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Organised Crime in Asia: Governance and Accountability

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Symposium Proceedings



**Jointly organised by National University of Singapore
and
Queensland University of technology**

Organised Crime In Asia: Governance and Accountability

Proceedings of the Symposium - June 2007

**Jointly held by National University of Singapore
and Queensland University of Technology**

Convened by

**Professor Roderic Broadhurst
and
Dr Narayanan Ganapathy**

FOREWORD

It was with pleasure that on behalf of Professor Lian Kwan Fee of the Department of Sociology, National University of Singapore and the School of Justice, Queensland University of Technology that Dr Narayanan Ganapathy and I welcomed participants to Singapore for a symposium on organised crime in Asia. The National University of Singapore was well-placed in the geographical heart of South East Asia to host such a conference. The symposium brought together, for the first time, law enforcement officers and academics from several different jurisdictions to discuss current perspectives about organised crime. Our theme “Organised Crime in Asia: Governance and Accountability” explored the relevance of such criminal activities to corruption and capture of state agencies or agents in the furtherance of criminal enterprises.

For two days in late June 2007 nineteen distinguished speakers from several countries (Malaysia, Singapore, Hong Kong, Japan, India, Australia, USA, Canada, United Kingdom, and Italy) spoke to the theme. The topics ranged across many of the issues involved such as the definition and trends in ‘organised’ crime, lethal violence, utilisation of the Internet, money laundering, drug and human trafficking. These proceedings offer fifteen of the papers presented at the meeting and in due course a selected number of these will be published in the Asian Journal of Criminology. The organisers are grateful to the authors and thank the sponsors for the support and encouragement offered.

It is with regret, however, that we received the apologies of Dr. Mei Jian Ming of the Chinese People’s Public Security University Beijing, Chief Superintendent Choy Kin Cheung of the Hong Kong Police Organised Crime and Triad Bureau and Dr Lee, Taehoon, President of the Korean Institute of Criminal Justice Policy. Their respective operational demands prevented them from attending. However, Chief Superintendent Choy kindly forwarded a short summary of matters relevant to the organised crime situation in the Hong Kong Special Administrative Region of China. This report (prepared by Superintendent Dan Ng) is included along with the programme, and relevant ASEAN documents on crime in the appendices of these proceedings.

The symposium format allowed for ample opportunity for discussion concluding with a lively roundtable between police and academics on the topic of evidence based research priorities. In the small but open forum created the challenges posed for both researchers and law enforcement were readily shared while research questions and mutual concerns constructively addressed.

I need not stress to the readers of these proceedings the importance of developing effective counter measures against organised crime and the violence that it perpetuates. We all share growing concerns about the transnational nature of serious criminal networks and the increasing efforts made at the global and regional level by national police and multi-national cooperation to combat the disruptive role played by such criminal activities. We hope that this conference may in some small measure shed light on the difficult challenges ahead and contribute to a more effective research agenda. To this end I commend these proceedings and trust that the crucial task of reflecting and learning about the nature of organised crime continues with all speed.

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Note:

Final versions of some of the papers in this proceeding can be found in Volume 2 (2) and Volume 3 (1) of the *Asian Journal of Criminology*.

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KEY NOTE

Into the Thick of It: Methodological Issues in Studying the Drug Trade in the Golden Triangle

Dr Ko-lin Chin, Rutgers University-Newark

When I began to contemplate a study of the drug trade in Burma, I did not give serious thought to asking the Burmese authorities for help in gaining access to research subjects and settings. There were many reasons for this. First of all, I did not think the Burmese government would allow an American professor to conduct such a study in their country, especially in the troublesome border areas. Then, even if Burmese officials supported such a study, they would, in all probability, not let me do it on my terms; they would perhaps have someone from the government accompany me and monitor my work. Knowing the mutual distrust that exists between people in the Wa or the Kokang and the national authorities, having a government official with me while conducting research would not be a plus. More importantly, my past work has convinced me that I can study gang extortion (Chin 1996), human smuggling (Chin 1999), and the penetration of organized crime into politics (Chin 2003) without having to rely on government authorities.

I also decided that I would use an integrated research method instead of relying on one particular approach. My plan was to use both traditional and extreme methods (Miller and Tewksbury 2001) to collect both quantitative and qualitative data from several groups of subjects, including opium growers, drug users, drug traders, and leaders of armed groups. Extreme research methods, according to Miller and Tewksbury (2001: 1): “are those that involve either highly unusual or creative approaches to finding answers to difficult-to-answer questions. Researchers using extreme methods are thus usually thought of as individuals (or teams) that go about their work in ways that many other researchers would see as dangerous, innovative, and sometimes unethical.” However, for safety reasons and because I do not speak the Wa dialect, I knew that I would not be able to conduct covert participant observation in the Golden Triangle with these groups of people. As described later in this paper, the “extreme” part of my approach was mainly about how I gained access to the research settings through clandestine means and not how I hid my identity to gain access to the subjects.

For me, the experience of conducting this study was a mixture of fun, excitement, and frustration. Fun because I was able to travel to places no criminologist from the United States has ever before ventured to, and while there I met many interesting people, including various individuals from mountain tribes along the China-Burma and Thailand-Burma border. Exciting because I was on the move almost every day and whatever activity I was involved in, there was always a sinister aspect to it. Frustrating because nothing was predictable, and whatever I took for granted in the United States, like taking a shower or having a cup of coffee, could be almost unthinkably difficult in the research locations.

I will begin by discussing the process of getting in and out of the Wa Hills.



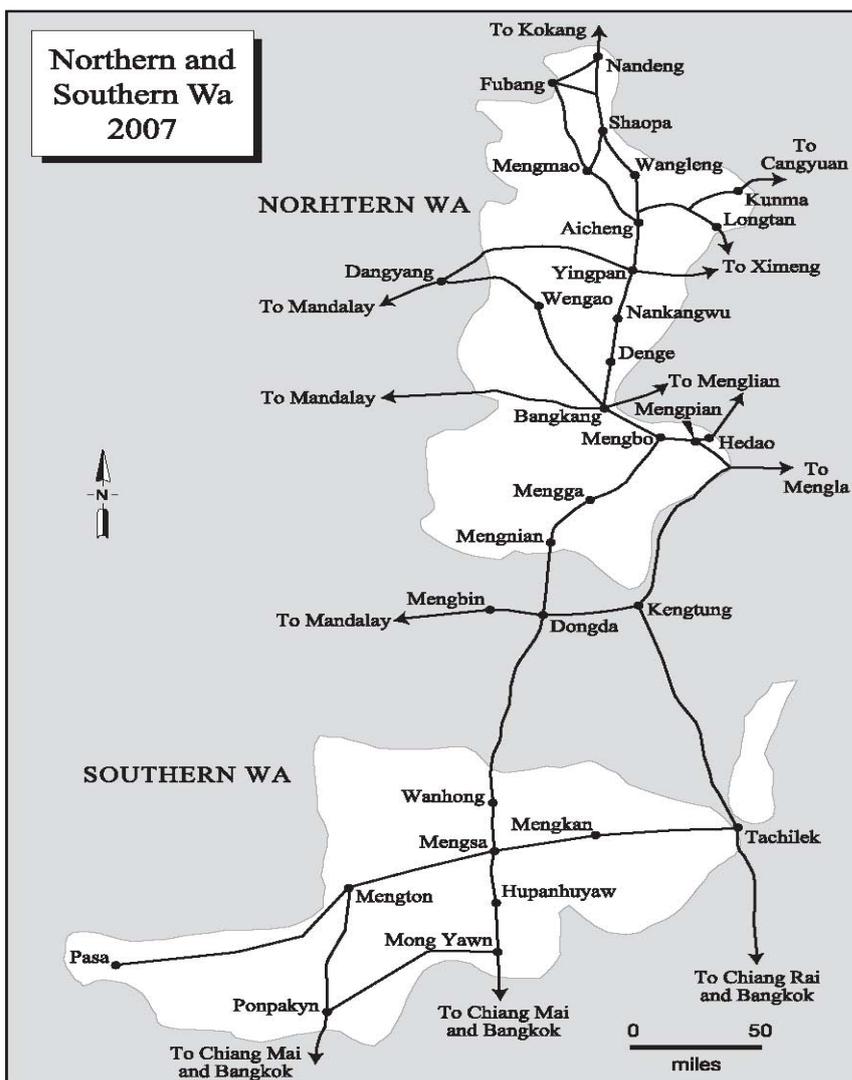
Getting In and Getting Out

Because I was born in Burma and my enduring research interest has always been on transnational crime, I had been thinking since the mid-1990s about conducting a study on the drug trade in the Golden Triangle. Even though I was well aware that a study of this nature was going to be extremely challenging, I was willing to accept the challenge. I was very eager to learn more about the country where I had been born and had to leave so abruptly and reluctantly in the late 1960s. No doubt, through this research project, I was looking for an opportunity to reacquaint myself with my past and seek to make sense of what had happened so many years ago. My ability to speak the Burmese language and my familiarity with Burmese culture gave me the confidence that I could carry out a study like this. Only later did I realize that cultural roots and language skills do not matter much in the Wa Hills; the area is very different from the rest of Burma, and in the hills people speak Chinese or Wa, not Burmese.

My wife and I went to Rangoon in January 1998. It was the city where I was born and spent my early childhood before leaving in 1967 when tens of thousands of Chinese were driven out of Burma by an anti-Chinese movement. A friend in Taipei had arranged a long-distance introduction to the wife of a Kokang leader who was living in Rangoon. I visited her in her new house near the Inya Lake, a pleasant neighborhood where some of the richest and most powerful people in Rangoon live. During my visit, I told my hostess that I wanted to study the drug trade in the Kokang area. She was naturally suspicious of me and said she was not sure how her husband would react to my research project. Nevertheless, to return the favor to our mutual friend in Taipei, the woman was willing to arrange a trip for me in one of her cars

to the Kokang area where I would meet her husband. I was tempted to go, but after considering how arduous it was going to be to drive from Rangoon to Laukkai (the town where the headquarters of Kokang is located) and the likelihood that her husband was going to say no to my proposed research project, I turned down the offer. Of course, I was also unwilling to drag my wife through all of this. While we were all sitting together in the living room, several high-ranking Burmese officials showed up to congratulate our hostess for moving into such a beautiful house. As the officials arrived, our hostess quietly requested – if we were asked – we tell the visitors that we were from Thailand. Fortunately, none of the officials bothered to ask us anything.

Disappointed by this entire encounter, I left Burma somewhat dejected. On my way back to the U.S. from Burma, I passed by Taipei and another friend in Taipei who knew I was interested in the Golden Triangle told me that a former schoolmate of ours had married a man who claimed to be very close to leaders of the Wa area. Our former schoolmate’s husband, Mr. Lee (not his real last name), was a Taiwan-born mainland Chinese who had traveled extensively in the Golden Triangle to explore business opportunities. In the process, he had become acquainted with leaders of various armed groups in the Shan State. In 1997 Mr. Lee established a nonprofit organization to help the Wa State investigate opium-substitution crops and legitimate business opportunities. I met my former schoolmate while I was in Taipei and she promised to help me get in touch with her husband. Not until I returned to the United States was I able to reach him by telephone. But he had good news. He said he would be happy to take me to the Wa area whenever I was ready to go.



ORGANIZED CRIME AND TERRORISM

East Meets West In Anti-Money Laundering And Anti-Terrorist Finance: Dialogue And Differentiation On Security, The Timber Trade And 'Alternative' Banking

Dr Nicholas Dorn & Professor Michael Levi, Cardiff University, UK

Summary

In principle, all countries support anti money laundering (AML) and anti terrorist finance (ATF) policies. In practice, political and economic investments and relations shape countries' priorities and emphases. Looking at three fields of concern from the point of view of AML/ATF – logging, 'informal' value transfer and security, terrorism – this paper explores policy preferences and agenda-setting of South East Asian and European Union countries from the perspectives of the political and economic salience for them of these fields.

Introduction

In principle, all countries support anti money laundering (AML) and anti terrorist finance (ATF) policies. However there are questions to be asked about how that abstract commitment translates into priorities for action in relation. This paper sets up a hypothesis that, since AML/ATF issues can potentially arise right across the spectrum of economies and cultures, there is a possibility that one state may place its policy emphasis in relation to one aspect of the economy, whilst another favours action in another sector. What might guide the shape of such policy preferences, in principle and practice? The paper explores the ways in which political, cultural and economic differences and relations between the South East Asian and European regions shape their countries' priorities in and understandings of AML and ATF. The paper draws upon reports from international and regional bodies, the private sector, NGOs, academic sources, and technical reports from international and regional bodies – which themselves draw upon data from the private sector, Financial Intelligence Units, law enforcement bodies and anti-terrorist services. The method proceeds from a sketch of political and economic relations between Asian countries and the European Union, as visible through the prism of the Asia-Europe Meeting (ASEM). Different nuances in policy priorities are then traced through three broad economic fields in which AML and ATF are of concern: logging, which is of special interest to some Asian countries, although approached cautiously by western countries; 'informal' value transfer services including so-called Alternative Remittance Systems, where regulation seeks to exclude funds from crime and/or for terrorism, whilst facilitating transfer/repatriation from North to South of small amounts at low cost; and security, in relation to seaways, the trade in small arms, WMD proliferation and terrorism. The analysis illustrates how the varying emphases placed by countries and regions in relation to AML and ATF reflect the political and economic salience for them of the various substantive fields of activities in which financial flows originate.

Global Terror and Organised Crime¹: Symbiotic or synonymous?

Professor Mark Findlay, University of Sydney, Australia

Introduction

Since Donald Cressey's work on organised crime as the 'fifth estate' (Cressey, 1969), its threat to legitimate government has been identified. Politicians and criminal justice administrations in Australia (and the region) for decades have chosen to represent the organised crime 'menace' as an attack on the institutions of the democratic state and as a physical and financial danger to society (Findlay, 1986; Findlay 2000). This is consistent with the approaches of governments in the United States and Italy when constructing the 'reality' of the *mafia* in their countries for more than a century (Smith, 1975), and the representation of organised crime 'colonisation' in the transitional Eastern European states (Findlay, 1999). More recently, the connection has been drawn between organised crime and international terrorism, with similar political purposes in mind but now the threat is to *global governance*.

International politics declares this new age of globalisation (Baumann, 1998; Findlay 2007) is the major era of global terrorism (Findlay, 2003). At the same time, organised crime is now cast as a trans-national, cross-border problem, with alliances returning to the distinctly political². In global terrorism, the world is said to be confronting a new organised crime opportunity, the local manifestations of which are inextricably linked to international conflict and the threat is directed against global communities (Findlay, 2004). To control terrorism these communities must sever the financial link with organised crime.

However, beneath this apparent contest between organised crime and the state, are more complex and less apparent mutual interests at a 'deep state' level³. There is significant evidence that both during the 'cold war' period, and in on-going instances of transitional state conflict⁴ alliances have been forged between organised criminal enterprise and para-political movements in order to destabilise state governance and thereby reap benefit⁵.

This paper commences with a discussion of terrorism as the contemporary organised crime.⁶ The common characteristics of terrorism and other forms of organised crime are suggested in a consideration of enterprise theory. The importance of globalisation in stimulating organised crime as terrorism is then developed. In this instance, globalisation negotiating risk and security has necessarily been pre-determined by the prevailing political concern with

¹ This paper is not a detailed denial difference between organised crime as the aggregation of illicit wealth, and terrorism which may not be concerned with economic profit. It takes as given the primary *political* context for terrorism and the *enterprise* environment of organised crime.

² This is not new. An examination of the historical literature on the triads in Nationalist China clearly locates the connection between organized crime organizations and financing with contesting political movements.

³ For a discussion of the *deep state* and *para politics*, see Tunander, 2006.

⁴ Examples are provided in Reno, 2006.

⁵ These benefits may have the common outcome of overturning state authority but may be motivated by distinctly different purposes and with often opposing eventual expectations.

⁶ The link between organised crime and terrorism is not necessarily a new phenomenon. On the contrary, the earliest identified manifestations of organised crime in Europe, China and even Japan demonstrated a motivation to undermine and overthrow established rule. In fact, Chinese triads were, at the turn of the 19th century, bound up with the Nationalist struggle in China. The difference today is that the international nature of organised crime as terrorism is clearly directed against global political cultures, influences and domination.

international terror⁷. The nexus between globalisation, terrorism and organised crime is referred to and its consequences for countries like Australia are identified. Australia's reaction to terrorism local and global is critiqued and comment is made on the similarities in the way both organised crime and now terrorism (as the great threats to 'Australian values', as well as to global community) have fostered radical responses from the state. We conclude by predicting how globalisation (and terrorism as one of its contemporary characteristics) is influencing the appreciation of organised crime in Australia and the Asian region.

Throughout the paper the analysis of connections between organised crime/terrorism/governance is observed at both state and 'deep state' levels. Regarding the 'deep state', there is the recognition that there exists in the contemporary world a powerful clandestine relationship between the security and intelligence organisations of established states, international criminal networks, and 'quasi states' in the form of separatist movements or some terrorist organisations. These 'alternative state' entities challenge sovereignty, economy, monopolies of force, and the whole protectionist fabric of the establish state. Organised criminal enterprise may find a home within these movements, in similar ways to its infiltration of state administration through corruption and black economies (Findlay, 1994; 2004). In the 'deep state' relationship the challenge of organised crime to democratic governance is clearest.

Despite these empathies between organised crime, terrorism and state re-formation, the unique insight offered by the paper is to confine commonality between organised crime and terrorism to the level of enterprise (as distinct from any shared ideologies), while critiquing the link between crime financing and terror as often no more than circumstantial. If the foundations of terrorist funding are not principally or essentially organised crime, then where and why has this assumed connection developed? The answer may more likely lie in the way organised crime and terrorism have been represented by the state and its control agencies, as threats to democratic governance. Challenging this nexus will naturally open up other platforms for contesting political legitimacy through terrorism now simply dismissed as a consequence of criminalisation (Findlay, 2007 (b))?

The first step towards these conclusions is to overview representations of organised crime and terrorism.

⁷ Some argue that without the strange conflation between fundamental islamists, and the neo-conservatives in the USA (and the terror which emerges from this) then the disengagement from conventional politics would be much more universal. (See the documentary 'The Power of Nightmares' (SBS, 2007).

DRUGS AND ORGANISED CRIME

The Organisation of Drug Supply, South Asian Criminal Enterprise in the UK

Professor Vincenzo Ruggiero and Research Fellow Kazim Khan, Middlesex University, UK

Findings from a variety of crime surveys suggest that 12% of all 16- to 59-year olds had used an illegal drug in the previous year and 3% had used a Class A drug. It is estimated that while for white and black people the percentage is 12%, for Asians it is 5%. Individuals from a mixed background show the highest prevalence of drug use: 26% had taken an illicit drug in the previous year (Condon and Smith, 2003; Aust and Smith, 2003; Roe and Man, 2006).

According to other sources, however, self-reported heroin use would indicate that rates for Pakistanis and Bangladeshis are four times higher those for whites (Ramsay and Percy, 1996). Of course, this should be treated with caution as such rates differ substantially from much of the other research. For example, Patel and Wibberley (2002) estimate that drug use in the Asian population is as common as in the general population of young people. This is particularly true for cannabis, but also for heroin and cocaine, although not for ecstasy and LSD.

Heroin use within British South Asian (BSA) communities is documented in case-story studies by Akhtar and South (2000) and Carey (2000). The point is made that it would be naïve to assume that South Asians are less likely to engage in drug misuse because of cultural and religious restraints (Ganchi et al, 1997). Research also shows an increase in heroin use in the Bangladeshi community, where the prevalence has increased from negligible levels in the early 1990s to levels proportionally higher than in the white population of the same age and sex. Users are normally male, apparently less disadvantaged than their white counterparts, and have greater contacts with their non-drug-using families (White, 2001).

Demand for illicit drugs among BSA communities has grown along with concerns around the development of organised forms of criminality within those communities. This paper examines the structure and modus operandi of these specific criminal organisations in the UK drawing on empirical research conducted between 2005 and 2006¹. After an overview of the debate on organised crime, our findings will be utilised to shape a typology, and to offer a variety of hypotheses around the illicit drug enterprises involved in British markets. In the final part of the paper, the implications for law enforcement will be discussed vis-à-vis the types of criminal enterprise identified.

¹ The research project was based on face-to-face interviews with drug traffickers and distributors in custody, users and distributors unknown to official agencies, drug treatment staff and law enforcers based in the UK as well as in Pakistan. In total, the interview process involved some 150 informants.

Towards An Understanding Of The Dynamics Of Global Administrative Measures And International Criminal Courts And Tribunals: A European Perspective

Dr Nicholas Dorn, Cardiff University and Erasmus Rotterdam University

Abstract

This paper explores and contrasts the dynamics of (a) international administrative measures and (b) international criminal courts, in terms of state interests, multilateral compromises and cosmopolitan challenges, drawing on the IR-inspired legal analysis of Kingsbury et al and on the sociology and law of Hagan et al and Loader and Walker. It compares and contrasts the ways in which developments in these two spheres are shaped by unstable and contingent dynamics between state interests, multilateral compromises/bodies, and creative and critical interventions by independent but cosmopolitan actors such as NGOs (adapting ideas from Kingsbury et al). In summary, (a) international administrative measures may take either 'disciplinary' forms such as sanctions or 'supportive' forms such as capacity-building. Examples include UN sanctions against Iraq and the former Yugoslavia, 'smart' sanctions/targeted aid in relation to Palestine, and conditionality in UN/EU governance of the Balkans. In such arrangements, state interests constitute the initial drivers, transmuting into multilateral arrangements in a search for legitimacy, then often being discredited by cosmopolitan challenges on grounds of unfairness, ineffectiveness and negative side effects. In relation to (b) international criminal courts, the historical dynamic seems to be reversed. The ICTY and the International Criminal Court owed their genesis to campaigning by cosmopolitan networks and media (campaigns against impunity); then developed organisational solidity and capabilities required to function (professional and well-connected prosecutors); shortly attracting much closer management by states and, from some (notably the US), strategies for curtailment or neutralisation. In such terms is offered a comparative analysis of security governance.

Introduction

This paper is concerned with two inter-twined international aspects of governance, engaging with administrative and criminal law in terms of the dynamics between states, international bodies and cosmopolitan actors. The global policy space is not just multi-*level* (government at international, regional, national and local levels, vertically differentiated) but also multi-*source* (juridical interventions, private sector cooperation and hence influences, and civil society). We apply this perspective to aspects of international regulatory/administrative measures and to criminal courts and tribunals, illustrating some of the elements of contingency and surprise that characterise international aspects of governance.

It may be helpful to start by distancing ourselves from any preconception that globalism can be understood as an even process, the consequences of which are uniform. That is far from the case, as will be shown below. Similar in some respects to the approach taken here, Burris et al (2005) draw on their work on international relations and local security to elaborate a notion of 'nodal governance' as highly contingent, saying that 'Whether it produces 'goods' or 'bads' is an empirical and contingent question' (Burris et al 2005: 58). We concur with this evaluation, even though we would quibble over 'nodal' language, since it may under-estimate the solidity, bureaucratisation and persistence of much that we see in states and international bodies. Nor would we adopt the more commonly used term 'multi-level governance' (Rosenau 1992, Paterson 1992, Stubbs 1995, Jessop 2006). In our view, 'multi-level'

governance has equal but opposite problems to that of ‘nodes’: it is too vertical and state-centric a concept. The term fails to articulate the ‘horizontal’ influences in governance – private sector, civil society and NGOs, communications including the internet, cultural formations and so on.

Our preferred term, multi-source governance, acknowledges influences from sovereign states and their federal variants, multilateral systems of implementing administrative measures and criminal law, and the cosmopolitan influences of the private sector and civil society. Sovereignty is acknowledged to be alive and kicking – as some of the examples below will illustrate – and has if anything been selectively strengthened by global bodies and networks (c.f. Picciotto 2006:1).

The structure of this paper is as follows. First, looking for conceptual tools, we review some sociological and legal approaches to globalisation, settling upon an approach that looks at synergies and contradictions between actions by states (hereafter inter-state relations), actions by international bodies (such as the World Bank) and cosmopolitan networks. For hints about the application of these concepts to current developments, we are indebted equally to advances in global administrative law and in the sociological study of regional and international criminal courts (see below). Although these traditions have trodden somewhat different tracks, we aim to show that they are parallel and broadly compatible approaches. Each in its way is a conflict and power analysis, with normative concerns around conflict-resolution, legitimacy, negotiation and fairness. Borrowing freely from these traditions, we examine international governance in some of its administrative and regulatory forms – sanction-making by states meeting in the UN Security Council and other international fora, the attempted direction of countries’ social and economic policies by the World Bank and IMF, and current problems of (lack of) legitimisation of the actions of those bodies. In a broadly parallel analysis of regional and international criminal courts and tribunals, we show cosmopolitan, multilateral and inter-state influences around the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court (ICC). Finally we conclude on the challenges that multi-source governance poses both analytically and politically.

RESPONSES TO ORGANISED CRIME

Transnationalisation, Orientalism and 'Asian Organised Crime'

Professor James Sheptycki, York University, Toronto, Canada

Finally, there comes a time when everything that men had considered as inalienable become an object of exchange, of traffic and could be alienated. This is the time when the very things which till then had been communicated, but never exchanged; given but never sold; acquired, but never bought – virtue, love conviction, knowledge, conscience, etc. – when everything finally passed into commerce. It is the time of general corruption, of universal venality, or, to speak in terms of political economy, the time when everything moral or physical, having become a marketable value, is brought to the market to be assessed at its truest value. (Karl Marx, *The Poverty of Philosophy*)

Introduction

The question arises, are Western criminologists equipped to theorize Asian Organized Crime? The gulf between east and west is wide and, ever since Edward Said's influential work *Orientalism* (1979), this barrier has been seen as problematic, perhaps especially for criminologists (Cain, 2000). In this paper I want to problematise the relationship between Orientalism and transnationalisation and will do so by interrogating the trope of Asian Organised Crime. There are dangers if the notion of Orientalism helps to maintain stale debates about human rights and cultural relativism which most progressive criminologists would probably want to steer clear of. On the other hand, an abstraction like Asian Organised Crime is ripe for deconstruction and criminologists attuned to the politics of their discipline would, for the most part, accept the urge to pull apart such a concept. However, this kind of theoretical move equates with a relativistic epistemological orientation which is usually understood to be antithetical to a philosophical position upholding the notion of human rights. As can be seen from the outset, the notion of Asian Organized Crime (AOC) raises complex questions and, as such, offers a crucial acid test for positioning criminological theory between the universalism of human rights and the particularism of cultural relativism. This is theoretically challenging but, in a world that has gone transnational, these issues are not merely academic. The practical outcome of this positioning has implications for the character of what is here loosely termed the 'global system'.

Inclusive National Governance and Trafficked Women in Australia: Otherness and Local Demand

Dr Rebecca La Forgia and Dr Marinella Marmo, Flinders University, Australia

Trafficked women are used and consumed in different ways and by different users in Australia. They are used by the traffickers and by the consumer of the destination country. They are used as prosecutorial tools by the national criminal justice agents. They are used by the national politicians to pursue border control policy objectives and to be seen as abiding by international protocols. In all these uses, the identity of the trafficked woman is formed and shaped to fit the users' need. However, these women's otherness and abjection is constantly maintained and reinforced. They are used as a commodity. Meanwhile, the discussion on the demand side, and the consequent responsibility of the destination country, is virtually omitted.

This paper will raise the question of how the socio-legal analysis and discourse would evolve if a literal interpretation of trafficking women as commodity was taken into account, exploring an international trade approach. The social construction of trafficked women as a commodity has been identified and criticised by academic scholars, NGOs' and UN's rapporteurs. By pursuing this line of approach, the destination country is forced to take more responsibility for how the woman is demanded within its territory. As a consequence of this international trade approach, the State should deliver equality and non-discrimination. Rather than being a cynical application of a trade framework to trafficked women, this approach aims to highlight the paradox of such a situation in legal terms. It is highlighted that approaching trafficked women from this legal and jurisprudential way may offer more possibilities to expand their claims against the State. Currently, in Australia, when a trafficked woman is located by the State, she would attract limited and temporal rights, her being the 'other' as well as an abject entity remains, notwithstanding the fact she was imported because there is a demand within the territory.

The human rights approach and discourse fail women (Irigaray 1985). This is evident in the case of trafficked women for sexual servitude. In Australia, trafficked women are portrayed and maintained as the 'other', as unbelonging matter of the moral and legal community. Trafficked women are dealt with as an external issue – to the point that their conditions and situation are unable to affect domestic policy objectives. Their status as irregular immigrant is used to re-establish a social and moral order, a social identity of the Australian system, which is disturbed by the unwanted presence of trafficked women (Dauvergne 2004). In this context, the socio-political construction of legality internalises a sense of belonging and of citizenship (Bauman 2000).

The portrayal of trafficked woman as external to Australia's domestic issues is manufactured and contrived. In fact, there is a clear connection between the trafficked woman and the internal community. These women are present in Australia due to an existing domestic demand (Fergus 2005); there is an internal market that requires and consumes their sexual services. This connection between trafficked women and the domestic market has mostly been disregarded by national policy makers, and consequently has been overlooked and under-researched. This is why, for example, Costa, the Executive Director of UN Office on Drugs and Crime, emphasises the importance of focusing on the demand side of trafficking as well as other strategies and approaches (2006 *United Nations Report on Trafficking in Persons*, hereafter 2006 UN Report).

This paper argues that an international trade approach may contribute to the analysis of the problem of trafficking in women through a different lens. This proposal of approaching trafficking in women using various lenses has been already explored (Munro 2006, Bruch 2004). We aim to continue this investigative-process and to offer a further interdisciplinary approach. The twin international trade themes of the consumers' role in characterising 'likeness' and the State responsibility for equality of treatment is explored in the context of trafficked women. It is argued that consumers of trafficked women *demand* them in their *gendered capacity*. As a consequence, consumers establish a fixed identity of these women as 'women' within the Australian community. The trafficked women are therefore not the 'other', but are 'like' and equal to national women. Accordingly, the State has a corresponding duty to treat them as equals, regardless of nationality or origin.

Therefore, and controversially, if trafficked women are used and consumed as a commodity through an international trade legal analysis, these women should acquire a stable identity. While it is extremely confrontational, as well as socially, politically and ethically problematic to use the language of commodification in relation to any person, the reality is that a human rights' approach has failed these women. Even the most inappropriate approach may offer more real protection than abstract rights. This approach is even more purposeful in the Australian context, where a national human rights bill is still a vague notion than a realistic proposition.

Focusing on this demand side of trafficking, whereby the trafficked women's connection with the domestic market is stressed, challenges several socio-political objectives. According to the mainstream political narrative, once the crime of trafficking in women is cleaned up, the Australian Government has achieved a number of policy objectives, including its safety aims and its border protection goal. Moreover, the Government, while accessing international consensus and abiding by international protocols, has sheltered the internal moral community. In doing so, the community does not face a confronting reality: these women are imported because there is a *demand* in Australia. It is therefore the argument of this paper that the destination country's market can, when properly analysed, provide a useful lens through which to consider the role of the demander.

The above discussion is achieved dividing the paper into three sections. In the first section, the recent Australian legal framework is introduced. It is argued that trafficked women's status of 'other' and 'object' (Kristeva 1982) remains. In the second section, the international trade approach is explained and applied to trafficking in women. It is emphasised how Australia should acquire more responsibility towards these women, because of the demand in the destination country. In the third section, *demand* is contextualised in broader terms, to include the public as consumer of information. By informing the public of the problem of trafficking in women in Australia, the public could demand a better-targeted and more diversified approach.

TECHNOLOGY AND ORGANIZED CRIME

The Internet, Technology, and Organised Crime

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Abstract

Digital technology has transformed organizational life. Developments in communications, and in information storage and retrieval, to name just two areas, have greatly enhanced the efficiency with which legitimate organizations operate. Unfortunately, the benefits of digital technology are not lost on criminal organizations, which exploit digital technology to enhance the efficiency and effectiveness of their own operations.

This paper will discuss the organized criminal exploitation of digital technology, by looking at a number of illustrative cases from Asia and around the world. It will discuss the various types of “conventional” organized crime that can be facilitated by digital technology, as well as terrorism, which itself can be regarded as a special kind of organized criminal activity. One fundamental question that the paper will seek to address is whether the activities of Asian organized crime have become substantively different as a result of technology, or whether traditional organized criminal activities in Asia are merely being conducted on a more efficient and effective basis. The paper will note the transnational nature of much organized criminal activity, and will discuss mechanisms for the control of organized crime in the digital age.

I. Introduction

When scholars and law enforcement officials think of organized crime, they instinctively think about stereotypical organizations committing certain types of crime. The classic monolithic, pyramidal organization such as the Yakuza, triads, or the Italian mafia, engaged in extortion or in the delivery of illicit services, come immediately to mind.

However, the nature of organizational life is changing, for criminal organizations no less than for legitimate ones. Monolithic, hierarchical, formal organizations still exist, but organizational form is becoming increasingly diverse. So too are the activities that criminal organizations engage in. To a significant extent, these trends are both the products of rapid developments in information and communications technology.

This article looks at the exploitation of digital technology in furtherance of organized crime. It first addresses the concept of criminal organization, and suggests the desirability of a more expansive construction, to accommodate the evolution and diversification of organizational forms in the modern era. It then looks at various types of high tech crime that have been committed by organizations, with particular reference to those operating in Asia. It concludes with a few suggestions for the prevention and control of organized crime in the digital age.

Criminal exploitation of online systems by organised crime groups

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Abstract

This article considers how information and communications technologies (ICT) can be used by organised crime groups to infringe legal and regulatory controls. Three categories of groups are identified: traditional organised criminal groups which make use of ICT to enhance their terrestrial criminal activities; organised cybercriminal groups which operate exclusively online; and organised groups of ideologically and politically motivated individuals who make use of ICT to facilitate their criminal conduct. The activities of each group are then assessed in relation to five areas of risk: the use of online payment systems, online auctions, online gaming, social networking sites and blogs. It is concluded that the distinction between traditional organised crime groups and the other two groups – cybercriminal groups and ideologically / politically motivated cyber groups – is converging, with financially-motivated attacks becoming more targeted. Legislation will need to adapt to deal with new technological developments and threats that organised criminals seek to exploit.

1. Introduction

Digital content (or electronically stored information) can be broadly defined as information or data extracted from a computer or other electronic storage medium (Standards Australia International 2003). A 2003 study reported that information is increasingly being stored or archived in electronic form – approximately 92 percent of data were created in electronic-only form, particularly on hard disks (Lyman & Varian 2003). Another report (Gantz et al. 2007) indicated that the amount of digital information created, captured and replicated in 2006 was approximately 161 billion gigabytes or to put this into perspective, the equivalent of 230 billion standard 700-megabyte CDs or 37 billion standard 4.3-gigabyte DVDs.

Broadband connection, technological innovations and declining prices of electronic data storage devices continue to lower entry barriers for digitisation of information which will continue to have a wide-ranging influence on how the banking and finance industry operates. This includes customer service (e.g. electronic payment systems) and business operations (e.g. electronic clearing).

The declining importance of dial-up connections and the expansion of broadband services have also created an environment in which connections are maintained continually. Investment in network expansion by telecommunications companies will see a further expansion in capacity that will result in an increase in bandwidth availability and greater adoption of wireless and mobile technologies. Although Asia represents about 56.5 percent of the world population, only about 10.7 percent of its population has access to the internet as of March 2007 (World internet usage and population statistics 2007). This, however, represents just over one-third of the world's current population with access to the internet and is thus a highly significant market. In addition, although English remains the dominant language, Asian languages (i.e. Chinese, Japanese and Korean) constitute at least 25 percent of online use as described in Table 1.

Table 1: Top ten languages used in the web					
Top ten languages in the internet	% of all internet users	Number of internet users by language	Internet penetration & by language	Internet growth % for language (2000 - 2007)	2007 estimate world population for the language
English	30	328,666,386	29	140	1,143,218,916
Chinese	14	159,001,513	12	392	1,351,737,925
Spanish	8	88,920,232	20	260	439,284,783
Japanese	8	86,300,000	67	83	128,646,345
German	5	58,711,687	61	113	96,025,053
French	5	55,521,294	14	355	387,820,873
Portuguese	4	40,216,760	17	431	234,099,347
Korean	3	34,120,000	46	79	74,811,368
Italian	3	30,763,940	52	133	59,546,696
Arabic	3	28,540,700	8	932	340,548,157
Top ten languages	82	910,762,512	21	181	4,255,739,462
Rest of World Languages	18	203,511,914	9	445	2,318,926,955
World total	100	1,114,274,426	17	209	6,574,666,417

Note: Internet usage and world population statistics at 10 March 2007.

Source: adapted from <http://www.internetworldstats.com/stats7.htm>

As businesses continue to engage in electronic commerce, they will become increasingly globalised and interconnected. In Australia, a considerable increase in electronic banking has been observed (APCA 2005). This is perhaps due to the cost of an internet-based transaction being a small fraction of a 'bricks-and-mortar' based transaction. The propensity for consumers to buy online is indicated in a recent report that online spending on retail websites in United States has exceeded US\$100 billion (Ames 2007).

Ease in accessing and sharing content electronically offers governments and businesses the opportunity to engage the public online and to bridge the gap between sectors. The emerging trend of individuals using the internet to access public-domain services in preference to more traditional offline modes will increase the popularity of digital content in e-commerce, e-government and social activities such as e-tendering, e-voting and e-reporting.

With the ease of accessing and sharing content electronically, the key issue to consider in this article is whether crime follows opportunity, particularly criminal exploitation of online auctions, payment systems, gaming, social networking sites and blogs? Section 2 of this article briefly discusses three categories of organised crime groups. Sections 3 to 7 examine the risks associated with online payment, auctions, gaming, social networking sites and blogs (e.g. how can these be exploited by organised crime groups to 'develop' new crimes and 'cleverly transform' traditional crimes). Examples of 'cleverly transformed' traditional crimes include abusing online payment systems to facilitate money laundering activities and using the internet as a distributor of computer-based images of child abuse and child pornography due to the ability to broadcast video coverage of sexual abuse in real time. Section 8 concludes this article.

COUNTRY PAPERS

China's Implementation of the United Nations Convention against Transnational Organized Crime

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After a quarter century of efforts by the United Nations to strengthen international cooperation in the fight against organized crime, 124 member states signed the landmark United Nations Convention against Transnational Organized Crime (UNTOC) in December 2000 (U.N. 2000).¹ The People's Republic of China (the P.R.C. or China) was an early and enthusiastic proponent. China is an original signatory, and its legislature unanimously voted to ratify UNTOC in August 2003.² UNTOC entered into force on September 29, 2003, after forty states became parties (State Parties). Seven years since signing and four years into its implementation, how well is China living up to the terms and spirit of UNTOC? The answer is quite well. Despite lingering discrepancies, China's laws are substantially in compliance with UNTOC's requirements. Beyond the black letter law, China has made an earnest, good faith effort to embrace greater international cooperation to combat transnational³ organized crime.

Concerns about organized crime are partially driving China's legal-reform efforts. Gangsters have certainly played a role in Chinese history—such as Chiang Kai-shek's membership in Shanghai's "Green Gang" (Huston 1995)—and they remain active today. In a speech leading up to the 2001 "strike hard" campaign, President Jiang Zemin named crimes committed by organized criminal groups as one of the campaign's three focuses (Trevaskes 2002).⁴ One

¹ As of April 2007, UNTOC had 147 signatories and 132 parties. Although the press release from the signing describes UNTOC as the product of 25 years of work, concrete drafting of UNTOC followed the 1994 decision of the General Assembly to approve the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (U.N. General Assembly 2000).

² The announcement is contained in the Decision of the Standing Committee of the National People's Congress on Approving UNTOC, dated August 27, 2003. UNTOC took effect in the Macao Special Administrative Region on the same date. China later extended UNTOC's application to Hong Kong on September 7, 2006, in the Official Reply of the State Council concerning the Decision to Use UNTOC in the Hong Kong Special Administrative Region (《国务院关于决定《联合国打击跨国有组织犯罪公约》适用于香港特别行政区的批复》). China has not signed the two protocols that were originally issued with UNTOC: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Air and Sea. However, China has signed but not ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, which entered into force in 2005.

³ An offence is considered "transnational" under UNTOC if "(a) it is committed in more than one State; (b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or (d) It is committed in one State but has substantial effects in another State" (art. 3, para. 2).

⁴ In the post-Mao era, China has mounted three wide-scale "yanda" () campaigns—commonly translated as "strike hard" or "stern blows" campaigns—in 1983-86, 1996, and 2001, respectively. In his account of the 1983-86 campaign, Murray Scot Tanner describes the Chinese Communist Party Politburo's August 1983 "Central Committee Directive on Sternly Attacking Criminal Activities," which identified "'hooligan' gang members" as one of "seven types of people" who would be principal objects of the campaign (Tanner 2000).

Chinese academic estimated in 2000 that China had a minimum of one million members of “*heishehui*” (黑社会) (Sina.com 2000), which is varyingly translated as black societies, secret societies, criminal underworld, and mafia. The 2001 campaign was fierce, but it did not eradicate organized crime.⁵ For example, in 2006, P.R.C. authorities indicted 34 suspects in Beijing on charges stemming from their involvement with the Hu brothers, described by one reporter as “China’s ‘Sopranos’” (Coonan 2006). And the media recently circulated photos of limousines and armored vehicles that were driven around Hebei Province by Yang Shukuan, chairman of a corporate group and reported crime boss (Wang 2007).

There is also considerable literature on Chinese crime groups that operate abroad. For example, in their article “Asian Emerging Crime Groups: Examining the Definition of Organized Crime,” John Huey-Long Song and John Dombrink describe four types of Chinese entities that operate in the United States:⁶ triads,⁷ tongs,⁸ street gangs, and heroin smuggling operations⁹ (Song & Dombrink 1994). Yet many of these ethnically Chinese groups do not have ties to Mainland China. Furthermore, comments by P.R.C. officials downplay the current involvement of Mainland groups in cross-border organized crime. One official in

For the 1996 campaign, the phrasing was modified into “organized crime of a secret-society nature” (Chen 2005).

⁵ The efficacy of such short-term, vigorous anti-crime campaigns is an issue of debate. In her article, “Courts on the Campaign Path in China: Criminal Court Work in the ‘Yanda 2001’ Anti-Crime Campaign,” Susan Trevaskes opines, “Like the first Yanda campaign from 1983 to 1986, crime figures will fall in the short term after 2001, and will then rise dramatically after Yanda 2001 concludes, at whatever date in the future. This is because Yanda is ineffective in controlling broad crime trends such as the increase in gang-related crime” (Trevaskes 2002). Similarly, Murray Scot Tanner writes of the 1983-86 campaign, “Evidence about the unsustainability of the improvements in public order greatly undermined Liu Fuzhi’s [then Minister of Public Security] contention that the campaign had restored criminals’ fear of the Party in any lasting way, and suggested that as a method of social control, campaign-style policing had only short-term efficacy” (Tanner 2000). Tanner and Trevaskes both attribute such campaigns more to a show of state strength—and the survival of the Communist Party—than to effective crime control (Trevaskes 2002; Tanner 2000). The Chinese government has recently indicated a move away from “strike hard” campaigns. Citing the calls for “balancing severe punishment with leniency” in the 2006 annual work reports of the Supreme People’s Court and Supreme People’s Procuratorate, a March 2007 article from the Party mouthpiece “People’s Daily Online” declares, “China rejects ‘strike hard’ anti-crime policy for more balanced approach” (People’s Daily 2007).

⁶ For example, in a 2004 press release regarding “Operation Panda,” U.S. officials “announced indictments targeting two powerful Chinese organized criminal groups that had been operating in New York City” (U.S. Immigration and Customs Enforcement 2004).

⁷ Perhaps the most notorious of Chinese organized crime entities is the triad, a type of secret society that arose in the seventeenth century in opposition to the Qing Dynasty (Library of Congress 2003). Generally based in southern China—with the focal point being Hong Kong—triads have expanded their activities overseas. Their Mainland activities are also reportedly on the rise, a move that has been eased by official corruption: “It’s not necessarily because they are triads but because they have the capital, they have the experience of running entertainment businesses, drugs and women, for instance, and can be of use to local mainland criminal entrepreneurs” (Fraser 2002 (quoting criminologist Chu Yiu-kong, assistant professor at the University of Hong Kong’s Department of Sociology)).

⁸ The term “tong” (“*dang*” in pinyin) is sometimes connected with criminal organizations, but in its literal form, the word simply refers to an organized group, including political parties. For the purposes of his book titled “Tongs, Gangs and Triads,” Peter Huston writes, “[Tong] is defined as an organization that consists primarily of unrelated Chinese people united to assist one another by a bond that includes secret ceremonies and oaths. This definition encompasses many things, but then again, there are a lot of different kinds of tongs” (Huston 1995).

⁹ In May 2003, a Mainland-based Hong Kong resident was arrested on charges of smuggling U.S. \$100 million of heroin into the United States. U.S. and P.R.C. law enforcement cooperated closely in the investigation, so closely that, “[a]t one point, a multinational group of officers huddled in a hotel room for 10 hours, speaking Cantonese, Mandarin, Fukienese and English as they plotted strategy, a U.S. official said” (Pomfret 2003a, 2003b). Dozens of other suspects were arrested by drug agents in the United States, Canada, and India in connection with the drug smuggling ring, known as the “125 Organization”—a derivative of the leader’s nickname that referred to his 125-kilogram (275-pound) weight (Pomfret 2003a).

Beijing told researchers that China does not yet have “black societies,” and other groups¹⁰ have not reached the requisite level of sophistication to extend overseas: “[B]ecause these groups are all territorial—their spheres of influence and their activities are restricted to their own turfs. They are not mature enough to establish a transnational crime network” (Finckenauer & Chin 2007). In his 2005 article “Secret Societies and Organized Crime in Contemporary China,” An Chen of the National University of Singapore seconds this assessment: “In today’s China nearly all criminal gangs are local ones” (Chen 2005).

Accordingly, although recognizing the domestic presence of at least nascent organized crime and concerns about its expansion overseas, China’s legal reforms since signing UNTOC are not driven solely by a fear of organized crime, let alone transnational organized crime. Rather, China’s legislative reforms are better understood in light of a greater driving force, namely, the Chinese government’s more pressing, overarching goal of combating financial crime, both domestic and transnational, whether or not organized crime is involved. The legislation called for by UNTOC has a broader advantageous impact on the fight against financial crime. Indeed, the most notorious Chinese actors involved in transnational money laundering, corruption, and other offenses addressed under UNTOC do not fit the traditional mold of organized crime figures. They are more suited for the cubicle-dwelling inhabitants of “The Office” than the slick gangsters of the “The Sopranos.” This is graphically illustrated by the former Bank of China managers who are facing racketeering, money laundering, and fraud charges in the United States stemming from a complex plan to defraud the bank of a reported U.S. \$485 million.¹¹ The managers carried out the scheme in southern China by quietly issuing bogus loans to local companies and moving diverted funds overseas via creative accounting, not by using violence or the threat thereof as is commonly associated with organized crime. Now China wants them back.¹² These managers are hardly unique in their decision to take criminal proceeds and flee overseas: The official Xinhua News Agency quoted a P.R.C. Ministry of Commerce statement in 2006 that “4,000-strong fleeing officials took away more than 50 billion U.S. dollars, few of which have been recovered” (Xinhua 2006a).

This paper reviews China’s compliance with UNTOC’s requirements concerning domestic criminal law and concludes that current P.R.C. law is substantially in conformity with UNTOC, though further legislative action is necessary to achieve full compliance. Looking beyond the law on the books, China continues to be a staunch supporter of international cooperation, as called for by UNTOC. China’s legal reform efforts are better understood, however, as part of its larger push to crackdown on financial crime than as a freestanding attack on organized crime.

¹⁰ The other groups identified by the official are criminal groups, criminal organizations, and black society-like criminal organizations (Finckenauer & Chin 2007). Although the report does not use the Chinese names of these organizations, they are presumably “*fanzui jituan*” (犯罪集团), “*fanzui zuzhi*” (犯罪组织), and “*heishehui xingzhi zuzhi*” (黑社会性质组织), respectively. In this paper, “black society-like criminal organizations” is translated as “organizations in the nature of a criminal syndicate.”

¹¹ The charges are laid out in the Second Superseding Indictment, issued by the U.S. District Court, District of Nevada, on January 31, 2006 (U.S. District Court, District of Nevada 2006).

¹² Another participant returned to China where he was convicted on embezzlement and related charges. If the others return to China, they are expected to face similar charges.

Organized Crime In The City Of Chennai

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Abstract

In the recent past there has been a spurt in the activities of criminal gangs in and around the city of Chennai. The fear of crime victimization by these gangs has created a feeling of insecurity in the neighborhoods of the city. Frequent killings, kidnappings, theft, robbery, dacoity by organized criminal gangs and organized frauds by the non banking financial institutions victimized a large number of people. An attempt has been made in this study to understand the structure, modus operandi and characteristics of the gangs and gang members. The study also focused on measures of the government to prevent and control activities of these gangs. Through case study method 20 mercenary gangs, 20 robbery gangs and seven financial fraud gangs were studied.

Organized Crime In The City Of Chennai

The increasing trend of organized crime by criminal gangs particularly in the metropolitan cities poses a new challenge to the law enforcement authorities. The distinct trend in organized crime is the result of the new markets provided by the liberalization and globalization of the financial markets, developments in communication technology and corrupt politics (*Ghosh, S.K. 1991, Alexander, P.J. 200 and, Castells, M, 2001*). In order to exploit this favourable situations criminals acquire expertise and join together with other such criminal gangs and operate in an organized way (*Kulkarni, R.S. 1991 and Verma 2000*).

The Chennai city, one of the big cities in South India experienced a sudden spurt in the activities of the organized criminal gangs. Frequent kidnappings and killings by mercenary gangs, theft, robbery and dacoity by these gangs in an organized way were reported frequently. This apart crimes by financial institutions had victimized a large number of people who deposited money in them. The present study has made an attempt to understand the organizational structure and function of the organized crime gangs, characteristics of the gang members and measures taken to control the criminal activities of these organized criminal gangs. In the present study organized crime means a congregation of two or more people in planning, organizing and executing a criminal act for illegal practice and also having network with other criminal gangs, politicians, law enforcement agencies and other officials for continuing illegal enterprise. This small group of organized criminals is known as criminal gang in the context of the present study and such gangs involve in all criminal activities.

Research Method

In the present study, case study method which is a popular form of qualitative analysis and involves a careful and a complete observation of a social unit, be that a person, a group or even a community is used. As there is no significant difference among the gangs of each category of crime, the data obtained from the gangs under each category are clubbed together as one unit or a case for the analysis purpose. Secondary data were gathered through the records of the police stations and each criminal gang was thoroughly examined. The organizational structure, administration, role of the leader and other members of the gang, role of the sub divisions of the gangs engaged in various activities, patrons, code of conduct of the gang and modus operandi of these gangs were studied in detail. Also, the

characteristics of members of the gang, their behaviour, their socio economic background of the family and role in the gang were analysed. The police officers who have dealt with these gangs and also few gang members were interviewed personally to substantiate with the findings from the documents collected from the police stations. The results of data obtained about 20 mercenary gangs, 20 robbery gangs and 7 financial fraud gangs were analysed and the results are discussed.

State Intervention and Social Change: An Account for the Decline of Triad Society in Hong Kong in post-1997 Era.

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Abstract:

This paper draws on Amos H. Hawley's seminal theory of community structure to interpret various factors that might lead to the decline of Chinese triad societies after People's Republic of China (PRC) resumed its sovereignty over Hong Kong in 1997. Two sociological concepts, *symbiosis* and *commensalisms*, were adapted from Hawley's work to explain the role of and competition between triad societies in organized crime networks. Formed initially as mutual-aided groups to compete for labor market, triad societies continued thriving by symbiotically functioned in other corporate-alike illegitimate or legitimate businesses. At interlocking point of categoric group and corporate group are profitable niches which triad gangs violently compete for and that come to most attentions. This paper then argues that the pro-active state intervention at these profitable niches has furthered the decline of triads in post 1997 era, but we further point out regional economic development and change of population structure might also have weakened the influence of triad subculture at its root.

1. Introduction

A recent news article of an interview with a senior Hong Kong Police (*Ming Pao*, 2007-04-13) has revealed the local authority has recognized a decline of triad societies since People's Republic of China (PRC) resumed its sovereignty over Hong Kong (HK) in 1997. The present paper agrees with the official stance that a pro-active state intervention in the post-1997 era speeds up triad's decline, but further points out other social changes such as population structure and economy might have contributed as well. This paper starts with a rebuttal that triad societies are not Chinese *Mafia*, for a review of literature showed that the monolithic view of US *Mafia* was itself misleading. Indeed, studies of organized crimes revealed them to be a series of networks (Albini, 1971; Reuter & Rubinstein, 1978; Chambliss, 1978, 1999; Anderson, 1979; Mastrofski & Potter, 1986), a spectrum of enterprises (Smith, 1971, 1980), or a functional group in a social system (Landesco, 1929; Ianni, 1971; Ianni & Ianni, 1972; Mak, 1981; Lyman & Potter, 2000).

We then adapt the concept of symbiosis and commensalisms (Hawley, 1950) to explain the nexus of triad gangs and organized crimes. Originated from a violent subculture of gang competition for labor market at the end of 19th Centuries (Morgan, 1960), the categorically structured triad societies thrived by symbiotically serving a niche in both the legitimate and illegitimate corporate-alike businesses in HK (Chin, 1995; Chu, 1996, 2000), Southeast Asia (Mak, 1981) and overseas (Chin, 1990b, 1996). Five types of triad related violence exist around these interlocking categoric and corporate relationships. The final part of the paper discusses to what extent state intervention at these profitable niches, such as the legislation of Organized and Serious Crime Ordinance (OSCO), and change in population structure or regional economy might impact on the development of triad in HK.

Recent Trends of Organized Crime around Japan and (South) East Asia

Professor Noriyoshi Takemura, Toin University of Yokohama, Japan

Part 1: Recent Trends and Contour of Organized Crime in Japan

1. Overview of Organized Crime

1.1 Trends in Organized Crime

1. Boryokudan gangs further diversified their fundraising activities while concealing the true nature of their organizational structures and obscuring their type of activities. The three major groups, particularly the Yamaguchi-gumi, increased their dominance of the organized crime scene.
2. Arrests in methamphetamine cases increased for the first time in five years. More than half of them were members of boryokudan. Seizures of MDMA and cannabis recorded the highest and the second highest, respectively.
3. Gun-shooting cases hit a record low. Boryokudan members were involved in 67.1% of the cases. Police successfully raided 11 arms caches belonging to them.
4. 2005 saw a record number of cases involving visiting foreigners. Non-Japanese crime groups aided and abetted illegal aliens in committing various offenses. These groups interacted with boryokudan gangs through cooperation and confrontation.

1.2 Organized Crime Groups (Boryokudan)

Active membership in the Boryokudan peaked in 1963, with approximately 184,100 members. Since then, active membership was on a steady decline until 1987 when it once again started showing signs of growth. With the implementation of the 1992 Law Concerning Prevention of Unjust Acts by Boryokudan (Anti-Boryokudan Law), this growth trend was halted and the number of Boryokudan members began to decline. However, the last few years has once again shown an increase in numbers. As of the end of 2005, Boryokudan membership stands at about 86,300, with 43,300 full members and 43,000 associates.

(Note: Boryokudan – antisocial groups indigenous to Japan – are commonly referred to as "Yakuza" and are defined by Law as "any organization likely to facilitate its members to collectively or habitu-ally commit illegal acts of violence")

1.2.1 Major Groups

The three major Boryokudan groups are: Yamaguchi-gumi, Sumiyoshi-kai and Inagawa-kai. As of 2005, membership within these three groups numbered approximately 33,300, representing more than 76% of all full status Boryokudan members.

1.2.2 Intervention in Civil Affairs and Company Transactions

Boryokudan groups pose an enormous threat to civil affairs and corporate transactions. They are causing felonious crimes using firearms in turf wars. They are also committing a variety of crimes to raise funds by invading the legitimate business community and pre-tending to be engaged in legitimate business deals. They do this either through companies, etc. which they are involved in managing or in cooperation with other companies.

1.3 Change in Trends of Boryokudan

1.3.1 Diversification and Obscuration in Transparency of the Boryokudan Fundraising Activities

The methods of Boryokudan in raising funds are diversifying and increasing in obscurity. In recent years, out of the total arrests of the Boryokudan regular and associate members, the number of arrests for their traditional moneymaking businesses such as gambling and drug trafficking has decreased in ratio, while the ratio of arrests of financial and bad-loan related offences and fundraising offences under the guise of regular business activities has increased. Analysis on criminal cases committed by Boryokudan, shows that Boryokudan are committing a variety of fundraising offences such as the abuse of the public benefit plan, wire transfer through impostor and disguise frauds, robberies, and larcenies, in accordance with the changing social situations.

1.3.2 Internationalization of Boryokudan

Boryokudan groups have extended their operations abroad. Not only are they smuggling guns and drugs, but they also act as brokers for alien smuggling. The police are strengthening investigative cooperation and information exchange with overseas law enforcement agencies to determine how the Boryokudan are expanding their operations overseas and to what extent they are in cooperation or conflict with foreign organized crime groups in Japan.

Kidnap For Ransom In South East Asia: The Case for a Regional Recording Standard

Mohd Kassim Noor Mohamed*

Kidnapping for ransom is not a new phenomenon. According to Control Risk Group, an international risk consultancy, kidnappings of foreign nationals globally, have increased 275% over the past 10 years. High profile incidents such as the tourist kidnappings in 2000 by the Abu Sayyaf group, operating out of the troubled southern region of the Philippines, show that South East Asia has its own regionalised kidnapping hotspots. It is suspected that a high proportion of kidnappings are perpetrated by organised economic or political crime groups but it is not possible to estimate with any degree of accuracy what percentage can be attributed to organised crime. This article will provide an overview of the problem, drawing upon existing literature available in the public domain. There will be a typological discussion to show the critical differences between the various categories of kidnapping. The reliability of existing statistics, categorisation and recording of kidnapping for ransom will also be scrutinised, in particular for their variability across the region, to see whether this presents a barrier to a better understanding of the size and seriousness of the problem. As kidnapping for ransom incidents are becoming increasingly transnational in character, the final section will look at the feasibility of formulating and agreeing upon regional standardised definitions and counting rules for kidnap.

Introduction and Theoretical Background

Kidnapping for ransom has a venerable past, with such famous historical victims as the biblical Joseph, Julius Caesar, Genghis Khan's wife and Richard the Lionheart. In the present, however, a lay person could be forgiven for thinking it a traumatic but infrequent crime, of concern only to a few famous or rich people – at least, if its relative low profile in national and international crime statistics is anything to go by. In fact, kidnap for whatever reason is a crime that is committed against the highest in a society and the lowest, and can be motivated by a multitude of emotions including greed, political or religious principle, revenge, lust and even love. According to American International Underwriters (AIU), kidnap is '...a growth industry throughout the world, and not just in 'high risk' countries' (Borden, cited in Boyle, 2000, p1). *Economic extortive kidnapping*, which is another name coined by Navia and Ossa (2003, p7) for kidnapping for ransom, may be seen by potential offenders as an opportunity for more lucrative returns and lower risks than other types of pecuniary crime, for instance, bank robbery. According to Control Risk Group (CRG), over the last ten years, kidnapping incidents worldwide have been on the rise, with a 275 per cent increase on kidnapping of foreign nationals alone (Schinnerer, 2006, p1). At the same time, high profile incidents such as the Abu Sayyaf kidnappings of tourists in Malaysia and the Philippines in 2000 reveal that South East Asia has its own kidnapping hotspots to contend with. Two feature films have been devoted to the activities of Hong Kong gangster, Cheung Tze-keung, who successfully kidnapped a business tycoon's son for a record ransom of US\$134 million (Asiaweek, 2001a, p2). It is suspected that a high proportion of kidnappings are perpetrated by organised economic or political crime groups but it is not possible to estimate with any degree of accuracy what percentage can be attributed to organised crime (Williams, 2006).

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Redefining Organised Crime In Malaysia

Associate Professor TEH Yik Koon, Universiti Utara Malaysia

Abstract

In Malaysia, the authority and the public view organized crime as having the triad/gangster type of characteristics. As such, organized crime is basically seen to be committed by the Chinese community (triad groups) and the Indian community (gangster groups) at the local level. The authority has lately also recognized international organized crime committed by legal and illegal immigrants such as human trafficking, credit card fraud and trafficking of drugs.

This paper intends to expand the definition of organized crime in Malaysia. The narrow definition adopted by the Malaysian authority and the public obscure the fact that organized crime can take place among respectable members of society, including the political elites. It has always been easier to label triads and gangs as organized criminals than respectable members of society for social and political reasons. However to omit cases involving respectable members of the society is to deny the existence of perhaps a more dangerous and damaging criminal activity.

This paper will highlight the recent spate of “organized crime” committed by some members of the political elites in order to justify the expansion of the definition currently used by the Malaysian authority and the public.

Introduction

Academics and policy makers have been trying to define organized crime ever since the concept has been introduced in Chicago in 1919 by members of a civic association, the Chicago Crime Commission (von Lampe, 2002; 189). Some of the more recent definitions are as follows.

In 2000, the United Nations Convention Against Transnational Organized Crime reported that: a) “Organized criminal group” shall mean a structured group 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 or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit; b) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty; (c) “Structured group” shall mean 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 (United Nation, 2000; 1).

The Council of Europe applies the following criteria when defining crime or criminal groups as “organised crime” (Council of Europe, 2005, 21):

- a) Collaboration of three or more people;
- b) For a prolonged or indefinite period of time;
- c) Suspected or convicted of committing serious criminal offences;
- d) With the objective of pursuing profit and/or power.

The Federal Bureau of Investigation (2007) defines organized crime as any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft or extortion, and generally have a significant impact on the people in their locales, region or the country as a whole.

The Bundeskriminalamt (German Federal Police) reports that, “Organised crime is the planned commission of criminal offences determined by the pursuit of profit and power which, individually or as a whole, are of considerable importance and involve more than two persons, each with his/her own assigned tasks, who collaborate for a prolonged or indefinite period of time (Bundeskriminalamt, 2004; 15):

- a) by using commercial or business-like structures;
- b) by using force or other means of intimidation; or
- c) by exerting influence on politics, the media, public administration, judicial authorities or the business sector.

Courakis defines organized crime as “criminal activity systematically committed by a hierarchically structured team of criminals who do not hesitate to undermine State guidelines (such as those regarding corruption) and/or resort to violence in order to achieve their illegal aims” (Courakis 2001, 218).

Gilinskiy defines organized crime as “the functioning of stable, hierarchical associations, engaged in crime as a form of business, and setting up a system of protection against public control by means of corruption” (Gilinskiy 2000, 4). He sees criminal associations as a kind of social organisation of a “working (labor) collective body” type. The growth of the organizational aspect of crime is a natural process, that is a manifestation of the growth of the organisational aspect of the social systems as well as of their subsystems. He goes on to say that, “G. Becker, the Nobel Prize winner in economics, speaks that criminal activity is as much a profession or trade as joinery, engineering or teaching. As an activity, crime is chosen when the profit (the revenue minus the costs of production) involved in it exceeds that which can be realized in legal occupations” (p.4).

Von Lampe defined organized crime as “the planned commission of crimes for profit or power which by themselves or as a whole are of considerable relevance if more than two participants cooperate over a longer or undetermined period of time in a division of labour through the use of business or businesslike structures or through the use of violence or other means of intimidation or through the influence of politics, the media, public administration, the justice system or the economy” (von Lampe, 2001; 112).

Siegel sees organized crime as a branch of enterprise crime (Siegel, 2006; 433). He defines it as ongoing criminal enterprise groups whose ultimate purpose is personal economic gain through illegitimate means. A structured enterprise system is set up to continually supply consumers with merchandise and services banned by criminal law, but for which a ready market exists; prostitution, pornography, gambling and narcotics. The system may resemble a legitimate business run by a chief executive officer, his or her assistants, staff attorneys and accountants with thorough, efficient accounts receivable and complaint departments.

Organised crimes covers a wide range of activities. The better known activities include trafficking in drugs, trafficking in human beings, smuggling of persons, cybercrime, money laundering, extortion, property crimes, contraband smuggling and smuggling of arms. Different countries may also have their own local forms of organized crime, for example in

Malaysia, smuggling of petrol by big trucks across to Thailand was rampant in the last few years.

It has been generally accepted by academics and law makers that defining organized crime has not been easy and perhaps there will never be a standardized definition due to the differences in geographical, historical, cultural, social, economic and political factors in different countries. Moreover, the criminal activities that organized criminals indulge in are always changing and adapting to new opportunities. As Dobovšek mentioned that it is very hard to measure organized crime in Europe because of (Dobovšek, 1996):

- a) the different definitions of organized crime throughout Europe as well as in the world;
- b) the differences in judicial system;
- c) the differences in the police registration methods of organized crime;
- d) the differences in registration of criminal offences and of police activities.

The Council of Europe 2005 report states that organised crime will remain an ambiguous concept (Council of Europe, 2005;19-20). Some of the reasons are that:

- a) It is a concept with a history which keeps changing over time. It is a social construction that reflects society's perception at a given point in time and influenced by different political and institutional interests;
- b) Organised crime takes place in an ever changing environment and adapting to new opportunities, to resources and skills available to potential criminals as well as to law enforcement and other control efforts. It may take different forms in different societies;
- c) There are strong correlations between economic and organised crime and it may be more appropriate to consider organised crime as a subset of the broader category of economic crime;
- d) Organised crime is shaped by the social, economic and political context in which it is operating, with complex – more often symbiotic and clientelistic than confrontational – relationships between organised crime groups, state and society.
- e) With the paradigm shifting from a focus on hierarchical, “bureaucratic” organised crime groups with well developed structures, to criminal networks – which may take many different shapes, some of which are more permanent or even hierarchical, and others which are loose and fluid – it becomes extremely difficult to identify “structures” and thus organised crime in the conventional sense.

However, academics have argued that although it is difficult to have consensus for the definition of organized crime, there is a need to have an operational definition or study framework that: a) can be used as a baseline to determine whether a group is engaging or not in organized crime; b) can stand the test of time; and c) is able to facilitate comparisons between different places. This operational definition is also important in guiding systematic research.

Morrison suggested that a framework for the study of organised crime should incorporate a range of constituent dimensions, including: a) the environment in which organised criminal organizations thrive; b) the structures, demographics and relationships that characterise organised crime groups; c) the operational processes that organised criminals adopt; and d) the social, political, economic and environmental impacts of organised criminal organisations, particularly at the local level (Morrison, 2002; 5).

Von Lampe said that an analytical model should, on the one hand, account for all dimensions of the problem that need to be considered, be they sociological, psychological, cultural,

economic or political (Von Lampe, 2003; 9). On the other hand, the model is designed to apply to all conceivable historical and geographical settings. The model should provide a conceptual scheme for the analysis of each and every case in its own right, but from a comparative perspective with the use of the same terminology, within the same broad conceptual framework and with the same research questions in mind. He said that any meaningful model of organized crime has to include six basic elements, three representing what has variously been labeled organized crime, and three elements representing environmental factors (p.6). The three core elements are:

- a) the actors who cooperate in rational, non-impulsive criminal activities;
- b) the structures that connect these actors;
- c) the criminal activities these actors are involved in.

The three environmental elements are:

- a) society;
- b) government;
- c) and the realm of public discourse - the media.

With the elements identified, there are three differentiations pertaining to the nature of criminal structures. The first differentiation is the forms and dynamics of criminal groups, organizations and networks. The underlying assumption is that a great deal of what is labeled organized crime involves the flexible use of personal ties for the commission of criminal acts. The second differentiation accounts for the fact that criminal structures can serve economic and non-economic functions. The third differentiation pertains to micro and macro structures within the sphere of illegality. There are criminal collectives that form out of economic or socio-cultural interests, and also, potentially, overarching structures that concentrate power in a given illegal market or geographical area. Following the distinction between economic and non-economic structures, these entities can be divided into two categories; illegal market monopolies and quasi-governmental 'power syndicates'.

The model can address two key questions: a) how patterns of criminal cooperation emerge and are transformed, and b) how within those criminal structures positions of power develop that are relevant for the criminal structures themselves and for society at large.

APPENDIX A: CONFERENCE PROGRAM

DAY 1 THURSDAY JUNE 28 2007

- 8:30am – 8:55am Registration
- 9:00am – 9:10am Opening Speech by GOH
- 9:10am – 9:20am Welcome Co-Chairs A/P Lian Kwen Fee, HOD, Department of Sociology, NUS & Prof Roderic Broadhurst, HOD, School of Justice, QUT & Editor-in-Chief of Asian Journal of Criminology
- 9:20am – 10:00am Keynote: Prof Ko-lin Chin, Rutgers University, USA
- 10:00am – 10:15am Q & A
- 10:15am – 10:30 am Morning Tea Break - Faculty Lounge

ORGANIZED CRIME AND TERRORISM

- 10:30am – 11:00am Prof Michael Levi & Dr Nicholas Dorn
Cardiff University, UK
- 11:00am – 11:30am Prof Mark Findlay
University of Sydney, Australia
- 11:30am – 12:00pm Q & A
- 12.00pm – 1.00pm Lunch – Faculty Lounge

DRUGS AND ORGANISED CRIME

- 1:00pm – 1.30pm Prof Vincenzo Ruggiero
Middlesex University, UK
- 1.30pm – 2:00pm Dr Nicholas Dorn
Cardiff University, UK
- 2:00pm – 2.30pm Q & A

RESPONSES TO ORGANIZED CRIME

- 2.30pm- 3.00pm Prof. James Sheptycki
York University, Canada
- 3.00pm – 3.30pm Dr Rebecca La Forgia & Dr Marinella Marmo,
Flinders University, Australia
- 3.30pm. – 3.45pm Afternoon Tea Break - Faculty Lounge
- 3.45pm – 4.15pm Mr. Keo Chhea
ASEAN Secretariat, Jakarta, Indonesia
- 4.15pm – 5.15 pm Q & A

DAY 2**FRIDAY JUNE 29 2007****TECHNOLOGY AND ORGANIZED CRIME**

9:00am - 9:30am Prof Peter Grabosky,
Australian National University, Australia

9:30am – 10:00am Dr. Choo Kim-Kwang Raymond
Australian Institute of Criminology

10:00am - 10:30am Q & A

10:30am - 10:45am Morning Tea Break – Faculty Lounge

COUNTRY PAPERS

10:45am – 11:15am Dr Margaret Lewis, Research Fellow,
US - Asia Law Institute, New York University School of Law, USA

11:15am – 11:45am Professor Thilagaraj
Madras University, India

11:45am - 12:00pm Q & A

12:00pm – 1.00pm Lunch – Faculty Lounge

1.00pm – 1:30pm Dr Lee King Wa, Centre for Criminology,
The University of Hong Kong, Hong Kong

1.30pm – 2.00pm Prof Shu-Lung Yang Institute of Criminology,
National Chung-Cheng University, Taiwan

2.00pm – 2.30pm Prof Noriyoshi Takemura,
Toin University of Yokohama, Japan

2.30pm – 3.00pm Mohd Kassim Noor Mohamed,
Nottingham Trent University

3.00pm -3.30pm A/P Teh Yik Koon
University Science Malaysia, Malaysia

3.30pm – 3.45pm Afternoon Tea Break – Faculty Lounge

3.45pm – 5.30pm Practitioners' Roundtable

5:30pm – 5.45pm Rapporteur's Closing Remarks

7:00pm – 9:00pm CONFERENCE DINNER

APPENDIX B: ASEAN DOCUMENTS

Asean Declaration on The Prevention and Control of Transnational Crime Manila, Philippines, 20 December 1997

WE, the ASEAN Ministers of Interior/Home Affairs and Representatives of ASEAN Member Countries, participating in the first ASEAN Conference on Transnational Crime held in Manila on 18-20 December

1997;

CONCERNED about the pernicious effects of transnational crime, such as terrorism, illicit drug traffic king, arms smuggling, money laundering, traffic in persons and piracy on regional stability and development, the maintenance of the rule of law and the welfare of the region's peoples;

RECOGNIZING the need for clear and effective regional modalities to combat these forms of crimes, especially on the aspect of information exchange and policy coordination;

RECALLING the Naples Political Declaration and Global Plan of Action of 23 November 1994, which sought international solidarity and effective legal cooperation against these forms of crime;

RECALLING FURTHER the Baguio Communiqué adopted during the first International Conference on Terrorism held in Baguio City, Philippines, on 18-21 February 1996, which endeavoured to enhance international cooperation against all forms of terrorism through such modalities as intelligence-sharing, coordinated policies and law enforcement training;

NOTING the decision of the 29th ASEAN Ministerial Meeting (AMM) in Jakarta in July 1996 on the need to focus attention on such issues as narcotics, economic crimes, including money laundering, environment and illegal migration which transcend borders and affect the lives of the people in the region, and the urgent need to manage such transnational issues so that they would not affect the long term viability of ASEAN and its individual member nations;

ENDEAVOURING to further the decision of the First Informal ASEAN Summit in November 1996 in Jakarta to request the relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition;

PURSUANT to the decision of the 30th AMM in Kuala Lumpur in July 1997 which stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking in people, illicit drugs and arms and piracy;

AFFIRMING the agreement among Heads of Government during the Second Informal Summit in December 1997 in Kuala Lumpur to take firm and stern measures to combat transnational crime such as drug trafficking and trafficking of women and children, as well as other transnational crime; and,

CONVINCED that the continuity of existing global framework against transnational crime rests on consolidated regional action in the institutional and operational spheres:

Have Resolved to Confront the Problem of Transnational Crime Through the Following Measures:

1. Strengthen the commitment of Member Countries to cooperate at the regional level in combating the transnational crime;
2. Convene at least once every two years ASEAN Ministerial Meeting on Transnational Crime in order to coordinate activities of relevant ASEAN bodies, such as the ASEAN Senior Officials on Drug Matters (ASOD) and the ASEAN Chiefs of National Police (ASEANAPOL);

3. Hold discussions with a view to signing mutual legal assistance agreements, bilateral treaties, memorandum of understanding or other arrangements among Member Countries;
4. Consider the establishment of an ASEAN Centre on Transnational Crime (ACOT) which will coordinate regional efforts against transnational crime through intelligence sharing, harmonization of policies and coordination of operations;
5. Convene a high-level ad-hoc Experts Group within one year to accomplish the following with the assistance of the ASEAN Secretariat:
 - a. ASEAN Plan of Action on Transnational Crime,
 - b. Institutional Framework for ASEAN Cooperation on Transnational Crime, and,
 - c. Feasibility study on the establishment of ACOT;
6. Encourage Member Countries to consider assigning Police Attaches and/or Police Liaison Officers in each other's capital in order to facilitate cooperation for tackling transnational crime;
7. Encourage networking of the relevant national agencies or organizations in Member Countries dealing with transnational crime to further enhance information exchange and dissemination;
8. Expand the scope of Member Countries' efforts against transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and to request the ASEAN Secretary-General to include these areas in the work programme of the ASEAN Secretariat;
9. Explore ways by which the Member Countries can work closer with relevant agencies and organizations in Dialogue Partner countries, other countries and international organizations, including the United Nations and its specialized agencies, Colombo Plan Bureau, Interpol and such other agencies, to combat transnational crime;
10. Cooperate and coordinate more closely with other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs in the investigations, prosecution and rehabilitation of perpetrators of such crimes; and,
11. Strengthen the ASEAN Secretariat's capacity to assist the Member Countries in initiating, planning, and coordinating activities, strategies, programmes and projects to combat transnational crime.

Asean documents on combating transnational crime and terrorism
SIGNED this 20th day of December 1997 in Manila, Philippines.
Dato Paduka Haji Abidin bin Orang Kaya Periwara Abd. Rashid
Acting Minister of Home Affairs
Brunei Darussalam
Yogie S. Memet
Minister of Home Affairs
Republic of Indonesia
Laoly Asang
Minister of Interior
Lao People's Democratic Republic
Dato Mohammad Tajol Rosli Ghazali
Deputy Minister of Home Affairs
Malaysia
Tin Hlaing
Minister of Home Affairs
Union of Myanmar
Robert Z. Barbers
Secretary of the Interior and Local Government
Republic of the Philippines
Simon Tensing de Cruz
Ambassador
Embassy of the Republic of Singapore in the Philippines
Xujati Boonto
Charge d'Affaires
Embassy of the Kingdom of Thailand in the Philippines
Le Minh Huong
Minister of Interior
The Socialist Republic of Viet Nam

Manila Declaration On The Prevention And Control Of Transnational Crime (1998)
Manila, Philippines, 25 March 1998

Introduction

1. The General Assembly, in its resolution 49/159, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex) adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and urged States to implement them as a matter of urgency. The General Assembly, in its resolution 51/120, requested the Commission on Crime Prevention and Criminal Justice to consider, as a matter of priority, the question of the elaboration of an international convention against transnational crime. On the recommendation of the Commission, and the Economic and Social Council, the General Assembly in its resolution 52/85, decided to establish an inter-sessional open-ended intergovernmental working group of experts for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission on Crime Prevention and Criminal Justice at its seventh session. Pursuant to that resolution and thanks to the generosity of the Government of Poland, the meeting was held on 2-6 February 1998 in Warsaw (Poland).
2. On the recommendation of the Commission, contained in draft resolution I adopted at its fifth session, the General Assembly adopted, by its resolution 51/59, the International Code of Conduct for Public Officials. By its resolution 51/191 of 16 December 1996, the Assembly also adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions.
3. Pursuant to the above-mentioned resolutions, the Asian Regional Ministerial Meeting on Transnational Crime was held at Manila from 23 to 25 March 1998 on the invitation of the Government of the Philippines.

I. Recommendations

4. The Regional Ministerial Meeting on Transnational Crime unanimously adopted the Manila Declaration on the Prevention and Control of Transnational Crime, presented below.

Manila Declaration
On The Prevention and Control of Transnational Crime
Manila, Philippines, 25 March 1998

We, Ministers and Representatives of the States participating in the Asia Regional Ministerial Meeting on Transnational Crime, held at Manila, Philippines, from 23 to 25 March 1998, organized by the United Nations Centre for International Crime Prevention, with the Government of the Philippines acting as the Host;

Assembled for the purpose of promoting regional and international cooperation to combat transnational crime and to devise modalities to improve the capacity of our countries to respond more effectively to the threats we are facing;

Reiterating the importance of implementing the principles contained in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, as well as other pertinent United Nations instruments;

Convinced of the need for effective national and regional action against transnational crime, particularly in view of its serious debilitating effects on democratic institutions, the maintenance of the rule of law and the development process;

Mindful of the crucial importance of action against transnational crime, including organized crime, drug trafficking, terrorism, trafficking in human beings and various forms of financial crimes and corruption, and the need for appropriate legislation and regulatory measures, as well as of an efficient and fair criminal justice system;

Conscious of the important role played by the United Nations in fostering international cooperation and developing practical strategies to prevent and combat transnational crime in all its forms and dimensions;

Bearing in mind the Shizuoka Declaration of the Sixth Asia Crime Prevention Foundation Conference on Crime Prevention and Criminal Justice, held in Tokyo and Shizuoka, Japan, from 28 October to 1 November 1997;

Bearing in mind also the ASEAN Declaration on Transnational Crime of 20 December 1997 which called for the expansion of the scope of the efforts of member countries to combat transnational crime such as terrorism, drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and the exploration of ways by which the member countries can work closer with relevant agencies and organizations, including the United Nations and its specialized agencies;

Hereby declare:

1. We recognize that organized transnational crime undermines civil society, distorts legitimate markets and destabilizes States. Criminal groups are creative in their endeavours in establishing alliances in the region and in other parts of the globe by taking advantage of gaps and weaknesses in international cooperation in criminal matters.
2. We are concerned about the increase and expansion of organized criminal activities, such as trafficking in human beings, transnational exploitation of women and children, drug trafficking, trafficking in firearms and motor vehicles, illegal trade in cultural objects and natural resources including flora and fauna, money laundering and other forms of financial crimes and corruption.

We express our determination and political will to take concrete action by, among other measures:

- a) promoting national and regional action against transnational crime and corruption;
 - b) developing effective strategies aimed at defeating the economic power of criminal organizations, dismantling their alliances and support networks and developing effective mechanisms capable of bringing members and leaders of criminal groups to justice;
 - c) improving the functioning of our institutions, in particular the criminal justice systems, reviewing, modernizing and harmonizing, as appropriate, existing laws and regulations to ensure their continued relevance, efficiency and adaptability to modern manifestations of organized crime;
 - d) enacting new laws and regulations, responding to the complexity and sophistication of various forms of transnational crime, so as to bridge the gaps in legal systems which can be exploited by organized criminal groups;
 - e) strengthening the capacity of our law enforcement agencies and criminal justice personnel, and upgrading their skills through specialized training in the area of transnational crime, money laundering and other economic offences, including corruption, and the elaboration of the required training materials;
 - f) implementing existing and developing new regional programmes aiming at the implementation of the various recommendations of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,
 - g) intensifying cooperation and coordination at the national level among relevant agencies to deal with various forms of transnational crime; and
 - h) fostering close collaborative ties with international organizations, in particular Interpol and relevant non-governmental organizations.
3. We also recognize that the Asia and Pacific region is witnessing rapid economic and political changes, together with advancements in communications and technology. These developments not only stimulate closer contacts with global markets, but also facilitate linkages between criminal organizations and allow joint criminal ventures. We note that the use and exploitation of computers and telecommunications technology for criminal activities have increased.
4. We call upon States that are not yet parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to ratify or adhere to it without delay and to implement it fully.
5. We realize that organized crime, drug trafficking, corruption and other economic crime generate large profits, which are used in illegal activities and to infiltrate legitimate businesses and financial enterprises, affecting negatively the development processes of our countries. It is therefore imperative that we prevent and control money laundering by, *inter alia* :
- a) developing modern and adequate investigation and information-gathering techniques to prevent criminals from manipulating and using the financial systems to disguise the origin of assets and funds, and developing complex structures that make detection unlikely and the collection of evidence difficult; and complementing this approach by actively encouraging and securing the cooperation of financial institutions and the business community through appropriate regulations and mechanisms;
 - b) when appropriate, revising existing laws and regulations and enacting new laws, in order to integrate therein provisions on money laundering, in particular, those dealing with the extension of anti-money laundering measures to cover all serious offences and the reporting of suspicious transactions to appropriate authorities, combined with

- effective implementation mechanisms to ensure prevention and control of the laundering of the proceeds of crime; and
- c) supporting the Global Programme Against Money Laundering, developed by the United Nations International Drug Control Programme (UNDCP) and the Centre for International Crime Prevention, with a view to having cooperation activities with these entities to address the needs of the region in this field by paying particular attention to institution building and training of personnel.
6. We reiterate the view that corruption in various forms, including corruption and bribery in international commercial transactions, and their linkages with the various forms of organized crime undermine the values of democracy and morality and jeopardize the social, economic and political development of the countries of our region. Therefore, we confirm our commitment to combat all corrupt practices by, among other measures:
- a) developing prevention and control measures to promote a culture of accountability and transparency, with the active involvement and support of the public;
 - b) developing comprehensive anti-corruption programmes, including administrative, civil, procedural and criminal legislation, as well as regulatory provisions and administrative action;
 - c) putting into effect, as appropriate, the various provisions of the International Code of Conduct for Public Officials, adopted by the General Assembly in its resolution 51/59, the United Nations Declaration on Public Security, adopted by the General Assembly in its resolution 51/60, and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, adopted by the General Assembly in its resolution 51/191 as well as the recommendations of the Expert Group Meeting on Corruption, held in Buenos Aires, 17 -21 March 1997, in order to strengthen national institutions and call attention, at national and international levels, to the need for addressing the problems of corruption and bribery.
7. We note that the phenomena of corruption and bribery have become transnational in nature. Consequently, we encourage the Commission on Crime Prevention and Criminal Justice, in accordance with its existing mandate, to examine the feasibility of a global convention against corruption and bribery, taking into consideration successful initiatives in this field, such as the 1996 Inter-American Convention against Corruption, adopted by members of the Organization of American States, and the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted in 1997 by the OECD members and a number of non-OECD members.
8. We are convinced that combating the above-mentioned forms of crime requires concerted action at all levels. As these crimes transcend national boundaries, international cooperation is essential, complemented by collaborative ties at the regional and sub-regional levels. To that end, we are determined that our efforts should be focused on the following actions:
- a) creating the necessary infrastructures for regional and sub-regional cooperation of criminal justice institutions and law enforcement agencies to detect, investigate and effectively prosecute various forms of transnational crime with special emphasis on organized crime and corruption, taking full advantage of the experience of existing bilateral and regional arrangements; and
 - b) intensifying the exchange of information and experience regarding the occurrence and patterns of organized crime and corruption, benefiting from best practices applied in different countries, and taking into account developments in the region.

9. We recognize the urgent need to make progress in vigorously promoting international cooperation in criminal matters. In this regard, we urge that special attention be given to extradition, mutual assistance, witness protection, transfer of prisoners, seizure and forfeiture of the proceeds of crime, as well as to other forms of regional and international cooperation in criminal matters. Towards that end we encourage focus on the following cooperation modalities, bearing in mind the differences in our legal systems:
 - a) reviewing and updating our extradition and mutual assistance arrangements or agreements, or concluding such arrangements, as appropriate, so as to facilitate the application of extradition, mutual assistance and witness protection laws and practices among the countries of the region;
 - b) in concluding bilateral or regional agreements, efforts should be made to include provisions on simplified extradition procedures, taking into account the need for each country to have its own extradition law and to respect safeguards contained in that law;
 - c) establishing national central authorities to process requests for extradition and mutual assistance and putting in place mechanisms that would ensure coordination between competent national authorities; and
 - d) making full use of the United Nations Model Treaties on International Cooperation in Criminal Matters when concluding bilateral, sub-regional or regional agreements or arrangements in this field, and taking full advantage of the expertise of the United Nations Commission on Crime Prevention and Criminal Justice regarding modalities of cooperation in criminal matters.
10. We welcome the results achieved by the inter-sessional open-ended intergovernmental group of experts on the elaboration of a draft international convention against organized transnational crime, which met in Warsaw, Poland, from 2 to 6 February 1998. We believe that the outline of options for contents of the convention serves as a solid basis for its further elaboration. We strongly support such an endeavor and confirm our commitment to play an active role in the efforts to resolve differences and overcome conceptual or substantive difficulties so that the process can move with speed towards its conclusion. We urge the Commission on Crime Prevention and Criminal Justice to take advantage of the existing momentum and the consensus achieved on the desirability of such a convention, with a view to speeding up the process of its drafting and finalizing such a project as soon as possible.
11. We are convinced that, in order to achieve progress in combating the various forms of crime mentioned above, the capacities of our crime prevention and criminal justice infrastructures should be strengthened. Technical assistance and advisory services provided by regional and international organizations are essential for many of the countries in our region, particularly those which are undergoing economic hardships and do not possess the means to institute effectively appropriate reforms and changes.
12. We believe that technical assistance should respond to the specific needs of the countries of the region and take account of the following issues:
 - a) strengthening national capacities, including the creation of specialized structures capable of dealing with the complexity of organized crime;
 - b) establishing arrangements for the systematic collection, collation and analysis of data on structures, functions and manifestations of organized transnational crime, including trafficking in human beings, money laundering and corruption, and using such data in the development and implementation of appropriate policies should be pursued;

- c) exchanging information regarding legislative measures in order to assist in enactment of new legislation in response to newly emerging patterns of crime;
 - d) organizing training courses and seminars for law enforcement and criminal justice personnel and developing training materials such as manuals and training curricula, with a view to upgrading their skills, promoting the exchange of experiences and know-how;
 - e) developing and implementing bilateral, sub-regional, regional and international treaties on cooperation in criminal justice matters, drawing on the expertise of regional States and the United Nations; and
 - f) ensuring that the sectors of society that may be involved in transnational crime by reason of poverty and similar circumstances be provided with effective and sustainable alternative sources of livelihood and/or provided with opportunities to put their talents to legitimate use.
13. We recognize the important role played by the United Nations Centre for International Crime Prevention in providing technical assistance and advisory services. Its role in facilitating the creation of joint initiatives and the formulation and implementation of technical cooperation projects, involving not only the interested developing countries but also other interested countries and relevant agencies, should be enhanced, with a view to maintaining efficient criminal justice systems as an essential element of development efforts. The resources for the Centre should be strengthened in order for it to cope with the increased demand for technical assistance and advisory services.
14. We also recognize the important role played by institutions and organizations in the Asia and Pacific region, such as the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and the Asia Crime Prevention Foundation (ACPF) in assisting the countries of the region in this field.
15. We recognize as well the important role of sub-regional organizations in pursuing initiatives focused on their geographic areas and in establishing inter-organizational coordination mechanisms to address the problem of transnational crime.
16. We are convinced of the fact that building up the capacity of governments to effectively cooperate with each other in criminal justice matters, particularly in relation to combating organized crime and corruption, is a joint responsibility of developed and developing countries and relevant agencies.

We therefore call upon countries, the United Nations Development Programme, the World Bank, the Asian Development Bank, and other relevant international, regional and national agencies to give favourable consideration to technical assistance project proposals submitted to them by the Centre for International Crime Prevention on strengthening our national or regional capacities and creating the expertise required for the prevention and control of organized transnational crime and corruption. In this connection, and given the high priority attached by our Governments to these matters, we appeal to prospective donors to give favourable consideration to the further development and implementation of action plans contained in the project proposals, including the integration of the activities foreseen in such proposals in the national' development plans of our countries and in the respective country programmes of UNDP.

17. We express our determination to ensure proper follow-up to the pronouncements of this Declaration by undertaking the following:

- a) encouraging our Governments to take the necessary measures, in accordance with their countries, respective legal systems, to implement the various provisions of the Declaration; and
- b) appealing to Governments and intergovernmental and non-governmental organizations and relevant institutes, to assist the efforts of the countries of the region in their fight against transnational crime.

**Asean Declaration Against Trafficking in Persons Particularly Women and Children
Vientiane, Lao Pdr, 29 November 2004**

WE, the Heads of States/Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, members of the Association of the Southeast Asian Nations, hereinafter referred to as ASEAN,

REAFFIRMING the Ha Noi Declaration of 1998 and the Ha Noi Plan of Action, which, among others, committed to intensify individual and collective efforts to address transnational crimes, including the trafficking in persons;

EXPRESSING the urgent need for a comprehensive regional approach to prevent and to combat trafficking in persons, particularly women and children;

ACKNOWLEDGING that social, economic and other factors that cause people to migrate also make them vulnerable to trafficking in persons;

RECOGNIZING that the immorality and inhumanity of this common concern elicits the need to strengthen legislative, law enforcement and judicial responses to ensure deterrent action is taken against persons involved in individual or syndicated activities of trafficking in persons, particularly women and children;

APPRECIATING that a successful campaign against the scourge of trafficking in persons, particularly women and children, requires continuing dialogue, exchange of information and cooperation among ASEAN;

REAFFIRMING ASEAN's unwavering desire to embrace the spirit behind the United Nations Convention against Transnational Organized Crime and its relevant protocols as it reflects the commitment of the Member States of the United Nations to prevent and combat transnational organized crime;

REAFFIRMING through this Declaration a commitment to human development and security, and the improvement of the quality of life of the peoples of ASEAN;

HEREBY DECLARE, to the extent permitted by their respective domestic laws and policies, to undertake concerted efforts to effectively address an emerging regional problem, namely the trafficking in persons, particularly women and children, through the following measures:

1. To establish a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region;
2. To adopt measures to protect the integrity of their respective passports, official travel documents, identity and other official travel documents from fraud;
3. To undertake regular exchange of views, information sharing on relevant migratory flows, trends and pattern, strengthening of border controls and monitoring mechanisms, and the enactment of applicable and necessary legislations;
4. To intensify cooperation among our respective immigration and other laws enforcement authorities;
5. To distinguish victims of trafficking in persons from the perpetrators, and identify the countries of origin and nationalities of such victims and thereafter ensure that such victims are treated humanely and provided with such essential medical and other forms of assistance deemed appropriate by the respective receiving/recipient country, including prompt repatriation to their respective countries of origin;

6. To undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons;
7. To undertake coercive actions/measures against individual and/or syndicate engaged in trafficking in persons and shall offer one another the widest possible assistance to punish such activities; and
8. To take measures to strengthen regional and international cooperation to prevent and combat trafficking in persons.

All Member Countries reaffirm their commitment to accomplish the elements of this Declaration through maximum efforts by such appropriate instruments as may be necessary and consistent with their respective national laws and policies.

ADOPTED by the Heads of State/Government of ASEAN Member Countries on this Twenty-ninth Day of November 2004 in Vientiane, Lao People's Democratic Republic.

**Asean Plan Of Action To Combat Transnational Crime
Yangon, Myanmar, 23 June 1999**

A. BACKGROUND

(a) The Mandate for ASEAN Cooperation In Combating Transnational Crime

One of the fundamental principles of the Association of Southeast Asian Nations (ASEAN) as enshrined in the Bangkok Declaration of 8 August 1967 was “strengthening the foundation for a prosperous and peaceful community of Southeast Asian Nations.” ASEAN policies, plans, strategies and activities revolve around this principle. Transnational crime has the potential of eroding this central belief thereby affecting the political, economic and social well being of ASEAN. In recognizing the detrimental effects of transnational crime, ASEAN countries have taken concerted efforts to combat such crime since early 1970s.

ASEAN’s initial efforts in combating transnational crime were focused on drug abuse and drug trafficking, the prevalent crime then, which affected the growth and vitality of ASEAN. With globalization, technological advancement and greater mobility of people and resources across national borders, transnational crime has become increasingly pervasive, diversified and organized. The region has to deal with many new forms of organized crimes that transcend national borders and political sovereignty such as terrorism, new types of drug abuse and trafficking, innovative forms of money laundering activities, arms smuggling, trafficking in women and children and piracy.

The resolve of ASEAN’s Leaders in fighting illicit drugs, the prevalent transnational crime then, can be traced to the Declaration of ASEAN Concord of 24 February 1976. The ASEAN Leaders, in that landmark document, called for the “intensification of cooperation among member states as well as with the relevant international bodies in the prevention and eradication of the abuse of narcotics and the illegal trafficking of drugs.”

Since then, all the ASEAN Summits have expressed concerns on narcotics abuse and illegal drug trafficking in the region. At the Fifth ASEAN Summit in December 1995 in Bangkok, the Leaders decided that “ASEAN shall further enhance cooperative efforts against drug abuse and illicit trafficking with special emphasis being given to demand reduction programs and information exchange and dissemination, with the aim of creating a drug-free ASEAN.”

With transnational crime expanding in scope and becoming more organized, ASEAN’s Leaders have called for a comprehensive and coordinated approach in combating crime at the regional level. At the First Informal Summit in November 1996, the ASEAN Leaders called upon the “relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition.” At the Second Informal Summit in December 1997, they “resolved to take firm and stern measures to combat transnational crimes such as drug trafficking, trafficking in women and children as well as other transnational crime.”

The ASEAN Leaders also adopted the ASEAN Vision 2020 at the Second Informal Summit which, among others, envisioned the evolution of agreed rules of behavior and cooperative measures to deal with problems that can be met only on a regional scale, including drug trafficking, trafficking in women and children and other transnational crimes.

The ASEAN Foreign Ministers have also called for closer cooperation and coordinated actions on tackling transnational crime among ASEAN1 countries- At the 29th ASEAN Ministerial Meeting (AMM) in Jakarta in July 1996, the Foreign Ministers recognized the

need to focus attention on such crimes as narcotics trafficking, economic crimes, including money laundering, environmental crimes and illegal migration. They “share(d) the view that the management of such transnational issues are urgently called for so that they would not affect the long-term viability of ASEAN and its individual member nations.” At the 30th AMM in Subang Jaya in July 1997, the Foreign Ministers “stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking of people, illicit drugs and arms, piracy and communicable diseases.” The Foreign Ministers, at the 31st AMM in Manila in July 1998 reiterated the need for enhancing regional efforts against transnational crimes, such as illicit drug trafficking, terrorism, money laundering, and trafficking in women and children. At the meeting, the Ministers also signed the Joint Declaration for a Drug-Free ASEAN to eradicate the production, processing, traffic and use of illicit drugs in Southeast Asia by the year 2020.

The ASEAN Finance Ministers echoed the sentiments of the ASEAN Leaders and the ASEAN Foreign Ministers on illicit drug trafficking when they signed the ASEAN Agreement on Customs at their inaugural meeting on 1 March 1997 in Phuket. The agreement, which apart from enhancing ASEAN cooperation in customs activities and expediting the early realization of AFTA, aims to strengthen cooperation in combating trafficking in narcotics and psychotropic substances, and will facilitate joint efforts in anti-smuggling and customs control.

(b) Other Significant Developments

Recognizing the urgency to tackle transnational crime from the regional dimension, the Philippines hosted the inaugural Meeting of the ASEAN Ministers of Interior/Home Affairs on Transnational Crime on 20 December 1997 in Manila. Apart from presenting an opportunity for the Interior and Home Ministers to exchange views on the transnational crime situation in ASEAN, the meeting also reflected on the detrimental impact of such on the Member Countries and the need for enhanced regional cooperation in fighting the crime. The highlight of the meeting was the signing of the ASEAN Declaration on Transnational Crime by the Ministers. The document reflected ASEAN’s resolve in dealing with transnational crime and its intention to work together with the international community in combating transnational crime.

The Declaration also established the basic framework for regional cooperation on fighting transnational crime. Accordingly, the ASEAN Ministers Meeting on Transnational Crime was to convene once every two years to coordinate activities of relevant bodies such as the ASEAN Senior Officials on Drug Matters (ASOD) and the ASEAN Chiefs of National Police (ASEANAPOL). The Senior Officials Meeting Transnational Crime was to meet at least once in a year to assist the Ministers in accomplishing their task. The Declaration also outlined the following initiatives for regional cooperation on tackling transnational crime:

1. Hold discussions with a view to signing mutual legal assistance agreements, bilateral treaties, memorandum of understanding or other arrangements among Member Countries;
2. Consider the establishment of an ASEAN Centre on Combating Transnational Crime (ACTC), which will coordinate regional efforts against transnational crime through intelligence sharing, harmonization of policies and coordination of operations;
3. Convene a high-level ad-hoc Experts Group within one year to accomplish the following with the assistance of the ASEAN Secretariat:
 - (a) ASEAN Plan of Action on Transnational Crime,

- (b) Institutional Framework for ASEAN Cooperation on Transnational Crime; and,
(c) Feasibility study on the establishment of ACTC
4. Encourage Member Countries to consider assigning Police Attaches and/or Police Liaison Officers in each other's capital in order to facilitate cooperation for tackling transnational crime;
 5. Encourage networking of the relevant national agencies or organizations in Member Countries dealing with transnational crime to further enhance information exchange and dissemination;
 6. Expand the scope of Member Countries' efforts against transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in person and piracy, and to request the ASEAN Secretary General to include these areas in the work programme of the ASEAN Secretariat.
 7. Explore ways by which the Member Countries can work closer with relevant agencies and organizations in Dialogue Partner countries, other countries and international organizations, including the United Nations and its specialized agencies, Colombo Plan Bureau, INTERPOL and such other agencies, to combat transnational crime;
 8. Cooperate and coordinate more closely with other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs in the investigations, prosecution and rehabilitation of perpetrators of such crimes.

The ASEAN Member Countries also participated in the first Asian Regional Ministerial Meeting on Transnational Crime held on 23-25 March 1998 in Manila. The meeting was a follow-up to the Naples Political Declaration and Global Plan of Action Against Transnational Crime adopted at the World Ministerial Conference on Organized Transnational Crime held in Italy in November 1994.

The meeting culminated with the adoption of a Manila Declaration on the Prevention and Control of Transnational Crime. The declaration reflects the concerns of the participating countries, including ASEAN, on the increase and expansion of transnational crimes and outlines the approaches to be undertaken, both at the national and regional levels, in fighting transnational crime.

B. OBJECTIVES

(a) General Objectives

The general objective of the Action Plan is to encourage ASEAN Member Countries to expand their efforts in combating transnational crime at the national and bilateral levels to the regional level. As espoused in the ASEAN Declaration on Transnational Crime, the overall focus of ASEAN collaboration will be to strengthen regional commitment and capacity to combat transnational crimes which include terrorism, drug trafficking, arms smuggling, money laundering, trafficking in persons and piracy. This is in recognition of the fact that tackling transnational crime requires a concerted regional effort in view of its global dimension and pervasive nature. Besides, such efforts will assist in complementing and contributing to the national and bilateral efforts undertaken by Member Countries in combating such crime.

(b) Specific Objectives

The specific objectives of the Plan of Action are to urge the ASEAN Member Countries to:

1. Develop a more cohesive, regional strategy aimed at preventing, controlling and neutralizing transnational crime;
2. Foster regional cooperation at the investigative, prosecutorial, and judicial level as well as the rehabilitation of perpetrators;
3. Enhance coordination among ASEAN bodies dealing with transnational crime;
4. Strengthen regional capacities and capabilities to deal with sophisticated nature of transnational crime; and
5. Develop sub-regional and regional treaties on cooperation in criminal justice, including mutual legal assistance and extradition.

C. PROGRAMME OF ACTION/PRIORITIES

In order to achieve the general and specific objectives, ASEAN Member Countries are encouraged to:

Information Exchange

1. Improve the ASEANAPOL regional database so as to further facilitate sharing and analysis of critical intelligence information, such as wanted and arrested persons, “modus operandi”, syndicates, and maritime offences;
2. Establish a regional repository to compile summaries of national laws of ASEAN Member Countries pertaining to transnational crime;
3. Conduct typology studies to determine trends and “modus operandi” of transnational crime in the ASEAN region;
4. Maximize the use of modern telecommunications technology in facilitating the exchange of data on, among others, criminals, methodologies, arrests, legal documents, requests for assistance, and ensure its restricted transmission;

5. Identify relevant contact persons in the policy, legal, law enforcement, and academic institutions of ASEAN Member Countries, and facilitate networking and lateral coordination among persons and agencies with similar functions;

Legal Matters

6. Work for the criminalization in ASEAN Member Countries of specific transnational crimes, such as illicit drug trafficking, money laundering, terrorism, piracy, arms smuggling and trafficking in persons;
7. Ensure the harmonization of relevant national policies among ASEAN Member Countries;
8. Develop multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of the crime in order to enhance mutual legal and administrative assistance among ASEAN Member Countries;
9. Study the possibility of creating a regional programme on witness protection;
10. Coordinate with the ASEAN Senior Law Officials Meeting on the implementation of the ASEAN Legal Information Network System;
11. Strengthen the mechanisms for effective protection of the integrity of travel documents and government control of the ingress/egress of transnational criminal personalities;
12. Seek to ratify and support existing international treaties or agreements designed to combat transnational crime.

Law Enforcement Matters

13. Appoint Police Attaché or Police Liaison Officers, whenever feasible, in the capitals of ASEAN Member Countries;
14. Develop programmes for joint tactical exercises and simulations;
15. Develop an exchange programme among ASEAN officials in the policy, legal, law enforcement and academic fields;
16. Implement measures to ensure the protection of judges, prosecutors, witnesses, and law enforcement officials and personnel from retaliation by transnational criminal organizations;
17. Enhance cooperation and coordination in law enforcement, intelligence sharing, and in preventing the illegal trafficking and use of explosives, firearms, and other deadly weapons, as well as nuclear, chemical and biological materials.

Training

18. Develop regional training programmes, and conduct regular conferences to enhance existing capabilities in investigation, intelligence, surveillance, detection and monitoring, and reporting.
19. Exchange “best practices” of relevant institutions in ASEAN Member Countries involved in the combat against transnational crime, including transfer of technologies.

Institutional Capacity-Building

20. Establish the ASEAN Centre for Combating Transnational Crime (ACTC).
21. Rationalize the institutional framework on ASEAN cooperation in transnational crime by making the ASEAN Ministerial Meeting on Transnational Crime the highest policy-making body, with a supervisory role and consultative relations with relevant ASEAN institutions involved in the combat against transnational crime;
22. Promote the efficient networking of relevant national agencies/ organizations in ASEAN Member Countries by creating inter-agency committees/task forces to enhance information exchange and dissemination;
23. Strengthen institutional linkages with the various ASEAN mechanisms involved in combating trans national crime particularly the ASEAN Finance Ministers Meeting, ASEAN Finance Officials Meeting, ASEAN Senior Officials on Drug Matters, ASEAN Directors General of Customs, ASEAN Directors General for Immigration and ASEAN Chiefs of National Police.

Extra-Regional Cooperation

24. Seek technical assistance from ASEAN Dialogue Partners and relevant specialized agencies of the United Nations and other international organizations, particularly with regard to training and acquisition of equipment.
25. Enhance information exchange with ASEAN Dialogue Partner, regional organizations, relevant specialized agencies of the United Nations and other international organizations, particularly towards the sharing of critical information on the identities, movements and activities of known transnational criminal organizations.
26. Urge ASEAN Dialogue Partners not yet party to existing international treaties against organized transnational .crime, in its various forms, to accede to such agreements.
27. Promote interest and support in the international community for ASEAN initiatives against transnational crime through the participation of ASEAN Member Countries and the ASEAN Secretariat in relevant international conferences.

D. INSTITUTIONAL FRAMEWORK FOR ASEAN COOPERATION ON COMBATING TRANSNATIONAL CRIME

To strengthen and coordinate ASEAN collaboration in combating transnational crime and implement the Plan of Action, ASEAN Member Countries agree to the establishment of the following framework:

(a) ASEAN Ministerial Meeting on Transnational Crime (AMMTC)

1. The ASEAN Ministerial Meeting on Transnational Crime shall be the highest policy making body on ASEAN cooperation in combating transnational crime. It shall also coordinate activities of the relevant bodies such as the ASOD, ASEANAPOL, ASEAN Directors-General of Customs, ASEAN Directors General of immigration and the Heads of Consular Affairs of the Ministries of Foreign Affairs;
2. It shall comprise ministerial level representatives of ASEAN Member Countries responsible for combating transnational crime and meet at least once in two years and informally in between when necessary
3. The Chairmanship of the AMMTC shall be rotated in alphabetical order among the ASEAN Member Countries:
4. The AMMTC shall approve the reports of the Senior Officials Meeting on Transnational Crime (SOMTC), and the reports of ASOD, ASEANAPOL, ASEAN Directors-General of Customs, and ASEAN Directors-General of Immigration on matters pertaining to transnational crime and the Heads of Consular Affairs of the ministries of Foreign Affairs; and
5. The AMMTC shall report to the ASEAN Summit through the ASEAN Ministerial Meeting (AMM).

(b) Senior Officials Meeting on Transnational Crime (SOMTC)

1. The Meeting of ASEAN Senior Officials on Transnational Crime shall be convened at least once a year and before the AMMTC, with the chairmanship of the SOMTC coinciding with the chairmanship of the AMMTC;
2. It shall implement policies and plans adopted by the ASEAN Ministerial Meeting on transnational Crime (AMMTC);
3. It shall develop five-year work programmes to implement the ASEAN Plan of Action on Transnational Crime;
4. It shall convene, as and when appropriate, ad-hoc working groups or task forces comprising experts to assist the SOMTC in carrying out its functions;
5. It shall promote cooperation and coordination with other ASEAN bodies dealing with transnational crime such as the ASEAN Senior Officials on Drug Matters (ASOD), the ASEAN Chiefs of National Police (ASEANAPOL), the ASEAN Directors-General of Customs and the ASEAN Directors-General of Immigration and the Heads of Consular Affairs of the Ministries of Foreign Affairs;

6. It shall seek measures to promote cooperation with international agencies dealing with transnational crime, including those of the ASEAN Dialogue Partners; and,
7. It shall designate a national focal point/agency who is able to coordinate cooperation on transnational crime at the regional level as well as nationally

(c) ASEAN Secretariat

1. It shall assist the SOMTC in initiating, planning and coordinating activities, strategies, programmes and projects to facilitate regional cooperation in combating transnational crime;
2. It shall assist SOMTC in formulating the Work Programme;
3. It shall assist in exploring ways by which SOMTC can work closer with relevant agencies and organizations in Dialogue Partner Countries, other countries and international organizations, including the LJM and its specialized agencies, Colombo Plan Bureau, Interpol and such agencies, to combat transnational crime; And
4. It shall assist in mobilizing resources and seeking technical assistance from international agencies and ASEAN's Dialogue Partners.

E. FUNDING STRATEGIES

To implement priority projects under the ASEAN Plan of Action to Combat Transnational Crime, the SOMTC with the assistance of the ASEAN Secretariat shall:

1. Secure funding support for ASEAN programmes and projects to be implemented on a cost-sharing basis;and
2. Develop resource mobilization plans in order to obtain funding from the ASEAN Dialogue Partners, international funding agencies and other sources. H.R.H. Prince Mohamed Bolkiah, the Chairman of the ASEAN Regional Forum, on behalf of the participating states and organization, issues the following statement:

**Mou Between the Governments of Member Countries of the Association of Southeast Asian Nations and the Government of The People's Republic Of China on Cooperation In The Field of Non-Traditional Issues
Bangkok, Thailand, 10 January 2004**

The Governments of the Member Countries of the Association of Southeast Asian Nations (ASEAN) and the Government of the People's Republic of China, (hereinafter referred to as "the Parties");

DESIRING to strengthen the friendly cooperation among the Parties;

PURSUANT to the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-traditional Security Issues adopted on 4th November 2002;

DETERMINED to deepen cooperation in the field of non-traditional security issues among the Parties;

Have agreed as follows:

**Article 1
Objectives**

The Parties shall develop practical strategies in accordance with their national laws and regulations to enhance the capacity of each individual country and the region as a whole in dealing with such non-traditional security issues as trafficking in illegal drugs, people smuggling including trafficking in women and children, sea piracy, terrorism, arms smuggling, money laundering, international economic crime and cyber crime.

**Article 2
Areas of Cooperation**

The Parties have identified the following fields of common interest for mid and long-term cooperation:

1. Information Exchange

- a) shall, subject to their respective national laws and policies, exchange The Parties shall establish a compilation of their national laws and regulations pertaining to such fields as mentioned in Article 1;
- b) The Parties shall establish a collection of international conventions pertaining to such fields as mentioned in Article 1, to which they are parties, and a collection of bilateral agreements signed among them where appropriate;
- c) The Parties shall, subject to their respective national laws and policies, exchange intelligence on the non-traditional security issues referred to in Article 1; and
- d) The Parties information on special equipment and techniques applied in the prevention and investigation of the non-traditional security issues referred to in Article 1.

2. Personnel Exchange and Training

- a) The Parties shall promote personnel contact and exchange among their law enforcement officers and experts;
- b) China shall organize workshops to promote exchange of law enforcement experiences among the Parties in combating terrorism, trafficking in illegal drugs, sea piracy and international economic crime;

- c) China shall hold training courses to upgrade the level of capacity of each Party and the region as a whole in drug control, forensic sciences, immigration administration, road traffic control and the investigation of cyber crime. To ensure the quality of the training courses, China shall invite regional and international experts to give lectures; and
- d) The Parties shall promote exchange and cooperation among institutions.

3. Law Enforcement Cooperation

- a) The Parties shall encourage and offer each other the fullest law enforcement cooperation possible in accordance with their respective national laws and on the basis of mutual respect for sovereignty, equality and mutual benefit; and
- b) The Parties shall promote cooperation in accordance with their national laws in such fields as evidence gathering, tracing of crime proceeds, apprehension and repatriation of criminal fugitives and return of crime proceeds; and encourage each other to enter into bilateral legal arrangements therein.

4. Joint Research

- a) The Parties shall support the joint research by their experts and scholars in the field of non-traditional security issues, and share the results of research between them; and
- b) The Parties shall organize experts in relevant fields to provide short-term technical services and to make study tours.

Article 3 Implementation

- 1. The Parties agree that the implementing agencies for this Memorandum of Understanding are:
 - a) The ASEAN Secretariat in coordination with the relevant national agencies of the ASEAN Member Countries; and
 - b) The Ministry of Public Security for the People's Republic of China.

The implementing agencies of the Parties shall determine through consultation the details, schedule and arrangements for the implementation of the cooperation provided in this Memorandum of Understanding, and shall serve as coordinators for such cooperation.

- 2. ASEAN welcomes China's participation in the existing ASEAN cooperation pertaining to the fight against transnational crime, including the ASEAN Action Plan on the Fight against Transnational Crime and its Work Program.
- 3. The Parties shall hold meetings at working level once every year to exchange information on implementation of this Memorandum of Understanding, to brief each other on the progress of cooperation under various mechanisms, and to discuss the plans for future cooperation.

Article 4 Financial Arrangements

- 1. Expenses of workshops and training courses organized by China in accordance with this Memorandum of Understanding shall be covered by the Chinese side, including meals,

accommodation and local transportation for the participants sent by ASEAN Member Countries during their stay in China and fees for inviting experts, while the expenses of international travel shall be covered by the sending Countries, except when it is agreed otherwise.

2. Expenses incurred in the implementation of other cooperative activities in accordance with this Memorandum of Understanding shall be covered by the Parties through consultation.
3. The activities mentioned in this Memorandum of Understanding shall be conducted subject to the availability of funds and personnel of the Parties.

Article 5 Confidentiality

1. Information, document, data, equipment or technology received in accordance with this Memorandum of Understanding shall not be disclosed or distributed to any third party except to the extent as authorized in written form to do so by the country providing it.
2. In the event of termination of this Memorandum of Understanding, the Parties have agreed that the provisions of this Article shall continue to apply.

Article 6 Suspension

Each Party reserves the right for reasons of security, public order or public health to suspend temporarily, either in whole or in part the implementation of this Memorandum of Understanding, which suspension shall take effect immediately after notification has been given to the other Party through diplomatic channels.

Article 7 Revision and Amendment

The Parties may request in writing a revision, amendment or modification of all or any part of this Memorandum of Understanding. Any revision, amendment or modification shall be mutually agreed upon in written form by the Parties and shall form part of this Memorandum of Understanding. Such revision, amendment or modification shall come into force on such date as may be determined by the Parties.

Article 8 Settlement of Dispute

Any dispute or differences arising out of the interpretation/ implementation/ application of the provisions of this Memorandum of Understanding shall be settled amicably through consultation/ negotiation between the Parties without reference to any third party.

Article 9
Entry Into Force, Duration and Termination

1. This Memorandum of Understanding shall come into effect on the date of its signing and shall remain in force for a period of 5 years. Thereafter, it may be extended for additional periods subject to availability of funds and agreements of the Parties expressed by way of exchange of letters.
2. Each Party may give written notice to the other of its desire to terminate this Memorandum of Understanding, of which termination shall be effective thirty (30) days after written notification has been given to the other Party. The termination of this Memorandum of Understanding shall not affect the implementation of ongoing activities/programs.

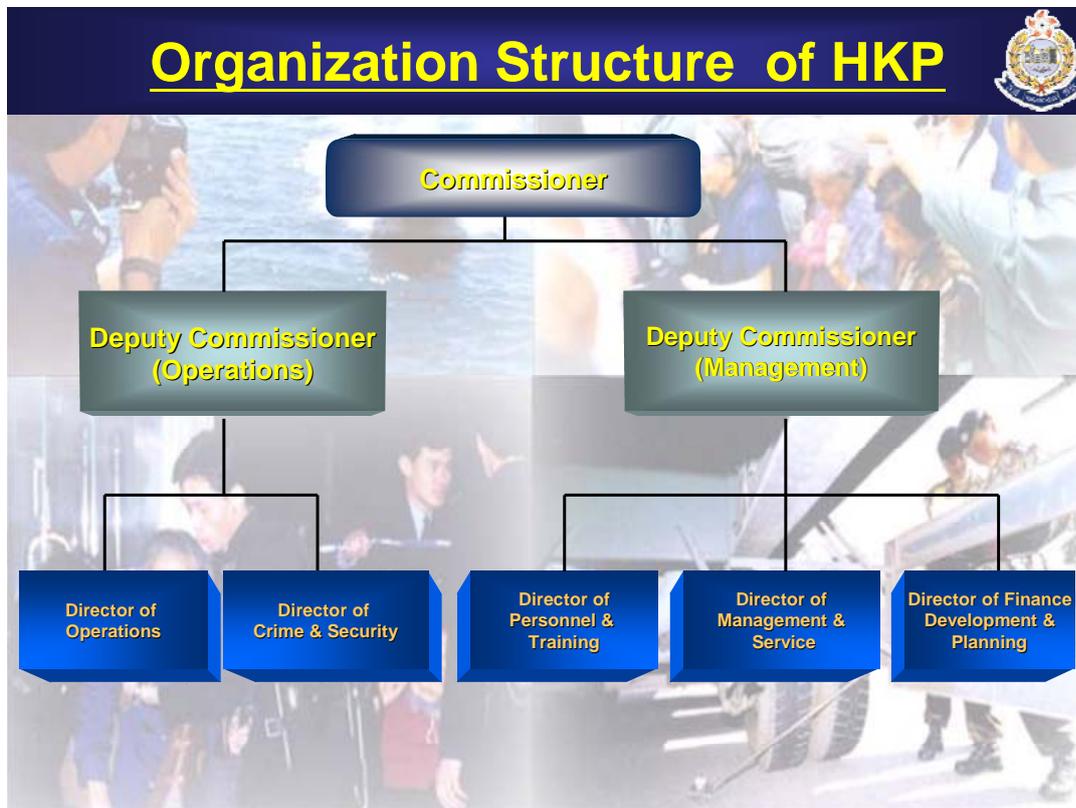
IN WITNESS WHEREOF, the undersigned, duly authorized by the respective Governments of the ASEAN Member Countries and the People's Republic of China, have signed this Memorandum of Understanding.

This Memorandum of Understanding is signed in Bangkok, Thailand, on the 10th day of January of the year Two Thousand and Four in two original copies in the English language.

For ASEAN:
ONG KENG YONG
Secretary-General of ASEAN
For the Government of
the People's Republic of China:
TIAN QIYU
Executive Vice-Minister
Minister of Public Security

APPENDIX C: TRIAD ACTIVITIES IN HONG KONG

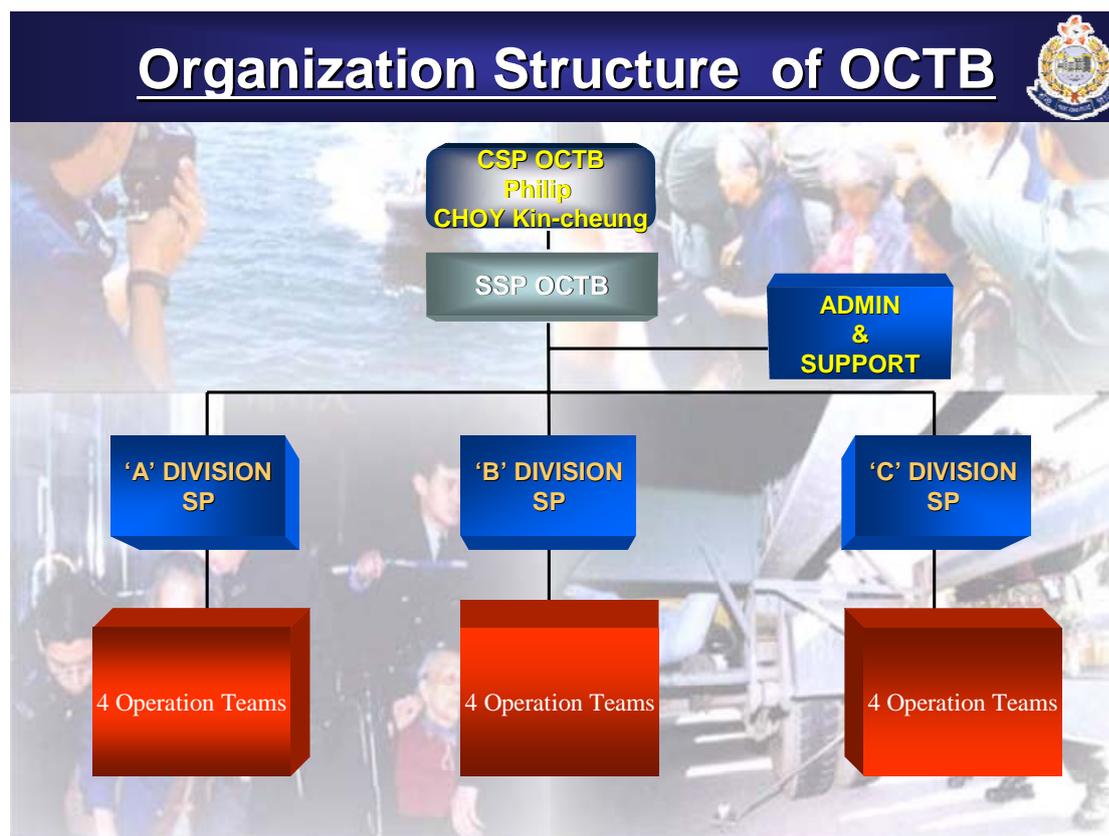
(A) Organization Structure of Hong Kong Police



The Hong Kong Police has an establishment of over 27,000 officers to police this small but busy city. It is the only police agency in Hong Kong and is completely independent. Hong Kong enjoys a virtual total autonomy in policing.

2. Hong Kong has adopted the UK judicial system since the 19th century, the power of the Hong Kong Police is therefore very similar to those in Commonwealth countries.
3. The above diagram clearly depicts the structure of the senior management of the Hong Kong Police.

(B) Organization Structure of Organized Crime & Triad Bureau (OCTB)



4. Organized Crime and Triad Bureau is the major bureau at the headquarters level in Hong Kong Police in tackling serious, organized crimes and triad activities. There are separate distinctive desk job for each of the 12 operation teams, which includes tackling triads from different regions in Hong Kong, syndicated bookmaking activities, cross-border crimes, human smuggling, firearm gangs, syndicated vice activities, etc.

(C) Charter of OCTB

5. OCTB is only responsible for investigating the most serious and major cases requiring an extremely high degree of expertise. The nature of these cases is:
 - a) Cases distinguished by the ingenuity of the criminals;
 - b) Cases distinguished by the brutality used in the perpetration;
 - c) Cases indicating a high degree of syndication or sophistication;
 - d) Cases with territory-wide or transnational implications; and
 - e) Triad cases falling within (c) and (d) above.

(D) Triad Situation in Hong Kong

6. Triad Societies in Hong Kong are secret illegal organizations which engage in all kinds of illegal activities for profit and they thrive on fear and/or corruption.
7. The Hong Kong Police is aware that HK triad members have links with criminals in Asia and Europe. However, actions against triads in the past were mainly conducted on a case

by case basis. It is imperative to have a strong intelligence network such as Interpol in order to support pro-active actions against identified syndicates and activities.

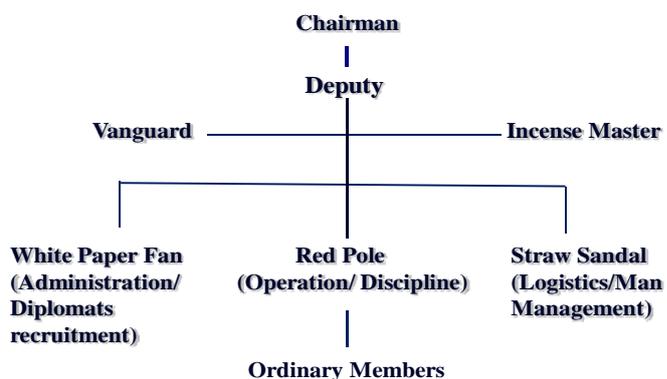
(E) Origin of Triads



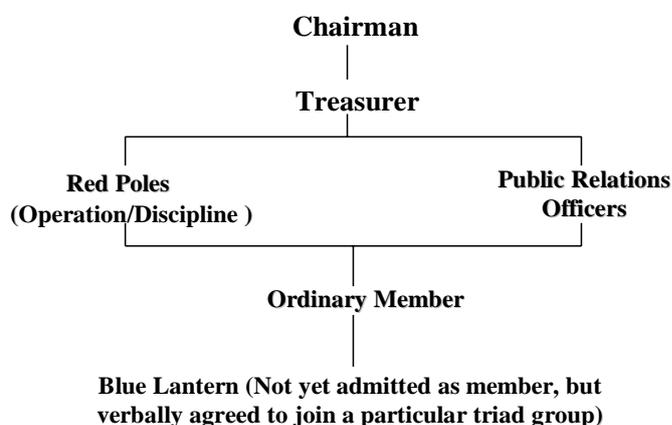
8. The word “Triad” is an English designation for the sacred symbol of the societies, a triangle enclosing a secret sign derived from the Chinese character “HUNG” (洪), whilst the resulting symbol is symbolic of the triangular union of heaven, earth and man.
9. Triads were originally secret societies formed in 1674 to overthrow the Qing Empire established by the Manchurians and restore the ethnic Chinese Ming Dynasty Regime. They were militants and commanded Martial Arts in order to lead rebellions. Traditionally, triads, patriots rather in the old days, expanded their power by working in collusion with temples, monasteries as well as gymnasiums to train and recruit fighters.
10. Qing Dynasty withered anyway in the 19th Century and it was eventually overthrown in 1911 in a revolution led by Dr. SUN Yat-sen which was supported by the triads in the Mainland and overseas. Patriotism of some triad members began to perish when they failed to find any other noble goals to pursue and they gradually corrupted and turned into criminal groups and engaged in criminal activities.

(F) Triad Structure: Traditional Vs Current

Traditional Structure of a Triad Society



Current Structure of a Triad Society



11. A comparison of the traditional and current structure of Triad Societies reveals that the latter is much simplified. In order to avoid police arrest of the most senior directorate members, the posts are normally held by mid-level but ambitious and upcoming officer bearers, who either by appointment or election hold the posts for two years.

(G) Active Triad Groups in Hong Kong

12. There are 212 known triad societies in Hong Kong in 1960. However currently there are only 52 in existence with 13 of them criminally active.

The most active seven ones:

- San Yee On (新義安)
- Wo Shing Wo (和勝和)
- Wo Hop To (和合桃)
- Wo On Lok (和安樂)

- e) 14K
- f) 14K Tai Huen
- g) Tai Huen (大圈China Mainlander)

(H) Income/ Activities of Hong Kong Triads

13. Hong Kong triads nowadays mainly involve in the following illegal activities.

(i) Extortion on

- Decoration companies
- Small Scale Public transportation routes
- Markets / Hawkers
- Shops, Construction Sites etc
- Wholesale fish markets and vegetable markets

(ii) Monopolising

- Small public transportation routes
- Movie production and
- Entertainment industries (signing up actors/actresses, establishing production companies)

(iii) Bouncership in

- Licensed Premises inc. Bars & Karaoke, Nightclubs & Mahjong Schools
- Parking Services

(iv) Other illegal activates

- Copyright infringed VCD/DVD Sales
- Vice – prostitution, drug Trafficking & illegal bookmaking

(I) Hong Kong Police Strategies

14. HK adopts a multi-dimensional & multi-agency approach, which focuses on:

- a) Legislations
- b) Police Enforcement Actions
- c) Education, Publicity & community support
- d) International Co-operation

(a) Legislations

SOCIETIES ORDINANCE

15. Societies Ordinance was enacted in 1949 to abrogate all unlawful societies. Under the ordinance, all triad groups are deemed to be unlawful societies. A number of offences

related to memberships, management, possession of materials of a triad groups and holding & attending triad meetings are enacted under the ordinance.

ORGANIZED & SERIOUS CRIMES ORDINANCE

16. Organized & Serious Crimes Ordinance (OSCO) was enacted in 1994. It gives police greater investigation power, such as production order and restraint order. It also creates the notions of money laundering offence and confiscation of crime proceeds. In addition, enhanced sentencing is embedded in the Ordinance to strengthen deterrence effect.

WITNESS PROTECTION ORDINANCE

17. The Ordinance aims at ensuring the safety of witnesses & their relatives. It tools at providing witness protection, re-identification and relocation of witness, etc.

(b) Police Enforcement

18. The Hong Kong Police adopts the following enforcement strategies in tackling triad activities: -

- (i) Strengthen intelligence network
- (ii) Mounting undercover operations to neutralize criminal syndicates
- (iii) High profile enforcement patrols
- (iv) Gain support from the community
- (v) A multi-disciplinary approach, linking other government agencies
- (vi) Targeting triad income
- (vii) Joint operation & exchange of intelligence with other LEAs

(c) Education, Publicity & Community Support

19. Through education, publicity and community, Hong Kong Police gains a higher caliber in prevention and tackling triad activities. In general, they are as follows:

- Education – police liaison officers deal with schools on possible triad problems
- Publicity - anti-triad campaigns, anti-triad pamphlets etc.
- Community support – regular conferences with community/ district boards/ associations and joint programmes with NGOs.

(d) International Co-operations

20. With the continuing spread of global unification, international co-operations are imperative in fighting cross-border and cross country triad activities. In this sense, the Hong Kong Police has established the following approaches:

- Many overseas LEAs have liaison officers in HK
- HK Police Liaison Officers permanently based in Lyon
- Another Liaison officer based in Thailand
- Overseas visits, conferences & training
- Strengthen cooperation to tackle similar crimes and syndicates.
- Enhancement of intelligence as intelligence led policing is vital in the neutralization of organized crimes.
- Foster an environment that no matter where the criminals are located, they cannot get away from LEAs.
- Displacement of problems will only benefit criminals.
- Forums could be conducted in Asia Pacific Region and may be at Interpol level.

APPENDIX D: ENFORCEMENT FIGURES (HONG KONG)

Illegal Gambling Enforcement Figures in Hong Kong (2003-2006)

(A) Amount of Cash / Betting Records Seized

	Amount of Cash Seized HKD			
	2003	2004	2005	2006
Bookmaking	833,930	390,020	123,918	565,050
(Soccer)	(350,160)	(40,200)	(0)	(186,230)
[Horseracing]	[471,600]	[55,090]	[6,470]	[362,340]

	Amount of Bet on Credit Seized HKD			
	2003	2004	2005	2006
Bookmaking	45,226,610	40,420,840	44,879,407	169,471,640
(Soccer)	(36,215,170)	(21,070,180)	(27,507,596)	(129,296,770)
[Horseracing]	[7,691,440]	[2,647,230]	[6,314,550]	[11,682,680]

(B) No. of Raids and Persons Arrested

	Nos. of Successful Raids				Nos. of Persons Arrested			
	2003	2004	2005	2006	2003	2004	2005	2006
Bookmaking	76	71	68	208	136	197	152	400
(Soccer)	(53)	(42)	(24)	(156)	(88)	(70)	(37)	(270)
[Horseracing]	[13]	[9]	[10]	[21]	[27]	[15]	[21]	[64]