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**CONCEPTUALIZING TRANSNATIONAL ORGANIZED
CRIME IN EAST ASIA IN THE ERA OF GLOBALIZATION:
TAIWAN'S PERSPECTIVE**

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Abstract

This paper aims to scrutinize the transnational organized crime (TOC) in East Asia, and Taiwan in particular, in the era of globalization. This paper provides with a conceptual framework which allows us to examine the nature of transnational organized crime in the globalized world. It argues that TOC is a dual dimensional phenomenon—entity and activity dimensions— both dimensions of TOC have been largely affected by globalization. In East Asia, especially People's Republic of China, where globalization has boosted the economy tremendously, created an unprecedented opportunity for TOC to grow. This paper argues that since most of the non-traditional TOC groups are difficult to classify because it is very much depending on the cases, it would be more clear and effective to profile the traditional type of TOC in East Asia. Several important traditional criminal groups are identified. Regarding the activity dimension, human trafficking and drug trafficking and smuggling are the two most serious and complicated issues in East Asia. This paper also identifies the source, transit and destination countries in human trafficking and drug trafficking and smuggling. As regards the TOC situation in Taiwan and its relations with East Asian countries, this paper analyzes the origin of Taiwan's organized crime groups, which is both from locality and mainland China. Following globalization and Taiwanese economy recovery, Taiwan's underworld went into a new stage of development, penetrating political, economic and other aspects in the society. As a result, many traditional organized crime groups vigorously expand their organizations

oversees. Human trafficking and drug trafficking and smuggling are the main concerns for Taiwan government. Under the efforts of the government, the situation of both issues is improving. In recent years, with the openness and the increase exchanged with Mainland China, human and drug trafficking from Mainland China has become serious problems in Taiwan.

I. Introduction

Transnational organized crime (TOC), facilitating by the wave of globalization, is one of the serious security problems in contemporary world. In 2004, United Nations recognized six kinds of national and international security threat, and TOC is one of them (United Nations, 2004).² In East Asia³, TOC is also a crucial issue that needs to be addressed thoroughly. Greatly affected by globalization, East Asian countries, especially Mainland China, have enjoyed the booming economy and the frequently flows of people and goods. Nonetheless, the issue about “the dark side of globalization” is also emerging in the region. Serious problems, particularly human trafficking and drug trafficking and smuggling, are enhanced to a large extent. Taiwan as a country in the East Asia is also affected by these problems. However, TOC is a term that is relatively vague and imprecise; as a result, some difficulties would appear when it comes to analyzing TOC in any region of the world. Different scholars, governments and practitioners have been analyzing TOC from different angles according to their own needs. Nevertheless, a comprehensive approach is required so as to conceptualize TOC in the East Asian region.

With above statement, this paper aims to provide a conceptual framework, and utilize it to analyze TOC in East Asia in the era of globalization, with some emphasis on analyzing that in Taiwan. This paper is divided into three main parts. The conceptual framework will be laid out at an outset, including a definitional analysis of TOC, UN definition and the impact of globalization on TOC. Secondly, this paper scrutinizes the TOC in East Asia by utilizing the introduced framework. Last but not least, a Taiwan’s perspective on TOC and its relations between Taiwan and East Asia will be analyzed.

² Those threats are (1) Economic and social threats, including poverty, infectious disease and environmental degradation, (2) Inter-State conflict, (3) Internal conflict, including civil war, genocide and other large -scale atrocities (4) Nuclear, radiological, chemical and biological weapons, (5) Terrorism and (6) Transnational organized crime.

³ The East Asian countries in this paper are including: People's Republic of China(PRC, in this article it will be shown as Mainland China), Taiwan (officially known as the Republic of China), Japan, North Korea, South Korea, Mongolia, Brunei, Burma (Myanmar), Cambodia, East Timor (Timor-Leste), Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam.

II. Conceptual Framework:

Transnational Organized Crime in the Globalized World

Definitional Analysis of TOC

Transnational organized crime⁴, in a literal sense, has a history as old as national governments and international trade (Woodiwiss, 2003). However, the definition of Transnational Organized Crime has been hotly debated, and there is still no consensus on the meaning of TOC (Leong, 2007; Fijnaut, 2000; Giraldo & Trinkunas, 2007). Because transnational organized crime is a social phenomenon across the borders involving people, places and institutions, which are also influenced by a variety of social, cultural, economic determinants, thus it is difficult to generate a universal definition of TOC as this term may mean different things to different societies (Findly, 2003). Consequently, different definitions are offered by politicians, governments, international organizations, law enforcement officials and scholars (Leong, 2007).

Prior to understanding the meaning of TOC, we must begin with defining the term “organized crime.” One of the first definitions of organized crime came from US law enforcement, primarily the Federal Bureau of Investigation (FBI), which states that organized crime is “continuing and self-perpetuating criminal conspiracy, having an organized structure, fed by fear and corruption, and motivated by greed (National Security Council).” Later on FBI also defines organized crime and gives it more profit-oriented element.⁵ The former National Criminal Intelligence Service (NCIS)⁶ attempts to give the most concise and yet broadest definition to reflect the sphere of interest in the United Kingdom.⁷ In academic circles, according to Leong, various models, such as Cosa Nostra Model, Patron-Client Model, Enterprise Model, Kinship Network Model, Crime Network Model and Partnership Model, are developed to understand the organized crime phenomenon (Leong, 2007). However, the term “organized crime” still remains controversial over its definition. As Maltz puts, the problem is there is no set standard

⁴ Transnational organized crime is differentiated from “International Crime.” The latter refers to crimes against international (criminal) law, such as crime against humanity, war crime, Genocide... etc.

⁵ FBI defines organized crime as “... a self-perpetuating, structured and disciplined association of individuals or groups, combined together for the purpose of obtaining monetary or commercial gains or profits, wholly or in part by illegal means, while protecting their activities through a pattern of graft and corruption (Center for Strategic & International Studies, 1997).”

⁶ The National Criminal Intelligence Service is now part of the Serious Organized Crime Agency which was established on 1 April 2006 under the Serious Organized Crime and Police Act 2005.

⁷ NCIS states that ‘organized crime constitutes any enterprise, or group of persons, engaged in continuing illegal activities which has as its primary purpose the generation of profits, irrespective of national boundaries (National Criminal Intelligence Service, 2003).’

about what kinds of criminal act is organized crime or when a criminal group is organized (Maltz, 1976).

From the previous discussion of “organized crime,” emerged the term “transnational organized crime (TOC).” The concept of transnational organized crime, sometimes called transnational crime, is more than an extension of domestic crime (Martin & Romano, 1992). Like organized crime, since the term was coined, there has been no consensus over the definition of TOC both in practice and in academia.⁸ Some define TOC as the criminal groups (for example, the famous Italian Mafia), while the others focus on its acts (for instance, cross-border human trafficking). The only agreement is that most of the definitions recognize TOC’s “transnational” feature – that is, the criminal behaviors or activities are conducted in more than one country (Williams, 1994; Reuter, 1995; Martin & Romano, 1992). To solve the definitional issue, this paper argues that we should delineate TOC from two broad, overlapping conceptions of TOC: TOC as activity and TOC as entity. The first conception, the activities of TOC, such as drug trafficking, human trafficking and smuggling, trafficking in firearms, money laundering, environmental crimes, can be conducted by any criminal organization, no matter what the size, structure, organization would be. These activities ultimately generate a shadow socioeconomic system, supplying illicit goods and services to meet latent demand (Naylor, 1995). In this, TOC encompasses a broad but specific set of illicit transnational transactions, regardless of the actors conducting them (Cockayne, 2007) . The second, TOC can be conceptualized as a set of organized entities, conducting diverse commercial activities unified by their underlying business model—the protection racket (Shelley, *Unraveling the New Criminal Nexus*, 2005). Traditionally, there are several well-known criminal groups such as Italian Mafia, Russian Mafia, La Cosa Nostra,⁹ Yakuza,¹⁰ Fuk Ching,¹¹ Triads,¹² Heijin,¹³ Jao Pho¹⁴ and Red Wa¹⁵ (Finckenauer & Chin, 2006). In this conception, TOC is simply any such entity engaged in this transnational organized criminal activity (U.S. Department of Justice, National Institute of Justice, 2007).

UN definition of TOC

The key international instrument for controlling TOC is the Convention against Transnational Organized Crime (TOC Convention), which provides a unified definition that is likely to serve as the benchmark for identifying TOC. Although some scholars criticize that the UN definition is too broad, the UN definition is so far the most useful

⁸ The United Nations established the term transnational crime more than twenty five years ago.

⁹ Known as the Italian or Italian-American mafia.

¹⁰ Japanese criminal group. Often involved in multinational criminal activities.

¹¹ Chinese organized criminal group in the United States.

¹² Underground criminal societies based in Hong Kong.

¹³ Taiwanese gangsters who are often involved in white collar crimes.

¹⁴ Organized crime group in Thailand.

¹⁵ Gangsters from Thailand.

and applicable to any policy or research work. In fact, the definition covers both activity and entity that we discussed previously.

According to article 2 of the UN Convention against Transnational Organized Crime, “organized criminal group” is defined as:

“ A structured group¹⁶ of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes¹⁷ or offen[s]es in order to obtain, directly or indirectly, a financial or other material benefit¹⁸ (UN General Assembly, 2001).”

This definition does not include groups that do not seek to obtain ‘financial or other material benefit’. This would not, in principle, include groups such as terrorists or insurgents provided that their goals were purely non-material. However, the Convention may still apply to crimes committed by those groups where they commit crimes covered by the Convention (for instance, by committing robbery in order to raise financial and material benefits) (United Nations Office on Drugs and Crime, 2004)

According to Article 3, a serious crime is “transnational” if it (UN General Assembly, 2001):

- (a) Is committed in more than one State
- (b) 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

The TOC definition provided by the United Nations is the most comprehensive, addressing the size, duration, and the transnational nature of criminal groups. In addition, it provides the flexibility to examine transnational organized crime that is not related to traditional organized criminal groups, such as Italian Mafia. Those groups in this paper also called “non-traditional organized criminal groups”.

¹⁶ According to the convention, a ‘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 (UN General Assembly, 2001).

¹⁷ According to Article 2(b) of the TOC Convention, ‘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”.

¹⁸ While the reference to ‘financial or other material benefit’ was intended to exclude groups with purely political or social motives, the term “material benefit” is not limited only to financial, monetary or equivalent benefits. The term should be interpreted broadly, to include personal benefits such as sexual gratification so as to ensure that organizations trafficking in human beings or child pornography for sexual and not monetary reasons are not excluded (United Nations Office on Drugs and Crime, 2004).

In 2010 United Nations Office on Drugs and Crime (UNODC) Transnational Organized Crime Threat Assessment Report, UN also holds that there are two ways of looking at transnational organized crime: some focus on multi-crime groups of professional criminals, while others focus on illicit markets (United Nations Office on Drugs and Crime, 2010). However, this report emphasis more on the activity nature of TOC, it goes:

Most organized crime problems today seem to be less a matter of a group of individuals who are involved in a range of illicit activities, and more a matter of a group of illicit activities in which some individuals and groups are presently involved: strategies aimed at the groups will not stop the illicit activities if the dynamics of the market remain unaddressed (United Nations Office on Drugs and Crime, 2010).

The Impact of Globalization on TOC

Globalization¹⁹ is a key factor in the rise of transnational organized crime (Shelley, Picarelli, & Corpora, Global Crime, 2003). The conditions of globalization have increased international economic liberalization, trade and financial flows, but they have also magnified illicit cross-border flows of narcotics, smuggled migrants and even infectious diseases like the Sever Acute Respiratory Syndrome (SARS) (Emmers, 2004). In other words, globalization not only makes it possible to move goods, people and money through the global economy, but also facilitates the movement of “dirty money” as well as the transportation of drugs, counterfeit goods, arms, illegal aliens and nuclear material (Godson & Williams, 1998). Some scholars describe TOC as the dark side of globalization (Urry, 2002; Giraldo & Trinkunas, 2007) ; some argue TOC as the side effect of Globalization (World Commission on the Social Dimension of Globalization, 2004). But they all agree that globalization has played an important role in facilitating TOC (Shelley, Picarelli, & Corpora, Global Crime, 2003; Emmers, 2004; Williams, 1994; Urry, 2002; World Commission on the Social Dimension of Globalization, 2004; Wang & Wang, 2009; Giraldo & Trinkunas, 2007; Calvani, 2008)

¹⁹ United Nations (UN) defines globalization “... an increasing interaction across national boundaries that affect many aspects of life: economic, social, cultural and political... the focus is only on the economic aspects, with particular emphasis on the role of ICT [information and communications technologies]. “ (United Nations Poverty and Development Division, 1999); World Health Organization (WHO) regards globalization as “...the increased interconnectedness and interdependence of people and countries, is generally understood to include two interrelated elements: the opening of borders to increasingly fast flows of goods, services, finance, people and ideas across international borders; and the changes in institutional and policy regimes at the international and national levels that facilitate or promote such flows. It is recognized that globalization has both positive and negative impacts on development. “ (For more detail see the webpage of Trade, foreign policy, diplomacy and health in the official website of WHO at < <http://www.who.int/trade/glossary/story043/en/index.html>>)

There can be categorized into three forces within the context of globalization that have accelerated TOC and made it even more transnational: 1) *Globalization of economy*. 2) *International movement of people, commodities and capital*. 3) *Progress in telecommunications and information technology*. These forces do not “cause” the TOC, rather, they facilitate it. The impact of globalization manifests in the two dimensions we have stated: entity dimension and activity dimension.

Globalization and the Growth of TOC: Entity Dimension

Regarding the entity dimension, globalization has also helped transform the organizational structure of TOC. Traditionally the organized criminal groups, such as Chinese triads, Russian Mafia, are formed in a hierarchical fashion. However, as the globalization opened the global market and expanded the international trade (both licit and illicit), the transnational criminal activities have been expanded and diversified. Consequently the traditional hierarchical forms of organized crime groups have diminished; replaced with loose networks which work together in order to exploit new market opportunities (United Nations Office on Drugs and Crime). Besides, advances in information and communications technology enable secure, costless, instantaneous transnational networking. This has also driven a general trend towards less hierarchic, formal, permanent organization of criminality (Arquilla & Ronfeldt, 2001). Like what we have mentioned earlier, the “hierarchical” organizational structure therefore tends to become more “network” or “market” vision. This decentralized, flat network structure of TOC has made it more difficult for governments to detect and deter. As a result, like what Holland puts, “the most dangerous transnational threats we face exhibit what biologists call ‘emergent behavior’, where the dynamic interactions of agents reacting to local situations give rise to collective behaviors that are more flexible and complex than a centralized, hierarchic organization could manage (Holland, 1998).”

Globalization and the Growth of TOC: Activity Dimension

Regarding the TOC activity dimension, globalization has contributed in two aspects. First, globalization has caused a rapid *expansion* of TOC activities. Traditionally, the issue of organized crime is regarded as a concern for only a limited number of nations (Leong, 2007). However, globalization and the end of the Cold War have given international criminals unprecedented freedom of movement, making it easier for them to cross borders and to expand the range and scope of their operations. As a result, virtually every region or country in the world has seen an increase in international criminal activity (Calvani, 2008). According to the United Nations, there has also been a rapid expansion of their activities in-areas such as trafficking in human beings, firearms, stolen vehicles,

natural resources, cultural objects, ozone-depleting substances, hazardous waste, endangered species of wild flora and fauna and even human organs, as well as kidnapping for ransom (United Nations Office on Drugs and Crime)

Second, globalization has caused the *diversification* of their activities. There is widespread agreement that increasing globalization of economic activity has provided a wider range of activities and opportunities for truly transnational enterprises to emerge. Just as businesses in the licit economy do, transnational criminals seek to match supply and demand and to take advantages of differences in profits, regulations and risk levels between markets (Giraldo & Trinkunas, 2007). United Nations also points out that: A key trend is the diversification of the illicit activities in which organized criminal groups are involved, as well as an increase in the number of countries affected by organized crime (United Nations Office on Drugs and Crime). Following the advancement of information and communication technology, international criminals also make use of it and conduct criminal activities in the cyber world. Therefore, countering cyber crime has become increasingly important in the globalized world. As a result of the globalization process and the spread of technology, significant changes in the nature and extent of organized crime are occurring (United Nations Office on Drugs and Crime).

III. Transnational Organized Crime in East Asia

Globalization and TOC in East Asia

East Asia is one of the most dynamic regions in the world that faces increasing threats and security challenges, such as international terrorism (Manfred, 2004, p. 2), territorial conflicts (Paul, 2002), possible warfare in the Korea Peninsula and Taiwan Strait (Neil, 2006), the proliferation of weapons of mass destruction and nuclear armament (Paul, 2002) and transnational organized crime. Most of these have existed in the region for decades or centuries; but globalization has transformed most of them in terms of their virulence, the people and groups involved, and their capacities to operate across and destabilize societies. Nevertheless, few countries consider re-erecting territorial barriers to globalization in order to deal with these threats. Consequently the region's states confront a new order of challenge in attempting to bring these manifestations of globalization's dark sides under control (Wesley).

Among the aforementioned threats in East Asia, TOC is one of the most devastating security threats. In the past decades, many of the East Asian countries, especially Mainland China, have been enjoying the economic growth. In the region, the economies are also among the world's greatest beneficiaries of globalization. Robust exports and large flows of foreign investment have driven economic growth and rapidly improved welfare, reflected in rising social indices (Greenwood). According to UNODC, the Asian countries' growth in international trade has grown 527 times from 8.3 billion dollars in 1948 to 4,353 billion dollars in 2008 (United Nations Office on Drugs and Crime, 2010, p.

30). Following this tremendous economic upgrades, the “illicit economy” has been also boosted dramatically. Moreover, the erosion of national borders fostered *global movements of people* driven by “a mix of push and pull factors that range from ethnic conflict and environmental degradation to the desire for economic betterment” (Phi & Vlassis, 2001, p. 68). This has given the TOC a great environment to grow in East Asia. Phil Williams argues that criminal organizations are motivated to engage into transnational criminal activities at both macro (globalization and the new environment) and micro (specific incentives to go transnational) levels, where it is necessary to identify the specific calculations that an individual criminal enterprise might make – intuitively or explicitly – before embarking to international ventures (Phi & Vlassis, 2001, p. 66). Therefore, globalization has helped transform TOC in terms of the criminal activities, the people and groups involved, and the capacities to conduct their illegal businesses across the borders in the region.

TOC in East Asia: Entity Dimension

In terms of the entity dimension of TOC in East Asia, most of people would directly associate criminal groups with notorious traditional groups like Japanese Yakuza and Chinese Triads. However, under the broad definition of TOC provided by UN, nearly all of the structured criminal groups can be incorporated into the defined organized crime. Most of the Asian traditional organized crime groups, like Yakuza and Triads, feature in locality and violence, penetrating the governmental bodies and local officials, and operating transnational in the past decades. As a result, some argue that the traditional type of criminal groups is not key players in transnational criminal activities (Sheldon & Chin, 2003). Other “non-traditional” transnational Asian organized crime groups are believed to be less-violent and more transnational in nature which has enjoyed more the benefits of globalization. Consequently, those non-traditional TOC syndicates tend to cooperate with foreign criminals.

As regards the generalization of TOC groups, as Gonzales, Schofield and Hagy argue, it is very difficult to generalize the scope and the level of seriousness of each and every organized crime group in Asia because this may depend on the country, the group, and the product or service involved. (Gonzales, Schofield, & Hagy, 2007) Most of the non-traditional TOC groups, in particular, are difficult to classify because it is very much depending on the cases. Therefore, it would be more clear and effective to profile the traditional type of TOC in East Asia, which post great threats in both national and regional level. As for the non-traditional type of TOC, it is so far hard to sketch a whole picture about it. Therefore, it is argued that this is the limit of the entity dimension of TOC, and thus the necessity of the activity dimension comes in, which helps to understand the whole TOC situation in East Asia.

In Japan, without a doubt, the Yakuza is the most serious criminal syndicate which has been getting involved in the various organized crime activities such as human trafficking and smuggling, especially the trafficking in women for sex exploitations. Moreover, the members of Yakuza often involved in multinational criminal activities, including human trafficking, gambling, prostitution, and undermining licit businesses (National Institute of Justice).

In Korea, one of the most famous traditional criminal groups is the Kkangpae, which also operates internationally primarily in North America and Asia.

In China (including Hong Kong), Triads is the most notorious traditional criminal group which has many branches in overseas Chinese societies in East Asia. UN has also identified three Chinese organized crime syndicates—the Liu Yong Syndicate, the Zhang Wei Syndicate, and the Liang Xiao Min Syndicate—were all said to be local or at most regional in their scope, and to be without cooperative relationships with other organized crime groups (United Nations Centre for International Crime Prevention, 2000). The National Institute of Justice in the U.S.A., also identifies two major Chinese organized criminal groups. Fuk Ching is a Chinese organized criminal group which has been involved in smuggling, street violence, and human trafficking. Triads is an underground criminal societies based in Hong Kong. They control secret markets and bus routes and are often involved in money laundering and drug trafficking (National Institute of Justice). Besides, traditional Asian gangs - such as Fuk Ching, Tung On and Born to Kill - often consist of an ah kung, a grandfather, or a shuk foo, an uncle, who acts as leader; a dai dai lo, a big big brother, or capo; dai los, big brothers; yee lo, or saam lo, clique leaders; and the ma jai, or little horses, the henchmen. (Hoffenberg, 2010)

In Thailand, Jao Pho is the most important organized crime group. They are often involved in illegal political and business activity (National Institute of Justice). Jao pho are mostly ethnic Chinese based in the provinces that have business interests in both legitimate and criminal activities, and move closely with powerful bureaucrats, policemen, and military figures. According to Thai authorities, jao pho groups reside in 39 of Thailand's 76 provinces. Red Wa also has an importance in Thailand. They are gangsters involving in manufacturing and trafficking in drugs, particularly methamphetamine from the Golden Triangle in Burma (National Institute of Justice).

In Myanmar²⁰, most of the insurgent groups are also organized crime groups. There were at least 16 different armed groups controlling parts of the Shan State and the Kayah State

²⁰ Myanmar is categorized as one of the Least Developed Countries and is the second poorest country in Asia, after Timor-Leste. It is also consistently rated as one of the countries most affected by corruption in the world, coming in third from the bottom in the Transparency International rankings in 2009 (United Nations Office on Drugs and Crime, 2010).

in 2009 (UNODC, 2009). The strongest seems to be the United Wa State Army (UWSA), controlling the Wa region, as well as some border regions in South Shan and East Shan. (United Nations Office on Drugs and Crime, 2010). Being isolated from other sources of income, many of the insurgent groups turned to taxing of drug production as a major source of revenue. In addition, they were also reported to tax timber, gems, and other black-market goods passing through the territories which they control. The survival of many these groups seem to depend on the illicit drug business (United Nations Office on Drugs and Crime, 2010).

TOC in East Asia: Activity Dimension

In East Asia, there are a number of transnational organized criminal activities that is known to most of the people and have been serious concerns in the region in recent years. The first is human trafficking and smuggling, a modern type of slavery. It is one of the major concerns for most of the countries and much endeavor has been made. The second is drug trafficking. Since Myanmar is one of the major drug production area in the world, East Asia has been had the problems of drug production and distributions which affected the health security and human security to a large extent. The third is trafficking in small arms and light weapons. East Asia has significant possibility of experiencing small arms proliferation problems because of ethnic, cultural and political diversity, decades of post-colonial violence, inadequate policing, and the emergence of major organized crime (Bedeski, Andersen, & Darmosumarto, 1998). The fourth activity is illegal resource exploitation. The over-harvesting of forests and fisheries, and the smuggling of gems and endangered wildlife has been driven by expanding consumer appetites for exotic possessions in the West and in developing Asia (Wesley). The fifth is counterfeit goods. China, in particular, has grown rapidly as the world's workshop, and according to World Customs Organization statistics, some two thirds of counterfeits detected globally in recent years were shipped from China (United Nations Office on Drugs and Crime, 2010, p. 10). Besides, counterfeit medicines also become an increasing concern. Asia has also emerged as a key source of medicine, especially for developing countries, and some share of this trade involves counterfeit pharmaceuticals (United Nations Office on Drugs and Crime, 2010, p. 11).

Of course the list of the organized criminal activities can continue, however, this paper only focus on the two most predominant TOC activities: human trafficking and smuggling and drug trafficking. These two types of criminal activities are most serious and complicated issues that required a regional and global endeavor to tackle them.

Human trafficking and Smuggling

Human trafficking and smuggling are distinct activities that are contemplated as significant threats to national and regional security in East Asia. Human trafficking is the

recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, whereas human smuggling is the importation of people into a country via the deliberate evasion of immigration laws. This offense includes bringing illegal aliens into a country, as well as the unlawful transportation and harboring of aliens already in a country illegally (U.S. Immigration and Customs Enforcement). The main industries that make use of both smuggled and trafficked labor are the sex industry, domestic workers, and manual labor, particularly in the building industry-(Wesley).

It is estimated that about 12.3 million adults and children are being in forced labor, bonded labor, and forced prostitution around the world (U.S. Department of State, 2010, p. 7) In Asia, it has been estimated that at least 200,000 to 225,000 women and children are trafficked from Southeast Asia annually (Derks, 2000, p. 5). Most of the trafficking destinations are within the region. Sixty per cent of the regional trafficking in women and children is believed to occur between major cities in Southeast Asia and the remaining 40 per cent to the rest of the world, particularly the United States (Wattanayagorn, 2003). The trafficking of people by criminal groups in East Asia therefore occurs both at a regional and global level (Emmers, 2004).

With respect to the flows of human trafficking in East Asia, the East Asian countries can be divided into source, transit and receiving countries. (Wattanayagorn, 2003) Indonesia and Philippines are mainly source countries. Indonesia is a major source country, and to lesser extent a destination and transit country for women, children and men who are subjected to trafficking in persons, specifically forced prostitution and forced labor (U.S. Department of State, 2010, p. 176). As for Philippines, it has been actively encouraging its citizens (women in particular) to migrate and has become with about six million workers abroad the largest migrant country in the world. Almost two-thirds of the Indonesian and Filipino laborers working abroad are female (Dupont, 2001, p. 158).

Thailand and Cambodia share similar trends as a source, transit and destination country for victims of human trafficking (Macan-Markar, 2010). There are an estimated 300,000 women and children involved in the sex trade throughout Southeast Asia. (Lobaido, 2002) It is common that Thai women are lured to Japan and sold to Yakuza-controlled brothels where they are forced to work off their price (The Nation, 2006). Thousands of women from China, Laos, and Myanmar work as prostitutes in Thailand. Some women are first trafficked to Thailand before being moved to other regional states or other parts of the world like Japan, Taiwan, Australia, Europe and North America (Wattanayagorn, 2003). In Cambodia, the Cambodian children often forced to sell sweets and flowers on the streets of Thai cities (Macan-Markar, 2010). Besides, in Burma, Burmese girls are trafficked to Cambodia to supply the sex trade, and many men, women, and children who

migrate abroad for work in Thailand, Malaysia, China, Bangladesh, India and South Korea are trafficked into conditions of forced or bonded labor or commercial sexual exploitation (U.S. Department of State, 2010, p. 96).

Japan and Singapore are considered as destination countries in East Asia. Japan is the major destination country for trafficked women, especially from the Philippines and Thailand. Japanese organized crime syndicates (the Yakuza) are believed to play a significant role in trafficking in Japan, both directly and indirectly. Traffickers strictly control the movements of victims, using debt bondage, threats of violence, and other coercive psychological methods to control victims (U.S. Department of State, 2010, p. 189). Women are forced into prostitution, stripping and live sex acts. The affluent city-state of Singapore is also a destination country for women and girls subjected to trafficking in persons, specifically forced prostitution, and for some migrant workers in conditions that may be indicative of forced labor (U.S. Department of State, 2010, p. 292).

Drug Trafficking

Drug trafficking, which has long been a major concern by the Asian authorities, is the most serious transnational organized crime problem in the East Asia. Over the past decade, the problem of illicit drug production and distribution in East Asia has become much more serious, driven largely by a change in the technology of drug production (Wesley). In terms of the drug production, the “golden triangle” stretching across Myanmar, Laos and Thailand has been one of the world’s leading production centers of heroin for decades (Wesley). Besides, the drug trade increases drug consumption and addiction, raises the level of violent crime, affects the health of the consumers, spreads HIV/AIDS through intravenous drug use, wastes human potential and undermines family structures (Emmers, 2004) .

According to UNODC, the total illicit drug users in 2008 have exceeded 5 billion people in the upper level. Moreover, UNODC reports that the main TOC threats in the region is the production and trafficking in ATS and opiates. There is clearly involvement of organized crime groups in ATS production, particularly in East and South-East Asia (UNODC, 2010, p. 34). Annual volume of main goods trafficked in 2009 is around 330 tons of opium. Estimated value is around 3 billion US dollars at destinations (United Nations Office on Drugs and Crime, 2010, p. 257).

Regarding the Amphetamine-type substances (ATS), it is estimated that there are over 10 million users of illicit amphetamines in Southeast Asia (Wesley). Myanmar ranks fourth of the countries in East and South-East Asia that are most frequently cited as a source of methamphetamine (both crystalline methamphetamine and methamphetamine tablets) (UNODC, 2010, p. 115). In terms of drug abuse, the proportion of people requiring treatment for ATS abuse is reaching 36% in East and South-East Asia with proportions

exceeding 50% in Japan, the Republic of Korea, Thailand, Cambodia and the Philippines, as well as in Saudi Arabia in the Near and Middle East (UNODC, 2010, p. 34). This manifests the level of seriousness of the problem in East Asia. Moreover, UNODC estimates that one-half of world production of synthetic amphetamines occurs in Asia, with China (50% of world production) and Myanmar (43%) the largest producers of methamphetamines (Wesley). Following the greater accessibility of this synthetic amphetamines, not only many drug users switch to these drugs, but it has driven changes in illicit drug markets, production and distribution chains, and the forms of criminality that perpetrate the illicit drug trade (Wesley).

As for the Opiate (opium, morphine and heroin), the supply source for illicit opiates¹ (opium, morphine and heroin) huge underground economy is now concentrated in three areas: Afghanistan, South-East Asia (mostly Myanmar) and Latin America (Mexico and Colombia) (UNODC, 2010, p. 37). Heroin has been reported as the primary drug of use for the past five years in China, Malaysia, Myanmar, Singapore and Viet Nam (Gamal, 2009). China, in particular, has 2.2 million heroin users, the largest population in absolute terms, were estimated to consume some 45 mt of heroin in 2008. Most of the supply for China is sourced in Myanmar, although Afghan heroin appears to be gaining market shares. In other South-East and East Asian countries, heroin consumption was estimated at around 18 mt. The main sources of the heroin consumed in this region are Myanmar and the Lao People's Democratic Republic, followed by processed Afghan opium (UNODC, 2010, p. 42).

There is no strict division between regions of supply and demand. The same caution is warranted in examining 'transit' regions, which very often are also regions of consumption and possibly add to supply (UNODC, 2010, p. 46). Myanmar is the most predominated origin state in the region (United Nations Office on Drugs and Crime, 2010, p. 257). More than three quarters of Myanmar's production (some 40 mt of heroin) supplies the local and regional markets, primarily Chinese. The remainder goes to other South-East Asian countries and Oceania (UNODC, 2010, p. 46).

IV. Taiwan's Perspective

The Globalization and TOC in Taiwan: Entity Dimension

In the early 17th century, there were some early forms of organized criminal activities appeared in Taiwan. The commonly accepted Taiwan's first underworld society called "Parents Union" was built in 18th century during Qing Dynasty, where some mainland Chinese criminals also got involved in criminal activities in Taiwan. In the late 19th century during the Japanese rule of Taiwan, the majority of organized crime groups were disbanded. However, there were a number of "corner forces" still developing in Taiwanese society.

Following the retreat of the Nationalist government (commonly known also KMT) to Taiwan from mainland China, defeated by the Communist Party, some members of the mainland Chinese traditional organized crime groups such as "the Freemason" also traveled to Taiwan with the government. In order to confront with the strong Taiwanese forces, those mainlanders have joined together to form provincial organizations which inherited the ancient Chinese gangsters' characters. Taiwan's Triads began to develop since then, and the organized criminal groups began to build their own sites, gradually gaining power in Taiwanese society. Some transformed themselves into transnational organized criminal groups and started conducting an early form of transnational illicit activities.

After the mid-1960s, as Taiwan's economic recovery, the gradual opening up of society and the development of entertainment industry, Taiwan triad has been expanded. In Taiwan's underworld has become a serious social problem.

In the 1990s, Taiwan's underworld went into a new stage of development, penetrating political, economic and other aspects in the society. Taiwanese triads then have unprecedented infiltration to all areas of society. Organized criminal groups have been operated as a type of international enterprise since then, involving sex trade, drug trafficking and smuggling, small arms trafficking, etc. Besides, the Taiwan's Triads heavily and openly gets involved in religious and political aspects, which sets Taiwan's triads apart from their Sicilian or Japanese counterparts. In Taiwan, gangsters don't just "buy" politicians, they become them. About 15 to 20 percent of Local Township and county councilors and township heads are gangsters or "heidao" (people of the black way) in mandarin Chinese language. They help mobilize votes, through "vote-buying" or intimidation (Adams, 2010). Moreover, the KMT ruling party at the time allowed those criminal groups to enter into legitimate political and financial and economic system, among them one the best way is to be "bleaching by elections." By doing this, they can thus legally cover their illicit activities. The U.S. government describes this phenomenon

as Heijin (a mandarin Chinese expression, literally means “black money”), referring to Taiwanese gangsters who are often executives in large corporations or governmental bodies. They are often involved in white collar crimes, such as illegal stock trading and bribery, and sometimes run for public office (National Institute of Justice). Therefore, at this stage the Taiwan’s underworld is described as "the period of organized crime (Chang, 2006)"

In addition, the triad society groups vigorously expand their organizations overseas. The major transnational organized crime groups such as “the Bamboo union”, “the Four seas alliance” and “the Heaven-way alliance” extended their forces to North America, Europe, Japan, Southeast Asia, Africa and Hong Kong, Macao and Mainland China, establishing close ties with other foreign organized criminal groups, or vice versa. For example, Taiwanese criminal groups had been closely cooperated with the Japanese Yakuza and set up a branch in Taiwan (NowNews, 2010). Due to the force of globalization, the transnational organized crime groups in Taiwan are believed to be more active in Japan, Mainland China, and Southeast Asia.

According to an official analysis, the organized crime groups in Taiwan can be divided into three categories (Zhou):

1. Polymer-type: In most of the cases these groups are smaller than other types of criminal groups. These groups have no fixed name, no specific sites and they don’t commit crimes in their hometown. They polymer-type groups mostly temporarily formed due to some common interests in a particular criminal activity. This type accounts for 47% of gang polymerization.
2. Corner type: These groups are site-based in nature, members are mostly native Taiwanese. They usually don’t have hierarchical structure, and the size is relatively small, only a few dozen core members. Some bigger groups have the size of the corner forces up to 100 people. Those groups are more local and regional in nature. “The Heaven-way Alliance” is a group of joined corner forces composed by several small corner forces. The corner type accounts for about 41% of gang polymerization.
3. Tissue-type: This type is the most developed and more hierarchical than other two types. They have their own regulations, parishes, and a fixed source of income; typically this type of organizational criminal groups is bigger than others, usually some hundreds even thousands. But generally they do not own their own sites. Some of them have built international branches abroad cooperating with other foreign gangsters. This type accounts for 12% of gang polymerization.

The Globalization and TOC in Taiwan: Activity Dimension

Human Trafficking

With the pace of Globalization, the pattern of human trafficking today in Taiwan is different. Traditionally, Taiwan is an exporter of human trafficking, trafficking people to other countries (like Japan). Since Taiwan was not a well-off country fifty years ago, where there patriarchal attitudes existed, and it was very common in human trafficking that “male for labor slavery, female for prostitute.” Nevertheless, following the booming economy in Taiwan and the wave of globalization, things are changed dramatically. Since Taiwan government opened the door for foreign workers to come to Taiwan in 1990s, as well as the increasing of cross-strait exchange, there has been a large number of new immigrants in Taiwan, and the problems of illegal immigration and other emerging issues follow. Through the legitimate (such as marriages, tourism, etc.) and illegal (such as illegal immigration, etc.) means to come to Taiwan, many foreign and mainland women are forced to engage in prostitution, sexual exploitation or involuntary servitude of labor exploitation. Taiwan is thus transformed from a source of human trafficking into a transit and destination country (Wang K.-H. , *A study on Police’s Anti-Trafficking Action in Taiwan* (in Chinese), 2009, p. 209). In U.S. 2010 Trafficking in Persons Report, it states “Taiwan is a destination, and to a much lesser extent, source and transit territory for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor (U.S. Department of State, 2010, p. 314).”

There are certain common types of human trafficking happening in Taiwan as follows: Firstly, people in mainland China come to Taiwan through illegal channels provided by human traffickers. However, they found out that they cannot afford the huge transportation fees after they arrived. Consequently, they become forced labor and prostitutes so as to pay the fees they owe. Secondly, Southeast Asian women arranged by international bride agencies came to Taiwan to marry with Taiwanese people. Nevertheless, they are forced by those agencies to work for sexual exploitations. Thirdly, some foreign workers legally come to Taiwan in accordance with the Employment Services Act. However, they are provided with poor accommodations, inhumane working environment, and irrational working hours, etc (Hsu, 2009, p. 163).

According to the statistics by National Immigration Agency in June 2010, there are 319,037 foreign labors in Taiwan; The majority of the foreign workers are from Southeast Asia, among them, Indonesian are the most with 131,616 persons, , Philippines 68,892, Thailand 59,353 and Vietnam 59,168 (National Immigration Agency, 2010). In U.S. 2010 Trafficking in Human Report, it also point out that “most trafficking victims in Taiwan are workers from Vietnam, Thailand, Indonesia, and the Philippines, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan’s manufacturing industries and as home caregivers and domestic workers.” It further states that most of those foreign workers become victim to human trafficking by

brokers and employers. For “women and girls from the China and Southeast Asian countries, they are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of commercial sexual exploitation and forced labor (U.S. Department of State, 2010, p. 314).”

In order to combating Human Trafficking, the Taiwan’s government efforts can be listed as follows (Wang K.-H., 2009):

1. Inter-ministerial meeting in 2005

On November 2005 the Ministry of the Interior launched several specific initiatives that integrate various bodies of ministries; the anti-human trafficking actions in Taiwan began.

2. "The Action Plan for Combating Human Trafficking" in 2006

The Executive Yuan of Republic of China (Taiwan) enacts “The Action Plan for Combating Human Trafficking”, including three dimensions: prevention, prosecution and protection. The Human Trafficking Coordination Board was also established.

3. "Jing snake (Exterminating traffickers) project," "Anti-Slavery Project" in 2006
The National Police Agency initiated the two projects, cracking down human traffickers and organized criminal groups conducting human trafficking.

4. The Establishment of “The Coordination Council for Combating Human Trafficking” in 2007

The governmental level of combating human trafficking has been upgraded. The Executive Yuan established “The Coordination Council for Combating Human Trafficking” to coordinate various governmental agencies and non-governmental organizations (NGOs). Hoping to prevent and combat human trafficking effectively.

5. Addition and Amendment of the “Special chapter of cross-(border) control and protection of victims of trafficking.”

In 2007, the Legislative Yuan passed the addition and amendment of the “Special chapter of cross-(border) control and protection of victims of trafficking,” bring the combating human trafficking in Taiwan to a new milestone.

According to the statistics of total numbers of seizures of human trafficking in Taiwan between 2007 and 2009 (see the table below), there are 139 seizures of labor exploitations and 245 seizures of sexual exploitations. The total number of seizures of human trafficking is 384 cases (National Immigration Agency, 2010). The table also shows that the total number of seizures is decreasing, due to the endeavors of Taiwan’s government in human trafficking.

Seizures of Human Trafficking (2007-2009)

Year	Labor exploitation	Sexual exploitation	Total
2007	53	144	197
2008	40	59	99
2009	46	42	88
Total	139	245	384

Source: National Immigration Agency

In 2010, Taiwan returned to Tier 1 in U.S. Trafficking in Persons Report.²¹ The report states “Taiwan authorities fully comply with the minimum standards for the elimination of trafficking.” “Taiwan authorities identified trafficking victims and provided victims with work permits, allowing them to earn income while assisting in the prosecution of their traffickers. Authorities also conducted training for law enforcement officials on victim identification and protection, and partnered with NGOs and foreign governments to improve their response to human trafficking (U.S. Department of State, 2010, p. 315).” This manifests Taiwan’s effort to human trafficking has greatly improved.

Drug Trafficking

Drug trafficking is one of the most serious problems in Taiwan. Since the announcement of the “war on drugs” in 1993, Taiwan’s strategy of “cut off the supply, reduce demand” has achieved much success under the collaboration between governmental bodies. This results that U.S. removed Taiwan from the list of “drug transit countries” since the year of 2000. In the U.S. 2010 International Narcotics Control Strategy Report, it states “Taiwan’s role as a major transit/transshipment point for narcotics has diminished due to law enforcement efforts and the availability of alternate routes within the southern part of the People’s Republic of China (PRC). (Bureau for International Narcotics and Law Enforcement Affairs, 2010, p. 590)” This has proofed that Taiwan authorities’ effectiveness on enhancing airport interdiction, coast guard and customs inspections and surveillance. However, in the same report it also points out that “Some drugs, however, continue to transit Taiwan en route to Japan and the international market. The PRC, the Philippines, Thailand, and Burma remain the primary sources of drugs smuggled into Taiwan.”

As said by National Police Agency, there have been more seizures of drug trafficking than that of human trafficking between 2006 and 2008. In a total 57 seizures, there are 19 seizures are drug smuggling and trafficking, whereas 10 cases are human trafficking

²¹ The U.S. Department of State places each country in the 2010 trafficking in persons Report onto one of three tiers. Tier 1 is the highest ranking, indicating that a government has acknowledged the existence of human trafficking, has made efforts to address the problem. In East Asia, only South Korea and Taiwan are placed in Tier 1 in 2010 Report.

(Chiang, 2009). This shows that, although Taiwan's government and NGO's have put more effort on combating human trafficking, the problem of drug trafficking is still the most serious problem that needs to be addressed and should not be overlooked.

According to the 2009 Anti-Drug Annual Report published Taiwan's authority, the major drug sources are as follows (Ministry of Education, Ministry of Foreign Affairs and Ministry of Justice, 2009, p. 41):

1. The major source of heroin is Thailand, accounting for 64.2%; Vietnamese accounting for 27.05%; Mainland China 6.76%; Myanmar 1.8%.
2. The main source of Cocaine is Mexico, with the seizure of 73.66 Kg.
3. The major source of methamphetamine is from domestic productions, accounting for 97.84%; Mainland China 1.7%; United Kingdom and other sources accounting for 0.46%.
4. The major source of cannabis is Mainland China, accounting for 87.97%; South Africa 11.58%; U.S. 0.27%; Canada 0.12%; Netherlands 0.05%.
5. The major source of Ketamine is from domestic productions, accounting for 85.33%; Mainland China 13.31%; Philippines 0.56%; Vietnam 0.17%; Malaysia 0.08%; other source 0.55%.

This report shows that most of the drug trafficking are from Thailand and Mainland China, and the source countries from where drugs are trafficked is very diverse. The U.S. 2010 International Narcotics Control Strategy Report states that, in 2009, "Taiwan law enforcement and customs agencies continued to seize drug shipments originating from Thailand and Burma and identified heroin shipments seized in Thailand which were destined for the Taiwan market (Bureau for International Narcotics and Law Enforcement Affairs, 2010, p. 590)."

In terms of the channels of drug trafficking, most of the traffickers are through air cargo, which accounts for 40.70% of total seizures. The second is via passenger's carriage, accounting for 40.12%. The third is by mailing (parcels) 14.53%, and finally via shipping with the container, accounting for 4.65%. The types of drugs that most frequently trafficked are heroin, cocaine, ketamine and so on (Ministry of Education, Ministry of Foreign Affairs and Ministry of Justice, 2009, p. 29).

According to National Police Agency, the total seizures of drugs in 2008 are 7,003.47 kilograms, with 52 thousand people arrested. Besides, there are over one hundred and forty organized crime groups involving drug trafficking in the same year (National Police Agency, 2008, p. 29).

Notwithstanding traditionally the main source of drugs trafficking are from Thailand and Mainland China, in recently year there is a trend that Mainland China become the predominated source of drugs to Taiwan. Since Taiwan's government implemented "mini three links" and "three direct links," the benefits are that people and goods exchanges more easily and frequently. However, drug traffickers and organized crime groups have started utilizing these channels to smuggle with the aid of fishermen and boats. In 2009, Taiwan and Mainland China began direct flights, this channel is considered to be a great opportunity for drug traffickers and criminal groups to run their illicit businesses. The intensive exchange between Taiwan and Mainland China has been increasing the difficulty for law enforcement agencies to detect and prevent drug trafficking (Ministry of Education, Ministry of Foreign Affairs and Ministry of Justice, 2009, p. 165). This concern has been upgraded to national security level as the premier of R.O.C (Taiwan) urges Mainland Affairs Council and law enforcement bodies to work together and cooperate with their counterparts in Mainland China to block the drug trafficking and smuggling from Mainland China (Central News Agency, 2010). Therefore, one of the most important tasks in combating transnational organized crime activities in Taiwan is to block the drug trafficking and smuggling from Mainland China.

V. Conclusion

This paper provides with a conceptual framework which allows us to examine the nature of transnational organized crime in the globalized world. It argues that TOC is a dual dimensional phenomenon—both entity and activity dimensions—and it would be a better way to look at it accordingly. Under Globalization, both dimensions of TOC have been largely affected. The traditional hierarchical forms of organized crime groups have diminished, and replaced with loose networks which work together in order to exploit new market opportunities. Globalization expanded and diversified the scope of TOC activities.

With the above framework, this paper explores the nature of TOC in East Asia. Globalization has boosted the East Asian (especially Mainland Chinese) economy tremendously, and also created an unprecedented opportunity for TOC to grow. As for the entity dimension of TOC in East Asia, since most of the non-traditional TOC groups are difficult to classify because it is very much depending on the cases, it would be more clear and effective to profile the traditional type of TOC in East Asia, which post great threats in both national and regional level. This paper identifies several important traditional criminal groups such as the Yakuza in Japan, Fuk Ching in China, Jao Pho in Thailand and United Wa State Army in Myanmar. Regarding the activity dimension, human trafficking and drug trafficking and smuggling are the two most serious and

complicated issues in East Asia. This paper also identified the source, transit and destination countries in human trafficking and drug trafficking and smuggling.

As regards the TOC situation in Taiwan and its relations with East Asian countries, Taiwan's organized crime groups originate from both locality and mainland China. Following globalization and Taiwanese economy recovery, Taiwan's underworld went into a new stage of development, penetrating political, economic and other aspects in the society, especially in 1990s. As a result, many traditional organized crime groups vigorously expand their organizations overseas. Taiwan's TOC groups are believed to be active in Japan, Mainland China, and Southeast Asia nowadays. Concerning the activity dimension of TOC, human trafficking and drug trafficking and smuggling are also the main concerns for Taiwan government. In the past, Taiwan was a source country in human trafficking, but it has become a transit and destination country in the past decades. Most trafficking victims in Taiwan are workers from Vietnam, Thailand, Indonesia, and the Philippines. Regarding drug trafficking, most of the drugs are from Thailand and Mainland China, and the source countries from where drugs are trafficked are very diverse. In recent years, with the openness and the increase exchanged with Mainland China, drug trafficking has become a serious problem for law enforcement authorities in Taiwan to tackle with.

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