

TRANSNATIONAL ORGANIZED CRIME IN ASIA

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ABSTRACT

The emergence of transnational organized crime (TOC) in the 21st century is regarded as a 'new security agenda', and is high on the priority list of many nation states and international bodies. The adoption of the UN Convention against Transnational Organized Crime (UNTOC) in September 2003, is to fight TOC through close international cooperation. In recent years, like the rest of the world, Asia has experienced rapid and social changes as a result of globalization and advancement of information communication technology (ICT), where the criminal enterprises have also developed alongside legitimate commerce. The most common transnational organized crime activities identified in Asia are illicit drug trafficking, human trafficking and smuggling of migrants, money laundering, terrorism, cybercrime, product counterfeiting and intellectual property theft. The list does not stop here and these activities are making their ways into the Asia black markets. There may be an absence of multi-lateral efforts to suppress TOC in North, South, West and Central Asia. However ASEAN has established multilateral measures to improve the law enforcement cooperation of member states and its close dialogue partners through the ASEAN+3 and ASEAN+6 initiatives. Realizing the complexity and emerging threats of transnational crime, Malaysia is fully committed in the forefront in regional and international cooperation, besides improving its domestic legislative and regulatory framework to enhance its capacity and capability to combat transnational crime.

Keywords: *Transnational organized crime (TOC), Transnational crime (TNC), criminal offences, International Security.*

Introduction

Transnational Organized Crime (TOC) is regarded as the most serious and threatening security issue in the 21st century. It is growing in size and complexity, and its impact is so damaging to the level where it can undermine democracy, disrupt free markets, drain national assets, and inhibit the development of stable societies. (http://en.wikipedia.org/wiki/Transnational_organized_crime, accessed

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14 Mac 2014). The worst is TOC has the detrimental effects of threatening the dignity and humanity of mankind, where activities such as human trafficking are involved, human beings are traded as if they were products and commodities. In this context and with the recognition of member states, the United Nations (UN) has adopted a strong stand against this threat with the successful adoption of the UN Convention against Transnational Organized Crime (UNTOC) in September 2003, to fight TOC through close international cooperation. To deal with this problem UNTOC is taking a series of measures against transnational organized crime. These include the listing of domestic criminal offences to combat the problem, and the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law-enforcement cooperation, and technical assistance and training. Recognizing the corrosive threat posed by TOC, the High Level Threat Panel of United Nations listed TOC as one of the ‘Six Major Threats’ to world security² in 2004.

Transnational organized crime is organized crime coordinated across national borders, involving groups or networks of individuals working in more than one country to plan and execute illegal business ventures. A survey by Havocscope on ‘Country Profile and Ranking’ revealed that the impact of economic losses from the global black market was tremendous. It was estimated to reach as much as US\$571 billion in Asia as compared to US\$626 billion for United States. It is even more frightening to know that the size of the world black market was estimated at US\$1.81 trillion. (<http://www.havocscope.com/country-profile/>, accessed 14 Mac 2014).

While it is impossible to quantify the economic value of the black market with a high level of precision, the released estimates served to draw attention on the seriousness of the problem, and to elicit public debate on such areas that are of great public policy concern.

Its extent of seriousness has led Shelley (2005), an expert on Terrorism, Transnational Crime and Corruption, to warn that ‘Transnational Crime’ is a defining issue of the 21st century for policymakers, just like the ‘Cold War’ was for the 20th century. There is no doubt that the multifaceted problem of TOC poses a significant threat to national and international security, and the dimension of the problem, if uncontrolled, can grow to compromise the future of humankind.

Against this backdrop, the purpose of this paper is to provide a brief overview on transnational organized crime (TOC) activities in Asia with special reference to

² The **six threats** identified in 2004 by the High Level Threat Panel of the United Nations include the following: Poverty, Infectious disease, Environmental degradation, Inter-state war, Terrorism and Transnational organized crime.

East and South East Asia. The paper is also set out to examine the implications and challenges of TOC, and last but not least to highlight the regional cooperation and Malaysia's readiness in combating TOC.

Defining Organized Crime

Organized crime is a term of many meanings. Efforts to define organized crime are many and varied. They range from simple lists of characteristics to more complex formulations that distinguish between necessary and sufficient conditions and ancillary feature. Although there is no generally accepted definition of organized crime, it appears that based on consensus of writers over the course of past three decades, that a definition of organized crime would read as follows: Organized crime is a continuing criminal enterprise that rationally works to profit from illicit activities; its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials (Albanese, 2000, 2007)).

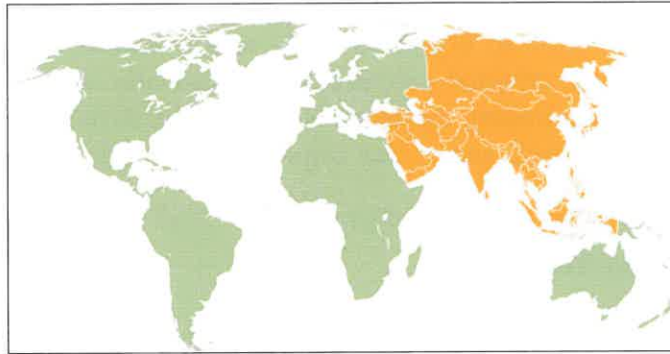
UN's Definition of TOC

Before embarking further on the subject, it is worth while to examine what actually constitute or define TOC as enshrined in the United Nations Convention against Transnational Organized Crime. Since it's inception in 2003 until today after more than a decade, UNTOC does not contain a precise definition of 'transnational organized crime'. Nor does it list the kind of crime that might constitute it. Perhaps, this lack of a firm and specific definition was intended to allow for a broader applicability of the Organized Crime Convention to new types of crimes that are dynamic, uncertain and expected to emerge as national, regional and global conditions change over time. There are some countries, including Malaysia, use the term 'transnational crime' (TNC). From the broad definition explained above, both TOC and TNC could be used interchangeably as they share the same entity.

Nevertheless, Article 2(a) of UNTOC contains a definition of 'organized criminal group' as a group of three or more persons engaged in activities of transnational offence for an ongoing period of time, and with aim of obtaining financial or other material benefit directly or indirectly. The term 'transnational' has a wider meaning, it covers not only offences committed in more than one state, but also those that take place in one state but are planned or controlled in another. Also included are crimes in one state committed by groups that operate in more than one state, and crimes committed in one state that has substantial effects in another state. This broad definition takes account of the global complexity of the issue to facilitate cooperation among authorities handling TOC on the widest possible range of issues of common concern (McClellan, 2007).

An Overview of TOC Activities in Asia

Geographically, Asia is divided into 6 regions which include (i) North Asia, that consists of the Asian portion of Russia; (ii) South Asia, that consists of India and its sub-continent; (iii) West Asia, that consists of the 20 Arabic countries, popularly known as Middle East; (iv) Central Asia, that consists of Uzbekistan, Turkmenistan, Kazakhstan, Tajikistan and Kyrgyzstan; (v) East Asia, that consists of People Republic of China (include Hong Kong, Macau and Taiwan), Japan, South Korea and North Korea and (vi) South East Asia, that consists of the 10 ASEAN countries.³



**Figure 1: Geographical Location of Asia (highlighted)
Asia is divided into 6 regions: North Asia, South Asia,
West Asia, Central Asia, East Asia, South East Asia**

It is pertinent to note that today's world attention has been focused on Asia, because of its great potential. Asia covers a vast area and includes more than half of the world's population. It hosts not only all the major religions namely Islam, Buddhism, Taoism, Hinduism and Christianity, but also includes a mixture of open capital and socialist market states. More importantly for the past few decades, a number of the East Asia countries with their dazzling growth rates known as "the East Asian Miracle" recorded double-digit economic growth, and they experienced rapid social changes (Urata, 2008). Obviously, transnational criminal enterprises have also developed alongside legitimate commerce. The complexity and diversity of this region has posed unique challenges to the development of effective regional responses to transnational crime, which in return bring forth numerous regulatory challenges to the public authorities (Broadhurst and Le, 2013).

The most commonly seen transnational organized crime activities now identified in Asia are briefly noted as below:

³ ASEAN was established on 8 August 1967 in Bangkok with five members as follows: Indonesia, Malaysia, Philippines, Singapore and Thailand. The other member states that joined later are Brunei (8 January 1984), Vietnam (28 July 1995), Laos and Myanmar (23 July 1997) and Cambodia (30 April 1999).

a. Illicit Drug Trafficking

In Asia, heroin is produced in the Burmese part of the Golden Triangle and flows into the international market via either Thailand or China. China's heroin market is expanding rapidly, while heroin markets also exist in most South East Asian countries. Traffickers are taking advantage of China's open door policy and use the land route from the Golden Triangle to distribute heroin to the market of China, tapping on its large population of 1.3 billion, and to the rest of the world. In addition, large quantity of heroin smuggled through this supply chain may also reach United States. (UNODC, 2013)

b. Human trafficking and smuggling of migrants

This illicit movement involves the trade of human beings for forced labour and sexual exploitation. In Asia, the most notable flows of labour trafficking, smuggling of migrants as well as trafficking of women and girls for sexual exploitation are within the Greater Mekong Sub-Region (UNODC, 2013). The most significant developments are: (1) migrant smuggling from East and Southeast Asia to the United States and the European Union, and (2) migrant smuggling from South and West Asia through Southeast Asia to Australia and Canada.

c. Money Laundering

East Asia and the Pacific remain vulnerable to money laundering. Given the relatively weak presence of financial and economic monitoring and control systems in some countries in the region, it is often difficult to track and follow money trails, which are an essential element for the investigation of this type of crime (UNODC, 2013). Singapore in January 2014, said that there are international typologies on the use of precious stones and metals as a tool to launder money, particularly as a store-of-value to make transfers of illicit proceeds easier. Such activities have manifested to be a new form of illicit financing for criminals and terrorists (The Star, 2014).

d. Terrorism

The threat of global terrorism with atrocities committed by terrorist groups resulting in the destruction of properties and loss of innocent lives is of no exception in South East Asia. For example, since 11 September 2001, more than 10 international terrorist groups with transnational capabilities were known to have carried out their operations in this region (Ministry of Home Affairs, Malaysia, 2014).

e. Cybercrime

Cybercrime or computer crime refers to any offence committed through the internet or any computer network. Online fraud or scam, online ID

or information theft and unauthorized access to computers are the leading precursor offences. Worldwide, cybercrime has surpassed drug trafficking as the most lucrative crime. Asia is not spared from this new rising threat (Ministry of Home Affairs, Malaysia, 2014).

- f. **Product counterfeiting/intellectual property theft (IP)**
This includes medicines and other proprietary drugs, digital products (e.g. DVDs) and high street fashion goods. The trade in counterfeit goods is often perceived as a 'soft' form of crime, but can have dangerous consequences for public health and safety. Asia has become the world's workshop, producing a significant share of the world's manufactured goods. At the same time, it also produces a large share of the counterfeits. According to the World Customs Organization, 75% of the counterfeit products seized worldwide from 2008 to 2010 were manufactured in East Asia (UNODC, 2013).

Other transnational crimes including maritime piracy, firearms trafficking and environmental resources trafficking are making their ways into the Asia black markets. In Asia, the authorities tend to overlook the damages as a result of environmental crimes. Report by UNODC (2013) illustrates that environmental crimes are among the most serious and profitable forms of TOC in Asia. Many countries in the region are richer in natural resources than they are in their capacity to protect them. Growing export markets as well as growing local demand, have placed great strain on resources unique to the region. Criminal opportunities have placed the global environmental heritage in jeopardy. The above list is not exhaustive but illustrates the breadth of illicit markets that are deemed attractive to organized criminal groups.

Organized Criminal Groups in Asia

Besides identifying the TOC activities, an understanding of various organizational structures of organized criminal groups helps and improves the ability of police or enforcement to investigate, disrupt and weaken the transnational organized crime activities (Le and Lauchs 2011). Many crime groups exist in Asia, some of them are local and others imported from abroad or formed by foreigners. Crime groups of interest include the Chinese 'black society' or triads, Japanese organized crime, the Yakuza and the military-style ethnic groups controlling the drug and opium production in the Golden Triangle. What happened was the improved infrastructure and free trade agreements in South East Asia not only have facilitated the movement of people and commodities, it has also created criminal opportunities for criminal groups (ACC, 2011).

The diversity of criminal groups operating within Asia - including triads, red wa, yakuza, D-Company and West African crime groups - reflects the complexity of the problem in this vast region. Still, the nature of criminal activity is broadly similar and is almost invariably grounded in poverty and economic under-development. Moreover, in parts of South Asia, Central Asia, and the borderlands of China and South East Asia, organized criminal activity often intertwines with terrorist or insurgent groups. In this way organized crime and political extremism become symbiotic sources of illicit wealth and lethal violence (Broadhurst, 2012).

Implications and Challenges

The significance of TOC as both a global and national threat has been elevated to a 'clear and present danger' for international security. The varieties of cross-border crime have become a concern for both 'low security' (domestic police) and 'high security' (national and regional). A consequential challenge has been to integrate the national, regional and international security response such that the police, military and national security agencies can work more effectively and seamlessly in reducing both TOC and the harm brought about by such activities.

The globalization process, enhanced by the ease of travel and unprecedented technological developments in recent years, has brought significant changes to many aspects of life and society, most of them for the better. However, the related growth of TOC do pose a significant and growing threat to national and international security, with dire implications for public safety, public health, democratic institutions, and economic stability across the globe.

TOC threatens world economic interests and can cause significant damage to the world financial system through its subversion, exploitation, and distortion of legitimate markets and economic activity. UNODC's (2013) estimates of the revenues generated in selected illicit markets in East Asia and the Pacific (EAP), taken together, have a combined annual income of nearly US\$90 billion. This corresponds to twice the GDP of Myanmar, eight times that of Cambodia, and 13 times that of Laos PDR. Figure 2 depicts the flow values that have been reported by UNODC (2013). Clearly, the largest leakage from the legitimate sector originated from counterfeit goods, and this is followed by environmental exploitation, in particular the trading of illegal wood products. Smuggling of illicit drugs is also a main revenue source of the EAP black market.

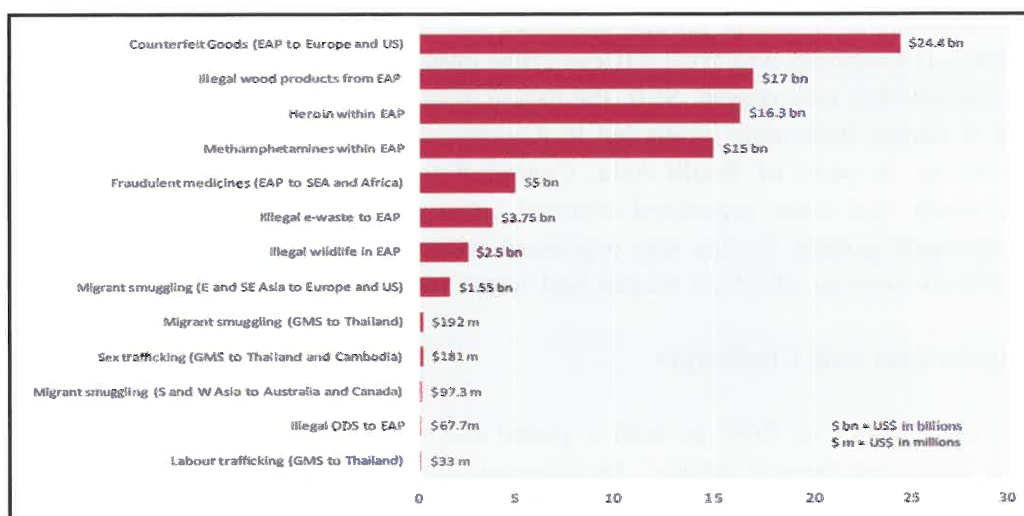


Figure 2: Transnational Organized Crime Illicit Flows in East Asia and the Pacific (EAP)

(Source: UNODC, 2013).

Another challenge faced by most of the countries in Asia is that the developing countries with weak rule of law can be particularly susceptible to TOC penetration, where such activities have a tendency to grow both in volume and extent. The deepening of TOC penetration leads to, and can also be the result of, co-option in a few cases. Further weakening of governance will follow, and the credibility of state institutions is put at stake. The apparent growing nexus in some states among TOC groups and elements of government including enforcement services and high-level business figures represent a significant threat to economic growth and democratic institutions.

In countries with weak governance, there are officials who turn a blind eye to TOC activities. TOC networks insinuate themselves into the political process in a variety of ways. This is often accomplished through direct bribery; setting up shadow economies; infiltrating financial and security sectors through coercion and positioning themselves as alternate providers of governance, security, services, and livelihoods. As they expand, TOC networks will threaten stability and undermine free markets as they build alliances with leaders, financial institutions, law enforcement, foreign intelligence, and security agencies. TOC penetration of governments is exacerbating corruption and undermining governance, rule of law, judicial systems, free press, democratic institution-building, and transparency (<http://www.whitehouse.gov/administration/eop/nsc/transnational-crime/threat>, accessed 4 May 2014).

Organized crimes and corruption will divert economic resources from gainful activities and draw off funds from vital sectors such as health and education that are essential for development and improving the quality of life. TOC activities generate underdevelopment and poverty, and a vicious cycle is created with the weakening of the public institutions. Poverty strengthens the channel for the operation of the TOC activities, as the poor are often the victims of drugs, smuggling and human trafficking. Feeble enforcement agencies feed the growth of counterfeited consumer products that are smuggled through cross border exchanges. Poor financial market regulation tends to open up more opportunities for money laundering at a global scale (http://www.unicri.it/topics/organized_crime_corruption/, accessed 21 May 2014).

TOC activities can lead to disruption of the global supply chain, through its penetration into trade and the economic network. This in turn diminishes economic competitiveness and impacts the ability of the world industry and various economic sectors, in particular the transportation sector, to remain resilient in the face of such disruption. Further, transnational criminal organizations, leveraging their relationships with state-owned entities, industries, or state-allied actors, could gain influence over key commodities markets such as gas, oil, aluminum, and other precious metals, along with potential exploitation of the transportation sector. Through such exploitation, they gain control over economic power that will strengthen not only their financial bases, but also their influence in the political system by infiltrating their existence into the formal institutions. By the extension of their network into the legitimate sphere, these transnational criminal organizations gain protections to their illegal activities by increasing their impunity, making it even more difficult for the authority to track and dismantle these criminal groups.

Another challenge is the growing concerns on the link between TOC and terrorist groups, that blurred the line between the two groups. As highlighted by Sanderson (2004), whether TOC and terrorist activities are transforming or converging, it is clear that terrorist financing have made ways into organized crime groups in order to generate revenue that provides support to sustain their programs and operational capabilities. This new development has led Sanderson (2004, p. 58) to caution that “as the walls between criminals and terrorists come down, so too must some of the walls between law enforcement and intelligence ... It is imperative that this threat must not be seen as two separate issues.”

Regional Cooperation in Combating TOC

In recent years, Asia has experienced the same globalizing trends and rapid trade liberalization as the rest of the world. But while trade has created a climate of interdependence, the diversity of interests and the persistence of traditional antagonisms have not been contained by regional governance mechanisms. Although this paper focuses on the situation in East and South East Asia, it is important to acknowledge that the circumstances in South Asia, West and Central Asia will also have a bearing on trends in transnational crime in the region. Events in South or West Asia (for example, the economic growth of India and conflict in Afghanistan) or the borderlands of the Golden Triangle have the potential for both increasing and changing the scale and form of transnational crime.

For instance, in West Asia, and to some extent North and Central Asia, there is an absence of multi-lateral efforts to suppress transnational organized crime. The result is increasing cross-border criminal opportunity but with no commensurate rise in regional governance capacity. There is also a great concern that, the South Asian Association for Regional Cooperation (SAARC) has not yet proven to be an effective multi-lateral mechanism for cooperation against cross-border criminal activities (Gordon 2009).

However, the Association of South East Asian Nations (ASEAN) has sought to coordinate the response of member countries to non-traditional security concerns such as transnational crime and terrorism. Nonetheless, some may argue that they failed to keep pace with the developments in regional crime.

ASEAN Ministerial Meeting on Transnational Crime (AMMTC)

Since the mid 1990s, ASEAN has begun to establish multilateral measures to improve the law enforcement co-operation of member states, and also to work more closely with the ASEAN + 3 (China, South Korea and Japan) and ASEAN + 6 (includes India, Australia and New Zealand) cohorts. ASEAN's efforts to combat TNC began in late 1990s in which previous focus was more on threats posed by drugs. However, due to globalization, advancement of technology including information technology and rapid movement of people across borders, ASEAN then realized that it faced a wider range of threats in the form of transnational crime.

Hence, the 1st AMMTC was held in Manila in 1997 whereby the Ministers adopted the ASEAN Declaration on Transnational Crime that underscored ASEAN's resolve to fight transnational crime. Subsequently, the 2nd AMMTC in Yangon adopted the ASEAN Plan of Action to Combat TNC that has become the existing

institutional framework in the region to deal with this issue. A collective effort at the regional level is pivotal knowing that TNC is becoming more organized, diversified and pervasive.

AMMTC is one of the vehicles for ASEAN Sectoral Ministerial Bodies. AMMTC falls under the pillar of the ASEAN Political Security Community (APSC) besides the ASEAN Economic Community (AEC) and the ASEAN Social Cultural Community (ASCC) that would realize the ASEAN Community by 2015. In 2004, ASEAN entered into cooperative arrangements with China to enhance law enforcement capacity. The engagement of China with ASEAN is strengthened significantly with a China-ASEAN workshop on Transnational Crime for senior police, being held annually in China. The last China-ASEAN workshop was held at Suzhou, China in 2013.

In addressing the issue of TNC at the regional level, AMMTC is being supported by other existing mechanisms namely Senior Officials Meeting on Transnational Crime (SOMTC), ASEAN Senior Officials Meeting on Drugs Matters (ASOD) and Directors-General of Immigration Departments and Heads of Consular Affairs Divisions (DGICM). In Nov 2009, the 7th ASEAN Ministerial Meeting on Transnational Crime (AMMTC) held in Cambodia, has successfully concluded 'a revised ASEAN-China MOU on Cooperation in the Field of Non-Traditional Security Issues'. The 'Work Plan on Combating Illicit Drug Production, Trafficking, and Use' (2009-2015) was also adopted at the 7th AMMTC and reflects the worthy but ambitious vision of a 'drug-free' region by 2015, which is now far from achieving this target. ASEAN-China MOU on Cooperation in the Field of Non-Traditional Security Issues was initially signed in 2002 and was renewed in 2010. The MOU is expected to be renewed for the third time before the end of 2014.

AMMTC meets biannually and its composition is made up of Ministers responsible for transnational crime issues from respective ASEAN Member States. During the meeting, the ASEAN Ministers also have scheduled meetings with the respective 10 ASEAN dialogue partners namely, China, Japan, Republic of Korea, USA, European Union (EU), Australia, New Zealand, Canada, Russia and India. In addition, ASEAN has successfully produced a specific Convention on Counter-Terrorism, which was adopted on 13 January 2007 and came into force on 28 May 2011. Another specific Convention on Trafficking in Persons is in the pipeline and at the drafting stage.

Joint efforts are coordinated through the framework of the AMMTC supported by meetings of the relevant senior officials (SOMTC) who are tasked with developing five-year plans, in co-ordination with other ASEAN senior officials responsible for

“drug matters”, and the meetings of ASEANAPOL (Chiefs of Police of ASEAN member states) and heads of customs and immigrations. Several objectives are noted in the AMMTC’s general action plans and include the development of a regional counter-measure strategy; greater cooperation among police, prosecutors and judges; enhanced coordination among ASEAN itself; a strengthened ability to counter ‘sophisticated’ transnational crime; and bilateral and multi-lateral treaties on mutual legal assistance and extradition.

A significant development by AMMTC is the consensus on the cooperation on the eight identified areas of transnational crime namely: Trafficking in Person, Terrorism, Economic Crime, Cybercrime, Sea Piracy, Money Laundering, Arms Smuggling and Illegal Smuggling of Drugs. With this regards, Ministry of Home Affairs of Malaysia (2014) will be hosting the 10th ASEAN Ministerial Meeting on Transnational Crime (AMMTC), in September or October 2015 in Kuala Lumpur.

Malaysia’s Readiness in Fighting Transnational Crime

Besides being an advocate member of ASEAN in combating TOC in the region. Malaysia has made its stand firm in opposing transnational organized crime and has joined the world at large in fighting it. At the international level, Malaysia is among the first of the Asia countries to sign the United Nations Convention against Transnational Organized Crime (UNTOC) on 26 September 2002 and ratified the Convention on 24 September 2004. A few years later in 26 February 2009, Malaysia has acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children under the UNTOC. Malaysia is currently State Party to 9 out of 13 International Conventions and Protocols relating to terrorism and is also signatory to all the three International Drug Control Conventions. More efforts are being taken by Malaysia, including signing of Agreements / Treaties on Extradition and Mutual Legal Assistance on Criminal Matters with several countries that would complement the nation’s efforts to counter TNC.

Malaysia is emulating the initiative of other developed countries to establish a security community. Hence, Malaysia needs to ensure that the ministries and agencies that are dealing with security issues are on the same page and could work together as well as having a shared perspective in dealing with security challenges including the threats of TNC. This is pertinent to address the syndrome of working in isolation or working in their cylinder of excellence. Apart from effective domestic networking, it is of paramount important to forge regional, bilateral and multilateral partnerships in terms of expertise as well as sharing of information intelligence to effectively deal with TNC. This is mainly due to the

fact that TNC involves illegal cross border activities. This has resulted in smart partnership being established through the signing of Agreements / MOUs with 6 foreign partners since 2011, namely Saudi Arabia, United Kingdom, United States of America, People's Republic of China, Bangladesh and Canada.

Besides enhancing mutual cooperation in the Region, Malaysia remains fully committed and has taken concrete steps in various areas such as institutional capacity-building and training of its law enforcement agencies as well as improving its domestic legislative and regulatory framework to enhance its capacity and capability in combating transnational crimes. Malaysia decided to implement a whole of Government approach in which the challenges and solutions are equally shared among relevant stakeholders. Some of the tough domestic legislations to curb serious offences in transnational crime include (i) Prevention of Crime Act (Amendment & Extension) 2013 (POCA); (ii) Security Offences Special Measures Act 2012 (SOSMA); (iii) Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM) 2007; (iv) Dangerous Drug Act 1952 (DDA); (v) Anti Money Laundering Act & Anti Terrorism Financing 2001 (AMLATFA); and (vi) Communications and Multimedia Act 1998 (CMA), to name a few.

On January 2014, the Royal Malaysian Police has set up the Special Tactical Intelligence Narcotics Group (STING) and the Special Task Force on Organized Crime (STAFOC). The main objective of the two tactical and technical groups is to eradicate serious crimes, gangsterism, gambling, and drug trafficking operating in Malaysia, and to wipe out any international links and connections to these illegal activities (The Sun, 2014).

The Way Forward

Success in reducing the threat posed by TOC to domestic and international security will require more than political will alone. More importantly, concrete actions and concerted efforts in planning and policy design must be put in place to identify and address political and security challenges arising from TOC related activities. These actions can be expressed under four imperatives:

The first imperative is to evaluate the problem. In order to adequately protect societies from the threats of TOC, we have to first evaluate the extent to which TOC can undermine political and social stability and economic development. We further need to understand the nature and dimensions of the threat, and this is no easy task (UNDOC, 2013). In doing so, it must be recognized that TOC does not always present itself as regular crimes that can be tackled with traditional approaches. TOC evolves in complexity and it may not be easy for the authority

to identify. In this aspect, sharing of intelligence among law enforcements agencies as well as international data sharing is important although some of such information may be deemed sensitive to the member states who own them. Effective communication, therefore, must be established at the local, state and federal levels, as well as with our international partners. This includes hardware and software as well as other technological infrastructure that will facilitate inter-organization information and resource sharing.

The second imperative is to establish the normative framework. International norms and conventions are required to set the stage for swift and collaborative responses. Good examples are the adoptions of the Convention against Transnational Organized Crime and the Convention against Corruption that have delivered this framework. They are increasingly being used to set the legislative and regulatory basis at the country level for countering the problems of TOC. Such efforts must continue and be expanded to create consensus across society that crime and corruption will be resisted by both the civil society and national authorities (UNDOC, 2013).

The third imperative is to build the technical capacity of a country. Countries must equip themselves to respond to threats of TOC. This response needs to come from both the 'upstream' and 'downstream' levels. At the upstream or top level, national security strategies need to incorporate an assessment of the threats posed by TOC. This assessment will be instrumental in identifying crime on the priority list of national security threats. Most of the efforts to counter TOC are already focused downstream, at the tactical or technical level. This must continue, in order to ensure that law enforcement, prosecutors and the judicial establishment are trained and equipped to deal with the challenges and complexities of TOC activities (UNDOC, 2013). A strong capacity for interagency cooperation to handle TOC cases collaboratively must also be established, as the complex nature of organized criminal activities cannot be dealt with by a single law enforcement agency. TOC related activities are organizationally and technologically complex, and their transnational, adaptable and flexible nature often evolves over time. Training for the law enforcement agencies is therefore necessary to foster their understanding and awareness of the complexity of transnational crime, improving their technical know-how and technological capabilities, and learning from the best practices in the world on handling of TOC.

The fourth imperative is to expand regional as well as global partnerships. In this globalized world and given the transnational nature of TOC, no one country can work alone to counter the crime. None of the former three imperatives stated earlier will succeed if this fourth condition – the response beyond borders – is not

put in place. At present, most contraband flows begin in one continent and end on another. Often the activities are cycled through a third continent. The existence of more cross border movements and trade alongside with globalization has made it easier for trafficking groups to operate seamlessly across borders. High volume, across-border flows of people, money and commodities create greater opportunities for criminal activities to reap benefits. For this reason, only interventions that are made at the scale of the problem at a regional or global level – are likely to have any chance of succeeding (UNDOC, 2013). Border control, cooperation in providing operational support, coordination with law enforcing partners including transnational police coordination, reduction of illegal cross-border movements, and making international criminal databases available are only possible through regional and international partnerships against transnational crime, and multilateral assistance treaties with other countries.

Conclusion

For the Asian region, the relationship between organized crime and terrorism is limited to common enterprise because criminal networks offer pathways to illicit products such as arms and false identities. This matters because links between crime and terrorism is often circumstantial, but terrorists may use crime to raise funds needed to support their goals. Indeed, the overlap between terrorist and crime networks remains uncertain in many parts of Asia. India's muted engagement with major mega-regional bodies such as ASEAN suggest that a pan-Asian structure capable of addressing threats such as transnational organized crime is far from materializing (Broadhurst et al., 2013).

There is now a compelling sense of urgency about the risks of widening governance gaps and the region's capacities to disrupt, prevent and reduce harms generated by transnational crime. Unless we recognize that we do indeed live in 'communities of shared fate', the risk of a slow deterioration in both national and regional civility is now greater than ever. It is therefore necessary to integrate national responses into international strategies. This can be done by promoting partnerships across borders and developing international networks that champion 'transnational organized justice.' This includes promoting regional collaborative efforts on border control, mutual legal assistance, extradition and similar efforts that require a vision that transcends national boundaries. This will help to minimize the growth of 'safe havens' for transnational organized crime in Asia (Broadhurst et al., 2013).

To move forward, besides putting in initiatives to deal with TOC, a nation should also build its institutional capacity including developing trust in the public institution and pursuing a fair and equitable economic development agenda to

eradicate poverty and eliminate underdevelopment. Only a strong nation with little weaknesses for organized crime groups to exploit and no vulnerable part of the society for these groups to victimize is able to break itself from the vicious cycle of TOC and underdevelopment. A nation should also strive to develop the characteristics that Shelley (1999) identified to effectively deal with and minimize the damage brought by TOC. These characteristics include “a large legitimate economy where domestic or foreign organized crime is a small segment; measures and values that prevent large-scale corruption that supports and profits from organized crime; a developed civil society; prominence of the rule of law; social mobility for minority and ethnic group members; and barriers to prevent organized crime groups from becoming major actors in the legitimate economy” (Shelley 1999, p. 1).

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