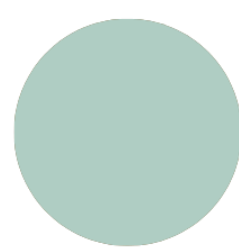




ASEAN POLITICAL  
SECURITY COMMUNITY

**APSC**



**Hwa Chong Model  
ASEAN Summit 2024**



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## Welcome Letter

Dear Delegates,

Welcome to the Hwa Chong Model ASEAN Summit (HCMAS) 2024! We are Wang Fengyi, Jairo Chiang, Harkman, and Wei Chan. On behalf of the HCMAS team, we would like to extend our warm welcome to you for participating in this iteration of the APSC. The dais would like to emphasise that this infosheet would introduce all delegates to the two topics at hand, and all delegates are strongly encouraged to continue their research to understand their countries' stance at hand, to understand the topic to a deeper level; to therefore be able to participate actively in council sessions leading forward.

This year, two major topics will be introduced and discussed in council. The Question of the security of the South China Sea region, and the Question of drug smuggling within ASEAN borders.

The Question of the security of the South China Sea region has been a huge point of contention and debate amongst the APSC and ASEAN, following the endangerment of the territorial integrity of several members of ASEAN; while being vital to trade and economic activities such as fishing for local communities. As members of the APSC, all nations must work together to collectively solve the dispute and reach a consensus to bring greater peace and prosperity to all.

Drug Smuggling within ASEAN has become an increasingly concerning issue; drug busts have skyrocketed in recent years, even during the pandemic. Cartels have expanded their operations, spreading from the regions of Laos, Myanmar and Thailand into Cambodia and Vietnam. With vulnerable groups susceptible to the grave consequences of drug trafficking, will the delegates of APSC successfully avert a looming crisis?

Will a triumphant declaration be made regarding these critical issues found amongst ASEAN? Or will delegates find themselves on another revelation of debate on the multiple factors, with consensus seemingly dwindling in sight? The future of the APSC lies in your hands.

The dais wishes all delegates success for the upcoming summit and hopes participants will have an enriching and fruitful experience in APSC. Should delegates have any queries regarding the topics or the council in general, please do feel free to contact the dais at [email address]. Thank you, and we look forward to your arrival at HCMAS 2024.

All the best!

Regards,

Wang Fengyi, Jairo Chiang, Leong Wei Chan and Tham Harkman

Dais of the HCMAS 2024 ASEAN Political Security Community

## **Dais Introduction**

### Wang Feng Yi (Director)

Fengyi is a Year 4 student who has a wide variety of hobbies, of which he would like to refer to as being a “jack of all trades, master of none”; ranging from astrophysics, programming, critiquing movies, photography, drawing, playing the guitar, boxing, history and literature, chinese drama, to listening to Britpop music, such as the Beatles or the Smiths, which he would like to strongly recommend to his fellow delegates. While he is not busy rushing his projects from HCMAS and the MOE Humanities Scholarship program, he is often seen grinding for the upcoming local Astrophysics competitions at the library or exercising. As a true security-council based delegate, he wishes to warmly welcome all delegates to HCMAS APSC and wishes all a fruitful time, stepping in the shoes of international diplomats and most importantly, meeting new people and having fun with like-minded delegates. As CS. Lewis has said, “Friendship is born at the moment when one man says to another, "What! You too? I thought I was the only one."

### Jairo Chiang Jun Hong (Assistant Director)

Jairo is a Year 4 student who is obsessively engrossed in listening to songs by his favourite artists, Alan Walker and BoyWithUke. When he isn't sleeping, you can find him grinding school work at Bishan Public Library. Low on sleep 24/7 and high on sugar, Jairo is a typical overworked Asian. As a Science Math Talent Programme student and an English Direct School Admission (DSA) student, his passion and love for MUNs remain as bold as it started. As a true crisis delegate, this will be his second non-crisis council, and his second time chairing. Nonetheless, he looks forward to the delegates overcoming the barriers and coming up with creative solutions as part of their declaration.

### Harkman Tham (Assistant Director)

Harkman is a Year 3 student who has spent a bit too much time over the holidays playing Fortnite – and having little results to show for it. As a Humanities Programme student, Harkman is interested in exploring literary works of the existential and absurd. There is nothing he loves more than a good discussion, and he welcomes all delegates to share their opinions and ideas without fear. As someone who takes part in MUNs for the experience of

getting to know and interact with one another, Harkman hopes that delegates will be willing to get to know their fellow delegates, as well as the chairs.

#### Wei Chan (Assistant Director)

Wei Chan is a Year 4 student who has a distinct aversion towards biology. When he's not busy finishing school work, he is indulging in movie marathons. Whether it's exploring different genres or catching up on the latest releases, he finds immense joy in the world of cinema. As an individual who engages in MUNs primarily for the joy of fostering connections, he hopes delegates would embrace the MUN experience with enthusiasm and be bold to speak up during discussion.

## **Community Introduction**

The ASEAN Political-Security Community (APSC) was established in 2015 with the aim of building on ASEAN's achievements in maintaining political cooperation and security within the region. As one of the youngest communities, APSC strives to allow member-states to peacefully coexist and interact with one another in a "just, democratic and harmonious environment." Member-states have long acknowledged that regional security and peace can only be achieved through mutual cooperation, and that the resolution of disputes and crises should be done through purely non-violent and non-aggressive means. To that end, member-states pledge to settle intra-regional clashes through peaceful processes.

The APSC's functions include facilitating political development, the shaping and sharing of norms, conflict prevention, conflict resolution, post-conflict peace building, and implementing mechanisms. Delegates of the APSC should therefore keep in mind these integral roles when engaging in community debate, and advocate for solutions and conclusions in harmony with the goals and visions of this community.

The political-security of Southeast Asia should never be taken for granted, with recent internal developments testing ASEAN's ability to respond to crises. External developments brought about by tense international and intergovernmental relations have also threatened the stability of ASEAN, thus placing extra emphasis on the need for APSC to remain relevant in a dynamic and increasingly hostile world. As a regional bloc, ASEAN faces not only the challenges of dealing with foreign powers and aggressors, but also the challenges of crises occurring within member-states. Delegates will need to be firm in defending their countries' stances and positions, while at the same time balancing these with the needs and common interests of the association.

## Topic 1: The Question of Territorial Disputes in the South China Sea

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### Topic Introduction

For the territories in the South China Sea, a sea of questions as to who owns what remains. The South China Sea is a marginal sea of the Western Pacific Ocean. With \$5 trillion or about a third of the world's commerce passing through its waters, fisheries that account for 12 per cent of the global catch, and estimated reserves of eleven billion barrels of oil and 190 trillion cubic feet of natural gas, the South China Sea has become one of the most vital and strategically important regions in the world.<sup>1</sup> Therefore, it comes as no surprise that there have been disputes over the influence and control of the South China Sea and its resources. Hence, with the overlapping and antagonistic interests in the region, territorial disputes in the South China Sea have become an increasingly pertinent issue and a substantial point of contention within ASEAN and the international community.<sup>2</sup>

At the core of the issue is a bitter territorial dispute among six primary claimants: Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam, over the modest and even diminutive islands and the rights and duties in the nearby waters as well as the sea bed. On top of that, the interests of non-littoral states and external superpowers in the region have further heightened the tensions and dramatically raised the stakes in this dispute. These disputes have the potential to ignite a broader regional conflict, which will indubitably have far-reaching and cataclysmic consequences, be it directly or indirectly, for ASEAN, its neighbours and the global community.

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<sup>1</sup> Crisis Group, "South China Sea: Positions and Facts," Crisis Group, accessed February 17, 2024, <https://www.crisisgroup.org/asia/south-east-asia/south-china-sea/south-china-sea-positions-and-facts>.

<sup>2</sup> Britannica, "Economic Aspects of the South China Sea," Britannica, accessed February 17, 2024, <https://www.britannica.com/place/South-China-Sea/Economic-aspects>.





*Map of islands in the South China Sea*

Among the most hotly contested areas are two distinct island chains: the Paracel Islands and the Spratly Islands. Refer to the diagram above for information on these chains' geographical positions. The claimants have long argued over the historical ownership of these island chains. Some have cited their longstanding records of national control over certain areas of the islands, claiming their nationals fished around the Islands or used them for habitation. China, for one, has demonstrated its keenness to subsidise archaeological digs to find evidence of Chinese exclusive usage of these island chains. Till today, no single claimant has demonstrated irrefutable evidence of having had complete control of areas of these island chains.<sup>3</sup>

<sup>3</sup> The Asia Times, "South China Sea Dispute: A Brief History," accessed February 17, 2024, <http://www.atimes.com/atimes/China/LG29Ad01.html>.

## Historical Background

For most of the region's history, before World War 2, due to the focus on the happenings unfolding elsewhere, this issue was relatively moot and relative calm ensued in the South China Sea. Even following the conclusion of World War 2, there was still no claimant occupying a single land in the entire South China Sea.

However, that all changed in 1947, when the nationalist government of the Republic of China introduced the "eleven-dash line", and claimed the entirety of the South China Sea region. Following the retreat of the nationalist government to Taiwan, the Republic Of China continued their claims of the region, even engaging in international talks regarding the Spratly Islands, a widely disputed archipelago.<sup>4</sup> The newly established People's Republic of China continued that claim but in 1952, Mao Zedong decided to remove two of the dashes in the Gulf of Tonkin amid warming ties with North Vietnam, giving rise to the modern-day "nine-dash line".

By the early 1970s, there was another rush to claim islands of the South China Sea, driven primarily by the prospects of oil reserves in the area. The Philippines quickly moved to claim an area of the South China Sea known as the Reed Bank, while China made a decisive naval invasion of several islands in the Battle of the Paracel Islands, seizing some areas from Vietnam. Both countries consequently stepped up their military presence in the area and took other unoccupied islands for themselves.

Tensions in the South China Sea followed the trend of rapid escalation followed by gradual de-escalation, as moves by China and other countries in the region were made. In 2002, the Declaration on the Conduct of Parties in the South China Sea was signed, which sought to establish a framework for the future negotiation of a Code of Conduct for the South China Sea. The terms of the declaration included agreeing to exercise self-restraint to avoid escalation of tensions, refrain from inhabiting presently unoccupied islands, and handle disputes constructively.

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<sup>4</sup> Lawfare, "A Brief History of the South China Sea Dispute," Lawfare, accessed February 17, 2024, <https://www.lawfaremedia.org/article/south-china-sea-dispute-brief-history>.

The next decade saw the use of demarches and notes verbales by claimants to establish control over the South China Sea, instead of resorting to violence. Malaysia and Vietnam sent a joint submission in May 2009, to the Commission on the Limits of the Continental Shelf which listed out some of their claims to the island chains, as well as supporting historical evidence. This was met by a flurry of notes verbales from other nations which strongly objected to these claims. China's response was "China has indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof". The modern Nine-Dash Line was submitted encompassing all of the South China Sea's land features and most of its waters. The statement made by China is ambiguous; it is unclear whether it constitutes China's historical claims or serves purely illustrative purposes. It has been used inconsistently by Chinese diplomats.<sup>5</sup>

The Nine-Dash Line has been a topic of high controversy. Since its publications, nations around the South China Sea and beyond have grown wary of China's expansionism in the region. In 2012, Beijing seized the Scarborough Shoal away from the Philippines. Prior to this, the nations had quarrelled over allegations of illegal poaching and encroachment by Chinese fishermen. After a two-month standoff, the parties agreed to each withdraw from the Shoal. Manila did. Beijing did not. The Chinese government occupies the region currently. The Philippines retaliated by filing an arbitration against Beijing on January 22, 2013. The ruling was that China had no historical right to the South China Sea, which China has refused to accept.

## **Present Situation**

Seeing the SCS region as part of China's sovereign territory, the PRC has set out to enforce its claims on the region with military force. In recent times, with China's growing military power, the PRC has increased patrols and has appeared increasingly aggressive, often attacking vessels of ASEAN member states with water cannons, lasers, and by ramming.<sup>6</sup> Relations

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<sup>5</sup> Pak, J. (2000), "South China Sea: A Confusing and Confused Maritime Domain," *The International Journal of Marine and Coastal Law*, 15(1), 91. DOI: 10.1163/157180800X00127.

<sup>6</sup> JSTOR, "Title of the Article," JSTOR, accessed February 17, 2024, <https://www.jstor.org/stable/43134215>.

have worsened between certain ASEAN nations and China due to these disputes, and while efforts are in place to resolve the conflict, they have been ineffective in execution.<sup>7</sup>

A strong military presence is established in the region by the various stakeholders, with China being infamous internationally for her large military presence in the region. China has even built man-made islands in the South China Sea, and has militarised many of these islands.<sup>8</sup>The United States, on the other hand, despite not being an immediate local nation, have also stationed a substantial military holding in the region; mainly in the harbours of her allies, such as the Phillipines and the ROC.<sup>9</sup>

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<sup>7</sup> Channel News Asia, "China and the Philippines: CNA Explains South China Sea Dispute," Channel News Asia, accessed February 17, 2024, <https://www.channelnewsasia.com/asia/china-philippines-cna-explains-south-china-sea-beijing-ma-4001001>.

<sup>8</sup> U.S.-China Economic and Security Review Commission, "China's Island Building in the South China Sea: Damage to the Marine Environment and Implications," accessed February 17, 2024, <https://www.uscc.gov/research/chinas-island-building-south-china-sea-damage-marine-environment-implications-and#:~:text=Summary%3A,of%20the%20South%20China%20Sea>.

<sup>9</sup> NBC News, "China Says U.S. Navy Ship Illegally Intruded Waters in South China Sea," accessed February 17, 2024, <https://www.nbcnews.com/news/world/china-says-us-navy-ship-illegally-intruded-waters-south-china-sea-rcna127859>.

Area of dispute	Brunei	China	Indonesia	Malaysia	Philippines	Taiwan	Vietnam
Nine-dash line	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vietnamese coast		Yes				Yes	Yes
Maritime region north of Borneo	Yes	Yes		Yes	Yes	Yes	
South China Sea Islands		Yes		Yes	Yes	Yes	Yes
Sea area north of Natuna Islands		Yes	Yes			Yes	
Sea area west of Palawan and Luzon		Yes			Yes	Yes	
Sabah maritime region			Yes	Yes	Yes		
Luzon straits		Yes			Yes	Yes	
Taiwan and China maritime regions		Yes				Yes	

List of claims in the South China Sea<sup>10</sup>

To promote a peaceful and stable environment in the South China Sea, ASEAN Member States and China issued the Declaration on the Conduct of Parties in the South China Sea (DOC) in 2002.<sup>11</sup> The document reflects the consensus reached by all Parties on seeking a peaceful solution of disputes and pursuing maritime cooperation in order to maintain regional stability in the South China Sea. This is in accordance with universally recognised principles of

<sup>10</sup> The Straits Times, "Turf Wars in the South China Sea," accessed February 17, 2024, <https://graphics.straitstimes.com/STI/STIMEDIA/Interactives/2016/02/turf-wars-on-the-south-china-sea/index.html>.

<sup>11</sup> ASEAN, "Situation in the South China Sea," ASEAN, accessed February 17, 2024, <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/situation-in-the-south-china-sea/>.

international law, including those enshrined in the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea and the Treaty of Amity and Cooperation in Southeast Asia (TAC). It also constitutes a significant instrument in promoting trust, confidence-building and cooperation in the South China Sea. The Guidelines for the Implementation of the DOC was subsequently agreed in 2011. ASEAN Member States and China are currently engaged in negotiations of the Code of Conduct in the South China Sea (COC), which commenced in March 2018 with the first reading of the Single Draft COC Negotiating Text (SDNT). All parties are committed to the early conclusion of a substantive and effective COC. Under the framework of the DOC, China and ASEAN cooperation at sea has seen a few improvements. China and ASEAN countries have established three technical committees on safety of navigation and search and rescue, combating transnational crimes at sea, and marine scientific research and environmental protection. However, the DOC has been largely ignored by the signatories of the agreement, in areas such as peaceful resolutions to territorial disputes.

## Key Terms and Definitions

Term	Definition
Middle powers	Middle powers are states who commit their relative affluence, managerial skills, and international prestige to the preservation of the international order and peace. <sup>12</sup>
Sea Lines of Communication (SLOCs)	Established routes and pathways used for the movement of maritime traffic, including ships and vessels. These routes are crucial for the transportation of goods, energy resources, and military assets between different regions and countries. Nations are obligated to ensure a certain level of safety of navigation along these routes. <sup>13</sup>
Fishing rights	An exclusive economic zone of a sovereign state within which it may control fishing. <sup>14</sup>
Exclusive Economic Zones (EEZs)	The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States

<sup>12</sup> "Middle Power." Encyclopædia Britannica. Accessed February 18, 2024.

<https://www.britannica.com/topic/middle-power>.

<sup>13</sup> Person, Sam, and Bateman. "Sea Lines of Communication and Safety of Navigation: 5 : Routledge Ha." Taylor & Francis, June 28, 2021.

<https://www.taylorfrancis.com/chapters/edit/10.4324/9780367822217-5/sea-lines-communication-safety-navigation-sam-bateman>.

<sup>14</sup> United Nations, "United Nations Convention on the Law of the Sea (UNCLOS) - Part V," United Nations, accessed February 17, 2024,

[https://www.un.org/depts/los/convention\\_agreements/texts/unclos/part5.htm](https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm).

	are governed by the relevant provisions of this Convention. <sup>15</sup>
Sacrosanct	(especially of a principle, place, or routine) regarded as too important or valuable to be interfered with
Littoral	A region relating to or situated on the shore of the sea or a lake.
Freedom of Navigati	Freedom of Navigation (FON) is a fundamental concept in maritime law, asserting that, with certain exceptions recognized by international law, vessels bearing the flag of a sovereign state should not face interference from other states. This entails the unrestricted movement of ships, the right to enter ports, utilise facilities such as factories and wharves, freely load and unload goods, and transport both goods and passengers. UNCLOS upholds the principle of freedom of navigation on the high seas, but introduces different sovereign zones that impose specific regulations on foreign vessels navigating these waters. These zones include inland waters and exclusive economic zones (EEZs), which establish limitations on the activities of foreign ships on the high seas. For one, the right of navigation of warships on the high seas is guaranteed with complete immunity

<sup>15</sup> “Preamble to the United Nations Convention on the Law of the Sea.” United Nations. Accessed February 18, 2024.  
[https://www.un.org/depts/los/convention\\_agreements/texts/unclos/part5.htm#:~:text=The%20exclusi ve%20economic%20zone%20is, relevant%20provisions%20of%20this%20Convention.](https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm#:~:text=The%20exclusi ve%20economic%20zone%20is, relevant%20provisions%20of%20this%20Convention.)



	<p>from the jurisdiction of states other than the flag state. <sup>16</sup>UNCLOS introduced new legal terms, namely right of innocent passage, the right of transit passage, the right of archipelagic sea lane passage, and the freedom of the high seas.</p> <p>The concept of innocent passage grants vessels the right to navigate through the territorial waters of another country, provided it does not threaten the peace, order, and security of the coastal state. However, certain nations, such as China, impose a requirement for warships to obtain prior permission before entering their national waters. Transit passage refers to the passage through a strait used for international navigation between different parts of the high seas or Exclusive Economic Zones (EEZs) with more lenient transit standards. This passage must be continuous and swift as the route traverses the strait. Archipelago Sea Lane Navigation enables archipelago countries to designate sea lanes and air routes through their waters, allowing ships to enjoy freedom of navigation. <sup>17</sup></p>
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<sup>16</sup> Freedom of navigation: New challenges. Accessed February 18, 2024. [https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf).

<sup>17</sup> Academic Accelerator | Freedom of Navigation. Accessed February 18, 2024. <https://academic-accelerator.com/encyclopedia/navigation-function>.

## **Key Issues**

### Construction of Artificial Islands

Since 2013, China has engaged in unprecedented dredging and artificial island-building in the Spratlys, creating 3,200 acres of new land, along with a substantial expansion of its presence in the Paracels.<sup>18</sup> Such a strategy of claiming the South China Sea via means of constructing new man-made islands in the region has been coined “the great wall of sand” by US admiral Harry Harris. This is often seen as an alarming development by the US and its allies because it will almost certainly lead to increased Chinese fishing in the surrounding waters, which could raise the risk of a clash between Chinese fishing boats and those of other claimant countries. However, action on the issue has never been fully pursued by the US and its allies due to a lack of solid stopping powers.<sup>19</sup> No concrete solution has yet to be issued by ASEAN either, and nations such as the US have criticised ASEAN as quote, “Rather than addressing difficult or sensitive issues in a forthright way, ASEAN's sacrosanct policy of noninterference in the internal affairs of member states has created the impression that it is more interested in preserving the group and its processes than in actually trying to solve problems.”<sup>20</sup>

### Militarisation and Aggression and Freedom of Navigation

In the South China Sea, strategic competition between international superpowers as well as middle powers is intensifying. Two major superpowers, the United States and China have been increasingly asserting their influence in the South China Sea by stepping up military activity and presence in the region. The presence of military forces from various countries in the region adds another layer of complexity to the already convoluted security landscape and is a major cause for concern.

The People's Republic of China, the world's fastest-growing naval superpower, for instance, has been carrying out increasingly risky and provocative manoeuvres by aircraft and naval

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<sup>18</sup> “China Tracker.” Asia Maritime Transparency Initiative. Accessed February 18, 2024.

<https://amti.csis.org/island-tracker/china/>.

<sup>19</sup> U.S. Navy, "Speech at the Australian Strategic Policy Institute," accessed February 17, 2024,

<https://www.cpf.navy.mil/leaders/harry-harris/speeches/2015/03/ASPI-Australia.pdf>

<sup>20</sup> IISS, "Shangri-La Dialogue Press Coverage 2002," IISS, accessed February 17, 2024,

<https://web.archive.org/web/20120314025240/http://www.iiss.org/conferences/the-shangri-la-dialogue/press-coverage/press-coverage-2002/the-international-herald-tribune---asean/>.

vessels in the South China Sea.<sup>21</sup> In May 2019, China escalated tensions in the South China Sea by deploying its coast guard to intimidate Vietnamese offshore support vessels that were servicing a drilling platform near Vietnam's southern coast. The contested area, considered territorial waters by Vietnam, is crucial for the country as it supplies a significant percentage of oil for a Vietnamese pipeline. This deployment led to the most significant standoff between China and Vietnam in the preceding five years.<sup>22</sup> Historically, a key tactic employed by China to advance its territorial claims involves heightening the risks for other nations exercising their rights. This has manifested in actions such as the harassment of foreign oil and gas exploration platforms, fishing vessels, and military ships. Its actions have drawn widespread criticism. In 2022, officials from the Biden administration in the United States levelled accusations against the People's Republic of China (PRC), asserting that China was escalating "provocations" against nations in Southeast Asia with claims in the South China Sea (SCS) and expressed concern about China's "aggressive and irresponsible behaviour," emphasising the likelihood of a significant conflict occurring in the region due to these actions.<sup>23</sup>

China's increasing presence and assertiveness have put it at odds with the United States, which has also stepped up its presence in the region and strengthened military ties in a bid to counter China. In 2021 alone, the US military carried out a total of 95 large-scale exercises and drills in the South China Sea region, encompassing 14 unilateral exercises and 81 bilateral and multilateral ones.<sup>24</sup> To facilitate the exercises, the US has made what experts have called a "once in a generation effort"<sup>25</sup>, forming military ties with Japan, the Philippines, Australia,

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<sup>21</sup> APLN, "South China Sea: Conflicting Energy Exploration and Development," Asia-Pacific Leadership Network, accessed February 17, 2024, <https://cms.apln.network/wp-content/uploads/2023/07/Bec-Strating-Scoping-Paper-1-070723.pdf>.

<sup>22</sup> CFR, "Military Confrontation in the South China Sea," CFR, accessed February 17, 2024, <https://www.cfr.org/report/military-confrontation-south-china-sea>.

<sup>23</sup> Reuters, "U.S. Says Beijing's South China Sea Provocations Risk Major Incident," Reuters, accessed February 17, 2024, <https://www.reuters.com/world/china/us-says-beijings-south-china-sea-provocations-risk-major-incident-2022-07-26/>.

<sup>24</sup> SCSPI, "Incomplete Report on U.S. Military Activities in the South China Sea (2021)," SCSPI, accessed February 17, 2024, <http://www.scspi.org/en/yjbg/incomplete-report-us-military-activities-south-china-sea-2021>.

<sup>25</sup> Al Jazeera, "In Bid to Counter China, U.S. Ramps Up Effort to Boost Military Ties in Asia," Al Jazeera, accessed February 17, 2024, <https://www.aljazeera.com/news/2023/12/28/in-bid-to-counter-china-us-ramps-up-effort-to-boost-military-ties-in-asia>.

India and even Papua New Guinea and the Solomon Islands. Consequently, the U.S. faces the potential of becoming involved in a military confrontation with China in this area due to its defence treaty commitments to at least one of the parties claiming the disputed territory, namely the Philippines. The current U.S. approach in the South China Sea is that of deterrence, using military FONOPs and other surveillance and presence operations to counter China's maritime expansion. These methods are unlikely to be effective as they are largely provocative and might cause a spiral into conflict with China.<sup>26</sup>

These are just some of the many examples of militarisation and aggression in the South China Sea, a testament to the highly volatile and precarious nature of the South China Sea. The ongoing arms race and the development of advanced military capabilities in the South China Sea raise concerns about potential escalation and the destabilising effects on Freedom of Navigation, the longstanding and universally recognized concept under international law that grants all nations the right to traverse the seas and airspace without interference. One major threat to freedom of navigation is the construction of artificial islands by China, accompanied by the militarization of these features. These actions not only raise questions about the legitimacy of territorial claims but also create potential hazards for maritime traffic. The establishment of Air Defense Identification Zones (ADIZ) by some countries in the region, most notably China, further complicates the situation. These zones require foreign aircraft to identify themselves and follow specific protocols, potentially restricting the freedom of overflight. Another challenge is the increased frequency of confrontations between naval vessels, as well as incidents involving harassment of fishing boats and other civilian vessels. Such actions not only violate the principles of UNCLOS but also escalate tensions, posing a<sup>27</sup> threat to regional stability.

The economic implications of a larger scale conflict breaking out within the South China Sea are also major. Given its strategic location and numerous trade routes, any large-scale conflict breaking out in the South China Sea would mean trade would have to be diverted to

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<sup>26</sup> Brookings, "U.S. Policy in the South China Sea," Brookings, accessed February 17, 2024, <https://www.brookings.edu/wp-content/uploads/2020/11/Susan-Thornton.pdf>.

<sup>27</sup> Vision of Humanity, "Conflict in the South China Sea: Analyzing the Economic Toll," Vision of Humanity, accessed February 17, 2024, <https://www.visionofhumanity.org/conflict-in-the-south-china-sea-analysing-the-economic-toll/>.

other lesser-used trading routes, driving up shipping and manufacturing costs. The US National Bureau of Economic Research estimated that this would result in Singapore's economy falling by 22%, as well as the economies of other nations in the South China Sea like Vietnam, the Philippines and Malaysia suffering falls of between 10% and 15%.

### Disagreements on rights to resources

Resources are the main driver of a nation's development and the South China Sea just so happens to provide a bountiful supply of natural resources. As such, the economic value and potential of the South China Sea is a major contributing factor in the ongoing territorial disputes and tensions between nations in the region. At the center of this debate is competition over 2 key types of natural resources - fossil fuels and fisheries.

The U.S. Energy Information Agency estimates that the South China Sea holds about 190 trillion cubic feet of natural gas and 11 billion barrels of oil in proved and probable reserves.<sup>28</sup> The Asia Maritime Transparency Initiative, situated in Washington, has reported that multiple nations are actively engaging in new oil and gas projects within disputed waters. The organisation warns that these activities could escalate tensions and become potential hotspots in the ongoing disputes. The prime example is China's routine use of its military in shows of force and aggression to impede other nations' efforts in oil exploration.<sup>29</sup> From 2018 to 2021, there were frequent clashes between China, Vietnam, and other Southeast Asian nations regarding drilling operations in the region, and concerns are growing that this will become a major flashpoint in the disputes.<sup>30</sup> For example, Malaysia has been doing so to meet its energy needs amid pushback from China, Prime Minister Anwar Ibrahim citing how

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<sup>28</sup> AMTI, "South China Sea Energy Exploration and Development," Asia Maritime Transparency Initiative, accessed February 17, 2024, <https://amti.csis.org/south-china-sea-energy-exploration-and-development/#:~:text=The%20South%20China%20Sea%20holds,with%20much%20more%20potentially%20undiscovered.>

<sup>29</sup> Wijaksana, Suryaputra, Catherine Wilson, Rodger Shanahan, and Teesta Prakash. "Global Energy Scarcity and the South China Sea." Lowy Institute, August 21, 2018. [https://www.lowyinstitute.org/the-interpreter/global-energy-scarcity-south-china-sea.](https://www.lowyinstitute.org/the-interpreter/global-energy-scarcity-south-china-sea)

<sup>30</sup> The Nation, "South China Sea Mining: An Environmental and Security Risk," The Nation, accessed February 17, 2024, [https://www.thenation.com/article/environment/south-china-sea-mining/.](https://www.thenation.com/article/environment/south-china-sea-mining/)

Malaysia considers the area Malaysian territory and “therefore Petronas will continue its exploration activities there”<sup>31</sup>

The South China Sea boasts abundant marine life, attributed to nutrient-rich runoff and upwellings. This region serves as a crucial source of animal protein for densely populated Southeast Asia, featuring a diverse range of species like tuna, mackerel, croaker, anchovy, shrimp, and shellfish. Nations bordering the South China Sea hence depend on the waters for fishing grounds, causing widespread commercial fishing. There have been incidents in which fishermen from countries in the region encroached into other nations’ Exclusive Economic Zones (EEZs) which led to tensions between nations. For example, on March 19, 2016, the China Coast Guard intervened to prevent the detention of Chinese fishermen by Indonesian authorities who had been apprehended for fishing near the Natuna waters. This incident sparked a protest from Indonesian authorities, prompting them to summon the Chinese ambassador for an explanation. China asserted that these areas were considered “Chinese traditional fishing grounds,”<sup>32</sup> pointing to its fishermen who, for centuries, plied the waters around the Spratly and Paracel islands, escalating tensions over maritime claims. Furthermore, Chinese fishing boats have acted as the eyes and ears of its coast guard, blurring the line between commercial and military activities.

### Lack of enforcement of and adherence to agreements

An arbitration compliance report on the 2016 South China Sea Arbitration Ruling published by the Asia Maritime Transparency Initiative observed that ‘China is in compliance with just 2 of 11 parts of the ruling, while on another its position is too unclear to assess’.<sup>33</sup> China has clearly stated that the arbitration award is “null and void and has no binding force”. Beijing’s

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<sup>31</sup> Al Jazeera, "Malaysian Energy Needs Clash with China Claims in South China Sea," Al Jazeera, accessed February 17, 2024,

<https://www.aljazeera.com/economy/2023/4/25/malaysian-energy-needs-clash-with-china-claims-in-south-china-sea>.

<sup>32</sup> “Indonesia Blows up 23 Foreign Fishing Boats to Send a Message.” The Wall Street Journal. Accessed February 18, 2024.

<https://www.wsj.com/articles/indonesia-blows-up-23-foreign-fishing-boats-to-send-a-message-1459852007>.

<sup>33</sup> Maritime Issues, "The South China Sea Arbitral Award: Not Just a Piece of Paper," Maritime Issues, accessed February 17, 2024,

<http://www.maritimeissues.com/politics/the-south-china-sea-arbitral-award-not-just-a-piece-of-paper.html>.

outright refusal to comply with the award is fundamentally undermining the legitimacy of the United Nations Convention on the Law of the Sea, which is a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources.

Experts have noted that the issue of compliance with international law, including decisions of international courts and arbitration tribunals, has always been one of the most striking weaknesses of the international legal system. This flaw in international laws is made painfully clear in the issue of the South China Sea. Nations bordering the South China Sea have little reason to obey the guidelines set up by the Declaration of Conduct as well as UNCLOS, due to a lack of enforcement mechanisms.

## Scope Of Debate

### Cooperation amongst ASEAN

There are several current attempts at resolving the conflict, however, they have been largely ineffective in their execution. For instance, in an arbitration tribunal conducted under Article VII of the United Nations Convention on the Law of the Sea (UNCLOS), the UNCLOS ruled against the PRC's maritime claims in the SCS. While the ruling is supported by most nations within ASEAN, conflicts within ASEAN itself have delayed progress in the ruling procedure.<sup>34</sup> Meanwhile, both the PRC and the ROC have rejected the ruling, and have not followed any of the ruling outcomes, rendering the ruling ineffective and invalid.

Within the APSC, current efforts to resolve the issue have also stagnated as there is a wide array of stances taken by the various ASEAN member states. So far, only generic statements have been issued by ASEAN regarding the question of the security of the South China Sea, with ASEAN remaining divided on the issue. Being a consensus-based council, the APSC has seen contrasting opinions from different member states in relation to the situation. For instance, Indonesia has stated that "there is nothing ASEAN can do collectively to alter the 'facts on the ground'"<sup>35</sup>, while maintaining a careful stance of not over asserting themselves in the situation. For example, Cambodia has consistently maintained its position on the South China Sea conflict by downplaying the significance of South China Sea tensions or proposing a resolution through bilateral negotiations, aligning with the interests of either China or itself.<sup>36</sup>

Hence, in order for territorial disputes to be adequately addressed, delegates will first have to foster greater cooperation amongst ASEAN nations and put on a more united front.

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<sup>34</sup> E-IR, "The Role of the United Nations Convention on the Laws of the Sea in the South China Sea Disputes," E-International Relations, accessed February 17, 2024, <https://www.e-ir.info/2022/06/23/the-role-of-united-nations-convention-on-the-laws-of-the-sea-in-the-south-china-sea-disputes/>.

<sup>35</sup> VOA News, "ASEAN Remains Divided Over China's Assertiveness in the South China Sea," VOA News, accessed February 17, 2024, <https://www.voanews.com/a/asean-remains-divided-over-china-s-assertiveness-in-south-china-sea/7264923.html>.

<sup>36</sup> "ASEAN and the South China Sea Dispute: Which Way Will Cambodia Jump?" Cambodianess. Accessed February 18, 2024. <https://cambodianess.com/article/asean-and-the-south-china-sea-dispute-which-way-will-cambodia-jump>.



## Enforcement of Code of Conduct

Geopolitical tensions and strategic interests of stakeholders in the South China Sea dispute often overshadow the cooperative spirit intended by the Declaration on the Conduct of Parties (DOC). This has resulted in a reluctance to engage in meaningful cooperation and a preference for pursuing individual national interests instead, hindering the enforcement of the DOC. Given China's historical unwillingness to cooperate with previous agreements, such as the Declaration on the Conduct of Parties (DOC) in 2002, a way to ensure it keeps its word must be found. China's reluctance to accept any agreement that limits its freedom of action in the South China Sea must also be taken into consideration, to establish a meaningful and effective Code of Conduct. One must also look at why previous agreements like the 2002 Declaration on the Conduct of Parties did not contribute substantially to the lessening of tensions in the South China Sea.<sup>37</sup>

The DOC has a lack of a binding legal framework, as it is a non-binding agreement. This absence of legal obligations diminishes the incentive for parties to adhere strictly to its provisions. This agreement was created and accepted by ASEAN Member States and China, in accordance with universally recognised principles of international law, including those enshrined in the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea and the Treaty of Amity and Cooperation in Southeast Asia (TAC). However, the nations involved in the South China Sea have different interpretations of the UNCLOS which contributes to its ineffective enforcement.

Furthermore, larger and more powerful nations that command more influence also have less reason to comply with agreements, as there is no clear framework set up for addressing the consequences a nation faces should it violate the UNCLOS or other nations' territorial sovereignty. The 2016 China Sea Arbitration Ruling and how China responded to it is indicative of how at the moment, efforts by nations to protect their territorial rights in the South China Sea are often futile.

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<sup>37</sup> Wilson Center, "What's Behind the New China-ASEAN South China Sea Code of Conduct Talk?" Wilson Center, accessed February 17, 2024, <https://www.wilsoncenter.org/blog-post/whats-behind-new-china-asean-south-china-sea-code-conduct-talk-guidelines>.

As such, coming up with any measures to effectively enforce the code of conduct is highly contentious. The extent of, if at all, of enforcement is up to delegates while working within the limits of ASEAN.

### De-escalation of tensions in the South China Sea

While there have been many actions taken by nations in attempts to de-escalate tensions in the South China Sea, such as the Declaration on the Conduct of Parties (DOC) in 2002, tensions and distrust remain high. Considering that the South China Sea territorial disputes are caused in part by the contest over resources like hydrocarbons and fish, some have proposed that fisheries agreements, as well as other agreements used to decide the distribution of resources in the South China Sea, be put in place between ASEAN nations and China.<sup>38</sup> One challenge in dealing with this critical issue stems from the opaque and inaccessible character of the narratives surrounding the South China Sea in various countries. Consequently, the dialogue between the U.S. and China regarding the South China Sea has been labelled as a "dialogue of the deaf."<sup>39</sup> The Chinese narrative is that the South China Sea is China's historical patrimony, and that China views UNCLOS differently. This narrative is viewed in the U.S. as a smokescreen for China's national interests: keeping the U.S. from interfering with its military and economic matters in the South China Sea, and securing its sea and seabed resources for itself.

Work then has to be done on coming to an agreement between the many stakeholders in the South China Sea on the principles of preserving their common interests. They want to avoid major military conflict in the region; they want to keep shipping lanes accessible and free; and they want to preserve the common marine environment. In order to avert a major military conflict in the region, existing communication channels between these stakeholders is crucial. Proposals have already been made for the U.S. and China to hold consultations about informal misunderstandings about military activities in the South China Sea, and agree to a mutual notification mechanism when transiting these sensitive waterways.

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<sup>38</sup> The Straits Times, "Parties Involved Should De-escalate Recent South China Sea Tensions," The Straits Times, accessed February 17, 2024, <https://www.straitstimes.com/asia/east-asia/parties-involved-should-de-escalate-recent-south-china-sea-tensions-ng-eng-hen>.

<sup>39</sup> Averting conflict in the South China Sea: Steps to restore ... Accessed February 18, 2024. <https://www.brookings.edu/wp-content/uploads/2020/11/Susan-Thornton.pdf>.

## Freedom of Navigation

Adopted in 1982, UNCLOS established the legal framework for maritime activities, defining the rights and responsibilities of nations concerning the use of oceans and seas. It grants all states the right to innocent passage through territorial waters, ensuring that maritime routes remain open for international trade and navigation. While UNCLOS upholds the principles of Freedom of Navigation, some countries, including China, have asserted expansive territorial claims inconsistent with international law. The Permanent Court of Arbitration's 2016 ruling in the Philippines v. China case rejected China's historic claims, emphasising the importance of adherence to UNCLOS. However, implementation and enforcement remain challenging, contributing to ongoing regional tensions.<sup>40</sup>

ASEAN states have been disunited and contention has arisen surrounding the support for FON, which has been split along the lines of claimants and non-claimants in the SCS. That very phrase is a sensitive topic for some ASEAN nations as they perceive other states are using the phrase to assert extensive freedoms that conflict with their own interests.<sup>41</sup> Intrinsically, all ASEAN nations would be in favour of FON but given various circumstances, their support for it has been mute. This is primarily due to China's vast influence and the pressure that it can exert on ASEAN member states to prevent a consensus on supporting the FON. On top of that, China's rhetoric plays into ASEAN states' proclivity to pursue a policy of nonalignment rather than take sides. Instead of openly opposing China, most ASEAN states would prefer to stand back and urge dialogue and peaceful means to South China Sea protagonists.<sup>42</sup> Triggering further tensions in the region on a matter of complex legal principle is also senseless in their eyes. Hence, ASEAN members have to thread an extremely fine line when it comes to FON due to the significant stakes at hand.

Consequently, countries outside of this region / non littoral nations have stepped in in support of the claimants and to resist China's maritime advances and mitigate the threats that it

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<sup>40</sup> "CNA Explains: Beijing vs Manila in the South China Sea - What's the Endgame?" CNA. Accessed February 18, 2024, from <https://www.channelnewsasia.com/asia/china-philippines-cna-explains-south-china-sea-beijing-manila-4001001>.

<sup>41</sup> "No Need to Rock the Boat in the South China Sea." East Asia Forum, December 7, 2023. <https://eastasiaforum.org/2018/03/06/no-need-to-rock-the-boat-in-the-south-china-sea/>.

<sup>42</sup> Chap, Chetra. "ASEAN Remains Divided over China's Assertiveness in South China Sea." Voice of America, September 12, 2023. <https://www.voanews.com/a/asean-remains-divided-over-china-s-assertiveness-in-south-china-sea/7264923.html>.

poses to FON. The primary example of this is the US, which has conducted Freedom of Navigation Operations (FONOPs) within the region. However, the US itself has yet to ratify UNCLOS, drawing criticism and accusations of hypocrisy. The interference by external parties in this issue surrounding FON has become a major fault line in recent years, receiving significant push back and strong opposition from China. There is consensus amongst ASEAN nations for the need for stability and security in the region and hence, all ASEAN nations would welcome the US' commitment to the regions security and prosperity. However there have been disagreement as to whether the interference by non littoral states like the US would in fact contribute to the region's security and stability.<sup>43</sup> Some believe that the presence of such nations would counterbalance China's assertiveness whereas some believe that it would destabilise the region further. Plus, it is noteworthy that supporting freedoms of navigation generally is not the same as supporting the particular FONOPs conducted. What constitutes a FONOP and the extent of it in the South China Sea can mean a lot of different things and hence, could be a significant point of contention.

### Right to resources

Nations in the South China Sea cannot agree on how its abundant resources can be shared. The dubious legal status of the islands of the South China Sea and the right to its resources can be traced all the way back to World War II, during Japan's occupation of much of the South China Sea for its resources. During World War II, Japan claimed the Spratly and Paracel Islands chains. The 1951 Treaty of Peace with Japan failed to specify who would gain possession of the Spratly and Paracel Islands after Japan renounced its claims.<sup>44</sup> The United Nations Convention on the Law of the Sea (UNCLOS) has not yet resolved ownership disputes in the South China Sea. As such, there is no clear legal framework determining how resources in the South China Sea are allocated. China has routinely used its military in shows of force and aggression to impede other nations' efforts in oil exploration.<sup>45</sup>

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<sup>43</sup> The Jakarta Post. "Does ASEAN Support US Military Presence in South China Sea? - Opinion." The Jakarta Post. Accessed February 18, 2024.  
<https://www.thejakartapost.com/academia/2018/04/02/does-asean-support-us-military-presence-in-south-china-sea.html>.

<sup>44</sup> U.S. Energy Information Administration, "South China Sea: Resource Development and Energy Security," accessed February 17, 2024,  
[https://www.eia.gov/international/content/analysis/regions\\_of\\_interest/South\\_China\\_Sea/south\\_china\\_sea.pdf](https://www.eia.gov/international/content/analysis/regions_of_interest/South_China_Sea/south_china_sea.pdf).

<sup>45</sup> Lowy Institute, "Global Energy Scarcity in the South China Sea," accessed February 17, 2024,  
<https://www.lowyinstitute.org/the-interpretor/global-energy-scarcity-south-china-sea>.

Despite these challenges, some efforts have been made to allow for better sharing of resources between nations. In November 2016, the Philippines and China jointly agreed to a Memorandum of Understanding (MoU) on Cooperation on Oil and Gas Development, which is built on the principles of collective development of oil and gas harvesting facilities, as well as the sharing of oil and gas resources between the nations.<sup>46</sup>

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<sup>46</sup> RSIS, "The South China Sea as a Shared Asset," accessed February 17, 2024, <https://www.rsis.edu.sg/wp-content/uploads/2019/03/NTS-Insight-March2019-The-South-China-Sea-as-a-Shared-Asset.pdf>.

## Key stakeholders

### China

China's sweeping claims of sovereignty over 90% of the South China Sea and its abundance of resources have antagonised competing claimants Brunei, Malaysia, the Philippines, the Republic of China, and Vietnam.<sup>47</sup>

### Claimant Nations

As early as the 1970s, countries began to claim islands and various zones in the South China Sea, such as the Spratly Islands, which possess rich natural resources and fishing areas. The 2016 UNCLOS-PCA ruling on the Spratly Islands demonstrated many nations' stances towards the dispute. The arbitration ruled in favour of the Philippines in concluding that China had no legal basis to claim historic rights to the South China Sea. In response to this, China refused to accept the ruling, and Laos, an ally of China supported it by refusing to accept the Permanent Court of Arbitration's ruling on China's sovereignty claims in the South China Sea. Cambodia also supported China in the Spratly Islands dispute. Malaysia, the Philippines, Indonesia, Vietnam, Brunei, China, and the Republic of China, all have territorial claims that are disputed in the South China Sea and are hence key stakeholders in the dispute.<sup>48</sup> Vietnam, for example, has fervently disputed China's historical account of the Nine-Dash Line, saying China had never claimed sovereignty over the islands before the 1940s. Vietnam says it has actively ruled over both the Paracels and the Spratlys since the 17th Century. The Philippines is another major claimant of the South China Sea, over the Spratly Islands due to its proximity to them, and to the Scarborough Shoal, in a dispute with China. The shoal is located 160km away from the Philippines and 800 km away from China. The territorial claims of Malaysia and Brunei in the South China Sea fall within their economic exclusion zones (EEZs), as defined by the United Nations Convention on the Law of the Sea, or UNCLOS.

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<sup>47</sup> CFR, "Territorial Disputes in the South China Sea," accessed February 17, 2024, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>.

<sup>48</sup> "What Is the South China Sea Dispute?" BBC News, July 7, 2023. <https://www.bbc.com/news/world-asia-pacific-13748349>.

## Non-claimant Nations

Singapore and Thailand, both non-claimant nations, have chosen to remain neutral. These nations have reiterated their commitment to being mediators of constructive international dialogue. They have prioritised peace and stability in the South China Sea in hopes of avoiding any larger conflict which could engender catastrophic ripple effects.

At the same time, superpowers outside the South China Sea like the USA, Japan, and India have rejected China's claims to the South China Sea, citing their desires to uphold the rule of international law and freedom of navigation. These nations are also motivated by their national interests. The International Crisis Group has identified two competing visions of international order in the South China Sea – the China-led regional order and the Free and Open Indo-Pacific order proposed by the United States and its allies.. In other words, it is the competition between a rules-based order and a power-based order. <sup>49</sup>The United States has explicitly stated that it will “stand shoulder-to-shoulder with our Philippine ally in the face of the People's Republic of China's (PRC) repeated harassment in the South China Sea.” <sup>50</sup> In response to China's increasing militarisation of the South China Sea, the United States has been building strategic military ties with nations like Japan, Indonesia, and the Philippines, as well as stationing troops in the region, aiming to uphold freedom of the seas. It has repeatedly sailed Navy ships through the South China Sea, called Freedom of Navigation Operations.<sup>51</sup>

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<sup>49</sup> Australian Parliamentary Library, "ASEAN and the South China Sea," accessed February 17, 2024, [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp2122/ASEANSouthChinaSea](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp2122/ASEANSouthChinaSea).

<sup>50</sup> U.S. Department of State, "U.S. Support for the Philippines in the South China Sea," accessed February 17, 2024, <https://www.state.gov/u-s-support-for-the-philippines-in-the-south-china-sea-6/#:~:text=The%20United%20States%20stands%20shoulder.in%20the%20South%20China%20Sea.>

<sup>51</sup> U.S. Navy, "U.S. Navy Destroyer Conducts Freedom of Navigation Operation in the South China Sea," accessed February 17, 2024, <https://www.navy.mil/Press-Office/News-Stories/Article/3578783/us-navy-destroyer-conducts-freedom-of-navigation-operation-in-the-south-china-s/>

## **Guiding Questions**

1. What steps can be taken by ASEAN to prevent the outbreak out of larger scale conflicts in the South China Sea?
2. What role should ASEAN play in protecting freedom of navigation and guaranteeing rights to resources?
3. How have past measures aimed at settling territorial disputes and the accompanied issues fail? How can ASEAN address these shortfalls?
4. How can ASEAN foster cooperation whilst de-escalating the situation in the South China Sea?

## **Questions a Declaration Must Answer (QADMA)**

1. How can ASEAN de-escalate the situation in the South China Sea?
2. How should the territorial claims by nations within the South China Sea be addressed?
3. How can economic interdependencies be leveraged to foster cooperation among nations within the South China Sea?
4. How should the code of conduct be enforced?
5. What measures can be taken to maintain peace and stability in the South China Sea?



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## Topic 2: Question of Drug Smuggling within ASEAN

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### Topic Introduction

Drug smuggling has been a persistent issue, plaguing humanity since the 1800s, wreaking havoc wherever it was present. Drug smuggling or trafficking is a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws. From the opium trade in the 18th century to the present day trafficking of other illicit substances, drug smuggling, otherwise known as drug trafficking, has been a lucrative and illicit trade for centuries. While the drug trade in Asia was initially confined to East Asia, namely China, the 20th Century marked the onset of the illegal production and trafficking of drugs in two regions within Asia, namely the “Golden Triangle” in Southeast Asia and the “Golden Crescent” in Southwest Asia.

### *The Golden Triangle*

The “Golden Triangle” borders three ASEAN countries, namely Thailand, Myanmar and Laos. The “Golden Crescent”, on the other hand, involves non-ASEAN countries such as Iran and Afghanistan.<sup>52</sup>The name “Golden Triangle”, referring to the remote and mountainous region where Thailand, Myanmar and Laos converge, was coined by late Marshall Green, a senior United States Diplomat, in 1971 to describe the serious illegal opioid trade in the region. Centred on the confluence of the Ruak and Mekong Rivers,<sup>53</sup>it became renowned for the thriving opium economy and a crucial source of narcotics.

Perhaps a more worrying trend is the abuse of and trafficking in amphetamine-type stimulants.<sup>54</sup>According to the United Nations International Narcotics Control Board, it is the abuse of and trafficking in amphetamine-type stimulants that is spreading quickly across the

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<sup>52</sup> Fuller, Thomas. 2007. “The Drug-Running Is Gone, but the Tourists Still Flock.” Google.com. September 11, 2007.

<https://www.google.com/url?q=https://www.nytimes.com/2007/09/11/world/asia/11iht-goldenside.1.7.465703.html&sa=D&source=docs&ust=1708534640880993&usq=AOvVaw1fCCayh7gPvK16maVIRpG>

<sup>53</sup> Sen, S. 1991. “Heroin Trafficking in the Golden Triangle.” www.google.com. 1991.

<https://www.google.com/url?q=https://www.ojp.gov/ncjrs/virtual-library/abstracts/heroin-trafficking-golden-triangle%23~:text=3DThe%2520%2522Golden%2520Triangle%2522%2520region%2520of>

<sup>54</sup> Parameswaran, Pratap. 2000. “Combating and Preventing Drug and Substance Abuse.”

Asean.org. April 29, 2000.

<https://www.google.com/url?q=https://asean.org/combating-and-preventing-drug-and-substance-abuse-by-pratap-parameswaran/&sa=D&source=docs&ust=1708534640882123&usq=AOvVaw3oWRNeFtA4mJ2jMLT5mQX>



entire region of East and Southeast Asia. In the area of the Golden Triangle, facilities that were once used exclusively for the refining of heroin are increasingly being used for the manufacture of methamphetamine as well. Traffickers of such stimulants appear to be targeting vulnerable groups in major urban areas, especially the young. Such an illicit trade poses a high risk to public health and security, especially when drug cartels expand their illicit activities from drug trafficking to prostitution and human trafficking - causing instability.

Naturally, the abuse of narcotics and the trafficking of illegal drugs has been a serious cause of concern for the past 2 decades. <sup>55</sup>In 1976, ASEAN foreign ministers adopted the Declaration of Principles to Combat the Abuse of Narcotics Drugs, a reflection of ASEAN's progress on prevention and control of drug trafficking at that time. Fast forward to 2018, as a continuation of the ASEAN Cooperation Plan to Tackle Illicit Drug Production and Trafficking in the Golden Triangle, cross-border cooperation has increased to counter the illicit drug trade in the area. <sup>56</sup>Bordering ASEAN member states Thailand, Myanmar and Laos alongside the UNODC (United Nations Office on Drugs and Crime) established border liaison offices allowing the exchange of intelligence that on one occasion successfully seized 4.3 million tablets of methamphetamine (United Nations Office on Drugs and Crime, 2019, p. 17).

Thus, drug trafficking is still extremely prevalent; ASEAN recognises the need for more efforts to counter the illicit trade. Moreover, Cambodia, which is part of ASEAN, has also seen a sharp rise of drug related organised crime groups operating within itself, according to the United Nations.<sup>57</sup> Hence, delegates should keep past anti drug trafficking measures in mind before coming up with potential declarations.

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<sup>55</sup> Parameswaran, Pratap. 2000. "Combating and Preventing Drug and Substance Abuse." Asean.org. April 29, 2000.

[https://www.google.com/url?q=https://asean.org/combating-and-preventing-drug-and-substance-abuse-by-pratap-parameswaran/&sa=D&source=docs&ust=1708534640882123&usq=AOvVaw3oWR\\_NeFtA4mJ2jMLT5mQX](https://www.google.com/url?q=https://asean.org/combating-and-preventing-drug-and-substance-abuse-by-pratap-parameswaran/&sa=D&source=docs&ust=1708534640882123&usq=AOvVaw3oWR_NeFtA4mJ2jMLT5mQX).

<sup>56</sup> Subkhi, Syukon. 2022. "Taliban and the Opium: Reviewing ASEAN's Securitization of the Golden Triangle - ASEAN Studies Center Universitas Gadjah Mada." ASEAN STUDIES CENTER. January 3, 2022.

[https://www.google.com/url?q=https://asc.fisipol.ugm.ac.id/2022/01/03/taliban-and-the-opium-reviewing-aseans-securitization-of-the-golden-triangle/&sa=D&source=docs&ust=1708534640882958&usq=AOvVaw2ikosHIPabTCv\\_HgUx7HM2](https://www.google.com/url?q=https://asc.fisipol.ugm.ac.id/2022/01/03/taliban-and-the-opium-reviewing-aseans-securitization-of-the-golden-triangle/&sa=D&source=docs&ust=1708534640882958&usq=AOvVaw2ikosHIPabTCv_HgUx7HM2).

<sup>57</sup> Todd, Gary . 2022. "Over a Billion Methamphetamine Tabs Seized in East and Southeast Asia | UN News." News.un.org. May 31, 2022.

<https://www.google.com/url?q=https://news.un.org/en/story/2022/05/1119352&sa=D&source=docs&ust=1708534640883531&usq=AOvVaw0-PTi8DczsBoN3PSHO-jOe>.



## Key Terms and Definitions

Term	Definition
Junta	A military or political group that rules a country after taking over it by force
Drug cartels	A criminal organisation composed of independent drug lords who collude with each other in order to improve their profits and dominate the illegal drug trade
Narcotics	Substances that dulls the senses and relieved pain.
UNODC	United Nations Office on Drugs and Crime
Precursor chemicals	Compounds used as the foundation for the synthesis of drugs
Pre - precursor chemicals	Compounds used as the foundation for the synthesis of precursor chemicals

## Key Issues

### Lack of policing

<sup>58</sup>The “Golden Triangle” is described as one the world’s ‘biggest drug trafficking corridors’ by UNODC. In 2021, it witnessed the seizure of <sup>59</sup> 171 tons and more than 1 billion methamphetamine tables, amongst various other synthetic drugs, more than any other part of the world. Amongst the three countries forming up the “Golden Triangle”, ASEAN member states Laos and Myanmar have seen the least enforcement measures in the area. <sup>60</sup>For Laos, its Golden Triangle Special Economic Zone was sold to Chinese businessman and ex-triad boss Zhao Wei, with the Laos Government only having a meagre 20% stake in the area. <sup>61</sup>Thus, Laos is essentially powerless in enforcing law in the area, and it is unsurprising that its Golden Triangle Special Economic Zone has been a haven to drug trafficking, amongst other crimes. <sup>62</sup>Nonetheless, Laotian officials have recently uncovered the trafficking of chemicals known as “pre-precursors”, chemicals used to make the precursors that are used in the synthesis of drugs. Drug traffickers were able to smuggle such chemicals, such as propionyl chloride as they are not banned in Laos, unlike the “precursor” chemicals. As of now, Laotian officials have not taken any notable action against the smuggling of such chemicals, despite knowing that Laos contains many illegal drug production sites. Myanmar, on the other hand, has seen a state of lawlessness, where Myanmar officials are more focused on “extortion rackets” through exploiting the illicit trade, rather than focus on genuine enforcement.

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<sup>58</sup> News, UN. 2023. “INTERVIEW: Policing One of the World’s ‘Biggest Drug Trafficking Corridors.’” United Nations : UNODC Regional Office for Southeast Asia and the Pacific. June 29, 2023. [https://www.google.com/url?q=https://www.unodc.org/roseap/en/2023/06/biggest-drug-trafficking-corridors/story.html&sa=D&source=docs&ust=1708534640918453&usg=AOvVaw3aKuV6\\_U\\_OjJLFDRx2ZBp](https://www.google.com/url?q=https://www.unodc.org/roseap/en/2023/06/biggest-drug-trafficking-corridors/story.html&sa=D&source=docs&ust=1708534640918453&usg=AOvVaw3aKuV6_U_OjJLFDRx2ZBp).

<sup>59</sup> Wikipedia. 2024. “Golden Triangle (Southeast Asia).” Www.google.com. February 15, 2024. [https://www.google.com/url?q=https://en.wikipedia.org/wiki/Golden\\_Triangle\\_\(Southeast\\_Asia\)%23:~:text=3DCountries%2520in%2520East%2520and%2520Southeast](https://www.google.com/url?q=https://en.wikipedia.org/wiki/Golden_Triangle_(Southeast_Asia)%23:~:text=3DCountries%2520in%2520East%2520and%2520Southeast).

<sup>60</sup> RFA. 2022. “Lao Authorities Seem Powerless to Stop Crime in Golden Triangle Economic Zone - Open Development Mekong.” OpenDevelopmentMekong. November 30, 2022. <https://opendevelopmentmekong.net/news/lao-authorities-seem-powerless-to-stop-crime-in-golden-triangle-economic-zone/>.

<sup>61</sup> Southern, Nathan Paul, and Lindsey Kennedy. 2022. “How Chinese Gangsters Operate Freely in Laos’ Golden Triangle Economic Zone.” South China Morning Post. October 15, 2022. <https://www.scmp.com/magazines/post-magazine/long-reads/article/3195932/laos-criminal-casino-empire-chinese-gangsters>.

<sup>62</sup> Duangdee, Vijitra . 2021. “Chemicals In, Meth out in Asia’s Booming Golden Triangle Drug Trade.” Www.google.com. May 31, 2021. [https://www.google.com/url?q=https://www.voanews.com/a/east-asia-pacific\\_chemicals-meth-out-asias-booming-golden-triangle-drug-trade/6206451.html&sa=D&source=docs&ust=1708567772590140&usg=AOvVaw096ofEt\\_mFyTke4eaqdLo5](https://www.google.com/url?q=https://www.voanews.com/a/east-asia-pacific_chemicals-meth-out-asias-booming-golden-triangle-drug-trade/6206451.html&sa=D&source=docs&ust=1708567772590140&usg=AOvVaw096ofEt_mFyTke4eaqdLo5).

<sup>63</sup>Thailand, on the other hand, has worked with UNODC on thorough enforcement operations; and has successfully dismantled clandestine laboratories, intercepting essential chemicals and conducting effective seizures. <sup>64</sup>However, drug trade in the Golden Triangle has still continued its rising trend despite the pandemic; ASEAN states will have to work with all three nations to improve enforcement actions against drug trafficking.

### Lack of assistance provided to combat drug trafficking

ASEAN has set up various committees to provide assistance and review enforcement actions against drug trafficking, such as the <sup>65</sup>ASEAN Airport Interdiction Task Force (AAITF), the ASEAN Seaport Interdiction Task Force (ASITF), the ASEAN Narcotics Cooperation Center (ASEAN-NARCO) and the ASEAN Drug Monitoring Network (ADMN), which has resulted in successful drug busts within ASEAN countries. These committees, although useful, have been unable to keep up with the rate of drug production and drug trafficking; whilst drug cartels continue to increase their ever rising operations, the increase in successful drug busts are nowhere the figure of operations of that of the drug cartels: more can be done; specifically on the issue of funding and intelligence technology: both Laos and Myanmar are facing a cash crunch. Low on funding and intelligence, enforcement actions against drug trafficking have largely failed. ASEAN countries have the potential to bring forward declarations focusing on greater assistance to Laos and Myanmar, where drug trafficking is most rampant. Nonetheless, delegates should put into consideration the high rate of corruption within officials in Laos and Myanmar; <sup>66</sup>in Laos, bribery, embezzlement of funds and abuse of power is recurrent; in Myanmar, the Junta has actually been the ultimate protection of its drug cartels, and have been for many years, <sup>67</sup>according to Independent Analyst David Mathieson.

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<sup>63</sup> Yodmani, C. 1992. "Law Enforcement Approaches and Measures Used in Countering Illicit Drug Problems in Thailand." Wwww.google.com. 1992.  
<https://www.google.com/url?q=https://pubmed.ncbi.nlm.nih.gov/1477702/%23:-:text%3DThe%2520Government%2520of%2520Thailand%252C%2520which>.

<sup>64</sup> UNODC. 2020. "Drug Trade in Golden Triangle Grows despite Pandemic | United Nations in Thailand." Thailand.un.org. August 7, 2020.  
<https://thailand.un.org/en/91513-drug-trade-golden-triangle-grows-despite-pandemic>.

<sup>65</sup> Abke, Tom. 2019. "ASEAN Countries Team up to Take Drugs off the Street | Indo-Pacific Defense Forum." Indo-Pacific Defense Forum. January 10, 2019.  
<https://ipdefenseforum.com/2019/01/asean-countries-team-up-to-take-drugs-off-the-street/>.

<sup>66</sup> West, John. 2018. "Combating Asia's Economic Crime." *Asian Century... on a Knife-Edge*, January, 247-77. [https://doi.org/10.1007/978-981-10-7182-9\\_9](https://doi.org/10.1007/978-981-10-7182-9_9).

<sup>67</sup> "In Rare Admission, Myanmar Junta Says Efforts to Crush Drug Trade Having No Impact." 2023. Wwww.google.com. June 26, 2023.  
<https://www.google.com/url?q=https://www.straitstimes.com/asia/se-asia/myanmar-junta-says-faili>

### Instability in the Region

Regional developments have caused the area forming the “Golden Triangle” to be highly dangerous, unstable and volatile, where drug cartels take advantage of it to conduct illicit trade. A more serious case would be Myanmar, where the armed ethnic groups waging armed conflicts against the Junta are utilising drug trafficking as a way to raise funds for its cause. According to Al Jazeera, many drug cartels have links to resistance groups, hence many of the drug smugglers are armed and dangerous, making enforcement of even greater difficulty. These cartels act with impunity and violence, going as far as conducting firefights with soldiers sent to intercept smuggled goods. Laos, a communist country as a one party state, is also reportedly tolerant of drug smuggling within its territory, deeply affecting enforcement efforts.

### Corruption and impunity

Corruption is rampant within several ASEAN nations, severely hampering and undermining its efforts against drug trafficking. More worryingly, the ASEAN nations surrounding the Golden Triangle, namely Thailand, Myanmar and Laos, have scored the lowest on the Corruption Perceptions Index amongst ASEAN countries. <sup>68</sup>According to Transparency International, these 3 nations achieved a score of 35, 20 and 28 upon 100 respectively in 2023. In comparison, top performers Singapore and Malaysia achieved a score of 83 and 50 respectively in the same year. <sup>69</sup>Vietnam, also in close proximity to the Golden Triangle, had seen its transparency index on the decline in the past few years and had been involved in recent corruption scandals involving Denmark, Japan and the US, according to Transparency International.

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[ng-to-halt-surge-in-drug-trafficking&sa=D&source=docs&ust=1708567772768966&usq=AOvVaw2vgTXowVwOjv8Bnpm4pl1K](https://www.transparency.org/en/news/asia-pacific-makes-little-to-no-progress-on-anti-corruption&sa=D&source=docs&ust=1708567772768966&usq=AOvVaw2vgTXowVwOjv8Bnpm4pl1K).

<sup>68</sup> Transparency International. 2022. “Thailand.” Transparency.org. 2022.

<https://www.transparency.org/en/countries/thailand>.

<sup>69</sup> “ASIA PACIFIC: LITTLE to NO PROGRESS on ANTI-CORRUPTION.” 2019. Wwww.google.com. January 29, 2019.

<https://www.google.com/url?q=https://www.transparency.org/en/news/asia-pacific-makes-little-to-no-progress-on-anti-corruption&sa=D&source=docs&ust=1708567772880118&usq=AOvVaw1YcENIHGemOfsOJGZMAflb>.

It is known fact that corruption aids contributes to the proliferation of and smuggling of drugs. Bribery of law enforcement officials, compromised legal systems, and infiltration of government agencies enable traffickers to operate with a reduced risk of detection and prosecution. The illicit drug trade does not discriminate in terms of the power and status of those involved in it. Corrupt customs and border officials facilitate the movement of drugs across borders, while high-level political corruption provides traffickers with protection and support, giving them a sense of impunity when conducting their operations. With rampant corruption only compounding the issue of drug smuggling, it is paramount that ASEAN takes a strong and united stance on this issue.

## Scope of Debate

### Cross-border Cooperation

While it is important to implement measures for the enhancement of law enforcement capabilities, regional assistance and joint operations must be in place to allow for the pooling of both human and material resources, leading to greater efficiency. Moreover, different countries often bring different capabilities to the table, enabling countries to achieve more than they could individually. With the interconnectedness of economies and societies in this era of globalisation, drug cartels and drug trafficking organisations have expanded their networks in attempts to extend their influence, increase profits and evade law enforcement. Hence, not only should countries within the Golden Triangle collaborate and assist one another, but neighbouring countries, serving as potential targets or transit points for drug trafficking, should also actively engage in the shared effort against drug trafficking.

Currently, the Border Liaison Offices (BLOs) under the United Nations Office on Drugs and Crime (UNODC), are the primary area of cooperation within Southeast Asia, responsible for conducting joint operations, investigations, search and arrest, as well as intelligence sharing. Within Southeast Asia, there are 74 BLOs presently operating within five countries, namely Lao PDR, Myanmar, China, Thailand and Vietnam.<sup>70</sup> These have allowed for the arrests of offenders and the seizure of illicit drugs being trafficked from the borders of China, Lao PDR, Myanmar and Thailand. On top of that, the sharing of information will pave the way for the interception of precursor chemicals, something which has long been excluded from ASEAN's purview. The sharing of information has allowed and will continue to allow for a more coordinated and comprehensive approach to the elimination of transboundary syndicates and their illicit activities. To strengthen cooperation on transnational challenges, member states should work towards strengthening and expanding existing bilateral and regional cooperation regimes (namely the Mutual Legal Assistance and Border Liaison Offices), as well as, maximising the utilisation of the ASEAN Narcotics Cooperation Center to create an

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<sup>70</sup> Sangasuban, Phasporn, and Li Zhuqun. 2020. "CO-CHAIRS' SUMMARY REPORT ASEAN REGIONAL FORUM WORKSHOP on STRENGTHENING MANAGEMENT of CROSS-BORDER MOVEMENT of CRIMINALS GUANGZHOU, CHINA, 9-10 MARCH 2016." <https://aseanregionalforum.asean.org>. 2020. [https://aseanregionalforum.asean.org/wp-content/uploads/2020/03/Annex-31-Co-Chairs-Summary-Report-ARF-Workshop-on-Strengthening-Management-of-Cross-Border-Movement-of-Criminals.pdf&sa=D&source=docs&ust=1708262854376182&usq=AOvVaw2PjbfOP\\_FfmMWA01nfhsBD](https://aseanregionalforum.asean.org/wp-content/uploads/2020/03/Annex-31-Co-Chairs-Summary-Report-ARF-Workshop-on-Strengthening-Management-of-Cross-Border-Movement-of-Criminals.pdf&sa=D&source=docs&ust=1708262854376182&usq=AOvVaw2PjbfOP_FfmMWA01nfhsBD).



ASEAN Single Window for information sharing on fugitives, targeted drug syndicates and best practices.<sup>71</sup>

However, contention over the extent of cooperation greatly complicates this matter. In the aftermath of cross-border crises in Southeast Asia in the early 2000s, many member states have reconsidered their approaches to regional cooperation. Nevertheless, much hesitance on the side of member states remains.<sup>72</sup> Hesitance from less developed member states often comes from the fact that some Southeast Asian states are rather young nation-states, making them inclined to steer clear from forming precedents at both national and regional levels which could influence their political autonomy.<sup>73</sup> As the effectiveness of ASEAN regional cooperation depends on affluent ASEAN member states willing to further equitable solutions and share scarce resources to aid less developed member states, affluent member states' investments in regional regulations and initiatives usually depend on their individual stakes within the issue. Hence, it is important to differentiate between ASEAN member states where the issue of drug trafficking is mostly irrelevant and ASEAN member states that are highly affiliated with this issue.

### Role of Technology in combating drug trafficking

Technology plays a pivotal role in maritime security, especially in this current age where the issue of porous borders being exploited as drug trafficking routes has become increasingly prevalent. With state-of-the-art technology, law enforcement authorities can attain unparalleled surveillance and monitoring capabilities over its porous borders and the vast expanses of land within it.<sup>74</sup> The advancements in technology have presented the development of real-time surveillance tools, ranging from sophisticated radar systems, and sonar technology to satellite imagery, which are powerful sources of information in drug

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<sup>71</sup> Plümmer, Franziska. 2022. "Contested Administrative Capacity in Border Management: China and the Greater Mekong Subregion." *China Information* 36 (3): 0920203X2211030. <https://doi.org/10.1177/0920203x221103053>.

<sup>72</sup> Rüländ, Jürgen. 2005. "Security Dialogue." *Www.jstor.org* 36 (4). <https://www.jstor.org/stable/i26298943>.

<sup>73</sup> Naila Maier-Knapp. 2017. "Managing Cross-Border Crises in Southeast Asia at Multiple Levels of Governance: Complementary or Competitive Institutional Development at the National, ASEAN Regional, and EU-ASEAN Inter-Regional Levels?" *Asia-Europe Institute (AEI)* 3 (1): 3–20. <https://aei.um.edu.my/managing-cross-border-crises-in-southeast-asia-at-multiple-levels-of-governance-complementary-or-competitive-institutional-development-at-the-national-asean-regional-and-eu-asean-inter-regional-levels>.

<sup>74</sup> John. 2023. "Role of Technology in Maritime Security." *Criticalmaritimeroutes.eu*. May 20, 2023. <https://criticalmaritimeroutes.eu/role-of-technology-in-maritime-security.html>.

trade investigations. The intelligence gathered using surveillance technology would enable local municipalities to identify and map out locations exhibiting drug distribution and overdose. Using technology in data mapping is a far more efficient means of identifying and policing drug dealings than sifting through hours of recording or sending officers on stakeouts.<sup>75</sup>

Additionally, as law enforcement must actively regulate the distribution of illicit drugs, they are responsible for apprehending drug suppliers and buyers regularly. With drugs regularly appearing on streets, authorities would require viable means to test for unknown substances in the field. Hence, high-tech handheld instruments are becoming increasingly employed to conclusively test unknown substances and deliver immediate field testing results, allowing for the arrest of suspects on the spot.<sup>76</sup>

However, it is crucial to recognise that not all nations and regions have equal access to surveillance technology. For example, the Mekong River (which marks the confluence of Laos, Myanmar and Thailand) in the Golden Triangle is known for its poor infrastructure, organised crime, and illicit trade and has been taken advantage of by overseas Chinese investors to promote their own private and illicit activities, primarily overseas gambling, and human and drug trafficking.<sup>77</sup> In September of 2021, various maritime law enforcement and security agencies, namely the Royal Thai Marine Police (RTMP), sought advice and assistance from UNODC to put in place advanced surveillance technology (e.g. supplying endurance drone technology discussed in a meeting between the RTMP and UNODC Regional Representative for Southeast Asia and the Pacific). Presently, the UNODC Global Maritime Crime Programme has addressed the situation by providing aerial surveillance equipment to enhance RTMP reconnaissance efforts and support existing operations along vulnerable locations of the Mekong River.<sup>78</sup> Other than solutions that provide aid in the form of

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<sup>75</sup> Goldmeier, Lizzi. 2023. "How Technology Is Helping Law Enforcement Combat Rising Drug Abuse." BriefCam. July 18, 2023.

<https://www.briefcam.com/resources/blog/how-technology-can-help-law-enforcement-investigate-and-combat-drug-abuse/#:~:text=Actionable%20Video%20Intelligence>.

<sup>76</sup> Goldmeier, Lizzi, "How Technology Is Helping Law Enforcement Combat Rising Drug Abuse."

<sup>77</sup> Gong, Xue. 2023. "The Mekong Region Is a Test of China's Global Development and Security Model." Carnegieendowment.org. Carnegie China. December 1, 2023.

<https://carnegieendowment.org/2023/12/01/mekong-region-is-test-of-china-s-global-development-and-security-model-pub-91144>.

<sup>78</sup> UNODC. 2021. "UNODC Provides a Technological Edge to Address Drug Trafficking on the Mekong River." United Nations : UNODC Regional Office for Southeast Asia and the Pacific. September 23, 2021. <https://www.unodc.org/roseap/en/2021/09/drug-trafficking-mekong-river/story.html>.

surveillance technology to hard-to-reach areas or drug trafficking hotspots, delegates might also explore possibilities of using technology to promote efficient direct communication among countries between concerned authorities at the international entry ports.

While the use of technological aid to promote connectivity between law enforcement personnel and to act as a surveillance tool is indubitably beneficial in combating the issue of drug trafficking, member states might want to consider their individual political and public stance towards privacy and sovereignty concerns before promoting such a strategy.

### Role of Treatment and rehabilitation services in reducing dependency on drugs

There is overwhelming evidence of the effectiveness of treatment and rehabilitation in decreasing the drug use frequency and severity.<sup>79</sup> While increasing the accessibility of treatment and rehabilitation centres would, in the long term, reduce recidivism and the demand for drugs, this strategy might not align well with zero-tolerance drug policies. In countries like Malaysia, where the perceptions around the superiority of a zero-tolerance approach to drugs persist, the local government has started downsizing community-based responses.<sup>80</sup>

Currently, within the ASEAN community, most countries have opted for a more participatory and community-based approach to treatment and rehabilitation, such as the Lao PDR, Myanmar, Philippines and Malaysia, which have recently faced a pressing issue – since these countries rely on custodial measures as the principal approach to drug use, naturally, drug users are reluctant to come forward due to the fear of being arrested. Additionally, these countries often are impeded by limited resources, capacity and competency of local

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<sup>79</sup> Khan, Farrah, Archana Krishnan, Mansur A. Ghani, Jeffrey A. Wickersham, Jeannia J. Fu, Sin How Lim, Sangeeth Kaur Dhaliwal, Adeeba Kamarulzaman, and Frederick L. Altice. 2017. “Assessment of an Innovative Voluntary Substance Abuse Treatment Program Designed to Replace Compulsory Drug Detention Centers in Malaysia.” *Substance Use & Misuse* 53 (2): 249–59.  
<https://doi.org/10.1080/10826084.2016.1267217>.

<sup>80</sup> Maznah Dahlui, Sutayut Osornprasop, Cliff Kerr, Herlianna Naning, Chiu-Wan Ng, David P Wilson, and Adeeba Kamarulzaman. 2014. “Return on Investment and Cost-Effectiveness of Harm Reduction Program in Malaysia.” *WHO MiNDbank*.  
<https://documents1.worldbank.org/curated/en/310381468282285702/pdf/880830REVISED00new0cover0010-12-140.pdf>.

healthcare professionals.<sup>81</sup> This thus begs the question of how we can promote capacity building and provide technical support for the establishment and maintenance of treatment and rehabilitation centres.

Returning to the issue of drug users being afraid of coming forward in fear of arrest, Thailand's usage of court diversions to integrate psychosocial counselling into the criminal system, although not perfect, has ensured that over 90 percent of defendants completed the counselling programme.<sup>82</sup>

However, fear of arrest is a rather small issue compared to the larger topic of accessibility to treatment services and the lack of supported treatment and rehabilitation modality (e.g. treatment and rehabilitation programmes are mostly unavailable for offenders in prison, lack of aftercare programmes for vulnerable groups of people).

During the 52nd Commission on Narcotic Drugs in 2009, in an attempt to improve the accessibility of treatment services, the United Nations Office on Drugs and Crime (UNODC) and the World Health Organization (WHO) made a pivotal collaboration – marked by the UNODC-WHO Programme on Drug Dependence Treatment and Care. Operational in 18 countries globally, including South East Asia's Cambodia, Lao PDR, Viet Nam and Myanmar, this program hoped to tackle drug treatment through 4 avenues: building capacity for evidence-based treatment; assistance with data collection, and research; fostering the development and delivery of treatment services; and advocating for evidence-based policies.<sup>83</sup> Within the ASEAN community, delegates could develop or make use of existing resources, or even collaborate with external partners to explore initiatives tailored to specific regional needs, to more efficiently provide capacity building and skills development of service

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<sup>81</sup> UNODC. 2022. "COMPULSORY DRUG TREATMENT and REHABILITATION in EAST and SOUTHEAST ASIA Voluntary Community-Based Alternatives Discussion Paper of the UNAIDS-UNODC Asia-Pacific Expert Advisory Group on Compulsory Facilities for People Who Use Drugs." United Nations : UNODC Regional Office. <https://www.aidsdatahub.org/sites/default/files/resource/compulsory-treatment-and-rehabilitation-2022-community.pdf>.

<sup>82</sup> Northern Substance Abuse Centre. 2021. "A Brief Overview of Psychosocial Services for People with Substance Use Disorders in Thai Criminal Court: UNODC Informal Visit to Psychosocial Clinic at Chiang Mai Provincial Court." Chiang Mai, Thailand: Chiang Mai University.

<sup>83</sup> UNODC. n.d. "Our Projects." United Nations : Office on Drugs and Crime. Accessed February 21, 2024. <https://www.unodc.org/unodc/en/treatment-and-care/our-projects.html>.

providers and provide assistance to the establishment and maintenance of treatment and rehabilitation centres.

### Tackling Corruption

The successful attempts of criminal organisations to intimidate and corrupt law enforcement agencies have had the most debilitating effect on both domestic and international efforts to curtail the illicit drug trade.<sup>84</sup> As corruption allows criminal organisations to conduct illicit business with little interference, empowering them beyond the reach of the law, organised crime is much more likely to flourish in cities where government control is weak and public officials are corrupt. Hence, it is crucial to implement measures to deter one from committing the act of corruption. Oftentimes, such measures can be divided into 2 main categories: those with the aim to increase the likelihood of punishment; and those with the aim to increase the severity of the punishment. While both types of preventive measures are effective in promoting deterrence against the act of corruption, according to the US National Institute of Justice, a high likelihood of being caught is a much stronger deterrent.<sup>85</sup> This means that when forming solutions to tackle the issue of corruption, a larger emphasis should be placed on possible enhancements to the monitoring of processes (e.g. whistleblowing protection).

Member states should identify relevant mechanisms to carry out cooperation activities in preventing corruption through links and cooperation between relevant agencies. For example, in Indonesia, the UNDP's partner the Infrastructure Transparency Initiative, or CoST, has been working with the National Public Procurement Agency in Lombok to make public procurement data available to civil society groups for monitoring purposes. In Vietnam, the UNDP's local partner, the Vietnam Chamber of Commerce and Industry, has launched several business integrity training sessions for SMEs, unpacking the new anti-corruption legislation. The UNDP's Promoting a Fair Business Environment in ASEAN Project and the OECD's Southeast Asia Anti-Corruption and Business Integrity Project also have been working with local partners to set up collective action programs in the Southeast

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<sup>84</sup> International Narcotics Control Board. 2010. "Chapter I. Drugs and Corruption 1." [https://www.incb.org/documents/Publications/AnnualReports/Thematic\\_chapters/English/AR\\_2010\\_E\\_Chapter\\_1.pdf](https://www.incb.org/documents/Publications/AnnualReports/Thematic_chapters/English/AR_2010_E_Chapter_1.pdf).

<sup>85</sup> National Institute of Justice. 2016. "Five Things about Deterrence." National Institute of Justice. June 5, 2016. <https://nij.ojp.gov/topics/articles/five-things-about-deterrence#one>.

Asia region.<sup>86</sup> Member states should also bear in mind the relevant ASEAN instruments such as the Treaty on Mutual Legal Assistance Treaty (MLAT) in Criminal Matters. Such ASEAN instruments could be utilised to facilitate the investigation and prosecution of complex corruption cases in the region and strengthen regional training programmes for law enforcement agency training. Other possible actions to combat corruption could also include the establishment of effective inter-agency mechanisms such as a memorandum of understanding and task forces. Moreover, instead of a random and organic approach in the past, member states should also consider forming a coherent and strategic framework to enhance mutual collaboration to combat corruption and to establish effective anti-corruption strategies.<sup>87</sup>

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<sup>86</sup> Wignaraja, Kanni. 2021. "UNDP, OECD Present Corruption Solutions for ASEAN." *FairBiz* (blog). March 30, 2021.

<https://www.undp.org/asia-pacific/fairbiz/blog/undp-oecd-present-corruption-solutions-asean>.

<sup>87</sup> Transparency International. 2015. "Transparency International Calls on ASEAN to Make Anti-Corruption...." Transparency.org. April 24, 2015.

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## Key Stakeholders

### “Golden Triangle” Nations

Drug trafficking represents a major concern amongst the countries of Thailand, Myanmar and Laos. Nonetheless, Thailand and Laos have actively cooperated with one another, despite the legal limitations Laos currently faces in its Golden Triangle Special Economic Zone.<sup>88</sup> A United Nations report written in June 2023 highlighted the improved response to drug trafficking enforcement of Thailand and Laos law enforcement agencies, and attributed it to the regular calls, face-to-face meetings and other communications between each agency across the border. However, despite the mention of Border Liaison Offices between all three countries, the report failed to mention any form of cooperation between Myanmar and her ASEAN partners. Moreover, it stated how UNODC’s Regional Representative Jeremy Douglas characterised the trafficking within Myanmar as “immensely challenging” with “fragmented armed groups and militia involved in the drug trade”, causing “easy trafficking of drugs in and out of Myanmar” and “difficult problems” for Thailand and Laos to address. Hence, delegates will have to counter such an issue through their declarations, and provide solutions aimed at reducing flow of illegal drugs through Myanmar.

### Countries with strong anti-drug stances

Singapore has one of the toughest anti-drug laws globally, and one of the very few countries to exercise the death penalty for drug traffickers. She has seen a consistent rise in drug trafficking executions in the past decade, rising from<sup>89</sup> 2 drug related executions in 2011 to 11 drug related executions in 2022. Nonetheless, Singapore has one of the least percentage of drug abusers globally, thanks to her efforts and tough stance.

### Countries with relaxed drug stances

Regional Asian Superpower China remains in close proximity to the “Golden Triangle”, with

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<sup>88</sup> Dickinson, Daniel. 2023. “Huge Increase in Transnational Crime and Synthetic Drugs in SE Asia Requires Cross-Border Cooperation | UN News.” News.un.org. June 2, 2023. <https://news.un.org/en/story/2023/06/1137182>.

<sup>89</sup> Statista. 2024. “Singapore: Judicial Executions Numbers by Crime Committed 2019.” Statista. 2024. <https://www.statista.com/statistics/961037/number-of-capital-executions-by-crime-committee-singapore/>.

her citizens having proven links to the illegal drug trade within the “Golden Triangle”. While Chinese authorities, similar to Singapore, has punished drug traffickers with the death penalty, rampant corruption and difficulties in policing have effectively rendered their anti drug laws useless.<sup>90</sup>Based in China, many merchants send agents to various drug production sites within the “Golden Triangle” to purchase harvested raw opium, before transporting them to various drug refining stations in the region. Drug syndicates based in China also provide comprehensive assistance, be it funding or chemists, for the heroin refineries and methamphetamine laboratories along Myanmar’s borders with Thailand and China. These syndicates also manage the regional and international distribution of the drugs.

Thailand, while having similar tough laws, such as the death penalty for drug trafficking, has been the first country in ASEAN to legalise cannabis, in which the<sup>91</sup>International Drug Policy Consortium (IDPC) characterised as “shocking”. Such legalisation for cannabis has made it even easier for drug cartels to increase their outreach; even more so as Thailand’s Government has remained vague on the extent to which non-medical cannabis can be used. Moreover, its harsh penalties, such as the death penalty, has not seen much use, as shown from how there has not been a single execution for drug trafficking in the past 10 years. Delegates however, should note that Thai authorities are in the midst of reversing their policy on legalising cannabis - a testament that lenient drug laws are not the way for countries to combat drug trafficking.

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<sup>90</sup> Lintner, Bertil. 2022. “Guide to Investigating Organized Crime in the Golden Triangle: Chapter 1 – Drug Trafficking.” [www.google.com](https://www.google.com/url?q=https://gijn.org/resource/guide-to-investigating-organized-crime-in-the-golden-triangle-chapter-1-drug-trafficking/&sa=D&source=docs&ust=1708567772784131&usg=AOyVaw2Rdio6uZOfpWRSORIKJXB2). November 28, 2022.

<sup>91</sup> Lai, Gloria . 2022. “Thailand Breaks Away from Southeast Asia’s Brutally Punitive Drug Policies.” IDPC. August 3, 2022.

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## **Guiding Questions**

1. What existing policies has ASEAN implemented; and how can these policies be improved?
2. UNODC has implemented various successful policies. How can ASEAN model their policies such that they complement the ones UNODC are implementing?
3. With varying financial means, how can ASEAN members work together, to ensure that everyone reaps the benefits of a drug free ASEAN?

## **Questions a Declaration Must Answer (QADMA)**

1. How can technology integration and law enforcement capabilities be improved?
2. How can regional coordination and cooperation of law enforcement efforts be enhanced?
3. How can preventive education be strategically adopted to build resilience against drugs?
4. How can the accessibility of treatment, rehabilitation and aftercare services to drug users be enhanced?

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