' Office (SPO), *White paper on illicit drugs-related crime for 2018*, August 2019.



## Chapter 6

Evolution of the illicit drug market in Southeast Asia and its impact on the Republic of Korea: need for reexamining current drug policies

# Ways forward

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## Chapter 6

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The drug problem in East and Southeast Asia is complex and multifaceted, and countering it requires joint action by all relevant stakeholders. UNODC convenes multi-stakeholder partnerships at the international and regional level and assists Member States in convening them at the national level to improve policy coherence and ultimately the effectiveness of these efforts to counter the regional drug problem. In the field of drug control, UNODC partners with United Nations entities, including the World Health Organization (WHO), International Narcotics Control Board (INCB), UNAIDS, UN Women and UNICEF, and other international organizations, such as INTERPOL and other regional institutions. UNODC also recognizes the critical role played by civil society organizations (CSOs) and has developed strong partnerships with global, regional and national CSOs, including those representing the population of people who use drugs.

The following recommendations are intended to help address findings and observations of this study, and consequently to strengthen the capacity of governments and organizations in East and Southeast Asia to more effectively understand, monitor, prevent and respond to drug challenges and policy issues at the regional and national level.

## 1. Prioritize control of precursors and chemicals used in the illicit manufacture of drugs in Southeast Asia

Major findings of the report clearly demonstrate a massive failure in the control of precursors and chemicals required for the illicit manufacture of drugs, in particular methamphetamine, in Southeast Asia. It would not be an overstatement to say that Southeast Asia has been focusing on finished products instead of trying to stop the diversion of and trafficking in precursor chemicals. This approach will be beneficial for the Republic of Korea, as it will help reduce flows of methamphetamine originating in Southeast Asia to the country.

In this context, UNODC has recently initiated a dedicated programmatic response to better address diversion of and trafficking in precursor chemicals in close cooperation with national authorities, regional level partners, and relevant private sectors of countries in the region.

Some activities that are planned under the programme include:

- Assess gaps in capacities and legal frameworks of each target country in controlling precursor chemicals;
- Support to improve the use of existing platforms<sup>97)</sup> for gathering information and sharing intelligence on precursor chemicals;
- Develop relevant knowledge and skills for national regulatory authorities to better monitor and control flows of precursor chemicals to prevent their diversion;
- Develop relevant knowledge and skills for law enforcement officers to better identify, detect and interdict diverted and illicitly produced precursor chemicals;
- Develop relevant knowledge and skills for chemical producing / exporting / importing companies in Asia to educate them on preventing diversion of

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97) These include the Drug Abuse Information Network for Asia and the Pacific (DAINAP), Precursors Incident Communication System (PICS) and others.

precursor chemicals:

- Support to strengthen a national platform in each target country to facilitate communications between concerning national authorities and the chemical industry at the national level;
- Support to establish a regional platform to discuss precursor chemical-related matters among concerning national authorities;
- Disseminate to law enforcement training centres region-specific online training modules to complement existing training programmes on issues related to drugs and chemicals trafficking;
- Develop and disseminate precursor training material to Border Liaison Offices (BLOs) in local languages to facilitate the identification of chemical substances; and
- Procure and distribute handheld devices for the identification of chemical substances and drugs to selected border crossings.

## 2. The Republic of Korea and ASEAN cooperation

ASEAN is an important strategic partner for the Republic of Korea. As of 2019, ASEAN is the second largest trading partner of the Republic of Korea and people-to-people exchange was 10 million between ASEAN and the country.<sup>98)</sup> In 2017, the Government of the Republic of Korea announced the New Southern Policy, which aims to uplift relations between ASEAN and the Republic of Korea under the 3Ps: namely, People, Prosperity, and Peace. Support from the Republic of Korea to ASEAN to better address illicit drug and precursor chemical related challenges will contribute to all 3Ps, as the expansion of the illicit drug market has had a clear impact on the people, prosperity and peace of the ASEAN region.

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98) Mission of the Republic of Korea to ASEAN.

Enhanced collaboration between KIC and UNODC as well as its ASEAN partners will benefit all stakeholders. KIC and UNODC can continue to support partner countries in the ASEAN region to raise awareness and build capacity regarding community-based treatment among governmental, non-governmental and private organizations, as well as community members, health professionals, religious leaders, social workers and civil society organizations. Joint efforts should be initiated in line with national priorities, multi-sectoral consultations and reviews of laws, policies and practices that hinder access to voluntary and effective drug dependence treatment. The objectives of these efforts could be directed toward, *inter alia*, enhanced coordinated action among law enforcement, health, criminal justice, drug control and other relevant sectors and affected communities, and also toward improving data collection and monitoring and evaluating the effectiveness and costs of rehabilitation services, including CCDUs, from both a public health and public security perspective.<sup>99)</sup>

### 3. Make better use of existing regional and global mechanisms designed to help Member States more effectively address and counter the drug problem

It would be advantageous for governments in East and Southeast Asia to make better use of the national implementation workshops organized by the CND Secretariat upon request by Member States. The workshops provide an opportunity for representatives from different government ministries to hold joint thematic discussions on the seven thematic chapters of the UNGASS 2016 outcome document, assess their country's drug situation and discuss options for implementation, including through enhanced technical assistance that UNODC can provide in close

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99) UNODC. *Transition from compulsory centres for drug users to voluntary community-based treatment and services*, Discussion Paper, Regional Office for Southeast Asia and the Pacific. 2015.

cooperation with a range of stakeholders. Member States would also benefit by making better use of the Good Practices Portal, also developed by the CND Secretariat, which aims to help strengthen international cooperation among Member States on the practical implementation of the special session recommendations. The Portal collects and disseminates good practices undertaken by Member States, thereby enabling the exchange of policy and operational experiences and assisting them in assessing and tailoring options for responding to the drug problems in their country.<sup>100)</sup>

In addition, more effective implementation of United Nations standards and norms would benefit the East and Southeast Asian region. These include the “Bangkok Rules” on the treatment of women offenders, the “Beijing Rules” on the administration of juvenile justice, the “Tokyo Rules” on non-custodial measures and alternatives to conviction and punishment, and the “Nelson Mandela Rules” on the management of prison facilities and the treatment of prisoners. UNODC develops and implements initiatives on justice for children, support and assistance to victims, gender equality in the criminal justice system, the elimination of violence against women, and prison reform and alternatives to imprisonment, including for drug-related offenses. In addition, UNODC develops tools and publications on designing human rights-based drug policies which cater to the specific needs of individuals and vulnerable groups.<sup>101)</sup>

#### 4. UNODC and the Mekong Memorandum of Understanding (MOU) on Drug Control

The Mekong Memorandum of Understanding on Drug Control is the primary instrument through which the governments of Cambodia, China, Lao PDR,

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100) UNODC, *People at the Centre: UNODC Support for UNGASS 2016 on the World Drug Problem*, Vienna, April 2018. [https://www.unodc.org/documents/postungass2016//follow-up/18-01924\\_UNGASS\\_eBook\\_002.pdf](https://www.unodc.org/documents/postungass2016//follow-up/18-01924_UNGASS_eBook_002.pdf).

101) UNODC, *People at the Centre: UNODC Support for UNGASS 2016 on the World Drug Problem*, Vienna, April 2018. [https://www.unodc.org/documents/postungass2016//follow-up/18-01924\\_UNGASS\\_eBook\\_002.pdf](https://www.unodc.org/documents/postungass2016//follow-up/18-01924_UNGASS_eBook_002.pdf).

Myanmar, Thailand and Viet Nam commit to strengthening international cooperation based on the principle of common and shared responsibility. UNODC is the only neutral non-State party signatory, and its Regional Office for Southeast Asia and the Pacific provides secretariat and technical assistance to the MOU political process and associated action plan. The revised action plan was endorsed by the region in 2017, with drugs and health as its first prioritized thematic area, in alignment with the recommendations contained in the UNGASS 2016 outcome document. This outcome document includes operational recommendations on evolving realities, trends and existing circumstances; on cross-cutting issues related to drugs and human rights, youth, children, women and communities; and proportionate and effective policies and responses, as well as legal guarantees and safeguards pertaining to the justice sector. It is important that the Mekong MOU mechanism is utilized to the subregion's full advantage.

UNODC also has developed a training toolkit on community-based treatment services for people who use drugs, which several countries in the region have endorsed. This approach equips government and civil society health-care and outreach workers with the necessary skills to provide services to people who use drugs where they are most needed—in their community. On the supply reduction side, UNODC also provides MOU partners capacity-building activities targeting frontline law enforcement officers along major drug and precursor trafficking routes in the Mekong region. UNODC provides cross-border cooperation training courses on issues such as investigative capacity on vehicle search, informant management, evidence collection, surveillance and simultaneous raids, and provides Mekong countries with frontline drug and precursor identification kits, as well as organizing training workshops on their usage.<sup>102)</sup>

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102) Ibid.

## 5. Promote alternatives to imprisonment for people with drug use disorders

People with drug use disorders in contact with the criminal justice system are a particularly vulnerable group with specific needs, including treatment. Addressing their needs and vulnerabilities requires strong collaboration between health and justice authorities and, in appropriate cases, a focus on providing treatment as an alternative to conviction or punishment, as acknowledged in the international drug control conventions and various CND resolutions. To promote efforts in this direction, UNODC and WHO launched a joint initiative on “Treatment and care of persons with drug use disorders in contact with the Criminal Justice System”. Based on information collected from 50 Member States and over 80 health and justice practitioners from different regions, as well as representatives of regional organizations and civil society, UNODC and WHO developed a technical tool on existing options and promising practices to provide treatment as an alternative to conviction or punishment, in line with international conventions, standards and norms.<sup>103)</sup>

There is ample evidence that demonstrates that clinical interventions (inpatient or outpatient) are more effective than criminal justice sanctions for treating drug dependence, increasing recovery, and reducing crime and criminal justice costs. This improves outcomes both for drug users and their community when compared to the effects of criminal justice sanctions alone. This option should accordingly be considered in the case of all persons convicted of drug-related offenses. However, drug treatment and rehabilitation services in East and Southeast Asia are inadequately resourced and expertise is severely lacking. Drug policy in the region would benefit if governments and donors could allocate greater resources towards evidence-based treatment services and capacity building.

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103) UNODC. *People at the Centre: UNODC Support for UNGASS 2016 on the World Drug Problem*, Vienna, April 2018. [https://www.unodc.org/documents/postungass2016//follow-up/18-01924\\_UNGASS\\_eBook\\_002.pdf](https://www.unodc.org/documents/postungass2016//follow-up/18-01924_UNGASS_eBook_002.pdf).



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