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# STRATEGIC & DEFENCE STUDIES CENTRE

WORKING PAPER NO. 370

**ORGANISED CRIME AND TERRORISM  
IN THE ASIA-PACIFIC REGION:  
THE REALITY AND THE RESPONSE**

*John McFarlane*

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# Organised Crime and Terrorism in the Asia-Pacific Region: The Reality and the Response<sup>1</sup>

*John McFarlane*

## Abstract

Organised and entrepreneurial crime groups are well established throughout the Asia-Pacific region and have been very active in the whole spectrum of criminal activities from drug trafficking, human and arms smuggling, sea piracy and kidnapping to credit-card fraud, investment scams, money laundering and intellectual property crime. These groups range from the highly structured Japanese yakuza and Chinese triads to small entrepreneurial groups which specialise in providing a particular criminal service and street gangs engaging in opportunistic crime. There are also states, such as the DPRK and Myanmar, where senior officials periodically engage in criminal activities, such as drug trafficking and counterfeit currency operations, with the apparent knowledge, and blessing, of the state itself.

With little or no state sponsorship, terrorist groups operating in the region have little option but to engage in criminal activities in order to generate the necessary funds to support their political objectives. Such activities range from drug trafficking, extortion, kidnapping and bank robberies to credit card fraud and manipulation of the stock markets. Many groups also engage in legitimate business activities. Some groups, such as the Philippine Abu Sayyaf, could more accurately be described as criminal rather than terrorist groups, even though they employ terrorist methods.

A range of international and regional initiatives has been devised to limit the effectiveness of transnational criminal and terrorist groups that, if implemented on a region-wide basis, would certainly have a very significant impact on lowering the level of threat they currently present.

## Background

Much has been written over the last decade on the emerging problem of transnational organised crime, which has become identified as one of the key new issues challenging international stability and security. The United Nations Secretary General, Kofi Annan, summed up the situation in the following words:

The benefits of globalisation are obvious: faster growth, higher living standards, new opportunities. Yet a backlash has begun, because these benefits are so unequally distributed, and because the global

market is not yet underpinned by rules based on shared social objectives. ... In this New World, groups and individuals more and more often interact directly across frontiers, without involving the State. This has its dangers. Crime, narcotics, terrorism, pollution, disease, weapons, refugees and migrants: all move back and forth faster and in greater numbers than in the past.<sup>2</sup>

The events of 11 September have dramatically demonstrated that highly-motivated and capable non-state actors, employing carefully planned and targeted terrorist operations, facilitated by criminal activities involving drug trafficking, financial crime and covert money movements, identification fraud, and so on, have been able to seriously challenge the global strategic order and precipitate a major rethink of national and international defence, security and law enforcement priorities. Those who predicted that 11 September would be just a nasty blip on the global security radar screen have been proven wrong: the 'War Against Terrorism' has fundamentally changed US strategic priorities causing the US to adopt a hard-line unilateralist approach (albeit couched in 'coalition' terminology) that will have a major impact on the global security outlook and, inevitably, risks upsetting the security relationships with other states. This is the era of the *post-post-Cold War*.

Although not so obvious, transnational crime also possesses the potential to severely destabilise states through the illicit trafficking in arms, people and drugs; or attacking critical databases and systems through cyber-crime; impacting on the economies of states through fraud, white collar crime, money laundering or capital flight; or upsetting public confidence in governance through endemic graft and corruption.

This paper will consider the nature and capacity of transnational organised crime in the Asia-Pacific, its links to terrorism in the region; and the regional and international measures that are being developed to deal with these threats.

### **Transnational Organised Crime in the Asia-Pacific.**

#### *Factors facilitating the growth of transnational organised crime in the region*

The global developments that have encouraged economic growth and diversification in recent years have also facilitated the development of transnational organised crime.<sup>3</sup> These developments include:

- The dramatic advances in, and decreased costs of, international travel and the transportation of goods; the removal of external travel restrictions in many countries that previously controlled overseas travel

for their citizens; and the removal of visa requirements for entry into many countries.

- The changing nature of state sovereignty due to the emergence of regional associations and trading blocs. Related to this is deregulation, the internationalisation of business corporations and networking across national boundaries.
- The dramatic developments in technology and communications, including the so-called 'CNN factor', and the emergence of the Internet.
- The social, economic and political changes that have occurred with globalisation and the adoption of the market economy and western democratic values, which have led to increased levels of unemployment and untenable systems of state welfare and public health services in both developed and developing countries. Such factors, in some cases, lead to crime becoming a means of survival for disadvantaged people.
- The uneven development between 'Northern' and 'Southern' states (especially African and South Pacific states).
- Increasing levels of education and rising expectations of people in many developing countries, possibly leading to mass population movements internally and illegal immigration externally in search of a better life.
- The increasing sophistication of criminal organisations, which are becoming significant players in international economic activity.
- The potential for transnational organised crime groups (particularly from the former Soviet Union) to acquire and sell chemical, biological, radiological or nuclear agents or technology to criminal or terrorist groups, or to so-called 'rogue states'.
- The apparent increase of corruption, which facilitates crime at both the national and international levels.
- The inability of most countries to allocate increasing resources to the criminal justice system and law enforcement.
- The difficulty that the law enforcement agencies of many countries have in developing and maintaining the technical skills required to keep pace with banking and financial methodologies, developments in computers, technology and communications and the increasing complexity of national and international law.<sup>4</sup>

### *Definition of organised crime*

With the signing by 154 nations of the *United Nations Convention Against Transnational Organised Crime* in Palermo, Italy,<sup>5</sup> in December 2000, for the first time there is an internationally accepted definition of organised crime.<sup>6</sup> The Convention states, at Article 2(a), that:

[An] organised criminal group shall mean a structured group<sup>7</sup> of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes<sup>8</sup> or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Many other authorities and writers have also attempted to describe the attributes of organised crime. For example, Howard Abadinsky defines the concept in a more conventional way:

a non-ideological enterprise involving a number of persons in close social interaction, organised on a hierarchical basis with at least three levels/ranks, for the purpose of securing profit and power by engaging in illegal and legal activities. Positions in the hierarchy and positions involving functional specialisation may be assigned on the basis of kinship or friendship, or rationally assigned according to skill. The positions are not dependent on the individuals occupying them at any particular time. Permanency is assumed by the members who strive to keep the enterprise integral and active in pursuit of its goals. It eschews competition and strives for monopoly on an industry or territorial basis. There is a willingness to use violence and/or bribery to achieve ends and maintain discipline. Membership is restricted, although non-members may be involved on a contingency basis. There are explicit rules, oral or written, which are enforced by sanctions that include murder.<sup>9</sup>

However it is defined, organised crime is intent on using its power to make money, and it will do so, legally and illegally, trading in whatever commodity will provide maximum profit for the lowest possible risk of detection and prosecution. At both the national and international levels, organised crime is likely to be involved in varied and nefarious activities. Among these activities are trafficking of arms and narcotics, crimes of violence, racketeering, money laundering, pornography and prostitution, computer and ecological crimes, and many others. As organised crime infiltrates these various sectors of the economy, its activities are often supported by accountants, lawyers, financial advisers, bankers and chemists, as well as corrupt or compliant politicians, judges, local government officials, law enforcement officers, members of the military, media executives, professional people, businessmen,<sup>10</sup> and even community activists and priests.



The underlying motive for this criminality, in most cases, is quite simply power and money.<sup>11</sup>

The signing of the Convention was the culmination of six years of intensive effort by the Vienna-based Office of Drug Control and Crime Prevention (ODCCP).<sup>12</sup> This process began with the *Naples Political Declaration and Global Action Plan Against Organised Transnational Crime*, which the United Nations General Assembly adopted in 1994, to deal with the increasingly insidious threat of transnational crime. Accompanying the Convention are three important Protocols: the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*; the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*; and the *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*. The ODCCP is now working on a draft treaty or protocol on corruption and some additional work on cyber-crime.<sup>13</sup>

### *Transnational Organised Crime in the Asia-Pacific*

In the interests of brevity, and to maintain the focus on the Asia-Pacific region, this paper will consider the impact of transnational and organised crime on the security and stability of five countries in the region – China (including, for the purpose of this discussion Hong Kong, Macau and Taiwan<sup>14</sup>), Japan, the Republic of Korea (South Korea), the Democratic Republic of Korea (North Korea) and the Russian Far East.<sup>15</sup>

It is evident from the details presented in Annex A that, although the nature of the transnational organised crime threat differs with each of the countries concerned, the threat posed by these groups presents a significant problem for the countries of the Asia-Pacific. Not only has organised crime presented a serious internal challenge for the governments of the region, but it is also inextricably linked to corruption which is a serious issue in most Asia-Pacific countries (including Australia) and which undermines the conduct of good governance and frequently leads to community reactions involving public order issues.

In the case of the DPRK, the evidence available suggests that the regime has, at the least in the past, turned a blind eye to criminal activities, such as drug production and trafficking and the counterfeiting of and trafficking in foreign currency, involving DPRK officials and diplomats abroad.

### *Impact of Transnational Organised Crime*

National and transnational organised crime can have very significant impacts at the political, military, economic, societal, environmental, and, of

course, human security levels. These impacts clearly extend to national and international security concerns and to questions of stability and predictability in international relations.

Simply put, Phil Williams states that 'insidious, pervasive and multifaceted' transnational crime threatens:

- sovereignty;
- societies;
- individuals;
- national stability and state control;
- democratic values and public institutions;
- national economies;
- financial institutions;
- democratisation and privatisation;
- development;
- global regimes and codes of conduct.<sup>16</sup>

Many of the crime trends now evident are not new to Asia, but the frequency and sophistication of these trends are increasing. In addition, almost all the significant crime problems of the Asia Pacific and other regions are transnational rather than domestic in scope. What is also new to the region is the way in which the increasing crime trends are intersecting with other social and economic problems to destabilise individual nations and thus the entire region. Furthermore, transnational organised crime groups in the Asia-Pacific are proving to be more resilient, sophisticated and international in both their activities and outlook. They have been able to take advantage of weak governments, corruption, cultural and ethnic links spreading far beyond individual countries, nepotism, the growth of materialism, the proximity of cheap supplies of drugs (both natural and synthetic), the desire of many of the people of the region to settle elsewhere in pursuit of economic or personal security and, above all, the increasing gulf between the rich and the poor, the successful and the unemployable, the educated and the uneducated, and the well-fed and the hungry. These are all serious dichotomies for the people of the Asia-Pacific region, and many of them are precursors to systemic and serious crime and long-term social instability.

Such has been the impact of transnational crime over the last decade that many countries now regard transnational crime, in its various manifestations, as a national security issue,<sup>17</sup> so that the law enforcement efforts in this area are strongly supported by national intelligence community taskings, and the 'whole of government' approach to national security also encompasses prioritising and resource allocation to combat transnational

crime. Former US President Bill Clinton took the lead in this area in 1995 when he issued Presidential Decision Directive 42 (PDD-42),<sup>18</sup> but other major industrialised countries such as the United Kingdom, Germany, France, Italy, Canada and Russia have adopted a similar approach and tasked their Intelligence Services and agencies accordingly. Unfortunately, with the exception of a greater emphasis on countering illegal immigration, the Australian Government has not yet incorporated the wider threats from transnational crime or the higher level of offences against Commonwealth law into the national security agenda.

### *Strategies for Dealing with Transnational Organised Crime*

New strategies need to be developed to deal with the threat of transnational organised crime. Such strategies seek, for example, to:<sup>19</sup>

- Encourage the development of compatible laws between nations to facilitate the exchange of intelligence, the application of mutual assistance arrangements, simplify extradition arrangements between states, enhance investigations into and recovery of the proceeds of crime and generally speed the process of handling transnational criminal matters.
- Encourage states to accede to the major United Nations and other international Conventions, such as the three United Nations *Drug Conventions* (1961, 1971 and 1988),<sup>20</sup> supporting the *Naples Political Declaration and Global Action Plan against Organised Transnational Crime*,<sup>21</sup> support the implementation of the 11-point plan to combat transnational crime, agreed at the 1<sup>st</sup> ASEAN Conference on Transnational Crime in Manila in 1998<sup>22</sup> and the seven strategies agreed at the G8 meeting in Birmingham, England, in May 1998,<sup>23</sup> the adoption of the *40 Recommendations the G-7 Financial Action Task Force (FATF)*,<sup>24</sup> and enacting the OECD recommendations on combating bribery of foreign public officials<sup>25</sup> and, of course, ratifying the new *United Nations Convention Against Transnational Crime* and its various protocols.
- Encourage bilateral and multilateral cooperation and information flows between law enforcement agencies, including supporting the role of such organisations as INTERPOL, ASEANAPOL, EUROPOL and the Customs Cooperation Council.
- Encourage a greater level of coordinated cross border and transnational cooperation through regional coordination meetings and operational targeting, multilateral police training programs and technical exchanges (including employing compatible computer databases).

Transnational organised crime – and terrorism – can no longer be written off as ‘boutique’ regional security issues. These problems have become central to security and international policy concerns in the post-Cold War era, extending far beyond the scope of conventional law enforcement. The response to these transnational threats has resulted in a blurring of the traditional demarcation between diplomatic, military, law enforcement and intelligence roles of nations.

Countering the threat of transnational organised crime calls for the development of appropriate resources, professional skills, regulatory regimes, highly developed criminal intelligence and analytical capabilities, a dynamic and modern criminal justice system and close cooperation between the law enforcement community and the relevant professions. However, no state can defeat a criminal threat that is generated from outside its jurisdiction without developing sound working relations and cooperation with neighbouring states and adopting international ‘best practices’. For this reason the answer to the transnational crime threat requires new, imaginative and constructive regional and international responses.

## **Transnational Crime and Terrorism**

### *Background*

In 2001, the FATF identified the following major sources of terrorist funding:

- Drug production and trafficking;
- Extortion, i.e. extortion of businesses, building companies, social clubs, and wealthy individuals;
- Kidnapping for ransom, i.e. hostage taking to extort money or political concessions (accompanied by the threat of execution);
- Robberies, especially bank robberies;
- Fraud, especially credit card fraud;
- Illicit gambling operations;
- Smuggling and trafficking in counterfeit goods;
- Direct sponsorship by states;
- Contributions and donations;
- Sale of publications (legal and illegal);
- Legitimate business activities.<sup>26</sup>

To this list could be added:

- Illicit trafficking in firearms and diamonds;
- Human smuggling and sex trafficking;
- Manipulation of the stock market.

It should be remembered that the funds generated from these criminal activities might not flow directly into supporting terrorist operations, but may be invested in legitimate sources to generate a long-term cash flow for the group concerned. Frequently, these means of generating money are so successful that they may continue as conventional criminal activity, after the political campaign has been concluded.<sup>27</sup>

Traditionally, terrorist activities have been financed from a variety of sources:

- State sponsorship from, say, Libya, Iran, Iraq, Syria and, in the past, the former Soviet bloc;
- Non-state sponsorship, which is an increasing feature of modern terrorism and appears to be a major characteristic of *al-Qa'ida*, which has provided funding, training and infrastructure support to a network of groups sympathetic to its own aims, apparently on a scale much wider than previously estimated;
- Drug production and trafficking (or narco-terrorism), which has been a major source of income for *al-Qa'ida*, using its international links on a commission basis (10-15%). Many other terrorist groups also use drug production and/or trafficking as a major source of income;
- Other illicit activities, such as diamond sales. *Al-Qa'ida* is assessed as having reaped hundreds of millions of dollars over the last three years from the illicit sales of diamonds mined by its allies, the Revolutionary United Front (RUF) in Sierra Leone.

When establishing *al-Qa'ida* in the early 1990s, Osama bin Laden provided it with substantial 'seed money' – assessed at about US\$150 million – from personal wealth and the profits of his business enterprises. In addition, *al-Qa'ida* has benefited (and apparently continues to benefit) from donations from wealthy supporters from Saudi Arabia, the Gulf States, and other Middle Eastern countries. In addition, *al-Qa'ida* derives funds from a number of lucrative, legitimate business enterprises established by bin Laden and others in the Sudan, the Middle East and elsewhere. *Al-Qa'ida* also appears to have made significant profits on the stock market, particularly through the exploitation of hedge funds, and the 'short selling' of shares in insurance and airline stocks just before 11 September 2001.

The investigation of the sources of funding for the people involved in the incidents on 11 September was based on international intelligence exchanges: the exploitation of documentation recovered from post-11 September investigations in the United States and elsewhere, and documents and videotapes recovered in post-action searches in Afghanistan; from

the interrogation of well over 1,100 suspects in the United States and elsewhere; and from substantial support from the international banking sector, leading to the freezing of the funds of some 74 organisations and individuals globally, said to be associated with *al-Qa'ida* and related terrorist activities. About 150 countries now have blocking orders in place to freeze terrorist funds and 200 countries have expressed their support in the fight against terrorist financing. Already, the money frozen is said to exceed US\$100 million. Regardless of the issue of terrorist funding, criminal money laundering on a global scale is a massive problem. Michel Candessus, the former head of the International Monetary Fund, has assessed the annual volume of money laundering world-wide at US\$600 billion, or between 2-5 per cent of global GDP.

### **International Response to Money Laundering and Terrorist Financing**

A number of major initiatives has been taken to counter money laundering and trace the sources of terrorist finances. These initiatives, and the organisational structures supporting them, include:

- Financial Action Task Force (FATF);
- The Egmont Group of Financial Intelligence Units;
- The Wolfsberg Group of (Private International) Banks;
- The Basel Committee on Banking Supervision
- The G-20 forum of Finance Ministers and Central Bank Governors.

The Financial Action Task Force (FATF)<sup>28</sup> was established by the G-7<sup>29</sup> in 1989, and is administered by the Organisation for Economic Cooperation and Development (OECD). Since its creation the FATF has spearheaded the effort to adopt and implement measures designed to counter the use of the financial system by criminals. It established a set of 40 recommendations that set out the basic framework for anti-money laundering efforts and are intended to be of universal application. Indeed, the 40 recommendations are now the principal standard in this field. The FATF reviews its members for compliance with the 40 recommendations. There are currently 31 members in the FATF<sup>30</sup>, including an Asia-Pacific Group on Money Laundering (APG)<sup>31</sup> which has an office in Sydney and which covers the countries in the Asia-Pacific region.

To reduce the vulnerability of the international financial system to misuse by criminals, FATF is also involved in examining and identifying the serious systemic weaknesses in the anti-money laundering programs of certain jurisdictions, known as Non-Cooperative Countries and Territories (NCCTs). On 22 June 2001, FATF listed 19 NCCTs, including the following Asia-Pacific countries:

Cook Islands  
 Marshall Islands  
 Nauru  
 Philippines  
 Indonesia  
 Myanmar (Burma)  
 Niue  
 Russia

FATF called on all its members to request their financial institutions pay special attention to transactions with persons, companies and financial institutions in these countries and territories.

On 31 December 2001, FATF agreed that further counter-measures should be introduced on a gradual and proportionate basis to cover the recording of financial transactions from NCCTs. These additional counter-measures were:

- Stringent requirements for identifying clients and enhancement of advisories to financial institutions for identifying beneficial owners before business relationships are established;
- Enhanced relevant reporting mechanisms for suspicious transactions;
- Review the requests for the establishment in any FATF country of branches or subsidiaries of banks for NCCTs;
- Warning the non-financial sector that business with entities within NCCTs might run the risk of being associated with money laundering.

Terrorists frequently finance their operations through criminal activity, or they may also use funding from legitimate sources. In either case, terrorist groups utilise financial networks in the same way that other criminal groups do. That is, they move funds and hide connections between the source of their funding and the perpetrators, organisers, and sponsors of their activity. FATF's work on underground banking (*hawala*) and alternative remittance systems, laundering mechanisms that play a role in some criminal and terrorist laundering operations, is also given a high priority.

In October 2001, the FATF promulgated 8 Recommendations to deny terrorists and their supporters access to the international finance system. In brief, these recommendations were:

- Immediately take steps to ratify the *United Nations Convention on the Suppression of Terrorist Financing, 1999*;
- Criminalise the financing of terrorism, terrorist acts and terrorist organisations;

- Freeze and confiscate terrorist assets;
- Require financial institutions to report suspicious transactions that may be linked to terrorism;
- Assist other countries' investigation of terrorist financing networks;
- Improve money laundering requirements on alternative remittance systems;
- Strengthen customer identification requirements for domestic and international wire transfers;
- Take steps to ensure that non-profit organisations are not misused to finance terrorist groups.

FATF met in Hong Kong between 30 January and 1 February 2001 to review progress in this area and to begin to identify countries that are not taking appropriate measures to counter terrorist financing. These countries will be expected to be compliant by June 2002, or they may face sanctions.

The Egmont Group of Financial Intelligence<sup>32</sup>, was formally established in 1995 to provide a forum for national Financial Intelligence Units (FIUs)<sup>33</sup> to improve support to their respective national anti-money laundering programs. This support includes expanding and systematising the exchange of financial intelligence, improving expertise and capabilities of the personnel of such organisations and fostering better communication among FIUs through the application of new technologies. FIUs play a key role in identifying and tracking terrorist finance.

The Wolfsberg Group<sup>34</sup>, established in October 2000, consists of 12 leading international private banks, operating in collaboration with Transparency International, a Berlin-based NGO dedicated to increasing government accountability and curbing both international and national corruption. The Wolfsberg Group is currently examining such issues as:

- Practical measures to investigate lists of terrorists, terrorist organisations and so on, provided by Governments or law enforcement agencies, to determine the whereabouts of their funds and the measures necessary to freeze them;
- Issues related to correspondent banking, particularly as it concerns 'shell banks' in NCCTs;
- Record-keeping on foreign bank ownership;
- Exchanging information on suspicious broker-dealer activities;
- Examining measures to identify and deal with non-traditional funds transfer methods.



The Wolfsberg Group met last in Wolfsberg between 9-11 January 2002 to develop a set of best-practice guidelines for traditional finance institutions investigating the financing of terrorism.

As an example of the seriousness of this work, it was recently established that 22 United States securities firms surveyed had more than 45,000 off-shore clients with an estimated US\$140 billion in assets in their accounts. Obviously sophisticated computer analysis is playing a key role in tracking money laundering and terrorist financing in this area.

The Basel Committee on Banking Supervision<sup>35</sup> was established by the Central Bank Governors of the Group of Ten Countries<sup>36</sup> at the end of 1974. Its objective is to formulate broad supervisory standards and guidelines, and recommend best practice in the expectation that individual authorities will take steps to implement them through detailed arrangements – statutory or otherwise – which are best suited to their own national systems. Its work in the area of ‘due diligence’ is of particular relevance to countering money laundering and the funding of terrorist organisations. The Committee’s Secretariat is provided by the Bank for International Settlements (BIS) in Basel.

The G-20<sup>37</sup>, established in Washington on 25 September 1999, comprises the Finance Ministers and Central Bank Governors of 19 countries, the European Union and the Bretton Woods Institutions (the International Monetary Fund and the World Bank). The G-20 promotes discussion, study and review of policy issues among industrialised countries and emerging markets, with a view to promoting international financial stability.

On 17 November 2001, the G-20 promulgated a comprehensive plan of multilateral cooperation to deny terrorists access to their financial systems, through a number of concrete steps designed to combat terrorist financing and money laundering.

#### *United Nations Initiative*

Prior to 11 September 2001, only four countries<sup>38</sup> had ratified the *United Nations International Convention for the Suppression of the Financing of Terrorism, 1999*. This Convention establishes that it is an offence for a person ‘by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out’ a terrorist act.<sup>39</sup>

However, with the huge increase in international concern about the terrorist financing, the Convention came into force on 10 April, by which time

132 countries had signed the Convention and 26 had ratified it, four more than the 22 required. The Convention calls for increased efforts to identify, detect and freeze or seize funds earmarked for terrorist acts and urges states to use such funds to compensate victims and their families. It also calls on financial institutions to report to their governments any unusual or suspicious transactions. States that are party to the Convention must prosecute offenders or extradite them to nations that suffered from their illegal acts. They must cooperate in investigations and may not, for example, refuse a request for assistance on grounds of banking secrecy. They must also update their laws to comply with the provisions of the Convention.<sup>40</sup>

In addition to the above, an *ad hoc* committee of the Legal Committee of the United Nations General Assembly is developing a draft *International Convention Against Terrorism* that will codify the outlaw the financing of terrorism. However, at this stage, the committee has been unable to agree on a definition of terrorism, to find a way to distinguish a terrorist from a freedom fighter, and unable to agree on excluding state forces from anti-terrorism provisions (i.e. the problem of 'state terrorism'). Also, at the initiative of the Russian Federation, the Legal Committee is working on a new convention or protocol to address the suppression of nuclear terrorism.<sup>41</sup>

#### *Statement of G-7 Finance Ministers and Central Bank Governors*

The G-7 Finance Ministers and Central Bank Governors met on 9-10 February 2002 to discuss the global economy, the importance of fostering development and ongoing efforts to combat the financing of terrorism. At the end of the meeting, they issued a progress report on combating the Financing of terrorism. A copy of this report may be found at Annex B.

#### **Conclusion**

The international response to the need to track and freeze terrorist finance and counter conventional money laundering since 11 September 2001 has been most impressive. It also complements other international measures against both transnational terrorism and transnational crime. However, much of this is still 'work in progress' at both the national and international levels.

The measures taken as a result of the investigations following the events of 11 September 2001 have flowed on to facilitate the investigations of money laundering and money movements relating to more conventional criminal issues, such as major drug cases and the investigation of fraud, white collar crime, capital flight and, more generally, the nexus between the legitimate and illegitimate business practices undertaken by transnational organised crime groups.<sup>42</sup>

## *The Response to Terrorism*

Transnational terrorism requires a multi-faceted response:

- **Law enforcement response:**
  - Requires large resources to be diverted from normal law enforcement;
  - Requires high priority and enhanced intelligence exchanges;
  - Utilises joint operational activities;
  - Relies on extradition and mutual support;
  - Must attack and neutralise the terrorist financial base.
- **Military response:**
  - Is not generally regarded as a core military war-fighting task;
  - Can only be used selectively;
  - It is very hard to neutralise the target through military means alone;
  - Any foreign direct military intervention is generally unacceptable.
- **Intelligence community response:**
  - It is a very difficult target to attack. Imagery is of limited value if there are few fixed bases; communications intelligence (COMINT) of limited value if conventional communications channels are not used; money movement of limited value if non-conventional banking methods employed. There needs to be much more emphasis on Human intelligence (HUMINT).
  - Needs real-time data, involving processing a large volume of material which may need deciphering, translation, analysis and dissemination.
  - Must overcome traditional cultural introversion and elitism of the intelligence community to facilitate exchange with the law enforcement community and overseas intelligence and law enforcement agencies. Transnational crime and terrorism are global threats that can only be neutralised by a global response.
- **Political/strategic response:**
  - Needs to attack the root causes of terrorism. Why are people doing this? Why are people so angry? Why are they prepared to kill themselves for the cause? Is this a religious problem or are there other causes (and therefore the solutions) of a much broader nature?
  - Needs to recognise that we are living in a very complex and changing global environment. Has our thinking moved on to embrace these changes? Do our national strategies reflect these changes?

- o **Should take note that the consistent line of criticism from a very broad and its allies have mishandled the Israel/Palestine situation; they are concerned at the continuing presence of foreign military forces in Saudi Arabia (where the most sacred sites of Islam are located); they continue to be critical of the impact of United Nations sanctions on the ordinary people of Iraq; and they criticise the overwhelming dominance of United States military power and its deployment where civilian casualties are suffered. We may not agree with these propositions, but if we do not try to understand them and make such adjustments as may be necessary to accommodate at least some of these concerns, we should not be surprised if we face the trauma of further 9/11 attacks, only possibly next time employing much greater risks, such as the use of weapons of mass destruction.**

Annex A<sup>8</sup>

## Brief Descriptions of Organised Crime Groups in a Number of Asian Countries

*China, Hong Kong, Macau and Taiwan*

China's increasing role as a source area of international criminal activity, including greater worldwide influence of Chinese criminal syndicates, has paralleled its emergence as a global economic power and Beijing's opening to foreign investment. ... Since the early 1990s more than half of the heroin produced in Burma now transits Yunnan Province and the other regions of China on its way to drug markets in China itself and in North America and Australia. Fujian Province is a major base of operations for criminal brokers known as 'snakeheads' who, using contacts around the world, orchestrate the movement of illegal Chinese immigrants (overseas). Legitimate textile works, factories and high-tech manufacturers in Guangdong Province are major producers of pirated and counterfeit products. ... The entrepreneurial stake of many Chinese officials in various business enterprises - fully legitimate or otherwise - lends itself to criminal activity for profit. ... Beijing's policy of inviting overseas Chinese businessmen to trade and invest in China, have [sic] allowed powerful Chinese *triad* criminal organisations from Hong Kong, Macau and Taiwan to establish strong footholds on the mainland, especially southern China.<sup>43</sup>

As one of the world's leading commercial, financial and transportation centres, Hong Kong has long been the hub of criminal activity in East Asia - a status that has not changed since China assumed sovereignty over the territory in 1997. The massive volume of trade in containerised shipping through Hong Kong (16 million containers annually) offers substantial opportunity for criminals to smuggle all kinds of contraband, including drugs and arms, and illegal immigrants. ... Hong Kong's status as one of the world's most developed financial centres makes it vulnerable to attempts to use its financial institutions for laundering illicit profits. Wide-ranging links to the international business community and the modern banking sector in Hong Kong provide extensive cover for money-laundering operations and for financing illicit activities.<sup>44</sup>

Since Macau's reversion to Chinese administration in 1999, organised crime continues to have substantial influence over the enclave's economy. Organised crime groups still dominate Macau's gaming industry, the primary engine of its economy. In addition to the substantial revenues they generate of their own accord, gambling and prostitution rackets in Macau

are used by local and other crime groups for money laundering. ... Local and national Chinese law-enforcement authorities have been working to diminish the power of organised crime in Macau. ... Although *triad* involvement in casinos and other businesses remains a serious problem, there has been a marked decline in organised crime-related violence in Macau. ... The weakness of Macau's laws to combat money laundering remains a serious problem.<sup>45</sup>

Organised crime is deeply entrenched in Taiwan's business and political sectors. Large ethnic Chinese criminal syndicates ... which followed the ruling *Kuomintang* party from the mainland to Taiwan in the late 1940s, and Taiwanese criminal gangs have established strong influence in Taiwan's local communities. ... Although the organised crime problem in Taiwan is largely domestic, Taiwan-based criminal groups use the island's extensive international trade and financial links to further their illegal activities overseas. ... Some Taiwanese-based *triads* have links to Hong Kong and China, including establishing front companies or investing in specific criminal ventures. ... Political corruption and the ties of former ruling party politicians to organised crime continue to be potent political issues in Taiwan.<sup>46</sup>

#### *Major Groups*

China	Hong Kong <sup>47</sup>	Macau	Taiwan
Entrepreneurial syndicates/gangs	14K <i>triad</i> *	14K <i>triad</i> *	United Bamboo gang*
Big Circle Gang*	Sun Yee On <i>triad</i> *	<i>Sun Yee On</i>	Four Seas
<i>Fuk Ching</i> Gang*	<i>Wo</i> group <i>triads</i> *	<i>triad</i> *	gang*

\* Indicates that the *triad* or gang concerned maintains links to overseas Chinese criminal groups

§ Much of the content in the descriptive parts of Annex "A" is quoted directly from the International Crime Threat Assessment prepared in December 2000 by a US Government interagency working group in support of and pursuant to President Bill Clinton's International Crime Control Strategy. Representatives from the Central Intelligence Agency, Federal Bureau of Investigation, Drug Enforcement Administration, US Customs Service, US Secret Service, Financial Crimes Enforcement Network, National Drug Intelligence Center; the Departments of State, the Treasury, Justice, and Transportation; the Office of National Drug Control and the National Security Council participated in the drafting of the assessment. With the change of Administration in the United States, the paper may now be found at <http://www.terrorism.com/documents/pub45270/pub45270index.html>

*Major Activities*

China	Hong Kong	Macau	Taiwan
Corruption	Computer crime	Corruption	Construction
Credit card fraud	Copyright violations	Extortion	industry fraud
Drug trafficking <sup>48</sup>	Corruption	Gambling	Corruption
Flight capital <sup>49</sup>	Credit card fraud	Illegal immigration	Drug trafficking
Gambling	Drug trafficking	Loan sharking	Electoral fraud
Illegal immigration	Entertainment	Money laundering	Methamphetamine manufacture
Intellectual property	industry crime	Prostitution	Money laundering
Investment scams	Extortion	Protection rackets	Protection rackets
Money laundering	Gambling	Small arms trafficking	Smuggling
Prostitution	Money laundering	Smuggling	Stock market manipulation
Sea piracy	Prostitution		
Small arms trafficking	Protection rackets		
Smuggling <sup>50</sup>	Stock market and futures		
Tax evasion	manipulation		
Theft of computer chips	White collar crime		
Vehicle theft			

*The Republic of Korea (ROK)*

It is typical for organised crime groups to gain enormous illicit profits through gambling, drugs, prostitution and smuggling. In Korea, the massive organised violent groups (for example, the *yakuza* in Japan, *mafia* in Italy and *triads* in China) have not yet developed. Fortunately, there are no signs that major organised criminal groups in Korea are involved in drug trafficking and manufacture so far. ... Recently, a few illicit trafficking cases were involved with international drug syndicates such as 14K/United Bamboo Gang, Nigerian cells and Russian *mafija* were detected. ... A new Special Act in 1995, with the provision that any member of an organisation committed of committing drug trafficking as a business can be punished up to the death penalty, is now under legislation.<sup>51</sup>

Korean organised crime groups exist in cities overseas with a large Korean population. One source claimed in 1994 that ethnic Korean groups headquartered in Japan and affiliated with the *boryokudan* (or *yakuza*) control 90 per cent of the flow of crystal methamphetamine ('ice') to Hawaii.<sup>52</sup>

While the level of organised crime in Korea, or involving Koreans abroad, is limited in comparison with some other countries in the region, the Republic has faced very serious problems as a result of deeply entrenched corruption and white collar crime which are linked to entrepreneurial politicians, businessmen and bureaucrats, rather than organised crime groups. This activity has included widespread bribery,<sup>53</sup> fraud (including electoral fraud), embezzlement, capital flight, tax evasion, loans to bankrupt companies, the illicit exploitation of fishing resources of other countries and the misuse of the resources of the intelligence community for party political purposes. Not only have Chairmen or senior officials of several of the Korean *chaebols* (corporate conglomerates) been convicted of bribery, but in 1996 two former Presidents (Roh Tae Woo and Chun Doo Hwan) were imprisoned for massive corruption, before being pardoned by President Kim Dae Jung in December 1997.<sup>54</sup>

### *Major Groups*

Republic of Korea	United States	Other Countries
White Tiger Gang <sup>55</sup> <i>Chong no pa gang</i> <i>Cholla do pa gang</i> <i>Bon gae pa gang</i> Other street gangs	Street gangs - Korean Killers (KK), Korean Power, the <i>Magui</i> (Satan), Korean <i>Fuk Ching</i> and the Korean <i>mafia</i> <i>Toa Yuai jigyo Kumiai</i> (TYJK) syndicate Honolulu <sup>56</sup> [Said to be 'close to' Japanese, Chinese and Italian criminal groups.]	Australia - organisational details not known, but there have been a number of incidents involving bashing, extortion loan sharking and murder, involving visiting Korean criminals. Appear to operate as 'enforcers' within the Korean community. Possibly three local gangs involved.



*Major Activities*

Republic of Korea	United States	Other Countries
Copyright violations	Credit card fraud	Credit card fraud
Corruption	Collecting loans	Drug trafficking
Entertainment industry crime	Commercial fraud	Extortion
Financial fraud	Construction industry fraud	'Enforcement'
Gambling	Drug trafficking	Gambling
Kidnapping	Extortion	Loan sharking
Loan sharking	Gambling	Prostitution
Methamphetamine ('ice') production and trafficking	Illegal activities for other organised crime groups	Sex trafficking
Murder	Loan sharking	
Politically-motivated violence	Money laundering	
Prostitution	Prostitution	
Sex trafficking	Protection rackets	
Smuggling	Sex trafficking	
Tax fraud	Smuggling	

*Democratic Peoples' Republic of Korea (DPRK)*

It is increasingly clear that not only are key figures within the North Korean regime involved in transnational organised crime, but that the state itself has criminalised itself as a matter of policy. ... In this respect, North Korea is metamorphosing into a true 'criminal state'.<sup>57</sup>

There have been regular reports from many official and unofficial sources for at least the last 20 to 30 years that the DPRK encourages illicit opium cultivation and engages in trafficking of opiates and other narcotic drugs as a criminal state enterprise. ... Even the North Koreans admit that opium is grown there, while maintaining it is used for medicines and painkillers. ... This past year's drug seizure reports seem to point to more trafficking in amphetamine-type stimulants (ATS), and less in heroin and opium. Estimates of opium production in the DPRK vary from 30 MT to 44 MT: this would yield from about 3 to 4.5 MT of heroin. ... (However) agricultural problems in North Korea, including flooding and shortages of fertiliser and insecticides, suggest that current opium production might be well below

these estimates. There has also been a very clear shift in Asian drug abuse away from opium towards methamphetamine-type drugs. ... North Korea is reportedly stepping up its manufacturing capacity for methamphetamine production. ... Russia<sup>58</sup> and China are the key markets and transit routes for North Korean drug, (with an) expanding illicit market in Japan.<sup>59</sup> ... Drugs have also been reported to have been transferred from North Korean trawlers at sea.<sup>60</sup> It was estimated by the South Korean authorities in 1996 that the profit from narcotics trafficking nets North Korea US\$300 million per year.<sup>61</sup>

There have been a number of incidents publicly revealed where North Korean diplomats have been involved in trafficking in illicit drugs.<sup>62</sup>

... there have been many other incidents and arrests which suggest North Korean state involvement in other criminal enterprises. Among the crimes more frequently mentioned are counterfeiting, illicit trade in endangered species, fraudulent antiques, counterfeit CDs, tapes and cigarettes. ... There is considerable evidence suggesting North Korean complicity in illicit activities, indeed direction of illicit activities, but almost all of that evidence is subject to alternative explanations, which put the blame on the individual or on the entity where the individual works.<sup>63</sup> It remains unclear whether alleged North Korean involvement in illicit activities results from state policy, or is simply the actions of criminal individuals or entities. ... However ... it seems more likely that the state itself is involved in drug manufacture and trafficking.<sup>64</sup>

A serious case (occurred) in early 1999 when a former Zvezda Shipyard employee was caught trying to sell radioactive materials ... to undercover agents posing as brokers for North Korea (*Reuters*, 2 September 1999).

### *Major Groups*

DPRK	Overseas
Bureau No. 39 of the Korean Workers' Party (?) Other affiliations unknown.	Criminal gangs run by ethnic North Koreans <sup>65</sup> in Japan are expected to remit to the DPRK about 20% of their earnings from protection, extortion and racketeering activities, including the profits from <i>pachinko</i> gambling (pinball) clubs. <sup>66</sup>

**Major Activities**

DPRK	Overseas
Amphetamine production and trafficking	Alleged support for acts of international terrorism <sup>68</sup> Amphetamine trafficking <sup>69</sup>
Arms trafficking	Arms trafficking
Black marketeering	Cigarette smuggling
Corruption <sup>67</sup>	Counterfeiting of currency
Counterfeit CDs and tapes	Embargo breaking
Currency counterfeiting	Gold smuggling
Heroin refining and trafficking	Heroin trafficking
Kidnapping	Illicit trade in endangered species
Opium production	Kidnapping
Smuggling	Nuclear smuggling? Trafficking in rare earth minerals

**Japan**

Japanese crime syndicates, known as *yakuza*,<sup>70</sup> have exploited their traditional roles in arbitrating disputes and loan collection to gain a wide measure of public acceptance. The *yakuza's* practice of *sokaiya*, corporate extortion, often by threatening to disrupt corporate shareholder meetings, has been generally tolerated by Japanese society, despite the economic influence it has given organised crime. ... The *yakuza* were able to cash in on Japan's economic and real estate boom in the 1980s to expand their profit-making activities beyond their traditional criminal arenas of drugs, gambling, prostitution and corporate extortion. Housing loan companies, *jusen*, that were affiliated with major Japanese banks reportedly issued a portion of their loans, many of which were not repaid, to *yakuza*-tied firms as part of the speculative boom in real estate. ... As a result, the *yakuza* were behind many of the problem loans leading to the 1996 collapse of the *jusen* mortgage industry. ... One expert on Japanese crime believes that *yakuza* interests may have directly accounted for 10 per cent of the banking industry's bad loans, which he estimated as high as \$700 million, and an additional 30 per cent of the bad loans may have been indirectly tied to *yakuza* affiliations.<sup>71</sup>

The *yakuza* are among the world's largest and most powerful criminal confederations. The *yakuza* are highly structured and criminally diverse organisations that have thoroughly penetrated Japanese society, including the legitimate economic sphere, through their extortion-like practice of

*sokaiya*. There are an estimated 3,000 *yakuza* groups and subgroups based in Japan. According to Japan's National Police Agency, 60 per cent of the estimated 90,000 members and associates of *yakuza* families are affiliated with one of three groups: the *Yamaguchi-Gumi*, *Sumiyoshi-Kai* and *Inagawa-Kai*. These groups control most organised criminal activity in Japan, including gun trafficking, drug smuggling, alien smuggling, prostitution, illegal gambling, extortion and white collar crime through infiltration of legitimate businesses. Academic specialists on Japanese organised crime have estimated the annual revenue of the *yakuza* as about \$13 billion.<sup>72</sup>

'Anti-*yakuza*' legislation implemented in the early 1990s and updated in 1997 ... (including) a nationwide crackdown on *sokaiya* appears to have curbed some organised crime activities. Despite the *yakuza* ethnic Chinese criminal gangs linked to illegal immigration, drug smuggling and arms trafficking are publicly perceived as the most serious criminal threats to Japan.<sup>73</sup>

Within Japan, a large number of ethnic Koreans have become members of the *yakuza*, particularly in Osaka and Kobe. These people are generally from disadvantaged groups with the Japanese community, known as *burakumin* or 'untouchables'.<sup>74</sup>

Although not normally recognised as an organised crime group, the Japanese *Aum Shinrikyo* sect, formed in 1987, is of particular importance because it is a religious organisation which engaged in very serious crime, including murder, torture, and extortion, as well as manufacturing, testing or using chemical or biological agents, with the objective of precipitating conflict between Japan and the United States. Recruitment of members focused on socially disaffected individuals with technical and scientific backgrounds, many of whom also possessed or had access to substantive economic resources. At the height of its power, the *Aum* sect was reported to have assets of between \$1-2 billion. Not only was *Aum Shinrikyo* successful in penetrating the Japanese bureaucracy, military and police, but they also established chapters in a number of countries overseas, including Russia, where they claimed a membership of 30,000 (three times their membership in Japan), and also obtained access at a very high level in the Russian Government and military.

Prior to their sarin gas attack on the Tokyo subway in March 1995, the group attempted to use sarin to kill the judges presiding over a murder case involving the *Aum* sect. It was also reported that the sect planned to carry out an attack against the New York underground. In an effort to alleviate public pressure and criticism, in September 2000, the *Aum* sect leaders announced that they would suspend the sect's public activities for an indeterminate period, commencing 1 October 2000.<sup>75</sup>

**Major Groups**

Japan	Overseas
Inagawa-Kai Sumiyoshi-Kai Yamaguchi-Gum <i>Bosozoku</i> - violent teenage biker gangs (many of which are linked to the <i>yakuza</i> )	These <i>yakuza</i> groups either operate in, or have connections with organised crime groups throughout Asia, Australia, the United States (particularly Hawaii), Canada, Russia <sup>76</sup> and South America

**Major Activities**

Japan	Overseas
Arms trafficking	Corruption
Construction industry crime	Drug trafficking
Corruption	Extortion, blackmail, enforcement
Drug trafficking	Gambling/casino crime
Extortion, blackmail, enforcement	Illegal immigration
Fraud – real estate, insurance	Infiltration of legitimate business
Illegal gambling	International automobile theft
Illegal immigration	Money laundering
Infiltration of legitimate business	Paedophile activities
Loan sharking	Real estate and golf club purchases
Pornography	Sex trafficking
Prostitution, sex trafficking	Tourist crime
White collar crime	

**The Russian Far East**

Powerful Russian criminal organisations with international networks are one of the most troubling and dangerous legacies of the former Soviet Union. ... According to the (Russian Ministry of the Interior), there are 89 criminal communities in Russia that comprise about 1,000 smaller criminal groups. ... there are about 200 sophisticated organised crime groups in Russia with a broad range of operations, some of which extend beyond Russia's borders into some 60 different countries. They [cultivate] mutually beneficial relationships with government officials and politicians to become powerful players in Russian politics and society. Most Russian criminal organisations are located in industrial and commercial centres, giving them [the] opportunity to make inroads into lucrative sectors of the Russian economy.

Russian crime groups are characterised by ruthlessness and violence, and many are very well armed – presenting a formidable challenge to Russian law enforcement elements, which are often out-gunned and underfunded particularly at the local level. There is no apparent supreme hierarchy among Russian organised crime groups, nor is any one group masterminding the activities of the others. Instead, Russian criminal organisations have their own spheres of influence that are generally defined by geography, ethnicity and, in some cases, specific criminality. The international presence of Russian organised crime ... is most pronounced in Eastern and Central Europe, where Russian crime groups are involved in narcotics and weapons trafficking, car theft and financial crimes. Russian organised crime money laundering operations have been observed in offshore banking centres in the South Pacific, Cyprus and various Caribbean islands as well as in Eastern European economies. These groups tend to mount large-scale financial fraud schemes.

Russian criminals take advantage of places that are most attractive to Russian businessmen and tourists, using them as cover and opportunity to engage in a broad range of criminal activities - extortion rackets, prostitution rings, trade in black-market consumer goods and drugs, and to launder money. ... Russian crime groups are also attracted to countries that have liberal cash circulation laws, few restrictions on direct investment and allow non-residents to establish businesses. Investments in real estate, tourist and entertainment sectors, interest in banks and financial services companies and the establishment of front companies ... provide a ready haven for laundering and hiding illicit profits earned there and smuggled out of Russia ... They have used their ties to Italian criminal groups to establish extensive businesses in Italy - investing as much as \$4-7 billion between 1993 and 1995 alone. ... Russian and Italian criminals cooperate in international drug trafficking, arms smuggling and counterfeiting.<sup>77</sup>

Russia currently finds itself in an unprecedented position in which its primary security concerns are largely internal. The Russian Far East's military industrial complexes, which asserted Soviet military power in the Pacific, have found defence conversion in the post-Cold War era difficult to achieve. ... over the long term the RFE must convert most of its economy to civilian purposes. ... However, the scope and magnitude of [Russia's] security concerns are so tremendous that their cumulative effect has resulted in a 'comprehensive insecurity syndrome' ... - endemic corruption, drug trafficking, environmental pollution, technological breakdowns, energy and food supply shortages, and violent outbreaks of terrorism and separatism.

... Lacking sufficient finances for the adequate technical decisions, the FSB and the Ministry of the Interior implemented a series of joint preventive actions to support nuclear complex security and to stop economic crimes and the illegal sales of armaments.<sup>78</sup> ... Criminal forces may be exerting additional pressures on the directors, engineers and workers at regional nuclear facilities that may cause them to violate the security regimes at these facilities. ... The decline of the Pacific Fleet has had a profound impact on the criminal underworld, increasing the chances that ports and other points of access to nuclear facilities may be compromised. ... (One) facility experienced serious difficulties in the 1990s with labour unrest, a murder-for-hire, and incidents involving attempted smuggling of nuclear materials, blueprints and technologies. ... One area of particular concern is the possibility that facilities with nuclear material and technologies might fall under the control of the local *mafiya*.<sup>79</sup>

In Russia ... the transportation and sale of illegal narcotics are now being described as a security threat. The Russian Far East, geographically proximate to North Korea and the drug routes of Central and Southeast Asia, is particularly susceptible.<sup>80</sup>

#### *Major Groups*

Russia	Overseas
<i>Solntsevo</i> group and various others	<i>Solntsevo</i> group and various others <sup>81</sup>

#### *Major Activities*

Russia	Overseas
Capital flight	Arms trafficking
Corruption	Contract killings
Drug and arms trafficking	Drug trafficking
Electoral fraud	Extortion
Embezzlement	Forgery
Extortion	Fraud and white collar crime
Money laundering	Money laundering
Murder and violent crime	Sex trafficking
Prostitution	Tourist crime
Smuggling	Trafficking in nuclear and fissile material
Tax evasion	Trafficking in stolen art and icons

## Annex B

### G-7 Progress Report on Combating the Financing of Terrorism

G-7 countries have been joined by over 200 other countries and jurisdictions in expressing support for the fight against terrorist financing. Our October 2001 Action Plan to Combat the Financing of Terrorism contributed to this international effort by setting out clear priorities: vigorous application of international sanctions, including the freezing of terrorist assets; rapid development and implementation of international standards; increased information sharing among countries; and enhanced efforts by financial supervisors to guard against the abuse of the financial sector by terrorists.

Significant results have already been achieved. Since 11 September, almost 150 countries and jurisdictions have issued orders to freeze terrorist assets, and over \$US 100 million has been frozen worldwide. Each G7 country is implementing UN Security Council Resolution 1373 and has signed and is committed to ratifying the UN Convention for the Suppression of the Financing of Terrorism. The Financial Action Task Force (FATF) has agreed to a set of Special Recommendations on Terrorist Financing and is implementing a comprehensive action plan encouraging all countries to adopt them. All G-7 countries have established or are in the process of establishing Financial Intelligence Units (FIUs) that will facilitate the sharing of information on money laundering and terrorist financing. We have also all established mechanisms to share information relating to the tracking of terrorist assets.

Continued success requires even closer cooperation and an intensified commitment. We now set forth the following steps to further advance the global fight against terrorist financing:

- To enhance international coordination in the freezing of terrorist assets, we will develop a mutual understanding of the information requirements and the procedures that different countries can use to undertake freezing actions. We will also develop key principles regarding the information to be shared, the procedures for sharing it, and the protection of sensitive information. We will also work with other countries to identify jointly terrorists whose assets would be subject to freezing. We will continue to review our institutional structures to ensure that they facilitate the international flow of information necessary to identify, track, and stop the flow of terrorist funds. In this regard, we support the Egmont Group's work on improved information flow among FIUs.



- The G-7 are committed to fully implementing by June 2002 the FATF standards against terrorist financing. We urge all countries to accept the FATF's invitation to take part in a self-assessment and to commit to the rapid implementation of the standards. We look to the FATF, IMF and the World Bank to quickly complete their collaborative work on a framework for assessing compliance with international standards, including all FATF recommendations, against money laundering and terrorist financing. We urge all countries that have not done so by February 1, 2002, to implement the measures set out in the November 2001 Communiqué of the International Monetary and Financial Committee of the IMF, and look forward to the IMF's report to the spring meeting of the Committee on all issues raised by the Communiqué. We urge the Basle Committee on Banking Supervision to review its enhanced customer due diligence standards for banks to ensure that they address terrorist financing, and the Financial Stability Forum to review its role in combating terrorist financing, including in relation to offshore financial centres.
- We look forward to the quick implementation of the IMF and World Bank plan to provide increased technical assistance for measures to combat money laundering and terrorist financing in coordination with the FATF, regional FATF-style bodies, the UN and the Egmont Group. For our part, G-7 countries are committed to providing technical assistance on a bilateral basis as well as through these coordination mechanisms.

We recognize that continued success in the fight against terrorist financing requires the close cooperation and unwavering commitment of the broad international community. We therefore encourage all countries to join us in implementing these measures.

## Notes

- 1 Paper given at the Globalising Terror: Political Violence in the New Millennium conference on 9 May 2002 at the University of Tasmania (hosted by the Standing Advisory Committee on Commonwealth/State Cooperation for Protection Against Violence and the University of Tasmania)
- 2 'We the Peoples': Millennium Report to the General Assembly of the United Nations, 3 April 2000.
- 3 André Bossard, former Secretary-General of the International Criminal Police Organisation (Interpol), defines transnational crime as 'an offence which implies crossing at least one border before, during, or after the fact'. *Transnational Crime and Criminal Law*, Chicago: University of Illinois and Office of International Criminal Justice, 1990, p. 3.
- 4 John McFarlane, 'Transnational Crime as a Security Issue' in Carolina G. Hernandez & Gina R. Pattugalan (eds): *Transnational Crime and Regional Security in the Asia Pacific*. Manila: Institute for Strategic and Development Studies and Council for Security Cooperation in the Asia Pacific, 1999, pp. 24–25. For a more detailed discussion of this issue, see John McFarlane: 'Transnational Crime and Asia-Pacific Security: Beyond 2000' in Sheldon Simon (ed): *The Many Faces of Security*. Lanham, Maryland: Rowman & Littlefield Publishers, Inc., forthcoming (2001).
- 5 It was highly symbolic that the meeting was held in Palermo, long the centre of power of the Sicilian *mafia*, the most feared and successful of the Italian criminal organisations, and the site of the murders, in 1992, of two courageous anti-*mafia* judges, Giovanni Falcone and Paolo Borsellino, and the subsequent arrest of the Sicilian *mafia* 'boss of bosses', Toto Riina.
- 6 The Convention will have the status of international law when it is ratified by 40 governments; see 'Organised Crime in 2000' in *Jane's Foreign Report*, No. 2623, 11 January 2001, pp. 1-2.
- 7 The Convention describes a 'structured group' at Article 2(c) as 'a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure'.
- 8 The Convention describes a 'serious crime' at Article 2 (b) as '... conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or more serious penalty'.
- 9 Howard Abadinsky, *Organised Crime*, 4th edn, Chicago: Nelson-Hall Publishers, 1994, p. 8.
- 10 It is worth noting that the relationship between entrepreneurial crime and legitimate business is often very close. Many leading criminal entrepreneurs have come from a legitimate business background.
- 11 John McFarlane: 'Transnational Crime and Asia-Pacific Security: Beyond 2000', op.cit (see note 4).
- 12 See Dmitri Vlassis: 'Drafting the United Nations Convention Against Transnational Organised Crime' in *Transnational Organised Crime*, Vol.4, Nos. 3 and 4, Autumn/Winter 1998, pp. 356-362.

- 13 'Corruption to be Central Theme of Upcoming United Nations Crime Commission Meeting', SOC/CP/234, 7 May 2001. More than 100 countries met in The Hague in May 2001 for the 2nd Global Forum on Fighting Corruption and Safeguarding Integrity to commence work on a draft UN Treaty to control corruption. The next meeting of the Global Forum will be held in Seoul, South Korea, in 2003. <http://www.unfoundation.org/unwire/archives/UNWIRE010531.asp#19> accessed 01 June 2001.
- 14 The inclusion of Taiwan in this context has nothing to do with the question of sovereignty; it is due to the common ethnicity of the Chinese organised criminal groups involved.
- 15 Consideration could also have been given to organised crime groups in Thailand, Malaysia, Indonesia, the Philippines or Vietnam, but in these cases the groups concerned are apparently more diverse and entrepreneurial and less well structured than those described in Annex A.
- 16 Phil Williams, 'The New Security Threat: Transnational Criminal Organisations and International Security', *Criminal Organisations*, Vol. 9, No. 3, Summer 1995, pp. 15-18.
- 17 See R.T. Naylor: 'From Cold War to Crime War: The Search for a New "National Security Threat"' in *Transnational Organised Crime*, Vol. 1, No. 4, Winter 1995, pp. 37-56; Peter A. Lupsha: 'Transnational Organised Crime versus the Nation State' in *Transnational Organised Crime*, Vol 2, No. 1, Spring 1996, pp. 21-48; William Rosenau, Kemper Gay & David Mussington: 'Transnational Threats and US National Security' in *Low Intensity Conflict and Law Enforcement*, Vol.6, No. 3, Winter 1997, pp. 144-161; John McFarlane: 'Transnational Crime as a Security Issue', op. cit. (see note 4).
- 18 Signed by President Clinton on 21 October 1995, PDD-42 specifically addresses the nation's fight against international crime. PDD-42 recognises that such criminal activity threatens US national security and directs the federal agencies to combat international crime from the criminal barons sheltered overseas to the violence and destruction they deliver to our streets. PDD-42 also provides continuity to earlier Administration policy, complements other presidential directives on alien smuggling, drug trafficking, terrorism and nuclear materials, and mandates intensified federal efforts against international criminals. <http://www.usdoj.gov/criminal/press/Xoptim.htm>, accessed 17 June 2001.
- 19 See also Raymond E. Kendall: 'Responding to Transnational Crime' and Roy Godson & Phil Williams: 'Strengthening Cooperation against Transnational Crime: A New Security Imperative' in *Transnational Organised Crime*. Special Issue: *Combating Transnational Crime: Concepts, Activities and Responses*. (Phil Williams & Dimitri Vlassis, eds), Vol. 4, Nos. 3 and 4, Autumn/Winter 1998; Phil Williams: 'Transnational Organised Crime: Threat Assessment and Strategic Response' in Mely Anthony & Mohamad Jawhar (eds) *Confidence Building and Conflict Reduction*. Kuala Lumpur: ISIS-Malaysia, 1998, pp. 193-220.
- 20 United Nations Drug Control Program (1997): *World Drug Report*. Oxford: Oxford University Press, pp. 168 - 173.
- 21 *Naples Political Declaration and Global Action Plan Against Organised Transnational Crime*, Naples, 23 November 1994. The full text of this document is published in

- Transnational Organised Crime*, Vol. 1, No. 1. Spring 1995, pp. 118 – 127.
- 22 ASEAN Declaration on Transnational Crime, Manila, 20 December 1998.
- 23 *The Birmingham Summit: Final Communique*, 17 May 1998.
- 24 Financial Action Task Force on Money Laundering: *Report*, dated 6 February 1990.
- 25 Organisation for Economic Cooperation and Development (OECD): *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, Paris, 17 December 1997. See also the United Nations General Assembly: *Declaration Against Corruption and Bribery in International Commercial Transactions*, New York, December 1996.
- 26 See Bill Tupman: 'The Business of Terrorism'. Presentation made to a Conference on Terrorism and Finance at the Institute of Advanced Legal Studies, University of London, 29 November 2001.
- 27 According to Schmid, there are a number of similarities and differences in relation to transnational crime and terrorism which need to be noted to better understand these two phenomena:  
 Similarities: Members are generally (but not always) rational actors; both use intimidation and ruthlessness; both use similar tactics – drug trafficking, kidnappings, extortion, bank robberies, assassinations, etc; both operate in secrecy; both are criminalised by the ruling regime; both usually (but not always) opposed to the state; both place heavy demands on individual members.  
 Differences: Terrorist groups are usually ideologically rather than profit motivated; terrorists usually admit their guilt in courts; terrorists seek media coverage for their cause; terrorist victimisation is less discriminate than criminal victimisation; terrorists compete with governments for legitimacy; criminal groups are more competitive and territorial.  
 (Alex P.Schmid: 'The Links between Transnational Organised Crime and Terrorist Crimes', *Transnational Organised Crime*, Vol. 2, Winter 1996, No. 4, pp. 40-82)
- 28 <http://www.fatf-gafi.org>.
- 29 The G-7 nations comprise Canada, France, Germany, Italy, Japan, the United Kingdom and the United States.
- 30 Membership of the FATF currently comprises Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, European Commission, Finland, France, Germany, Greece, Gulf Cooperation Council, Hong Kong/China, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. In addition, there are five 'FATF-Style' Regional Bodies and 14 International Organisations that have observer status on the FATF.
- 31 Membership of the APG currently comprises Australia, Bangladesh, Chinese Taipei, Cook Islands, Fiji, Hong Kong/China, India, Indonesia, Japan, Macau/China, Malaysia, New Zealand, Niue, Pakistan, Philippines, Samoa, Singapore, South Korea, Sri Lanka, Thailand, the United States and Vanuatu. In addition, Brunei Darussalam, Canada, Myanmar (Burma), Nepal and Vietnam have observer status, along with 13 International or Regional Organisations.
- 32 Units [http://www1.oecd.org/fatf/Ctry-orgpages/org-egmont\\_en.htm](http://www1.oecd.org/fatf/Ctry-orgpages/org-egmont_en.htm).

- 33 As at 4 February 2002, there were 58 countries with FIUs which participate in the Egmont Group.
- 34 <http://www.wolfsberg-principles.com/>.
- 35 <http://www.bis.org/bcb/>.
- 36 Current membership of the Basel Committee comprises Belgium, Canada, France, Germany, Italy, Japan, Luxembourg, the Netherlands, Spain, Sweden, Switzerland, United Kingdom and the United States.
- 37 Membership of the G-20 comprises Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, South Korea, Turkey, the United Kingdom, the United States and the European Union.
- 38 Uzbekistan, the United Kingdom, Sri Lanka and Botswana.
- 39 *United National International Convention for the Suppression of the Financing of Terrorism, 1999, Art. 2.*
- 40 'Terrorism: Treaty on Suppression of Financing to Enter into Force', *UN Wire Report*, 9 May 2002, at <http://www.unfoundation.org/unwire/current.asp#25381>, accessed 10 April 2002. See also 'Treaty to stop cash flow to terrorists comes into force', *Times of India*, 10 April 2002.
- 41 'Suppression of Nuclear Terrorism Convention' at <http://www.fas.org/nuke/control/nt/>, accessed 6 May 2002. See also, 'Ad Hoc Committee Established by General Assembly Resolution 51/210 of 17 December 1996' at <http://www.un.org/law/terrorism/>, accessed 6 May 2002.
- 42 For example, in January 2002, the United States Department of Treasury Financial Crimes Enforcement Network (FinCEN) published an *SAR Bulletin* (Suspicious Activity Report), which examined five significant cases of terrorist financing, and provided 23 very useful indicators, most of which are applicable to both terrorist and transnational crime investigations.
- 43 United States: *International Crime Threat Assessment*. Chapter III, pp.22 - 23 at <http://www.whitehouse.gov/WH/EOP/NSC/html/documents/pub45270/pub45270index.html> accessed 17Dec00.
- 44 *Ibid*, p.24.
- 45 *Ibid*, p. 25.
- 46 *Ibid*, p. 26.
- 47 The Hong Kong Police assesses that there are some 50-60 loose-knit *triad* groups currently operating in Hong Kong. Total world 'membership' of *triads* is assessed at 100,000.
- 48 Mainly methamphetamine and heroin.
- 49 The value of capital flight *out of* China is assessed at US\$ 20 billion annually.
- 50 The value of smuggling *into* China is assessed at US\$12 billion annually.
- 51 Sung Tae Yoon: 'Prevention and Drug Control', *Crime and Justice International*, December 1998, pp. 15-23.
- 52 Jean-Paul Creusat: 'Year 2000 and L.U.C.I.D.© System: A Millstone to curtail

- Terrorists and International Organised Crime' in *The Narc Officer*, July/August 1994, p. 74.
- 53 Bribery has become so common that the business community calls it a quasi-tax or *chunchose*. Bribery opens doors and allows for dividing up the profits from public works projects amongst a number of tenderers.
- 54 In 1995, Kim Dae Jung revealed that in 1995 former President Roh Tae Woo had given him 2 billion won (US\$2.5 million) to support his 1991 electoral campaign - 'Korean Opposition Chief Accused of Corruption: Presidential Favourite Tied to Slush Funds' in *International Herald Tribune*, 8 October 1997, p.4.
- 55 Closely associated with the Japanese *yakuza*, and influenced by them.
- 56 Closely associated with the Japanese *yakuza*, and influenced by them.
- 57 Mark Galeotti: 'Criminalisation of the DPRK', *Janes Intelligence Review*, March 2001, pp. 10-11.
- 58 It was reported in 1995 that drug addiction in the Russian Maritime Provinces was 29 times the national average, apparently due to the drug trafficking activities of North Korean timber-industry workers working in Russia - Sophie Quinn-Judge & Shim Jae Hoon: 'Opiate of the Party: North Korea fuels opium boom in Russia' in *Far East Economic Review*, 5 December 1996, pp. 28-30.
- 59 United States Department of State: *International Narcotics Control Strategy Report*, 1999. March 2000 at [http://www.state.gov/www/global/narcotics\\_law/1999\\_narc\\_report/seasi99\\_part3.html](http://www.state.gov/www/global/narcotics_law/1999_narc_report/seasi99_part3.html), accessed 09Apr 00. According to the *International Crime Threat Assessment*, prepared by a US Government interagency working group 'a large share of the methamphetamine consumed in Japan comes from North Korea, according to press reports; more than 40 per cent of the methamphetamine seized in Japan in 1999 came from North Korea.' - Chapter III, p. 30. <http://www.whitehouse.gov/WH/EOP/NSC/html/documents/pub45270/pub45270index.html>, accessed 17Dec 00.
- 60 China, 1994; Taiwan, May 1999; Japan, October 1999. In all, between 1976 and 1998 there were 30 verifiable incidents involving drug seizures in 13 countries. In several of these cases DPRK diplomats or officials were arrested.
- 61 Sophie Quinn-Judge & Shim Jae Hoon, *op.cit*, p. 29 (see note 58).
- 62 Russia, 1998; Egypt, January 1998; Bulgaria, April 1999. The DPRK Government attributes these criminal actions to the individuals or (in the case of business enterprises) to their organisations, and claims they will be punished if they return to North Korea.
- 63 United States Department of State, *op. cit.*(see note 59).
- 64 United States Department of State, *op. cit.* In his paper, titled 'The North Korean Drug Trade: Issues for Decision Makers' in *Transnational Organised Crime*, Vol. 4, No. 1, Spring 1998, pp. 81-88, Raphael F. Perle states: 'Pressed for cash and perceiving its vital national security at stake, the regime reportedly created an office to bring in foreign currency - 'Bureau No. 39' - under the ruling Korean Workers' Party, which is headed by North Korean leader Kim Jong Il. This office is reported to be in charge of drug trafficking and, according to some reports, all crime-for-profit activity, including opium production and trafficking, metham-

- phetamine production and trafficking, counterfeiting and smuggling.’ According to Galeotti, some sources suggested that in 1997 Bureau No. 39 generated an estimated US\$86 million of which \$71 million came from drug trafficking. Others have put this figure as high as \$500 million to \$ 1 billion. The ‘best guess’ estimate for 2000 appears to be \$150-200 million, of which 75-85 per cent comes from narcotics: this is equivalent to almost half of the country’s total legal export trade. (Galeotti, op cit, p.10.)
- 65 These gangs are closely associated with the *yakuza*.
  - 66 Some authorities have, in the past, assessed these remittances at between \$500 million to \$1 billion per year.
  - 67 Lynne O’Donnell: ‘Corruption robs North Korea of aid’, *Australian*, 20 November 2000, p. 10. See also John Larkin: ‘Where has the aid gone?’, *Far Eastern Economic Review*, 25 January 2001, pp. 62-64.
  - 68 See *Terrorism, the Future and U.S. Foreign Policy*, Congressional Research Service Issue Brief 95-112. In the 1980s, terrorists linked to the DPRK used Macau as a base for the bombing, on 9 October 1983, of a group of South Korean ministers and officials visiting Rangoon at the time; 21 people were killed. Furthermore, terrorists linked to the DPRK were alleged to have been involved in the bombing of a Korean Airlines Boeing 707 airliner en route from Baghdad to Seoul on 29 November 1987; 115 people were killed. The DPRK denied involvement in both incidents. (See *Britannica Book of the Year, 1984*, Chicago: Encyclopaedia Britannica Inc., pp. 257, 470-471 and *Britannica Book of the Year, 1988*, Chicago: Encyclopaedia Britannica Inc., pp. 152, 427.)
  - 69 Galeotti claims that 25 per cent of the amphetamines trafficked into Japan comes from the DPRK. The DPRK is also involved in manufacturing ‘designer drugs’ such as the ‘date rape’ drug, rohypnol tablets (‘roofies’) (Galeotti, op cit, p. 11).
  - 70 Also frequently known as *boryokudan*.
  - 71 United States: *International Crime Threat Assessment*. Chapter III, p. 28 at <http://www.whitehouse.gov/WH/EOP/NSC/html/documents/pub45270/pub45270index.html> accessed 17Dec 00.
  - 72 *Ibid*, p. 29.
  - 73 *Ibid*, p. 28.
  - 74 Suchiro Kitiguri: *An Introduction to the Buraku Issue: Questions and Answers*. Richmond, Surrey: Japan Library (Curzon Press) (1999).
  - 75 Based on the US Department of Defense publication *Proliferation: Threat and Response*, 1997 Edition at <http://www.defenselink.mil/pubs/prolif97/trans.html>, accessed 12Jan 01 and 2001 Edition at <http://www.defenselink.mil/pubs/ptr20010110.pdf>, accessed 12Jan 01. See also David E. Kaplan & Andrew Marshall: *The Cult at the End of the World: The Incredible Story of Aum*. London: Arrow Books, 1996.
  - 76 The Russian connection appears to be particularly important to *yakuza* groups.
  - 77 United States: *International Crime Threat Assessment*. Chapter III, pp. 13-14 at <http://www.whitehouse.gov/WH/EOP/NSC/html/documents/pub45270/pub45270index.html>, accessed 17Dec 00

- 78 Sergey Sevastyanov: 'Russian Reforms: Implications for Security Policy and the Status of the Military in the Russian Far East', *NBR Analysis*, Vol. 11, No. 4 (2000).
- 79 James Clay Molz: 'Russian Nuclear Regionalism: Emerging Local Influences over Far Eastern Facilities', *NBR Analysis*, Vol. 11, No. 4 (2000), pp. 2, 4, 6.
- 80 Rajan Mernon & Charles E. Ziegler: 'The Balance of Power and US Foreign Policy Interests in the Russian Far East', *NBR Analysis* No. 11, No. 5 (2000), p.10.
- 81 For further details of the activities of Russian and Eastern European organised crime groups overseas, see *Transnational Organised Crime*, Vol.2, Nos. 2/3, Summer/Autumn 1996, Special Issue -Russian Organised Crime: The New Threat? (Phil Williams, ed); Robert I Friedman: *Red Mafia: How the Russian Mob has Invaded America*. Boston: Little, Brown & Company, 2000; and Stanley Einstein & Menachem Amir (eds): *Organised Crime: Uncertainties and Dilemmas*. Chicago: The Office of International Criminal Justice, the University of Illinois at Chicago, 1999, especially Chapter 3.



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