A Study on Taiwan Strait Marine Smuggling: A Comparison Before and After Mini Three - Links of Kinmen, Taiwan and Xiamen, China

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ABSTRACT
Located at the Southeast coast of Mainland, The Kinmen Island is pretty close by The Xiamen metropolitan. Accordingly, the purpose of this article, is focusing on the cross-strait maritime smuggling activity (MSA), and examines this object by relative theories of criminology, to explain, describe and infer the practices of maritime smuggling which happen in-between. Furthermore, the author also intends to make contribution to law enforcement unit via study work on this subject, such as policy of counter maritime smuggling. Finds from the study work: (1) The considerable amount trading has become dominated; (2) The MSA is quite often to see on the eve of annual festivals; (3) Apparently, the MSA pattern is changing and smuggling by passenger, by crew member and by courier service are getting popular than before; (4) From case study, one who can see, the drug, doping and counterfeit goods have become considerable amount than consumer products. This article makes suggestion as following: (1) A better maritime law enforcement arrangement is needed by both sides of Taiwan Strait; (2) It is very necessary to integrate different law enforcement units as one; (3) Adjustment on the law and rules to meet the social needs is necessary; (4) Cross-strait law enforcement collaboration shall be maintained and sustained officially from time to time.

Keywords: Taiwan Strait, Maritime Smuggling, Mini three – links, Geographic environment changes, Drugs

1. INTRODUCTION
Kinmen is located at the west coast of Taiwan and outside the estuary of Min River of Fujian of China. It is the county of Taiwan (Republic of China, ROC) that is closest to mainland China. This county has been Taiwan’s frontline to against communist China since 1949. Kinmen is an island surrounded by sea and has a coastline of 130.46 km, and it is about 150.46 square kilometers, and a population of 120,713 people.
Kinmen is a remote island and the development is hindered by its outlaying geographic location, lack of people, poor resources, insufficient infrastructure, and electricity and water supply difficulties. As a result,
the industry and business are not well developed. The agricultural and fishery production are also restricted by the poor natural condition, the worsening of business condition, and the depletion of offshore fishery resources. The poor profits discourage business owners, and many of them start to withdraw (Mainland Affairs Council, ROC; MAC, 2000). In 1956, because of the specific environmental battlefield requirement Taiwan started to implement civil affairs military governance at Kinmen, and the period was not ended until 1992\(^1\). Kinmen later was opened for public visit starting from February 1, 1993. Nevertheless, because of the vicious competition in the tourism industry between 1993 and 2000 and the economic recession in Taiwan, the number of tourists kept dropping until the implementation of the Mini Three-Link (MTL) in 2001\(^2\). The number of tourists start to increase gradually again.

Smuggling activities are pluralistic and have both regional and local features. It is hard to estimate the number of cases because many criminal cases were never detected. Therefore, it related to marine smuggling crimes such as drugs trafficking, money laundering, pirated goods and organizational crimes which could definitely affect the stability and development of Kinmen. Since 1992 the termination of civil affairs military governance in Kinmen and the opening of MTT in 2001, even though various security check stations, as well as assorted coastline defense and inspection and investigation systems, have been set for controlling the maritime, coastline, and harbor areas, smuggling cannot be fully ceased. Rather, the approach and mode of smuggling evolve quickly and continuously, affecting the security of Kinmen significant. As a result, it is very important to study smuggling crimes at the sea area of Kinmen and differences between before and after the implementation of Kinmen-Xiamen MTL in marine smuggling crimes.

![Figure 1. Number of Visitors to Kinmen from 2010 to 2013](http://www.kinmen.gov.tw/Layout/sub_News News List.aspx?Category ID=75&Keyword= %e4%ba%ba%e6%ac%a1&path=7446&DepartmentID=5 & Language Type=1&DepID=5 (accessed 20 March, 2014)).

\(^1\) It refers to the military control system between 1950 and 1980 when there was tension between Taiwan and mainland China. In Kinmen, military and political unification was implemented. The civil affairs military government enforced local residents to comply with curfew, black-out, court-martial, entry and exit control, telecommunications control, financial control, electrical appliances control and other military measures. Please refer to Encyclopedia of Taiwan. Available at: [http://taiwanpedia.culture.tw/web/content?ID=3892](http://taiwanpedia.culture.tw/web/content?ID=3892) (accessed 20 March, 2014).

\(^2\) MTL refers to the concept of allowing Kinmen, Matzu and Penghu to have three direct links with Xiamen and Fuzhou of mainland China before the official launch of the direct three links (postal, transportation, and trade links) between Taiwan and mainland China.
The term "marine smuggling crime" refers to the use of vessels or other water carriers to transport or bring articles entering or exiting a country without permission. Besides, the term "articles" in smuggling can refer to agricultural, fishery and livestock products that the quantity shipped exceeds the announced and permitted quantity or firearms, ammunition, drugs and tobacco (alcohol) and other controlled and regulated items.

In addition, there are several issues that related to Kinmen area because of the implementation of MTL (Lin, 2001): (1) Limited development conditions: Because of geographic remoteness, small population and a lack of resources, compared to the development in Taiwan the development in Kinmen is far behind. (2) Declining of agricultural and fishery production: Due to the worsening of agricultural operating conditions and the depletion of offshore fishery resources at Kinmen area, there is a tendency to directly purchase agricultural and fishery products from mainland China and resell for profits which lead to smuggling problem. (3) Fishermen intrusion problem of mainland China: Recently, fishing vessels from mainland China often trespass the border to do fishing at the Kinmen sea area. Some of them even use blast fishing or electrofishing that can damage fishery resources. Disputes between mainland Chinese fishermen and Kinmen fishermen happen often. It not only makes the management difficult but also affects the interaction between Taiwan and mainland China people. (4) Social factors: Because of the geographic proximity, consanguinity, and cultural association, residents in Kinmen are closely related to mainland China. After the termination of the civil affairs military governance, intermarriage is very popular between Kinmen and mainland China. Therefore, with visiting the relatives and families, MTL is required for Kinmen and Xiamen.

According to what have mentioned above Kinmen and Xiamen is only separated by Taiwan Strait. The implementation of MTL between Kinmen and Xiamen can be viewed as a pivotal point for Kinmen to transform its battlefield role. Nonetheless, many derivative problems from MTL remain unsolved, especially in terms of the security, which is also the most urgent and significant problem (Chen, 2008). Not only complicated and sensitive political, economic, and social issues between Taiwan and mainland China, smuggling crimes is also a serious problem of Kinmen-Xiamen, which is a miniature of general smuggling crimes cross-strait. Because of great differences between cross-strait in politics, legal system and many values, researching this issue would be very helpful for understanding cross-strait smuggling crimes deeper.

According to the above-mentioned research background and motivation, the objectives of the study are as follows: (1) Add new information to marine smuggling crimes of Kinmen and Xiamen, which is an area not well explored: Marine smuggling crimes is a serious threat to social security. Although there are lots of studies on MTL between Taiwan and mainland China, there are few on marine smuggling between Kinmen and Xiamen. The author looks forward to initiating researcher’s attention and expanding literature resources by analyzing and discussing relative literature review and the current status of marine smuggling between Kinmen and Xiamen. (2) Discussing marine smuggling crimes in Kinmen-Xiamen area based on theories: Smuggling is region specific. The author tried to review relevant criminal theories and to analyze relevant studies to summarize causes of marine smuggling crimes between Kinmen and Xiamen. By reviewing these results mentioned above and the applicability of relevant theories, the finding and conclusion can be referred to other researchers in the future. (3) Providing suggestions for policies and decrees for marine smuggling prevention: The author analyzed and summarized the motives of Kinmen and Xiamen marine smuggling criminals, as well as the types and factors based on the literature review and relevant judicial cases.

2. LITERATURE REVIEW AND THEORIES INVESTIGATE
The behavior and mode of smuggling often evolves as the economic policy, legal system, social structure, consumer, market supply and demand, and geographic environment changes (Davidson, 2005). In addition, the general society lack of awareness and correct understanding of the danger of smuggling. With same quality, most people would choose the cheaper one, and that is one reason for smuggling. Smuggling is not only about escaping from imports but also shipping controlled articles for huge profits,
which leads to the loophole of animal and plant epidemic, the market supply and demand disorder, or even the corrosion of national tax system.

2.1 Smuggling crime theories and relevant studies

About smuggling crime theories, most researchers are focused on the rational choice theory and the differential association theory, while the deterrence theory and the social learning theory are derived from the rational choice theory and the differential association theory respectively. More recently, there are also criminal economics related theories proposed for interpreting smuggling crimes. Lupsha (1987) proposed the idea of “organized crime rational choice not ethnic behavior” and he explained the process of smuggling criminal cases. According to Lupsha (1987), environmental factors and bottlenecks in current regulations allow criminals to rationally explore loopholes for generating profits.

The rational choice theory suggests that potential criminals would evaluate all the positive and negative consequences before committing a crime (De Haan and Vos, 2003). When the theory is applied on smuggling crimes, one can explore the decision making process of smuggling criminals for committing the crime, their perception of the crime, the choice of smuggling channels, the procedure of committing the crime, and possible outcomes from committing the crime before taking any action. The deterrence theory suggests that by announcing severe penalties and punishment in advance, human crimes can be sufficiently deterred. Besides, according to the theory, people who have committed a crime should be punished severely to stop other people from committing crimes too (Nagin, 1998). When applying the theory onto smuggling, one can discuss the impact of penalties and punishment on smuggling criminals as well as validate the three elements of the deterrence theory (rapidity, certainty, and severity of punishment) for smuggling crimes. Regarding the application of the differential association theory on smuggling, the main idea is that smuggling relies on group action or others’ assistance, helping each other. By interacting with those with smuggling experience, one can learn smuggling skills. In addition, the theory believes that the learning of smuggling takes place within a closed group that one is involved in, where criminal skills and motives are also learned (Orcutt, 1987).

About marine smuggling studies in Taiwan, Liu (2005) examined the influences from marine smuggling on fish market. According to the research found out that marine smuggling of fish products can imbalance the supply and demand in the fish market and damage fishermen's incomes. Some fishermen would take the risk of smuggling to increase their incomes. Lo (2007) interviewed 20 fishermen and analyzed the data. The results suggest that the busy seasons of smuggling are before the three major holidays of Taiwan (Chinese New Year, Dragon Boat Festival, and Moon Festival). It is especially true for the Chinese New Year because when the demand on consumer goods escalates it will lead to an imbalance between supply and demand, and the price of consumer goods will go up consequently. In addition, Hsu (2008) examined sea area criminal space and found that because of a smaller size, firearms and drugs can be well hidden and less likely to be found. Hsieh (2012) examined the model of marine smuggling crimes in Taiwan and found that marine smuggling is quite dependent upon experience, prior preparation, and a coherent smuggling process, including negotiation for smuggling channels, selecting people for each smuggling stage, transporting of smuggled goods, and selling the smuggled goods. Smuggling criminals would use assorted methods to manage information to avoid to be caught. The head of the criminal group is also less likely to be arrested.

In 1999, the National Security Council of Taiwan proposed to establish a coast guard dedicated agency for resolving the serious smuggling problem. In 2000, the Executive Yuan integrated the existing maritime police, coast guard command and the customs. These agencies are responsible for smuggling interdiction at seas into the Coast Guard Administration of Executive Yuan, ROC (CCA) to be dedicated in interdicting smuggling at sea areas and coastline and illegal immigration so that the power of marine smuggling interdiction is significantly boosted. Because the study is focused on marine smuggling at the Kinmen-Xiamen area, CCA data are treated as the foundation, while data from National Police Agency, Ministry of the Interior, ROC (NPA) are used as supplementary information, for analyzing the current status of marine smuggling at Kinmen area.

Regarding discoverable smuggling cases at Kinmen area, the data between 2006 and 2013 are presented in Table 1. It can be found that the year 2006 has the highest number of cases (N = 56; 33.73% of the total
cases), 2007 the second (N = 41; 24.70% of the total cases). Besides, according to NPA data (Table 2 to 4), year 2001, the first year that MTL was implemented between Kinmen and Xiamen, has the highest number of smuggling cases, 75 cases (33.82%), the number of people arrested in Kinmen area is 99 (30.84%), and the total of smuggled goods seized is worth 8,222,980 NTD (31.18%). It can be found from relevant research and statistics that smuggling is a global problem that is hard to terminate. A major reason is the temptation to risk for profits, and the outcome of such action may threaten the national safety as well as health residents. Smuggling in Kinmen happened later than in Taiwan because of the military control and civil affairs military governance. When the cross-strait relationship is unfriendly and at tension, smuggling happened less frequently even though the two places are geographic proximity. With the termination of the civil affairs military governance, the implementation of MTL at Kinmen and Matzu, and the relief of tension between Taiwan and mainland China, a common living circle has gradually been established between Kinmen and Xiamen (Yang, 2008). Some people in this case take advantage of the opportunity to make profits illegally.

After reviewing relevant studies, it can be found that for smuggling, there are regional differences, which are mainly caused by the supply and demand of goods, economic, political and social situation, and convenience of smuggling. The key to interdict smuggling successfully lies in collecting and grasping information, cross-department collaboration within the government, and transnational collaboration. By doing so, occurrence of smuggling can be effectively prevented.

**Table 1: Number of smuggling cases ferreted out at Kinmen between 2006 and 2013**

<table>
<thead>
<tr>
<th>Classification</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>Sum of case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firearms</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Drugs</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>9</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>The product of agriculture, forestry, fishery, livestock, and others</td>
<td>56</td>
<td>41</td>
<td>20</td>
<td>14</td>
<td>7</td>
<td>12</td>
<td>6</td>
<td>10</td>
<td>166</td>
</tr>
</tbody>
</table>

Data source: Annual Statistical Report from Coast Guard Administration, Executive Yuan, ROC
<table>
<thead>
<tr>
<th>Year</th>
<th>Number of items</th>
<th>Number of people</th>
<th>Estimated amounts</th>
<th>Number of items</th>
<th>Number of people</th>
<th>Estimated amounts</th>
<th>Number of items</th>
<th>Number of people</th>
<th>Estimated amounts</th>
<th>Number of items</th>
<th>People</th>
<th>Estimated amounts</th>
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</thead>
<tbody>
<tr>
<td>2001</td>
<td>69</td>
<td>92</td>
<td>7,037,982</td>
<td>3</td>
<td>1</td>
<td>247,900</td>
<td>2</td>
<td>1</td>
<td>51,000</td>
<td>64</td>
<td>90</td>
<td>6,739,080</td>
</tr>
<tr>
<td>2002</td>
<td>36</td>
<td>50</td>
<td>1,804,680</td>
<td>3</td>
<td>3</td>
<td>96,820</td>
<td>13</td>
<td>18</td>
<td>925,200</td>
<td>20</td>
<td>29</td>
<td>782,660</td>
</tr>
<tr>
<td>2003</td>
<td>18</td>
<td>24</td>
<td>2,487,475</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>12</td>
<td>790,640</td>
<td>11</td>
<td>12</td>
<td>1,696,835</td>
</tr>
<tr>
<td>2004</td>
<td>33</td>
<td>34</td>
<td>3,536,520</td>
<td>8</td>
<td>6</td>
<td>125,360</td>
<td>7</td>
<td>7</td>
<td>357,340</td>
<td>18</td>
<td>21</td>
<td>3,053,820</td>
</tr>
<tr>
<td>2005</td>
<td>3</td>
<td>4</td>
<td>233,630</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>13,500</td>
<td>2</td>
<td>3</td>
<td>220,130</td>
</tr>
<tr>
<td>2006</td>
<td>5</td>
<td>8</td>
<td>611,923</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>112,500</td>
<td>4</td>
<td>6</td>
<td>499,423</td>
</tr>
<tr>
<td>2007</td>
<td>11</td>
<td>20</td>
<td>294,864</td>
<td>1</td>
<td>5</td>
<td>61,714</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>15</td>
<td>233,150</td>
</tr>
<tr>
<td>Total</td>
<td>175</td>
<td>232</td>
<td>16,007,702</td>
<td>15</td>
<td>15</td>
<td>31,794</td>
<td>31</td>
<td>41</td>
<td>2,250,180</td>
<td>129</td>
<td>176</td>
<td>13,225,098</td>
</tr>
</tbody>
</table>


Table 3: Number of smuggling cases ferreted out at Kinmen between 2001 and 2007 (General items). Units: Items, people, NTD

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of items</th>
<th>Number of people</th>
<th>Estimated amounts</th>
<th>Number of items</th>
<th>Number of people</th>
<th>Estimated amounts</th>
<th>Number of items</th>
<th>Number of people</th>
<th>Estimated amounts</th>
<th>Number of items</th>
<th>People</th>
<th>Estimated amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>6</td>
<td>7</td>
<td>1,185,000</td>
<td>6</td>
<td>7</td>
<td>1,185,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>2</td>
<td>2</td>
<td>16,950</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2003</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2004</td>
<td>2</td>
<td>4</td>
<td>1,179,500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>633,600</td>
<td>1</td>
<td>2</td>
<td>545,900</td>
</tr>
<tr>
<td>2005</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2006</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2007</td>
<td>3</td>
<td>5</td>
<td>98,364</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>61,714</td>
<td>2</td>
<td>0</td>
<td>36,650</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
<td>18</td>
<td>2,479,814</td>
<td>8</td>
<td>9</td>
<td>1,201,950</td>
<td>3</td>
<td>2</td>
<td>695,314</td>
<td>3</td>
<td>2</td>
<td>582550</td>
</tr>
</tbody>
</table>

2.2 Overview and analysis of smuggling in Mainland China
Smuggling crimes in mainland China affect not only Taiwan and surrounding countries directly but also other places worldwide. They can cause serious security problems. The number of people, area of influences, types of smuggled goods and smuggling approaches of smuggling in mainland China are pluralistic. It is internationalization, agglomeration, and violent (Su, 2012). Smuggling groups also tend to be closely associated with criminal organizations. As smuggling in mainland China become more organized, other illegal actions, such as making drugs, weapons, and pirated software for smuggling or sales, extortion for ransom, money laundering, counterfeiting credit cards and gambling, also happen more frequently (Hsieh, 2012).

2.3 Major laws for preventing smuggling crimes in Taiwan and criminal mode analysis
Punishment of Smuggling Act (POSA) is the main regulation for smuggling crimes in Taiwan. According to Paragraph 4 of Article 2 of POSA, items and the quantity of items controlled for import / export authorized by Executive Yuan using Executive Order. The crime of smuggling controlled items or importing / exporting of controlled items of a quantity exceeding should be parts of constituting elements as the stipulated quantity in Paragraph 1 According to the official notice of Executive Yuan, the crime can be divided into the crime of importing / exporting controlled items without permission and the crime of importing / exporting controlled items exceeding the officially noticed quantity without permission. Besides, there are other types of classifications; one is based on the method of smuggling adopted by the perpetrator and another is based on the specific identity of the perpetrator. According to the law, smuggling crimes in Taiwan can be divided into the following types: importing / exporting of controlled items without permission, importing / exporting of controlled items exceeding the quantity officially noticed, transporting, selling or hiding controlled items, conducting smuggling with weapon and resisting arrest, transporting service personnel knowing a case of smuggling but without reporting, and quasi-smuggling. In other words, according to POSA Article 12, transporting smuggled items from mainland China to Taiwan should be treated as a crime of importing / exporting items without permission, and vice versa.

3. MATERIAL AND METHODS
3.1 Current status of Mini Three-Link
When MTL was first implemented at Kinmen and Xiamen in 2001, Liaoluo Harbor was the first harbor assigned to be the harbor for carrying passengers and cargos between Kinmen and Xiamen. Later, due to weather, comfortableness for passenger, as well as time and cost considerations, some of passenger ships were changed to Shuitou Harbor in reserve. In addition, for shipping, a regular schedule of services was not available until April 2002. Financially, Taiwan has started providing the service of RMB exchange at financial institutions at Kinmen and Matzu areas since October 3, 2005, and later in September 4, 2008, the restriction on MTL related business personnel, shipping, and trading were loosened further. To sum up, MTL has been implemented for several years at Kinmen and Xiamen, and the gradually loosened laws and regulations by the central government not only revitalizes the MTL policy but also speeds up the construction that relevant hardware and software at Kinmen and Matzu. The policy is likely to be beneficial and advantageous.

3.2 Analysis of causes for marine smuggling at Kinmen and Xiamen
According to the above-mentioned literature review and statistical analysis, the author found the following causes that may explain marine smuggling at Kinmen and Xiamen areas. (1) Transnational characteristics of smuggling: Smuggling has transnational and mobile characteristics; that is, instead of happening within a country, at least two countries or regions are involved in smuggling. Smuggling happens and develops based on market supply and demand problem. (2) A lack of legal understanding: Kinmen area has been under military control for very long time, and people in general know little about laws and regulations that relate to smuggle, such as Regulations Governing the Relations between the People of the Taiwan Area and the People of the Mainland China Area and POSA. Furthermore, because MTL was implemented in Kinmen and Matzu areas, people may mistakenly consider that goods can be freely shipped across the strait. (3) Geographic convenience: Because of the geographic proximity of
Kinmen and Xiamen and the same language they share, interaction between people of Kinmen and Xiamen is frequent. More recently, because of the depletion of fish resources in Kinmen area, people seeking for good profits would take the risk of smuggling. (4) Lack of Cross-Strait Judicial Mutual Assistance (JMA): For crimes derived from cross-strait interaction, JMA in Criminal Matters has not been signed. Consequently, people engaged in smuggling may believe that they can escape from punishment, and this mentality can indirectly encourage cross smuggling and make law enforcement difficult. (5) The difficulty of monitoring illegal trespassing of fishing vessels: For Kinmen and Matzu areas, Taiwan takes 4000 m extended from the low tide line as the prohibited water areas, but because the shortest distance between Kinmen and Xiamen is only 1,300 m only, it is difficult to monitor and seize vessels illegally trespassing the boundary. Consequently, smuggling is indirectly facilitated. (6) Market supply and demand: Kinmen and Xiamen are really close geographically. It is cheaper to acquire consumer goods from Xiamen and the shipping distance is short. Therefore, because of the market supply and demand, smuggling problems only worsen.

4. RESULTS
4.1 Analysis of Kinmen and Xiamen marine smuggling routes
Marine smuggling at the Kinmen and Xiamen area is mainly through sea transportation, and the most commonly used approaches are using fishing vessel for smuggling, having passengers or crew members carrying smuggled goods, contacting and trading at open sea areas, contacting and trading along the coastline, contacting and trading when anchoring at harbors and ports along the coast of mainland China, and using postal parcels. Such as fishing vessels and fishermen are treated as the smuggling tool, smuggled items are hidden in the carry-on luggage or goods of passengers or crew members. These passengers usually have no idea what they carry to the customs are smuggled items. Besides, in some cases, smuggled items are dumped into the sea and then fishing vessels or speed boats would pick them up from the sea. There are also cases where international or cross-strait postal parcels are used; in this case, drugs are hidden in food packages or other items for smuggling.

4.2 Types of Kinmen and Xiamen marine smuggling items
Regarding the analysis of types of marine smuggled items, the author used the statistical data on verdict cases in Kinmen area for the analysis. The author analyzed the type of smuggled items by people from Xiamen and were found guilty. Besides, the year 2001 was treated as the time point separating the before and after of the implementation of MTL.

It can be found from Tables 5 and 6 that before the implementation of MTL at Kinmen and Xiamen, most smuggled items were agricultural, fisheries and livestock products, tobacco and alcohol, and consumer goods (clothes). After the implementation, it is mostly agricultural, fisheries and livestock products, drugs and banned substances. In general, both before and after the implementation of MTL at Kinmen and Xiamen, agricultural, fisheries and livestock products are always the main item for smuggling, and it is probably because of the poor natural condition and worsened business operating condition at Kinmen as well as the depleted offshore fishery resources. In addition, before the implementation of MTL, most smuggled articles are consumer products, but after the implementation of MTL, drugs and banned substances have become the major smuggled items. The author considered that the reason for such a change lies in the high air transportation cost between Taiwan and Kinmen before the implementation of MTL at Kinmen and Xiamen. Therefore, most products were shipped by sea transportation between Taiwan and Kinmen, which is not as economical as transporting products between Kinmen and Xiamen because the cost is lower while the distance is shorter. As a result, at the initial stage, consumer products are the main items. After the implementation of MTL at Kinmen and Xiamen, drugs and banned substances become the major smuggling item. The author considers that the reason is that the size of drugs and banned substances are small, and thus can be easily hidden. Moreover, because smuggling activities are moving toward organization-based or agglomeration-based activities, it is not surprising that drugs and banned substances become the key smuggled items.

4.3 Analysis of types of Kinmen and Xiamen marine smuggling crimes
According to the above-mentioned types of marine smuggling goods between Kinmen and Xiamen, the
types of marine smuggling crimes between Kinmen and Xiamen can be divided into the following categories: (1) Firearms and ammunition: Illegal firearms and ammunition at Kinmen area mainly comes from mainland China. Though the price fluctuates depending on the market condition, the profits are generally high. Even though the quantity is limited, these firearms and ammunition still have a great impact on the security of Kinmen area. (2) Drugs: Between the end of the civil affairs military governance at Kinmen area in 1992 and the implementation of MTL in 2001, interaction between Taiwan and China becomes more intensive. Drug related crimes also have sneaked into Kinmen with the implementation of MTL at Kinmen and Xiamen. For drug smuggling, the small size allows drugs to be easily hidden. The profits from smuggling drugs can be as high as more than ten million NTD. (NT); (3) Alcohol and Tabaco: Kinmen Kaoliang Liquor Inc. produces the world famous Kaolian liquor and the profits is increasing year by year. Therefore, some opportunists would smuggle counterfeit liquor from mainland China to make big profits. As for tobacco, because of customs duty, tobacco health and welfare surcharge, and price differences, smuggled tobacco are easily and well sold. It can produce great profits. (4) Agricultural, fisheries livestock and other products: There are three reasons for smuggling agricultural, fisheries and livestock products. One is climate related: Typhoons and cold weather can lead to short-term imbalance between supply and demand. The second factor is price. Because of limited land and high cost, prices in Kinmen cannot compete with those from mainland China or Southeast Asia. The third factor is seasonal demand; most consumer products in Kinmen come from the main island of Taiwan, and during the three major Chinese holidays, the demand for agricultural, fisheries and livestock products may too high to be well supplied.

5. DISCUSSION
5.1 Research findings
5.1.1 General findings of marine smuggling crimes
According to the above data analysis and discussion, some general findings of marine smuggling crimes are presented below. (1) The motive of smuggler is mostly economic based. (2) Marine smugglers rely on experience and meticulous smuggling procedure. (3) There is a tendency of agglomeration and work division in marine smuggling crimes. (4) Smuggling criminal groups collaborate with each other. (5) Marine smuggling criminals use assorted ways to collect important information to escape from law enforcers. (6) There are regional differences in marine smuggling crimes.

According to the above-mentioned reasons of marine smuggling crimes, economic factor is the main reason for smuggling. Kinmen is a remote island from the main island of Taiwan, and the depleted offshore fishery resources make it hard for fishermen to make a living. Xiamen is close to Kinmen, and because of the market supply and demand, the implementation of MTL has worsened the smuggling problem. Secondly, smuggling groups are well-organized and they adopt a work division approach for committing smuggling crimes. With accumulated smuggling experience and meticulous smuggling procedure, risks of being arrested can be reduced. Moreover, there is between-group collaboration and the application of assorted ways, like collecting information related to the habits and methods of inspection by security personnel and the mode of law enforcement, to escape from getting caught. These smuggling groups would also choose a time (e.g., at night or in the early morning) and environment (an area not patrolled) that are safer from them from getting caught. In addition, there are regional differences in terms of the supply and demand of the local market, marine smuggling routes, and cost. Therefore, smugglers would choose specific agricultural, fisheries and livestock products according to the market price and market supply and demand. Their profit making is based on the principle of using the quantity to control the price and taking advantages of the imbalance between supply and demand.

To sum up, as long as there are profits, the associated risks are lower, and there is market demand, marine smuggling between Kinmen and Xiamen will not be extinguished.

5.1.2 Differences of Marine Smuggling Crimes between Kinmen and Xiamen after Implementation of MTL
Regarding the marine smuggling mode between Kinmen and Xiamen before and after the implementation of MTL, the author found differences in the smuggling mode, smuggling season, smuggling route, and smuggled items. The above-mentioned differences in criminal mode or type may be due to the
implementation of MTL at Kinmen and Xiamen. The author considers that after the implementation of MTL at Kinmen and Xiamen, the mode of smuggling has shifted from small trading quantity to large articles, and the key reason is that the huge number of tourists and passengers coming or passing through Kinmen after the implementation of MTL, so that market demand is increasing. In addition, cross-strait interaction increases the interaction among people from Taiwan and mainland China, and consequently, smuggling group members can more conveniently travel between Taiwan and mainland China and smuggle items either via fishing vessels or directly by persons to Kinmen. For the means of smuggling, it has shifted from using small dinghies to having smuggled items carried by passengers, crew members or postal parcels. The main reason is that people across the strait can interact through shipping or postal services. For the season of smuggling, it has changed from taking place non-routinely to specific Chinese holidays. The main reason is the increased number of visitors during those special holidays as well as the needs for gift giving or the worshiping rituals. After the implementation of MTL between Kinmen and Xiamen and the increased interaction between people in Taiwan and mainland China, more smuggling channels are available now. Because of market demand, smuggling seasons are mainly around the special holidays and festivals while smuggled items have shifted from consumer goods to drugs, banned substances, or pirated products. The author considered that these changes are closely associated with changes in smuggling channels. Because passengers, crew members and postal parcels are the key smuggling channels, smuggled items have to have a high value but a smaller size in order to minimize the risk (easier to carry or hide) while maximizing the profits. In this case, drugs, banned substances, and pirated products are the best choice.

5.2 Managerial implication
5.2.1 Theoretical implication
In the literature review, the investigator mentioned the rational choice theory suggesting that potential criminals before committing a crime would assess all the possible positive and negative outcomes (De Haan and Vos, 2003). From the finding of this study, this theory can be applied onto the case of smuggling criminals at Kinmen and Xiamen. For example, marine smuggling criminals would use an agglomeration-based and work division-oriented approach for committing the crime. They would also apply their accumulated smuggling experience and meticulous smuggling procedure and choose the best timing, location, sea condition, and weather for smuggling the goods. They are good at collecting the law enforcement mode of the smuggling inspection and investigation agency to avoid getting caught. Consequently, they maximize the profits while minimizing the risk of being arrested.

The different association theory considers that for criminal behavior of an individual, motives and skills acquisition are types of learning. This kind of learning takes place when non-criminals get in touch with criminals and learn the skills from them. This study found that marine smuggling criminals require assistance from others, and therefore smuggling groups are formed. The result of forming organized groups enables them to learn from each other, advance their smuggling skills, and assist each other. This conclusion fits well into what the different association theory suggests: non-criminals learn criminal skills by interacting with those who have experiences, and non-criminals usually learn from someone within the group that they are closely related to. Moreover, criminal skills and motives are acquired from learning well matches what the theory has suggested too.

5.2.2 Practical implication
The deterrence theory suggests that by announcing severe punishment in advance and rapidly, accurately, and severely punishing the criminals can effectively deter criminal behavior in human (Nagin, 1998). This point of view can be adopted by law enforcing agencies of Taiwan and mainland China to quickly catch criminals and set up comprehensive preventive measures. By enhancing the inspection process for checking passengers entering or exiting the country according to MTL, collecting assorted smuggling information, and increasing the punishment for those committing crimes repeatedly or smuggling a large quantity of items, weapons or drugs, this greater negative outcome from committing smuggling crimes may deter smuggling more effectively.

Smuggling at Kinmen and Xiamen is mostly marine based. Smuggling is usually carried out using fishing vessels, passengers, crew members and postal parcels, or by accessing at open seas or accessing along
coastlines and anchoring at mainland China. The law enforcers of Taiwan and mainland China should check these smuggling channels and block or inspect the channels. It is important to tighten up the security inspection of fishing vessels, enhance the inspection skills of security inspection personnel, and collect fishing vessel smuggling information. It is also important to patrol more frequently along the coastline or at contact points at the sea for smuggling. For passengers and crew members who enter or exit the country frequently, their luggage should be strictly checked. Counseling personnel should be deployed. For those using the reason of emergency sheltering because of bad weather or other force majeure to anchor in the harbors of mainland China, it is important to deploy counseling personnel in order to understand employees’ any status or to enhance the security check. It is also important to pay attention after fish vessels have unloaded their goods. Lastly, it is important to enhance international and cross-strait postal parcel random inspection or to arrange counseling personnel to work in the express companies to collect relevant information.

The study found that smuggling crimes exist in the Kinmen and Xiamen area. Some concerns are that the people do not have enough legal knowledge and there is insufficient cross-strait judicial mutual assistance but difficulties in monitoring illegal trespassing. Therefore, relevant departments such as public security agencies should enhance the dissemination of smuggling related laws to passengers and crew members so they can understand which kind of behavior is illegal. It is also important to prompt them to comply with the regulations on items can be carried into the country to avoid breaching the law. As for the lack of judicial mutual assistance, it is the major task to be improved by public security agencies of Taiwan and mainland China. What they can do is to exchange and share information, collaborate in inspecting cross-nation cases, give each other assistance in arresting criminals, and actively transfer cases to the party with the jurisdiction. Moreover, sea patrolling personnel should clarify and well define areas for fishing operation and increase the inspection and investigation of vessels from mainland China that operate in the prohibited water area or trespass the border.

5.3 Suggestions
As for how to prevent marine smuggling crimes at Kinmen area, the first and the foremost is to achieve a good collaboration among relevant departments. According to the above findings as well as the managerial and practical discussion, the author provides the following suggestions. (1) Enhancing the intercepting and arresting capacity: Smuggling cases should be prevented and controlled at the seas, and it is much more effective to resolve the problem from the source. Therefore, inspection and police agencies should collaborate in setting up the criminal information exchange system to exchange criminal information instantly in order to completely block smuggling channels. (2) Integrating smuggling interdiction agencies to comprehensively prevent and control marine smuggling crimes between Kinmen and Xiamen. For example, the government can set up a cross-border crime interdiction center for handling smuggling crimes through collaboration as well as matters related to criminal judicial assistance. (3) Adjusting and revising laws and acts for the crime of economics: To cope with the diverse economic activities and the continuously updated methods of crimes of economics, it is suitable to set up a chapter to exclusively deal with the crime of economics and relating problems to remove the bottleneck exists in the current legal system. (4) Promoting the system for cross-strait criminal judicial assistance: Assorted security problems have been derived from implementing MTL in Kinmen and Xiamen. For example, illegal immigrants from mainland China and smuggling of firearms, ammunition, drugs and other controlled items. There are also issues related to illegal immigration and extradition of criminal suspects between Taiwan and mainland China. Therefore, the system for cross-strait collaboration for combating criminals and judicial cooperation should be continuously enhanced to effectively interdict cross-strait crimes.

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