

## “The War on Drugs – 2003-2006: Tackling a Tough Social Issue . . . , But at What Cost?”\*

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Many believed that the majority vote secured by the People Power Party (PPP) in the Thai December 2007 elections was attributable to the Party’s decidedly populist campaign rhetoric and promises. One of the promises that seemed to strike a responsive chord among many in the electorate was to “get tough” with the drug problem. Indeed, during the December parliamentary campaign, more than a few PPP candidates had intimated that a PPP victory would mean a resurrection of the “War on Drugs” that an earlier prime minister, Thaksin Shinawatra, had pursued – amidst much controversy – several years earlier. With Samak Sundaravej at the helm, the PPP, in alliance with several smaller parties, became the nucleus of the new government — the first formed in the aftermath of the September 2006 coup that removed Thaksin from office and also the first formed under the 2007 constitution.

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Shortly after being appointed as prime minister, Samak lost little time in publicly making the case for a renewed “War on Drugs,” as part and parcel of the PPP’s campaign promise to “get tough” with the illicit drug problem.

Concurrently, his Interior Minister, Chalerm Yoobamrung, in defense of the deaths of some 2,700 persons during the Thaksin “War on Drugs,” averred that it would “be natural” that some people would lose their lives in a concerted national campaign to rid the country of drug dealers and their accomplices.<sup>[1]</sup> He told parliament, “When we implement a policy that may bring 3,000 to 4,000 bodies, we will do it.”<sup>[2]</sup>

Despite an outcry from social and political commentators, human rights organizations, and others, Prime Minister Samak’s government seemed intent on re-launching the “War.” Indeed, in early-February, in response to strong criticism from some parties in the Parliament, he took the floor to vigorously defend his plan for renewed “get tough” approach.

Samak told reporters at a news conference, February 22, 2008:

“We will pursue a suppression campaign rigorously. There will be consequences.”

“Why are your journalists so concerned about the deaths of those drug dealers? Should the government pass regulations saying police can’t shoot drug dealers?”

“Should the law say police are allowed to fire only after being shot at by fleeing drug dealers?”<sup>[2]</sup>

Despite the Interior Minister’s assurances that a renewed “get tough” policy would scrupulously follow the rules of law and abide by accepted human rights principles, skeptics were largely unpersuaded. Many recalled first “War on Drugs,” when the front pages of newspapers were filled with nearly daily stories of “pre-emptive killings.” A number of public opinion leaders questioned whether a renewed “War” would yield anything other than similar human rights violations and abuses.

By contrast, some segments of Thai society, as well as many members of the law-enforcement agencies believed, as they had during the Thaksin “War on Drugs,” that drug dealers were nothing more than hardcore criminals. They largely dismissed or minimized the stories about “pre-emptive killings” that had occurred during the initial “War” and argued that there was no way to fight drug-dealing criminals other than the suppression approach that Thaksin had employed and that Samak was planning to emulate.

With this swirling debate in full force at the end of March 2008, some citizens wondered just what had been accomplished during the first “War,” and at what cost. Others wondered whether there were in fact no effective alternatives to the approaches employed in the initial “War.” With the government seemingly poised and determined to launch “War on Drugs II,” with or without formal declaration, many believed it imperative that the facts of the first “War,” and the lessons to be drawn there from, be thoroughly analyzed and understood.

### **The Drug Problem in Thailand – Genesis and Transformation**

Historically, almost opium addicts in Thailand were Chinese immigrants during the reign of King Rama II, approximately 200 years ago. The opium cultivation was very prevalent in the mountain area, especially in the northern part of Thailand known as the Golden Triangle area, where the border of Burma, Laos and Thailand meet. As of the late 1970’s, Thailand, with effective and comprehensive crop substitution programs, under the royal initiative, in the North, had been largely successful in eliminating the cultivation and production of opium. However, other types of narcotics had come on stream to take the place of opium and its derivatives as the new scourge of the nation.

As reported in the International Narcotics Control Strategy Report 2003, Thailand had “ceased to be a major source country for heroin.” However, the Report continued:<sup>[3]</sup>

. . . Thailand is a major importer and consumer of amphetamine-type stimulants (ATS), which are largely manufactured in Burma, The ATS abuse problem in Thailand is the worst in the world. It is recognized by the Thai government and people as a major national security problem, and an important threat to the safety and health of the Thai people.

Indeed, it was reported that, beginning in 1997 – around the time of the national economic crisis -- the *new* form of drug problem in the country grew to become the worst in the entire history of the nation. This worsening situation continued right through 2002, and in fact provided much of the Thaksin government’s rationale for the “get tough” approach that was the hallmark of the “War on Drugs” that Thaksin announced in 2003.

### **The Need for Urgent Solution: Circa 2001**

The illicit drug problem that descended on Thailand in 1997 involved, mostly, the production, distribution, and consumption of low-dosage methamphetamine pills. Made from a combination of caffeine, filler, and a methamphetamine known locally as “ya ba” (or “crazy medicine”) among youth and industrial workers, this illegal substance spread like wildfire among certain segments of Thai society. As high as 6 percent of Thai secondary school and universities students self-reported their involvement in drugs <sup>[4]</sup>

The sheer scope and seriousness of the problem, as of 2001, could be discerned from the following comparative data, showing the rise in the number of addicts, the increase in the number of drug cases and drug arrests, the accelerating quantities of drug seizures, and the surging number of prisoners whose incarceration was drug-related.

- The rising number of drug addicts: While in 1977, there were an estimated 70,000 addicts, by 1985 that number had “skyrocketed” to 400,000.<sup>[5]</sup> Further, by 2001, the estimated *minimum* number of drug addicts was deemed to approach *nearly one million* – equivalent to 2.2% of the total population.<sup>[6]</sup>

- The increasing number of drug cases and arrestees: Whereas there had been 46,575 drug cases in 1987, the number grew to 163,010 in 1997, and further surged to 206,244 cases in 2001.<sup>[7]</sup> In 1987, the number of drug arrestees was 46,575 but in 1997, the number rose to 176,778 and in 2001, 219,224 cases<sup>[7]</sup>
- The accelerating quantities drug seizures, especially methamphetamines: to which a large number of people had become addicted: methamphetamine seizures went from 1,916 kilograms in 1997 to a whopping 8,448 kilograms in 2001.<sup>[7]</sup>
- The exploding number of prisoners whose incarceration was drug-related: By 2001, there were more than 100,000 such prisoners – a number that dramatically increased the 35,824 cases reported just four years earlier, in 1997.<sup>[8]</sup>

Apart from the rapidly deteriorating situation portrayed by the aforementioned indicators, people's attitude and opinion, by 2001, also indicated the priority assigned to the drug problem, in comparison with other problems. Responses to one opinion survey in 1999, two years after the economic crisis, revealed that the drug problem was then perceived as the *third* most serious problem for the country, after the lingering economic slump ("most serious problem") and corruption within the government ("second most serious problem").<sup>[9]</sup> But if among Bangkokian respondents, the drug problem was ranked as the national problem that should be accorded *top* priority. Thus, whether viewed from the perspective of the nation as whole (with the drug problem being perceived as among the top three priority concerns) or from the perspective of the nation's most populous city, its capital, the drug problem was of great and rising concern — one on which the Thai public expected decisive government action.

### **The Coming of Thaksin and the Evolution of Drug Control Policy**

The 2001 national election took place against this backdrop of growing public concern about the drug problem. With repeated promises to tackle and solve the drug problem, among other populist measures that he skillfully trumpeted during the campaign, Dr.Thaksin Shinawatra, founder and leader of the *Thai Rak Thai* political party, succeeded in engineering a landslide victory. Hence, as he prepared to become prime minister, Thaksin was convinced that the people had given him a mandate to prepare and implement a strategic national policy to tackle this growing social problem.

Accordingly, upon assuming office in 2001, one of the priority concerns of the new Thaksin administration was that of devising a drug prevention and suppression policy with which to combat the persistent illegal drug problem plaguing Thai society. The citizenry, particularly in the Bangkok metropolitan area, had long been clamoring for greater action on the part of the national government to bring the problem under control. Not only was the dealing in and consumption of illegal drugs – particularly amphetamine-type stimulants – believed by many to be fueling a range of social ills and crime, the public was also increasingly concerned that the problem had begun to spread to segments of Thai youth. Unless steps were taken to arrest and reverse the trend, many citizens felt that it would soon spiral completely out of control.

#### ***Circa 2001-2002—Drug Addicts as ‘Clients’***

The resultant drug prevention and suppression policy that the Thaksin government presented to the parliament on February 26, 2001 was noteworthy for its overall approach to the drug problem, especially the somewhat unexpected – to some — declaration that “prevention must come before suppression”. It was further noteworthy for its differentiated approach to drug users and drug addicts *versus* drug traders. The former, the policy read, “must be rehabilitated,” while the latter “must be severely punished.”<sup>[10]</sup>

In the first year of his administration, Prime Minister Thaksin approved a set of very comprehensive measures to the drug problem. Under the policy document, National Strategies to Fight against Drug Problems, were several tactical thrusts with specific individual objectives aimed at (i) reducing the demand side of the drug problem, (ii) reducing the supply side, (iii) preventing *potential* demand, and (iv) promoting improved administration and implementation of policies (see Exhibit 1).

During the initial stage of the policy implementation in 2002, the new Thaksin Administration opted to pursue mostly preventive measures — for example, the Social Ordinance Policy, White Schools, White Communities, White Work Places, Sports for Free of Drug Use (using sports as an alternative to drug indulgence for slum children and youths), etc. Among the preventive measures, the Social Ordinance Policy was the most prominent.

Launched in 2001, the Social Ordinance Policy aimed to prevent under-aged youth (less than 18 years old) from going to night entertainment centers and also to place such centers under strict law-enforcement surveillance so as to diminish the opportunity for drug pushers to distribute drugs. In addition, the Ordinance provided for random urine testing in these entertainment centers to identify drug users who might be present among the crowd. Under the provisions of the Ordinance, the repeated discovery of many cases of drug users or under-aged customers in a center could result in the temporary closing of the facility. The purpose of this sanction was to encourage the owners of such venues to do everything possible to ensure that no drug use occurred and that no under-aged patrons were present on the premises. Another provision of the Ordinance included entertainment zoning, night entertainment business allowed at specific locations, which a later public opinion survey found to be the Thaksin government policy that the public held in highest regard, in that most citizens considered it a very effective way to prevent drug use among the under-aged, as well as a host of other social problems.<sup>[8]</sup> Eventually, however, continued concerted opposition from owners of these entertainment venues, some of whom were highly influential figures, all but nullified the zoning component of the Ordinance, as the government gradually backed off consistent and tough enforcement of it.

Other measures to control drug included measures, such as the voluntary and forced rehabilitation programs launched in 2002, sought to augment the overall preventive approach by reducing the *demand* side of the drug problem. The government declared “drug users were *clients* to be treated”. Many drug rehabilitation centers were set up for almost a million drug addicts. Soon, however, the increasing burden of taking care of drug addicts exceeded the ability of the Ministry of Health to cope with. The government then called on the army for help. Some military camps were modified to serve as rehabilitation centers. Those drug addicts who either were forced or voluntarily turned themselves in to the authorities and agreed to undergo therapy would not be imprisoned. In the past drug addicts who were arrested would only be imprisoned because they were viewed as criminals. But those who unsuccessfully passed the therapy, would be imprisoned for periods of time determined by the courts.

It was later reported that of the drug abusers who successfully completed the rehabilitation treatment program, 75.2% succeeded in completing eliminating their drug addictions.<sup>[11]</sup> Despite these indications that the many prevention and therapy policy initiatives under the rehabilitation approach was producing the good results, these initiatives, in the final analysis, could not reduce the number of drug addicts as fast as people in the society wanted to see.

#### ***Circa 2003-2006 -- Drug Dealers as “Traitors”***

While, the therapy was not always successful and the measure for preventing the potential drug-demanding group from drug addiction and for demand reduction could not give the results within a short period of time, a huge quantity of drugs continued to flow into Thailand from neighboring countries through both formal and informal border crossings. With as many as 700 – 800 million [per year] methamphetamine tablets estimated to cross just one border.<sup>[12]</sup> Also, it was estimated nearly all the villages/communities in Thailand in 2003 experienced the spread of narcotics at a certain level.<sup>[13]</sup>

Thus, with the relatively long timeline needed for rehabilitation policies and initiatives to reduce the number of addicts, combined with the uninterrupted flow of illicit drugs into the country, social pressure mounted for the government to accelerate the solution to the drug problem. Evidence of this increasing social pressure could be seen in a public opinion survey to ascertain the citizenry's views as to which particular problem was most destructive of the country. Of the 15,000 respondents, the majority [simply stated "majority"] stated that the drug problem was the main destructive force, followed by corruption.<sup>[14]</sup> Another survey found that more than 90% of the respondents considered the drug problem to be a "real" one, felt that the government had to solve the problem seriously, and believed that it was a national problem.<sup>[10]</sup> Results of interviews conducted with administrators of drug prevention and suppression projects, implementing officers from various agencies under the Ministry of Interior, pronouncements and commentary by respected celebrities – all these and other data confirmed that the drug problem was the most serious social problem and the government had to solve it urgently<sup>[8]</sup>. Indeed, it was perhaps no coincidence that during this time, there appeared the special slogan, "*Drug traders are traitors.*"

By 2003, with both the public and the government becoming frustrated that the preventive and rehabilitative measures were slow in stemming the tide of drug trafficking and drug abuse. The government gradually turned to a law-enforcement approach. The first actions presaging a shift in government approaches to the problem was a mass media campaign centered on the message, "Drug dealers are traitors". In a relatively short period of time, a large number of billboards went up in Bangkok and the inner districts of the provinces, often depicting widely respected figures above the message:

With the continuing seriousness of the drug problem, then-Prime Minister Thaksin was moved to announce, on January 16, 2003, a "War on Drugs." Henceforth, as he made clear in announcing the new campaign, the government, as a matter of national priority, would wage a "war" on the drug problem and take whatever measures were required to win the "war."

The resultant “war” would quickly attain the distinction of being one of the most controversial and divisive national policies ever implemented by a Thai government.

### **The “War on Drugs”: Structures and Performance Expectations**

While the overall policies for pursuing the “War” rested with the Prime Minister, *implementation* of those policies was necessarily the responsibility of a number of governmental organizations. Consequently, the prosecution of the “War” plan was a rather complicated and difficult process, involving the participation and coordination of many different organizations.

#### ***Designation of Coordination Structures***

To facilitate the requisite degree of interagency collaboration and coordination need to execute each operation, the government, on January 28, 2003, set up the **National Command Center for Combating Drugs (NCCCD)**. The Vice Prime Minister, and also the Interior Minister himself, was appointed as the director of the center, with the Director of the Office of Narcotic Control Board (**ONCB**) serving as the secretariat. The **NCCCD** was an ad hoc committee had designed an organization structure so as to direct command branches throughout Bangkok and also at provinces, districts, and sub-districts throughout Thailand. This structure was aimed at ensuring maximum cooperation between the provincial governor and the provincial police commander. To underscore this expectation, Prime Minister Thaksin also made it clear (see discussion in subsection below) that if the two offices could not control the drug problem in their province, they would be reassigned to inactive posts.

The reactions of affected personnel to this organization structure and to the perceived seriousness of the Prime Minister with respect to winning the “War” were **mostly** positive. For example, A survey of ONCB officers’ views revealed a high level of satisfaction with the coordination structures and mechanisms, a strong degree of belief that this kind of mechanism would in fact enhance coordination among the various government agencies

involved in drug suppression, and an abiding belief that frequent statements concerning the government's determination to fight against drugs would energize all involved to perform their duties effectively.<sup>[15]</sup>

### ***Communication of Performance Expectations***

In addition to establishing the aforementioned structures and mechanisms aimed at ensuring effective operations in the newly declared "war," Prime Minister Thaksin sought to communicate frequently to both the public at large and "troops" in the declared "War on Drugs." Communications to the public at large seemed largely aimed at reassuring the citizenry that his government took the drug problem very seriously, was marshalling all resources at its disposal to get the upper hand on the problem, and would indeed prevail in fairly short order. Communication with law-enforcement and allied personnel in the field was aimed at ensuring these individuals' maximum commitment to the campaign and setting clear expectations concerning what levels of performance would be deemed satisfactory.

In addition, in January 16, 2003 meeting of high-ranking officials from all government ministries and departments having some duty in regard to the drug problem, Thaksin both announced the new "War on Drugs" and communicated a number of "instructions," a few of which also constituted performance expectations. Among these instructions were the following:<sup>[16]</sup>

- That the government fully intended to fight until it *won* the "War."
- That "some casualties" were to be expected, "naturally."
- That no mercy would be shown to drug dealers.
- That the concerned agencies and departments had *three months* in which to get the problem solved, commencing February 1, 2003.

## **Battlefields of the “War on Drugs”**

### *Preparing the Lists of Targeted Suspects*

With “war” having been declared, the first step required before the “troops” (i.e., law-enforcement personnel) could enter the “battlefield” was the development of a list of the opposing “combatants” whom they would be targeting on the battlefields of the “war.” Right after the NCCCD was set up to be the command center (on January 28, 2003, it assigned law-enforcers (both from the Interior Ministry and the Royal Thai Police Department) to prepare the report – hereafter referred to as the “blacklist,” the name that became associated with it – a list containing the names of drug dealers and drug addicts, in addition to the names of government officials who were believed be involved with the drug dealers in their precincts. The list had to be completed on February 1, 2003, affording law-enforcers had only a few days to complete the blacklist.

Desperate to meet the tight deadline for developing the blacklist, law-enforcement personnel resorted to a number of tactics for completing the assigned task within the specified timeframe. Some officers were reported to have simply dusted off lists of suspected drug dealers and addicts compiled at earlier points in time, despite the potential problem that such lists were, in at least some, cases seriously out of date<sup>[17]</sup> Others constructed their lists with information obtained from one or more community meetings, comprised of prominent, influential, and/or well-informed members of the particular community.<sup>[17]</sup> Often law-enforcement personnel had neither sufficient time nor sufficient interest to pursue cross-validation of the alleged culpability of persons whose names surfaced in such forms, thus at least raising the possibility that at least some names put forth in such settings may have been provided for reasons other than reputed drug involvement.<sup>[18]</sup> Still other lists were compiled from information provided by local government officials at the *amphors* (i.e., district) level.<sup>[19]</sup>

Whatever the source of the information, the completed blacklists were then sent to the governors. Their task was to compile the names for all areas within their regions into lists of all “known” drug dealers, drug addicts, and government officials believed to be involved, in one

or another, with the drug trade.<sup>[119]</sup> It was reported that “the final blacklist for one province might be as long as a thousand of names” – a result of which police authority felt especially proud, as it signaled to higher-ups that they had indeed worked diligently to uncover every drug-involved suspect in their bailiwicks.<sup>[118]</sup>

Notwithstanding potential problems of blacklist reliability as a result of the inclusion of out-of-date and uncorroborated listings of drug-involved suspects, these were lists with which law-enforcement personnel had to work when the Permanent Secretariat to the Interior Ministry issued its February 15 and February 21, 2003 memorandums directing that all government officials involved in drugs were to be “eradicated” by March 10, 2003, and that all drug producers and dealers had to be “eradicated” by April 30, 2003.<sup>[20]</sup> With this directive, the law-enforcement “troops” were about to enter the “battlefields” of the War, regardless of any potential problems with the validity or reliability of the blacklists of alleged miscreants that would accompany them into battle.

#### ***Acceptably Eliminating Names on the Blacklists***

In addition, the letter from the Interior Ministry dated February 21, 2003 suggested the guideline to fight against drug. It was believed that some officers might interpret the idea conveying in the letter as the suppression of drug producers and drug dealers had to be executed by the three methods: (1) arrests, (2) extrajudicial killings, and (3) deaths because of other causes. That was to say, the name on the blacklist could be reduced only by the three methods.<sup>[20]</sup>

Some law-enforcers recalled the experience filled with rush and confusion at that time. Because the goal of the 2003 war on drugs was to **eradicate** all drug dealers within only 90 days, they had to breakdown the total targets to the their daily target. In order to reduce the name from the list, sometime a police might have to follow the targeted person for days. If the police could not arrest him for drug charge, he might charge him for other misdemeanor

offence, for example, because of drunk driving. This arrest record could be accredited for the reduction of the blacklist. And the shorter list would be the empirical measurement of performance the law-enforcers.<sup>[18]</sup>

***Measuring the Performance of the Law-Enforcer “Troops”***

Traditionally, the measurement system used to evaluate the performance of the Thai police force had been designed to aid in decisions concerning advancement (i.e., promotion) and salary increases (e.g., the two-step salary increments). It had not usually been utilized for evaluative purposes with respect to the individual strengths and weaknesses for training purposes, or to serve as a guide for purposes of individual improvement, or to inform work assignment decisions based on individual ability. However, the aspirations of many police officers included promotion to higher level positions of authority within the service. Indeed, it could be said that being in a more powerful position was a potent incentive in itself.<sup>[21]</sup>

In addition to promotion, the government also set a system to reward law-enforcers, not only police officers but also the ONCB and the interior ministry officers, for the cash incentives. The Ex-Prime Minister Thaksin said that “at three Baht [U.S. \$ 0.07] per methamphetamine tablet seized, a government official can become a millionaire by upholding the law, instead of begging for kickbacks from scum of society”.<sup>[22]</sup> Therefore, when the government stated that one of the rewards available to law-enforcers, in terms of amounts of drugs and money seized, and also would enhance promotion opportunities; many officers responded with great enthusiasm and eagerness to “eradicate” the drug problem by eradicating the names on their assigned blacklists.<sup>[23]</sup>

## Understanding the Beliefs and Views of the Thai Police

Thai police officers might hear of the words such as police-community relations and community policing. But most police officers believed the primary of police core mission was **to control crime**. Therefore, police usually viewed themselves as “**the crime fighter**”. In order to control crime, therefore the police believed their work was to deal with **criminals**. That was the reason why many police officers would describe their work as dangerous, difficult, hard, and stressful. Most of them believed that they had to do something about **bad people** or to do a dirty work, as for **the noble cause**, if not, no one would do it. Some police officers might think this was a part of being a good police.<sup>[23]</sup>

Traditionally, even prior to Prime Minister Thaksin’s announced “War on Drugs,” Thai police had been found to be virulently anti-drug. While, they tended to take a somewhat lenient stance toward of illegal gambling and prostitution (which they viewed as “not too serious”), they were adamant in their view that the drug problem was as a very serious social problem and the foremost threat to Thailand’s national security. Thus, on the whole, they had *zero tolerance* for drug traffickers.<sup>[8]</sup> Further, they had no faith in the *preventive model* of drug control, primarily because, in their judgment, it took too long for it to be effective. The problem was much too pervasive and too serious for the country to wait for the “softer” approach to yield measurable results. Besides, in their view, many drug traffickers commanded such influence that it was very difficult to hold them to account through the formal judicial system. With the enormous sums at their disposal from their illegal activities, they were often in a position to avoid apprehension and punishment.<sup>[23]</sup>

In the police force, then, the Prime Minister had some of his strongest support for the revamped drug control policy – a policy that now employed a decidedly *crime suppression model*. Indeed, the overwhelming majority of police officers expressed the view that Thaksin was the first prime minister who really understood the drug problem, who was fully devoted to the fight against drugs, and who possessed the strong leadership skills needed to pursue the effort through to victory<sup>[8]</sup>. Their view of the threat to the nation posed by the drug problem was widely shared within the army, as well as among the Thai people in general.

The Royal Thai Army, in particular, was of the view that methamphetamine abuse in Thai society had, by 2003, had reached crisis proportions in terms of constituting a threat to the national security. To the many in the army who held this view, the drug issue was a far greater threat to national any phenomenon since the communist insurgency of the 1970's. Thus, they also supported the taking of harsh action against drug traffickers and took the step of establishing their own Narcotics Suppression Committee to oversee the drug problem, especially by stepping of their monitoring of the northern border to reduce drug transfer activities.<sup>[24]</sup>

In addition to severe suppression, or the so-called “Iron-Fist” policy, the government introduced a supplementary measure – i.e., the confiscation of property derived from involvement in illegal drugs. This measure included (i) the seizure of property related to narcotics in accordance with the Act of Drug Offender Suppression, B.E. 2534, (ii) the seizure of property derived from the laundering of money earned from drug trade in accordance with the Act of Money Laundry Prevention and Suppression, B.E. 2542, and (iii) tax inspection, in accordance with the Tax collection law, especially of key drug traders who were involved in organized crime with complicated networks, financial influence, power and linkage with corruption.<sup>[25]</sup>

### **The Noble Cause...and the Haunting Cost**

Throughout the three-month duration of the war, the front pages of daily newspapers were filled with stories and articles about the police crackdown on accused drug suspects. News channels were also filled with pictures of deaths that arose from the ongoing violence. As speculated by the police and news reporters alike, many of these casualties were “*pre-emptive killings*” by drug-trade participants themselves, often as a way to “cut the rope to a big trader”.<sup>[26, 27]</sup>

Soon the ever-burgeoning number of deaths prompted social commentators, human right activists, and columnists to unleash a torrent of ongoing criticism, taking issue with what, to many, had clearly become an exceptionally bloody war. They accused the government of having given tacit permission for police officers to execute suspected drug traffickers without judicial process.<sup>[28]</sup> Further criticism came from external sources, such as Human Rights Watch, which in a 2004 comprehensive report – “Not Enough Graves: The War on Drugs, HIV/AIDS, and Violations of Human Rights” – lambasted Thailand’s deteriorating human rights record.<sup>[17]</sup>

Nevertheless, the public’s reaction to the casualties of the campaign was overwhelmingly favorable, at least in the immediate aftermath of the “War.” A survey of public opinion (during July 18-September 24, 2003) found that 97.3 percent of the nationwide samples were very satisfied with the government’s war on drugs policies. Moreover, ninety percent of them were very satisfied the work of the officers in their provinces. Also, ninety five percent felt very satisfied with the results of the policy implementation.<sup>[29]</sup>

Perhaps inevitably, the high number of unexplained deaths led to doubts among people about not just this new phenomenon (for Thailand) of so-called “pre-emptive killings,” but also about forensic proceedings, autopsies, the checks and balances of police power, and law-enforcement accountability in general. People began to have second thoughts about the “War.” In an attempt to address these concerns and assure the public that the high number of casualties did not reflect an abnormal use of naked police power, the commander of the Royal Thai Police, General San Sarutanont provided the results of a preliminary investigation of the three-month death toll in December 2003. Of the 2,849 deaths that resulted from 2,598 “incidents,” he explained, only 72 deaths that arose out of 58 separate incidents could be attributed to “extra-judicial killings” or deaths caused officers acting in “self-defense.”<sup>[30]</sup> The public was left to conclude, therefore, that the remaining nearly 2,800 deaths were due to “pre-emptive killings” by large players in the drug trade, aimed at severing the connection between themselves and lower-level dealers and addicts.

To be sure, many Thai citizens remained supportive of the drug war policies, notwithstanding the high casualty count. Many were of the view that the outcome – quick control of the drug problem within a limited time period (see Exhibit 2) – superseded the fact that it had been an extraordinarily bloody affair. Yet, a certain uneasiness remained in the minds of a large portion of the population, centered largely on the perception that some events in the “War” suggested that they were living in a society that seemed to lack proper accountability mechanisms for the law-enforcers.<sup>[31]</sup> The overall death toll continued to haunt the memory of many.

In an attempt to put to rest the haunting concern of many that perhaps Prime Minister Thaksin had quietly authorized the extra-judicial killings that so unnerved much of the citizenry, the military-appointed government that succeeded Thaksin after he deposed in a September 2006 *coup d'état* appointed a commission charged with investigating the matter and identifying those responsible for the 2,849-person death toll, concerns of a sizable segment of the population. The conclusion stated in the post-investigation report issued by the commission: No conclusive evidence could be found to link the now ex-Prime Minister Thaksin to the killings.<sup>[32]</sup>

### **A Revival? – “War on Drugs II?”**

In the approximately four-year time span from the end of Thaksin’s 2003 “War on Drugs” through the interim government of General Surayud, there had been few government initiatives undertaken with respect to drug control issues. Consequently, as reported by the Office of the Narcotics Control Board, the drug problem had once again become resurgent.<sup>[15]</sup> Thus, it was against this backdrop that newly appointed Prime Minister Samuk Sundaravej went before the newly elected parliament in February 2008 to defend his declared intention that the government would, once again, “get tough” with drug dealers.

For many, both Prime Minister Samak's vigorous defense of his plans for a renewed "get tough" approach and his Interior Minister's comment about it being only "natural" for nearly 2,800 people to have lost their lives in the first "War on Drugs" were sources of disquiet. Some observers, including concerned citizens, wonder, "What would be the *cost* of a "War on Drugs II?" Other commentators in the press asked, "What have we learned from the previous "War" that will protect us from the excess exercise of raw police power?" Still others wondered whether there might be any alternative strategies to the literal prosecution another drug "war."<sup>[33]</sup>

With the distinct possibility that Samak government could commence a renewed "war" of as-yet unknown proportions and policies at almost any time, many were keen to analyze carefully what had occurred, and why, during the initial "War" and whether, in the final analysis, the Thaksin "war" could be said to have been successful. The images from the first "war" that continued to haunt many a Thai citizen made it imperative that the people as a whole make an informed decision as to whether to support a renewed "war," and if so, with what government assurances concerning strategies, tactics, policies, checks and balances, and accountability.

## **Exhibit I**

**Nine Strategies for the Drug Eradicating Policy or the “Concerted Effort of the Nation to Overcome Drug” Policy (2001)<sup>[34]</sup> are as follows:**

**(1) Creation of people’s awareness and prevention**

People will be made to have a knowledge and understanding of as well as to be aware of, the harmful effects of, drugs on the nation so that they will cooperate in drug prevention and suppression, realizing that it is not the sole responsibility of any particular individual or organization. All sectors in society must join hands to overcome this problem.

**(2) Control of drug components and chemicals**

Inspection, control and prevention of prime substances and chemicals, including the drug production equipment, at the production sources, so that they cannot be utilized to produce drugs both in and outside the country. Also controlled are drug components and other substances that can substitute existing narcotics.

**(3) Suppression**

Development of the personnel in terms of knowledge, conscience and faith, coupled with the development of technologies and methods for drug suppression, and support of investigations and use of existing legal measures to completely eliminate and destroy the production networks, capitalists, big drug traders, influential people, conspirators, delivery people, immediate traders and small traders, including government officers involved in illegal drugs.

**(4) Treatment and rehabilitation**

The structure of the drug problem will be destroyed by cutting the drug cycle and isolating drug addicts for therapy and rehabilitation by means of voluntariness and coercion. There will be also follow-up activities to give assistance to and boost morale of those undergoing therapy and rehabilitation so that they will be able to return to their families and communities and can lead a normal life. Also developed along with are the efficiency of resource utilization by different organizations—public, private and people—so that all drug addicts will have an opportunity to receive effective, quality therapy and rehabilitation.

**(5) Intelligence**

Systematic development, coordination and operation of intelligence among related agencies to efficiently support suppression, especially trafficking prime substances and chemicals in and out of the country, suppression of the drug production networks, capitalists, influential people, supporters, key drug traders, and government officers involved in drug trade.

**(6) Directing and coordinating**

Directing work will be developed to bring about the highest efficiency of joint operation among all agencies concerned and all sectors in Thai society, destroying the barriers of joint operation between the public and the private sectors.

**(7) Amendment of laws and juridical process**

The goals of amendments are to enable the juridical process to be speedy and fair, to drastically punish drug offenders, and to facilitate the implementation of the policy on “drug-addicts as patients”, and so on.

**(8) International cooperation**

The aim is to drive and push cooperation in different aspects that lead to the elimination of the drug problem in the country itself, in the neighboring countries, as well as in the whole world.

**(9) Research, development and follow-up**

Support of research, evaluation and follow-up of drug eradication projects to come up with a practical solution based on the information derived from scientific and systematic analyses.

All the nine strategies of the policy are designed to completely destroy the vicious drug cycle in an integrated way if implemented intensively and efficiently.

## Exhibit II

### **Results of the Drug Eradicating Policy Implementation in 2003<sup>[35]</sup>**

The overall effectiveness of the drug policy at that time was that the drug problem in the country could be controlled within a short time, as can be seen from various indicators:

1. The number of arrests in drug cases and the quantity of drug seizure, especially methamphetamine, decreased a great deal during 2003 – 2006, from the year 2002 when the record was very high. See table 1.
2. The number of convicts in drug cases. (After the ruling of the Supreme Court) has declined, resulting in the continuous reduction of the number of prisoners. See table 2-4.

One important quantitative indicator was the increasing number of asset seizures from those involved in drug trade.

In addition, the drug eradicating policy of the Thaksin's government was not only focused mainly on enforcing legal measures, only searches and arrests were made, but also other supplementary measures were also used. One important measure was confiscation of property in accordance with the Act of Suppression of Narcotics Offenders, B.E. 2534 (1991). This Act was passed a long time ago, but it was not strictly enforced. Another measure was aimed at handling with organized crime which had complicated networks with money power and corruption, or the so-called unscrupulous public officers. It was hardly possible to punish big drug traders in the juridical process, but this measure of seizure of property of those involved in drug abuse was very effective, as criminals feared such action because the main goal of drug trade was to become wealthy.

After the war on drugs, a large amount of property related to narcotics was seized in 2003, (when the war on drugs was declared) compared to that in previous years (See table 5). In 2002, for example, the amount of property seized from drug cases was worth 805.8 million baht, while in 2003, the amount rose to 2,195.8 million baht.<sup>[36]</sup>

The qualitative indicators were stated below.

- 1) Officers responsible for the policy, especially the Office of Narcotics Bureau Board, were satisfied with the administrative innovations, particularly the National Drug Fighting Committee headed by the deputy prime minister, who were seriously speeded up the policy implementation at the national, provincial and district levels.
- 2) Officers were motivated by job incentives, such as getting a reward for arrests and after property confiscation. More budgets were allocated for policy implementation. The police and others concerned had a better work morale.<sup>[15]</sup>
- 3) People were satisfied with the policy implementation. In fact, several surveys revealed that people were more satisfied with the government’s policy on drug eradication than any other policy because they felt that the drug problem was declining.<sup>[16]</sup>

However, the most controversial unfavorable results were as follows.

What was undesirable was, in fact, something but unexpected. That is, in waging the war on drugs for three months (February 1 – April 30, 2003), there were 2,598 killings with 2,849 deaths and 58 extrajudicial killings with 72 deaths. This led to doubts among people about killings to cut the rope to a big trader, forensic proceedings, autopsies, the check and balance of the police power, and accountability. The current government, therefore, appointed a commission on August 14, 2007 to find out the facts and to find those responsible for the negative impacts of the policy implementation and the extrajudicial killings. Finally, the inquiry found no evidence which would enable the punishment of those involved. “Due to lack of evidence, as many witnesses have refused to come forward to provide vital information to the investigators, this panel couldn’t hold anyone responsible,” the formal Prime Minister Surayud Chulanont said, January 20, 2008.<sup>[37]</sup>

**Table 1: Thailand Total Drug Arrests and Drug Seizure by Years (2002 – 2006)**

Types		2002	2003	2004	2005	2006
Heroin	Cases	2,756	1,609	686	465	384
	Arrests	2,983	1,764	819	576	450
	Drug Seizures (Kg.)	635.3	437.5	820.2	954.6	91.7
Ecstasy	Cases	591	664	563	322	333
	Arrests	1,013	852	749	464	444
	Drug Seizures (Kg.)	37.7	33.2	31.2	8.6	6.7
		150,895	132,990	124,980	34,558	26,918
Opium	Cases	2,075	2,220	898	555	660
	Arrests	2,192	2,331	952	600	718
	Drug Seizures (Kg.)	3,938.0	10,220.9	1,594.6	5,767.5	783.1
Ketamine	Cases	250	325	164	101	108
	Arrests	397	477	287	172	154
	Drug Seizures (Kg.)	27.0	98.1	163.9	47.5	21.9
Cocaine	Cases	57	87	119	84	145
	Arrests	76	117	151	140	187
	Drug Seizures (Kg.)	15.1	10.8	12.3	6.78	36.4

Table 1 (Continued)

Types		2002	2003	2004	2005	2006
Codeine	Cases	651	485	304	139	112
	Arrests	761	576	370	177	167
	Drug Seizures (Kg.)	1,068.5	940.5	810.8	834.0	97.5
Cannabis Marijuana	Cases	20,633	15,525	7,476	6,680	9,106
	Arrests	21,906	16,816	8,441	7,537	10,196
	Drug Seizures (Kg.)	12,404.4	13,772.8	9,907.3	13,288.3	11,865.6
Kratom (local plant)	Cases	1,029	2,194	1,241	938	2,178
	Arrests	1,042	2,217	1,272	1,089	2,826
	Drug Seizures (Kg.)	1,494	1,174	2,055	1,724	6,275
Ice	Cases	41	70	195	564	844
	Arrests	48	112	265	731	1,096
	Drug Seizures (Kg.)	8.1	48.8	47.3	322.6	93.7
Methamphetamine (crazy drug)	Cases	167,810	63,595	34,860	50,368	53,290
	Arrests	177,502	68,071	38,736	55,789	58,945
	Drug Seizures (Kg.)	8,632.0	6,438.3	2,797.0	1,597.5	1,213.4
		95.9	71.5	31.1	17.8	13.5
Glue-inhalants	Cases	13,200	15,410	8,839	6,439	7,112
	Arrests	13,450	15,712	9,127	6,689	7,307
	Drug Seizures (Kg.)	453.8	535.6	279.1	168.7	230.4

Source: Office of Narcotics Control Board

**Table 2: Thailand Total Number of Sentenced Inmates (after the ruling of the Supreme Court) and Inmates with Drug Charges (2002-2006)**

Year	Total Inmates	Inmates with drug charge	% of total inmates
2002	245,973	110,778	45%
2003	210,395	136,012	65%
2004	166,760	102,204	61%
2005	162,293	92,417	57%
2006	160,930	90,587	56%

Source: Thai Department of Corrections

**Table 3: Thailand Total Drug Cases and Arrests (2000-2006)**

Year	Drug Cases	Arrestees
2000	222,614	238,380
2001	207,447	220,525
2002	207,862	219,062
2003	102,334	108,315
2004	55,423	60,669
2005	66,724	73,257
2006	74,403	81,937

Source: Office of Narcotics Control Board

**Table 4: Thailand Numbers of Inmates during 10 years (1997-2006)**

Year	N of Inmates	Change (%)
1997	125,870	-
1998	164,323	+30.54%
1999	199,543	+20.43%
2000	217,393	+8.95%
2001	244,240	+12.35%
2002	245,801	+0.64%
2003	210,234	-14.47%
2004	166,418	-20.84%
2005	161,879	-2.73%
2006	151,586	-6.36%

Source: <http://www.correct.go.th/eng/stat/statistic.htm> (quoted 10/31/2007)

Represented by the author:

(Note: The numbers may little vary depend on the date of report)

**Table 5: Thailand Number of the arrested in drug cases under investigation for Property Confiscation and the worth of the seized property**

Operation	During January - December					Total
	2000	2001	2002	2003	2004	
Number of the arrested in drug cases under investigation for property confiscation	449	811	1,042	1,838	846	4,986
Worth of seized property (million baht)	246.4	487.2	705.8	2,189.8	374.0	4,003.2

Source: Office of Narcotics Control Board Report, 2004:139.

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