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ЖУРНАЛ ФУНДАМЕНТАЛЬНЫХ ИССЛЕДОВАНИЙ | JOURNAL OF FUNDAMENTAL STUDIES

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THE FIGHT AGAINST DRUG TRAFFICKING IN EAST ASIA

ANNOTATION

The article examines the policy of the ASEAN countries, China, Japan and the Republic of Korea in relation to the fight against the spread of drugs of synthetic origin. The 2020 US Department of State Strategic Report on International Drug Control was also reviewed to analyze the situation with countering the spread of drugs in East Asia. The article also provides information on each country in East Asia, which allows for a comparative analysis of the anti-drug policy of the states of the region.

Key words: convention, UN, international treaty, ASEAN, crime prevention, drug trafficking, prevention, drug trafficking, international cooperation, coordination.

ШАРҚИЙ ОСИЁДА ГИЁХВАНДЛИК ВОСИТАЛАРИ САВДОСИГА ҚАРШИ КУРАШИШ

АННОТАЦИЯ

Мақолада АСЕАН мамлакатлари, Хитой, Япония ва Корея Республикасининг синтетик гиёхвандлик воситаларини тарқалишига қарши курашиш сиёсати кўриб чиқилган. АҚШ Давлат департаментининг 2020 йилги Халқаро наркотик назорати бўйича стратегик ҳисоботи ҳамда Шарқий Осиёда гиёхвандлик воситалар тарқалишига қарши курашиш билан боғлиқ вазиятни таҳлил қилинган. Мақолада, шунингдек, Шарқий Осиёдаги ҳар бир давлат ҳақида маълумот берилган бўлиб, бу минтақа давлатларининг гиёхвандликка қарши сиёсатини қиёсий таҳлил қилинган.

Калит сўзлар: конвенция, БМТ, халқаро шартнома, ASEAN, жиноятчиликни олдини олиш, гиёхвандлик воситалари савдоси, олдини олиш, халқаро ҳамкорлик, мувофиқлаштириш.

БОРЬБА С НАРКОТРАФИКОМ В ВОСТОЧНОЙ АЗИИ

АННОТАЦИЯ

В статье исследуется политика стран АСЕАН, Китая, Японии и Республики Корея в отношении борьбы с распространением наркотиков синтетического происхождения. Для анализа ситуации с противодействием распространению наркотиков в странах Восточной Азии был также изучен Стратегический отчет о международном контроле над наркотиками Государственного департамента США за 2020г. Также в статье представлена информация по каждой стране Восточной Азии, что позволяет провести сравнительный анализ антинаркотической политики государств региона.

Ключевые слова: конвенция, ООН, международный договор, АСЕАН, предупреждение преступности, незаконный оборот наркотиков, профилактика, торговля наркотиками, международное сотрудничество, координация.

At the time of this writing, there is no single international treaty in the region under study that regulates the fight against drug trafficking.

However, the vast majority of countries in the region are signatories to the three main UN conventions that form the basis of the international drug control system: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the UN Convention against Illicit Traffic in Narcotic Drugs and psychotropic substances 1988.

This means that there is a common understanding in the region about which substances are prohibited and that their manufacture, sale and transport, as well as assistance in organizing these activities, are criminal offences. In general, all three conventions (especially the 1988 Convention) allow at the international level the application of almost any measure aimed at combating drug trafficking, but only if they are sanctioned by national legislation [1].

This document is fully consistent with the UN principle of non-interference in the internal affairs of other countries, which allows us to conclude that the main responsibility for combating drug trafficking lies with the states themselves.

It should also be taken into account that the earlier mentioned conventions were adopted in the second half - the end of the 20th century, when drugs of plant origin were most widely used. Accordingly, these documents establish control over the cultivation of raw materials necessary for the manufacture of this type of drug and the distribution of the final product.

However, it would be a mistake to assume that synthetic drugs are not controlled by international treaties. On the contrary, the 1971 and 1988 conventions state that the manufacture and distribution of amphetamine-type stimulants, ephedrine, and certain other types of synthetic drugs is an offense [2].

However, in modern conditions, organized criminal groups manage to circumvent international legal norms by introducing new chemical compounds that are not subject to these earlier restrictions. Inclusion of these new compounds in the lists of prohibited substances takes a certain time, during which drug manufacturers manage to re-develop a new formula.

As a result, the development of technologies in the production of narcotic drugs is significantly ahead of the adoption of relevant international legal norms to control their distribution.

More recent UN initiatives include the adoption in 2016 of a General Assembly resolution entitled “Our common commitment to effectively addressing and combating the world drug problem” [3].

The document states that effective counteraction to the spread of drugs requires cooperation and coordination of national departments at all levels. In addition, the resolution provides an exhaustive description of the problem of drug trafficking, noting its dynamism and constant change.

According to researcher Eremin, an important point of this resolution is that not only law enforcement agencies, but also civil society institutions are involved in the process of combating the spread of drugs, which allows for a variety of points of view and approaches to solving the problem [4].

In general, the resolution is characterized by a comprehensive approach to the problem of drug trafficking, since it not only states the need to stop the main drug supply routes in the world, but also the fight against the manufacture of precursors, the implementation of educational activities and the improvement of the general standard of living to reduce the demand among the population for narcotic substances.

International treaties governing the fight against drug trafficking in East Asia are not limited to UN conventions. ASEAN plays a significant role in combating this threat. This international organization deals with a wide range of issues, and countering drug trafficking is no exception. The main initiatives of ASEAN to solve this problem were put forward at the beginning of the 21st century.

In 2000, ASEAN, together with UNODC, organized an international congress, which set a goal to free the countries of the association from drugs by 2015 [5]. In addition to the ASEAN member countries, the meeting was attended by the United States, Canada, Japan, the Republic of Korea, China, India, New Zealand and the European Union.

In addition to statements about the readiness of countries to fight the spread of drugs in the region, during the meeting, the ACCORD action plan (Joint Operations Against Drugs in the ASEAN and China) was adopted.

The main principles of this document were to increase public awareness of the dangers of drug use, share best practices in the field of drug demand reduction, strengthen control measures for the circulation of illicit substances and establish cooperation between law enforcement agencies of both parties to the agreement, as well as a significant reduction in the acreage of narcotic raw materials through promotion of alternative development programs [6].

In 2002, ASEAN adopted a Working Program to Combat Transnational Crime. The first point of this program was the fight against drug trafficking. At the same time, this document largely regulated the exchange of information on this issue, while much less attention was paid to practical measures.

They concerned mainly the organization of joint trainings on combating drug trafficking, as well as personnel exchange programs.

In 2008, ASEAN adopted an extremely important document for the further development of the organization - the ASEAN Charter. In paragraph 12, one of the goals of ASEAN is the strengthening of cooperation in building a safe, secure and drug-free space for the population of the ASEAN countries [7].

The presence of this item in one of the main documents of the association confirms that the problem of drug trafficking is quite acute for the member countries of the organization.

In 2009, ASEAN adopted the ASEAN Work Plan to Combat Illicit Production, Trafficking and Use of Drugs 2009-2015. To reduce the production of drugs in the region, this document intended to significantly reduce the cultivation of opium poppy and cannabis in the region, as well as providing decent living conditions for farmers who refused to grow illicit crops [8].

In the area of reducing illicit drug trafficking, the plan aimed to eliminate the criminal syndicates involved in the clandestine production and distribution of illegal drugs, combat the diversion and smuggling of precursor chemicals, and strengthen cross-border and international cooperation between law enforcement agencies [9].

To reduce the demand for drugs, the plan was to reduce the overall prevalence of illicit substance use among the population, in particular among students, young people and other vulnerable social groups. In addition, the plan provides for the expansion of access to treatment and rehabilitation for drug addicts in order to ensure the full adaptation of the drug addict to life in society.

In addition, the document refers to the desire of the ASEAN countries to expand and strengthen the interaction between the public and private sectors and civil society organizations in order to counter drug use.

The ultimate goal of the plan coincided with one of the goals of the ASEAN Charter - to make ASEAN free of drugs by 2015. The provisions of the 2009 plan were largely duplicated in the ASEAN Community Roadmap for 2009-2015. in the section on countering non-traditional threats [10].

Observing the evolution of ASEAN anti-drug documents, one can trace the trend towards increased attention of the member countries of the association to the problem of drug trafficking.

If in the early 2000s documents were adopted that, to a greater extent, stated the existence of a problem and the readiness of states to start solving it, then by the end of the first decade of the 21st century, one can notice that more and more specific goals appear in the documents that need to be achieved in order to successfully counter the threat. The ASEAN Work Plan 2009 is an example of how the association's approach to this issue has changed.

In 2016, the ASEAN countries adopted the ASEAN Work Plan for the protection of the population from drugs for 2016-2025. In terms of its content, this document is a logical continuation of the previous plan of 2009. In addition to indicating the items present in the plan for 2009-2015, the new document refers to the creation of a network for monitoring drug trafficking, strengthening control over drug trafficking at air, sea and land borders [eleven].

Separately, in this paragraph, the suppression of the transportation of narcotic drugs along the Mekong River was highlighted. In addition, much attention in the 2016 plan is given to the control of the production of precursor chemicals. In particular, the document proposes joining the efforts of the scientific laboratories of the ASEAN countries to identify new precursors for the production of synthetic drugs and timely communication of information about them to the competent authorities of the association member countries [12].

In comparison with the previously adopted documents, the section of the plan concerning treatment and rehabilitation has been substantially supplemented. In addition to accessibility and adaptation to normal social life, the new plan indicated the need to develop rehabilitation programs for drug-addicted prisoners.

The document also speaks of the importance of developing joint scientific research in the field of studying the problem of drug trafficking. In the development of international cooperation in combating drug trafficking, the plan outlines the strengthening of cooperation not only in the ASEAN-PRC format, but also through ASEAN-Japan, ASEAN-Republic of Korea.

Such cooperation is carried out mainly through the financing of anti-drug agencies and the development of new projects in the field of combating drug trafficking with the help of joint funds. Examples of such funds are the Japan-ASEAN Integration Fund and the ASEAN-Republic of Korea Cooperation Fund.

In addition to expanding cooperation in the fight against drug trafficking within ASEAN, East Asia is also characterized by the promotion of other multilateral formats. Thus, in 2016, a Memorandum of Understanding in the field of drug control (Mekong Memorandum) was signed between six states of the region - Cambodia, China, Laos, Myanmar, Thailand and Vietnam [13].

This document talks about the need to strengthen cooperation between law enforcement agencies and conduct joint anti-drug operations, as well as the importance of harmonizing national legislation in the field of drug control.

To do this, the document proposes to ratify the relevant agreements of the signatories of the memorandum. As well as in the first ASEAN anti-drug documents, the need to stimulate the population to abandon the cultivation of drug-containing crops is indicated [14].

Thus, from 2000 to the present, the approach of East Asian countries to solving the problem of drug trafficking has undergone significant changes. In addition to the fact that the fight against drug trafficking in the region is carried out under the auspices of UNODC, there are also regional initiatives to counter this threat.

The increase in their number over time suggests that this problem is becoming increasingly important for the countries of East Asia. ASEAN is the most active regional player in the fight against drug trafficking, which is no coincidence, since the main producers of illicit substances are located on the territory of the association's member countries.

By the middle of the second decade, ASEAN began to establish cooperation not only between members of the association, but also with other regional players such as Japan and South Korea. At the same time, ASEAN has developed an understanding of the importance of a comprehensive approach to solving the problem not only through the fight against criminal syndicates, but also by reducing the demand for drugs among the population.

However, despite the large number of signed multilateral agreements, it is still difficult to declare a unified approach of the countries of the region to the drug problem. Some countries in East Asia, such as Thailand, have taken the path of liberalizing anti-drug laws, while China insists on a tougher approach.

It is important to note that along with the spread of narcotic substances in East Asia, international cooperation in the fight against drug trafficking began to intensify. In addition to joining the UN anti-drug conventions, the countries of the region began to develop their own mechanisms to combat drug trafficking.

ASEAN has become the main regional organization promoting cooperation in this area. Enlisting the support of UNODC, this organization began to develop its own plans to solve the problem of drug production and distribution, as well as to involve regional powers that are not members of the association in this process.

Meanwhile, it is important to understand that ASEAN does not seek to unify legislative norms in the field of drug control. On the one hand, this makes it possible to develop cooperation without touching the topic of violation of sovereignty, which is sensitive for the countries of the association.

On the other hand, this approach negatively affects the effectiveness of anti-drug cooperation, since some ASEAN countries, such as Vietnam and Thailand, have significantly different approaches to combating drugs. Nevertheless, the vast majority of regional initiatives and formats of interaction in the field of combating drug trafficking were created by ASEAN.

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