

## DRUGS, SEX AND GUNS: ORGANISED CRIME IN THE SOUTH PACIFIC

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### *I INTRODUCTION*

In order to exploit and expand illegal market opportunities, criminal organisations have learned to use the discrepancies between different legal and financial systems to their best advantage. For obvious reasons, smaller and less populated countries have greater difficulties in coping with the globalisation of crime. The weaknesses and vulnerabilities of the South Pacific economies are the principal reasons why these nations have increasingly become a stage for transnational organised crime. On the one hand, especially in times of economic decline and exhaustion of commercially viable resources, governments have become more lenient, less careful and, in some instances, simply "turned a blind eye" towards the influx of people and foreign investment and the infiltration of the local economy by criminal organisations. On the other hand, human and financial resources are limited in nations with only a few thousand citizens and no major industry. These circumstances do not allow the creation of highly specialised and sophisticated border control and law enforcement agencies and the monitoring of all transits and transactions to, and through, these archipelagic countries that have become "easy prey" for transnational criminal organisations.

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This paper examines contemporary patterns of transnational organised crime in the South Pacific. Specifically, the paper explores three main organised crime "industries" in the region: drugs, sex and guns, or, in other words, narcotrafficking, trafficking in persons and firearms trafficking. The aim of this paper is to explore the extent and modi operandi of these types of organised crime in order to generate some recommendations for more comprehensive strategies to prevent and suppress transnational organised crime more effectively in the region.

There are other organised crime activities occurring in the region which are not further discussed in this paper. The issue of money-laundering is perhaps the single most important phenomenon associated with organised crime and the South Pacific islands have gained some notoriety in that respect. Accordingly, this topic is comparatively well researched and documented elsewhere.<sup>1</sup> The topic of migrant smuggling too has generated many headlines and much controversy between 1998 and 2002 and several studies exploring this

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1 See, for example, Andreas Schloenhardt "Transnational Crime and Island State Security in the South Pacific" in Eric Sibuya and Jim Rolfe (eds) *Security in Oceania in the 21<sup>st</sup> Century* (Asia Pacific Center for Strategic Studies, Honolulu, 2003) 171, 177-183 [Transnational Crime and Island State Security in the South Pacific]; Rob McCusker "Transnational Crime in the Pacific Islands: Real or Apparent Danger?" (2006) 308 *Trends & Issues in Crime and Criminal Justice* 1, available at <<http://www.aic.gov.au/publications/tandi2/tandi308.pdf>> (last accessed 16 November 2006); Financial Action Task Force (FATF) *Review to Identify Non-Cooperative Countries or Territories* (FATF, Paris, published annually); Jack A Blum and others *Financial Havens, Banking Secrecy and Money Laundering* (United Nations, New York, 1998); Ernesto U Savona and others *Organised Crime Around the World* (European Institute for Crime Prevention and Control, Helsinki, 1998) 90-91, available at <<http://www.heuni.fi/uploads/mmadzpnix.pdf>> (last accessed 16 November 2006); Jonathan M Winer "Replacing Safe Havens with a Safe System" (1999) 2(4) *JMLC* 353; United Nations Office on Drugs and Crime (UNODC) *Regional Profile on Drugs and Crime in the Pacific Islands* (Internal Document 3/2004, UNODC Regional Centre for East Asia and the Pacific, Bangkok, 2003) 18-21, available at <<http://www.unodc.un.or.th/material/document/2004/Regional%20Profile%20Pacific%20Island.pdf>> 2003) (last accessed 16 November 2006).

crime type were released at that time.<sup>2</sup> Evidence about illegal gambling, tobacco-smuggling and electronic crime is so far only anecdotal. At this point, the information available does not lend itself to academic research.<sup>3</sup>

From the outset, it has to be noted that knowledge on actual levels of organised crime in the region is very limited and relevant statistics are, for the most part, non-existent. This is a result of the clandestine and illicit nature of criminal activities and also of the limited resources available in the region to collect that information. Moreover, this topic has thus far attracted very limited academic interest and much of the existing information is not representative of the true levels and modus operandi of organised crime in the South Pacific.

## **II DRUGS**

The cultivation, trafficking and consumption of narcotic drugs represent perhaps the longest-standing organised crime problems in the Pacific region. In recent years, evidence of manufacturing of, and trafficking in, psychotropic substances has added a new dimension to this problem.

### **A Production**

In a global context, the Pacific island states are not significant producers of illicit drugs. According to the United Nations Office on Drugs and Crime (UNODC), "none of the islands in the region are considered major global drug producers of any drug."<sup>4</sup> Comprehensive data on the levels of production in the Pacific islands

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2 Andreas Schloenhardt *Migrant Smuggling – Illegal Migration and Organised Crime in Australia and the Asia Pacific Region* (Martinus Nijhoff Publishers, Leiden, 2003) 136, 146 [Migrant Smuggling – Illegal Migration and Organised Crime in Australia and the Asia Pacific Region]; Transnational Crime and Island State Security in the South Pacific, above n 1, 176–177. For recent reports, see Pacific Islands Forum Secretariat (Forum Secretariat) *Transnational Crime Strategic Assessment* (Pacific Islands Forum, Suva, 2006) 25-28.

3 See also Forum Secretariat, above n 2, 32-34.

4 UNODC, above n 1, 8.

is not available and much of the conventional wisdom on drug cultivation and manufacturing derives from anecdotal sources and not from systematic research.

In the past, much of the local production of illicit drugs involved native kava and betelnut plants. Cannabis, too, was cultivated in the region, especially in the Melanesian islands, and there are some reports about cannabis cultivation in Micronesia, in Tonga and Samoa.<sup>5</sup> There are also some individual reports about coca cultivation in the Sepik Province of Papua New Guinea (PNG),<sup>6</sup> but UNODC has stated this "has never been proven due to lack of evidence."<sup>7</sup>

Recent seizures of amphetamine-type stimulants (ATS)<sup>8</sup> in the region have led to suggestions that there is some production of synthetic drugs in the Pacific islands. Sandy Gordon has suggested that it is:<sup>9</sup>

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5 ECOSOC "Report of the International Narcotics Control Board for 2001" E/INCB/2001/1 (United Nations, New York, 2002) para 564 [INCB Annual Report 2001], available at <[http://www.incb.org/incb/annual\\_report\\_2001.html](http://www.incb.org/incb/annual_report_2001.html)> (last accessed 16 November 2006).

6 United Nations International Drug Control Programme (UNDCP) *Pacific Islands Regional Profile* (UNDCP Regional Centre for East Asia and the Pacific, Bangkok, 2001) 12, available at <<http://www.unodc.un.or.th/material/document/2001-12.pdf>> (last accessed 16 November 2006).

7 UNODC, above n 1, 8.

8 The term "amphetamine-type stimulants" (ATS) covers a large group of synthetic drugs with powerful stimulant action on the central nervous system, usually without producing hallucinations. Amphetamine and methamphetamine are closely related and have similar psychomotor, cardiovascular, anorexogenic and hyperthermic properties. ATS can produce a sense of confidence, euphoria and well-being. The simplest form of ATS is amphetamine, which is synthesised primarily from the precursor norephedrine. The most commonly abused ATS is methamphetamine, a stimulant usually synthesised from ephedrine or pseudoephedrine.

9 Sandy Gordon "Transnational Crime in the South Pacific: Need for a Paradigm Shift" (Conference presentation, copy held with author, 2003).

[O]nly a relatively small step from using a country like PNG as a conduit for precursors to actually manufacturing methamphetamine there for export purposes, perhaps in some of the highland areas where the rule of law is relatively difficult.

In 2003, UNODC remarked that "as yet there is no evidence of production. However, with a growing incidence of abuse the establishment of local production facilities is unlikely to lag far behind."<sup>10</sup>

In 2002, authorities foiled an apparent attempt to import up to 12 tonnes of the precursor chemicals ephedrine from India and pseudoephedrine from China into PNG. Although the importation was originally authorised by PNG authorities, the International Narcotics Control Board (INCB) expressed concern over the size and purpose of the shipment, given that PNG only ever knowingly imported 46.5 kilograms of pseudoephedrine in 1998.<sup>11</sup> The most significant seizure of ATS yet was made on 9 June 2004 by Fijian authorities in Laucala Bay, Suva, where five kilograms of crystal methamphetamine<sup>12</sup> and 1000 kilograms of precursor chemicals were found. This seizure was described as one of the world's largest clandestine laboratories ever detected, having the potential to produce 500 kilograms of crystal methamphetamine a week.<sup>13</sup> Local authorities suggested the precursors used to make the drug had been

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10 UNODC, above n 1, 7.

11 Gordon, above n 9; Forum Secretariat, above n 2, 20.

12 Crystalline (or crystal) methamphetamine (also known as "ice", "P", "crystal meth", "glass" or "shabu") is a highly refined, highly concentrated (up to 80 per cent purity) form of methamphetamine produced as crystal powder or crystal rocks.

13 Martin Chulov and Claire Harvey "Pacific Base for Global Drug Ring" (10 June 2004) *The Australian* Canberra 3; Neil Boister "Regional Cooperation in the Suppression of Transnational Crime in the South Pacific" in Geoff Leane and Barbara von Tigerstrom (eds) *International Law Issues in the South Pacific* (Ashgate, Aldershot, United Kingdom, 2005) 35, 41 [Regional Cooperation in the Suppression of Transnational Crime in the South Pacific].

brought in from Australia and New Zealand and that the end-products were destined for markets in Australia, the United States and Europe.

Following these incidents, a strategic assessment issued by the Pacific Islands Forum (Forum) Secretariat in April 2006 found that:<sup>14</sup>

There has been, are currently and are likely to continue in the future, efforts to develop large methamphetamine production facilities (clandestine laboratories or "clanlabs") on the model of the Suva clanlab in 2004. There are continued efforts to import large volumes of methamphetamine precursor agents into certain Forum Island Countries (FICs). This is a clear notice of intent where a country has no pharmaceutical industry that someone wants to produce ATS and is trying to either trans-ship the precursors through the FIC or even manufacture ATS in the importing country.

There is growing concern that the Pacific islands are witnessing a rapidly expanding methamphetamine market: "[t]he location of another major laboratory is assessed to be a matter of time. This remains a very serious issue for the present and foreseeable future."<sup>15</sup>

### ***B Trafficking***

The vulnerabilities of the Pacific islands to trafficking are obvious: archipelagic coastlines, sea borders and vast areas of ocean are difficult, if not impossible, to patrol, especially by countries with limited financial, technical and human resources. This makes it easy, especially for small vessels, to remain undetected and cross international borders clandestinely.<sup>16</sup> The mere size of the sea-borne trade across the Pacific is difficult to monitor and control. UNODC reports that:<sup>17</sup>

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14 Forum Secretariat, above n 2, 19-20.

15 Forum Secretariat, above n 2, 22.

16 Elizabeth Feizkhah "Ice: From Gang to Bust" (21 June 2004) *Time Magazine Asia* 54.

17 UNODC, above n 1, 11.

There are about 5,000 vessels transiting the Pacific on any given day. Large shipments may be unloaded from a mother ship into a smaller vessel, and can subsequently go in hiding at the many small, uninhabited islets and atolls, waiting for the next step. Rapidly expanding regional transportation links to Asia, North and South America is also a factor and is likely to increase the use of islands as a transit area.

The Pacific islands have been considered vulnerable to trafficking and smuggling activities by sea and air for some time. The geographical location between Asia, Australia and the Americas makes the islands important stop-over, storage and transit points for cross-Pacific operations and serves to camouflage the origin and routes of the illicit consignments.<sup>18</sup> Trafficking in illicit drugs through the Pacific islands occurs by air and sea, frequently using common commercial shipping and trading routes. Regular cargo vessels as well as small, private vessels are used for transportation. Equally, illicit drugs have been seized in air cargo, transiting in New Zealand. In 2003, UNODC made the following observations:<sup>19</sup>

Viewed from a drug-business perspective, the geographic location of the Pacific islands lends itself to facilitation of traffic from major drug suppliers in East Asia and South America to serving demand in Australia/New Zealand and North America. The Pacific islands connect some of the world's largest drug producers with the largest drug markets in the world. It is a strategic, if perilous, location with regard to the global illicit drug trade. Adding to this is the virtual isolation of many of the islands (security for traffickers) and their sheer number (opportunities) including often hundreds, sometimes thousands, smaller islets. A Pacific transit can also enable drug traffickers to camouflage the country of origin of their illicit drug

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18 Compare Eric Shibuya and Paul J Smith "Transnational Criminal Activity in the South Pacific" (2002) 14(9) *Jane's Intelligence Review* 30; Ron Crocombe *The South Pacific* (Institute of Pacific Studies, Suva, 2001) 86, 370; Forum Secretariat, above n 2, 19.

19 UNODC, above n 1, 9. Compare McCusker, above n 1, 4.

consignments originating from high-risk countries. It is a fact that the Pacific islands are extremely vulnerable to exploitation by drug traffickers.

The actual level of trafficking in illicit drugs through the Pacific islands is unknown. Recent seizures may give some indication about the existence and *modi operandi* of drug traffickers in the region. However, the available data does not allow any generalisation about the true extent of the problem.

During the late 1990s, there was some evidence of trafficking in "illicit Southeast Asian heroin and cannabis products, South American cocaine,<sup>20</sup> European ATS and LSD ... at varying scales and intensity using Vanuatu, Papua New Guinea, Fiji, Tonga, Tahiti, and New Caledonia as transit points."<sup>21</sup> In 2000, police in Suva seized 357 kilograms of heroin bound for Australia, New Zealand and Canada. It is believed that the heroin originated in Southeast Asia.<sup>22</sup> In April 2001, some Chinese nationals were arrested in Fiji for shipping 160 kilograms of heroin from Myanmar to Vanuatu, presumably on their way to Australia. A frequently cited case is that of 50 kilograms of cocaine which were found floating in a lagoon in Micronesia. The locals who found it mistook the white powder for washing detergent and used it accordingly, before realising that the powder was not lathering as it should.<sup>23</sup> In 2001, the INCB reported that:<sup>24</sup>

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20 Mat Oakley "Idyllic Isles Ideal Launch Pad for Drugs into Australia" (20 June 2004) *Sunday Age* Melbourne 15.

21 UNDCP, above n 6, 12. Compare Crocombe, above n 18, 370; Gordon, above n 9.

22 INCB Annual Report 2001, above n 5, para 564; Regional Cooperation in the Suppression of Transnational Crime in the South Pacific, above n 13, 35, 41.

23 Personal communication with the Attorney-General of the Federated States of Micronesia, 6 June 2001, Honolulu.

24 INCB Annual Report 2001, above n 5, paras 565-567.



Fiji and Vanuatu are known to be used by drug traffickers as transit points for large consignments of heroin originating in Southeast Asia and destined for Australia ... . Drug traffickers continue to move cocaine from South America to Australia through the Pacific islands.

On 10 September 2004, Agence France Presse reported that "[p]olice in the Pacific nation of Vanuatu have found 120 kg of cocaine on a beach in the biggest such haul in the Pacific nation's history."<sup>25</sup>

In recent years, the focus of drug-trafficking in the Pacific islands seems to have shifted away from heroin to crystal methamphetamine (or "ice"). In 2000, Palau and the Northern Marianas reported their first significant seizures of 332 grams and 8.8 kilograms respectively of crystal methamphetamines from the Philippines.<sup>26</sup> A further 700 grams of "ice" were reportedly seized in Palau in 2001.<sup>27</sup> Seizures of crystal methamphetamine in Palau have averaged three to seven kilograms per year for the last several years.<sup>28</sup> Guam has also reported seizures of "ice" originating from the Philippines.<sup>29</sup> In its 2003 study of the illicit drug problem in the Pacific region, UNODC argued:<sup>30</sup>

With a growing ice abuse problem in some of the American Pacific islands in recent years, the surrounding Pacific islands could be at risk of becoming transshipment points for these drugs that are destined within the region. According to some sources, federal and local law enforcement officials now consider the heroin and cocaine traffic in

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25 Agence France Presse "Record Cocaine Haul Reported in Vanuatu" (10 September 2004) <<http://www.apf.com>> (last accessed 1 December 2006).

26 UNDCP, above n 6, 13; Shibuya and Smith, above n 18, 30; UNODC, above n 1, 10.

27 UNODC, above n 1, 10.

28 INCB Annual Report 2001, above n 5, paras 565-567.

29 INCB Annual Report 2001, above n 5, paras 565-567; UNDCP, above n 6, 13.

30 UNODC, above n 1, 10.

Guam and the Northern Marianas to be small in comparison with "ice" imports.

One of the most recent cases reported from Guam involved a Korean national who was caught in possession of two kilograms of methamphetamine.<sup>31</sup>

In 2002, 74 kilograms of methamphetamine were found on a ship in Singapore headed for Fiji and Australia.<sup>32</sup> In 2003, almost two and a half kilograms of pseudoephedrine were found in scuba tanks shipped to Brisbane from Fiji.<sup>33</sup> In 2003, UNODC reported evidence of methamphetamine importation into PNG by Filipino and Asian syndicates.<sup>34</sup> The seizure of a large-scale illicit laboratory used for crystal methamphetamine production in Fiji in June 2004 and the seizure in Australia of 125 kilograms of "ice" from the People's Republic of China in October 2004, along with significant seizures in New Zealand, have led to suggestions "that Oceania may be emerging as a transit area for consignments of 'crystal' methamphetamine ... [and that] the abuse of the drug may also be increased in the region."<sup>35</sup> A 2006 assessment by the Forum Secretariat identified methamphetamine seizures in three different forms:<sup>36</sup>

[N]amely crystal, liquid and methamphetamine powder. There are three possible scenarios that may account for this. The first is that different groups are involved in the manufacture of different drug

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31 Forum Secretariat, above n 2, 20.

32 Feizkhah, above n 16, 55.

33 Feizkhah, above n 16, 55.

34 UNDCP, above n 6, 13.

35 ECOSOC "Report of the International Narcotics Control board for 2005" E/INCB/2005/1 (United Nations, New York, 2006) para 622 [INCB Annual Report 2005], available at <[http://www.incb.org/incb/annual\\_report\\_2005.html](http://www.incb.org/incb/annual_report_2005.html)> (last accessed 16 November 2006).

36 Forum Secretariat, above n 2, 21 (emphasis removed).

forms. Secondly, the importers are changing the modus operandi in an attempt to evade detection and thirdly, it is an importer preference.

### ***C Demand and Consumption***

Data and other information about illicit drug use in the Pacific islands are extremely limited. Reports are frequently anecdotal, not supported by evidence, and usually only relate to single incidents and individual countries. There is no comprehensive knowledge of the levels of illicit drug use in the island nations and the countries have not reported any data to UNODC's annual "World Drug Report" on this point.

Historically, drug abuse in the Pacific has revolved around locally grown substances such as cannabis and also kava and betelnut in the Melanesian islands. Abuse of opium or coca-based substances is extremely rare. Equally, the use of ATS is not widespread among the populations of the Pacific islands.<sup>37</sup>

UNODC remarked that "[t]here is little indication of any significant import of drugs to the Pacific islands."<sup>38</sup> The market for ATS in the Pacific islands is very limited given the availability of, tolerance towards, and relative low-cost of, locally produced substances such as cannabis, kava, and betelnut. Furthermore, the buying power of the local populations is very low and the great majority of people simply cannot afford expensive, imported illicit drugs.

There is, however, significant evidence of methamphetamine consumption (especially in the form of "ice") in the former United States jurisdictions of Palau and Northern Marianas, and also in Guam and Hawai'i, starting in about 1990.<sup>39</sup> According to some sources, the consumption in the Northern Marianas is concentrated among elite

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37 UNODC, above n 1, 16.

38 UNODC, above n 1, 10.

39 Feizkhah, above n 16, 55; INCB Annual Report 2005, above n 35, paras 622, 638; UNDCP, above n 6, 18; UNODC, above n 1, 16.

parts of society. The drug situation in the Marianas has been described as "endemic" and has led to increased levels of violence and other crimes in the capital Saipan.<sup>40</sup> There have also been some suggestions that "ice" abuse among Pacific islanders on the United States West Coast and Hawai'i explains the relatively higher levels of "ice" abuse among similar ethnic groups in New Zealand.<sup>41</sup>

Amphetamine in the form of ecstasy (MDMA) is not very common in the Pacific islands. There have been some reports about ecstasy being sold among tourists in Nadi, Fiji,<sup>42</sup> and PNG has witnessed small levels of ecstasy abuse.<sup>43</sup>

The principal problem with ATS in the Pacific, as was discussed earlier, is the issue of trafficking through the region and some evidence of local production. There is growing concern that the production and trafficking of these substances in the region may ultimately result in increasing local abuse of amphetamine and methamphetamine.<sup>44</sup> For example, Gordon suggested that "history shows that where any country is used as a conduit for drug smuggling,

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40 Crocombe, above n 18, 86, 370.

41 Christopher Wilkins and others "Characteristics of Amphetamine-type Stimulant (ATS) Use in New Zealand" (2005) 25 Social Policy J NZ 142; Christopher Wilkins and others "The Socio-Economic Impact of Amphetamine Type Stimulants in New Zealand. Final Report" (Centre for Social and Health Outcomes Research and Evaluation, Massey University, Auckland, 2004) 40, available at <<http://www.ndp.govt.nz/publications/socio-economicimpactofamphetamine-typestimulants.pdf>> (last accessed 16 November 2006). See also Karen A Joe "Ice is Strong Enough for a Man but Made for a Woman: A Social Cultural Analysis of Crystal Methamphetamine Use Among Asian Pacific Americans" (1995) 22(3) Crime, Law and Social Change 269-289.

42 Personal communication with Forum Secretariat, 3 July 2006, Suva.

43 UNODC, above n 1, 16.

44 UNODC, above n 1, 10.

inevitably some of the product seeps into the local populace."<sup>45</sup> Equally, Eric Shibuya and Paul Smith have argued:<sup>46</sup>

While it was once true, due to economic constraints such as low incomes, that there was no viable market for drugs in most island states this is now changing. States that act as transit zones eventually become consumers of these same drugs – a pattern that has emerged in other parts of the world ...

### **III SEX**

There have been, as of late, some isolated reports about trafficking in persons, especially women, to and from the Pacific islands, though much of that information is only rumoured and cannot be verified by officials or academic research. Earlier analyses confirm that "[h]uman trafficking routes in the Pacific are not well documented, and it is difficult to determine whether information documents human trafficking or migrant smuggling."<sup>47</sup> The transnational crime strategic assessment conducted by the Forum Secretariat in April 2006 found that "regional intelligence does not support high levels of human trafficking in the Pacific."<sup>48</sup>

There is some limited evidence about small levels of trafficking in persons for employment in the garment and sex industries.<sup>49</sup> A recent discussion paper by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) found "high rates of commercial sex work or transactional sex" in the Pacific islands contributing to the rapid spread of HIV in the region, especially in PNG.<sup>50</sup> In the larger cities in the Pacific islands, such as Saipan, Suva

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45 Gordon, above n 9.

46 Shibuya and Smith, above n 18, 30.

47 UNODC, above n 1, 23.

48 Forum Secretariat, above n 2, 28. Compare McCusker, above n 1, 5.

49 Forum Secretariat, above n 2, 28.

50 United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) "Gender and HIV/AIDS in the Asia and Pacific Region" (Gender

and Port Moresby, there is a visible presence of sex workers, mostly of Chinese, Filipino or Korean background, and, in Micronesia, small numbers of Thai and Russian prostitutes.<sup>51</sup> Studies from the mid-1990s have described Saipan, the capital of the Northern Marianas, as the city with "the highest density of prostitutes", approximately "3,000 in a then population of 45,000."<sup>52</sup> A 1998 study indicated that "[p]rostitution in PNG towns employs an estimated 29,000 women or 13.6% of the urban female workforce."<sup>53</sup> A report released in December 2005 put the number of sex workers in PNG at 9000-10,000.<sup>54</sup> There have also been reports about prostitution in the mining towns of French Polynesia and the PNG highlands.<sup>55</sup>

Little is known about the circumstances in which these women first arrive in the Pacific, though a recent paper by the Forum Secretariat identified the Korean Airlines' "Seoul-Nadi direct flight [as] a favoured route" to bring Asian prostitutes to the Pacific islands.<sup>56</sup> No information is available about the time trafficked women spend in the Pacific or the conditions of their employment. UNODC has reported of some evidence of forced labour involving Chinese and Filipino

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and Development Discussion Paper Series No 18, Bangkok, December 2005) 7, available at <<http://www.unescap.org/esid/Gad/Publication/DiscussionPapers/18/DiscussionPaper18.pdf>> (last accessed 16 November 2006).

51 Compare UNODC "Trafficking in Persons: Global Patterns" (UNODC, Bangkok, 2006) 100-101, available at <[http://www.unodc.org/pdf/trafficking/inpersonsreport\\_2006ver2.pdf](http://www.unodc.org/pdf/trafficking/inpersonsreport_2006ver2.pdf)> (last accessed 16 November 2006).

52 Crocombe, above n 18, 361 (citing Samuel F McPhetres "Political Review: Northern Marianas" (1994) 6(1) *The Contemporary Pacific* 166-169).

53 Michael Monsell-Davis "Youth and Social Change in the Pacific" (MacMillan Brown Centre for Pacific Studies, Canterbury University, Christchurch, 1998) 3 (cited in Crocombe, above n 18, 361).

54 UNESCAP, above n 50, 9.

55 Crocombe, above n 18, 361-362; Brij V Lal and Kate Fortune *The Pacific Islands: An Encyclopedia* (University of Hawaii Press, Honolulu, 2000) 415.

56 Forum Secretariat, above n 2, 31.

nationals in Fiji's garment industry and the local sex industry.<sup>57</sup> Generally, social and moral attitudes in many Pacific islands frequently prevent any in-depth inquiry into the sex industry in these countries. Although prostitution is illegal in most parts of the region, laws are rarely enforced and authorities frequently "turn a blind eye" to prostitution.

In 2003, one of the largest cases of "modern day slavery"<sup>58</sup> was uncovered in American Samoa where nearly 250 persons from China and Vietnam were found working in slavery-like conditions in a garment factory. The factory owner was later sentenced in the United States to a term of 40-year imprisonment.<sup>59</sup> In 2004, Micronesia discovered a number of Thai nationals who initially arrived as waitresses and were found working as prostitutes. In 2005, a case emerged in Palau, in which a Chinese national was prosecuted for recruiting Chinese women as waitresses and forcing them to work as prostitutes. Filipino women, too, are known to have been "trafficked" to Palau.<sup>60</sup>

There have been some claims about (commercial) child sexual exploitation in the region. A recent United Nations paper cites several reports of increasing evidence of under-age female sex workers soliciting in bars in Kiribati who are "hired" by foreign fishing crews, especially from Korean vessels;<sup>61</sup> hence, the phenomenon is referred to as "Korekorea" by locals. In March 2006, reports emerged about allegations of widespread sexual abuse of young Solomon Islands women by foreign workers. It was stated that many visitors to Solomon Islands, including Chinese and Filipino fishermen as well as members of the Regional Assistance Mission to Solomon Islands

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57 UNODC, above n 1, 11.

58 Jennifer Burn, Sam Blay and Frances Simmons "Combating Human Trafficking: Australia's Responses to Modern Day Slavery" (2005) 79 ALJ 529, 543.

59 Burn, Blay and Simmons, above n 58, 543.

60 Forum Secretariat, above n 2, 28, 31.

61 UNESCAP, above n 50, 7.

(RAMSI), sexually abuse young women, many of whom are underage.<sup>62</sup> At the time of writing, there were no further reports available to sustain these particular allegations. There have been other reports about foreign – especially Asian – fishing vessels carrying or inviting local women to "service" the male crews,<sup>63</sup> and there are some (what can be best described as) rumours about trafficking in babies and arranged adoptions involving Fijian babies and young boys.<sup>64</sup> Moreover, there have been several arrests for child sexual exploitation committed by foreigners in Fiji and in Solomon Islands. UNODC, referring to information from "The Protection Project", has expressed concern about Fiji becoming a new destination for sex tourism though it provides very limited evidence to support that statement.<sup>65</sup> The Forum Secretariat also found "no evidence to support any claim of an organised sex tourism industry" in which tourists travel to the South Pacific specifically for sexual purposes.<sup>66</sup>

#### **IV GUNS**

The problems associated with firearms and trafficking in firearms in the Pacific islands are long-standing and are comparatively well documented. Despite the small populations, there is a significant demand for small arms and "there is sufficient information to state that firearms smuggling into the region is occurring,"<sup>67</sup> though it may be relatively small in global comparison.

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62 Rory Callinan "Generation Exploited" (27 March 2006) *Time Magazine* South Pacific 18. The article alleged that many young girls serve as prostitutes, often under harsh conditions and for minimum pay, and that in some instances foreigners "buy" local girls or enter into marriages of convenience.

63 Crocombe, above n 18, 361; Lal and Fortune, above n 55, 7-8.

64 UNODC, above n 1, 24.

65 UNODC, above n 1, 24.

66 Forum Secretariat, above n 2, 31.

67 Forum Secretariat, above n 2, 32.



Firearms in the Pacific islands include legally and illegally obtained weapons, home-made arms and weapon stockpiles left over from World War II. Importation of firearms occurs along legal and – in smaller numbers – illegal channels. Evidence of illegal importation is extremely limited and at least one source argues that "no evidence exists of any sizeable shipment of illicit small arms reaching the Pacific since 1988",<sup>68</sup> when a container of illicit small arms was found in Sydney en route to Fiji from the then North Yemen.

New Caledonia appears to have the highest number of declared small arms and ammunition imports, followed by French Polynesia, PNG and Fiji.<sup>69</sup> Most of these weapons are military and police inventories. Niue, Samoa, New Caledonia and the Cook Islands have the highest rates of lawful private firearms ownership in the Pacific.<sup>70</sup> A 2005 study found that stockpiles of small arms lawfully held by civilians in the Pacific "include 3.1 million, or one privately held gun for every ten people. This surpasses the global ratio of privately held firearms to population by more than 50%."<sup>71</sup>

The problem of illicit firearms is not evenly spread throughout the Pacific and is much more significant in the Melanesian countries of PNG and Solomon Islands than it is elsewhere in the region. Trafficking in firearms and illicit gun ownership has been reported in Fiji, Samoa, Nauru, Niue and the Cook Islands, though the scale of the problem in these countries seems to be marginal and the evidence is

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68 Philip Alpers "Gun-running in Papua New Guinea: From Arrows to Assault Weapons in the Southern Highlands" (Special Report, Small Arms Survey, Geneva, 2005) 99, available at <[http://www.smallarmssurvey.org/files/sas/publications/spe\\_reports\\_pdf/2005-sr5-papuanewguinea.pdf](http://www.smallarmssurvey.org/files/sas/publications/spe_reports_pdf/2005-sr5-papuanewguinea.pdf)> (last accessed 16 November 2006).

69 Graduate Institute of International Studies *Small Arms Survey 2004: Rights at Risk* (Oxford University Press, Oxford, 2004) 280-281 [Small Arms Survey 2004], available at <[http://www.smallarmssurvey.org/files/sas/publications/year\\_b2004.html](http://www.smallarmssurvey.org/files/sas/publications/year_b2004.html)> (last accessed 16 November 2006).

70 Small Arms Survey 2004, above n 69, 283.

71 Alpers, above n 68, 32.

largely anecdotal.<sup>72</sup> Much of the available information focuses specifically on the Bougainville and Highland Provinces of PNG and on the situation in Solomon Islands. Whilst the number of firearms in circulation – legally and illegally – is low in relative comparison to Australia and New Zealand, the concern largely relates to the fact that firearms are frequently used to resolve disputes and are used against humans. Of particular concern has been the leakage of firearms from military and police holdings where safekeeping is poor. In many instances, arms were stolen, armouries raided, but there are also reports of officials engaging in armed violence, handing out guns in return for bribes or other favours, or in support of a rebel cause. The problems are well manifested in the coup attempts in Fiji,<sup>73</sup> the Bougainville crisis and the conflict in Solomon Islands.<sup>74</sup>

Samoa appears to have become another destination for firearms smuggling in the region. A report released in April 2006 by the Forum Secretariat found that modern firearms, including pistols and semi-automatic rifles, are brought into Samoa, most probably from mainland United States and Hawai'i via American Samoa.<sup>75</sup>

Throughout the 1990s, the island of Bougainville was at the centre of the firearms problem in the region. In the secessionist struggle to separate the island from PNG, large numbers of weapons found their way to Bougainville. It has been estimated that 12,000 people, or ten per cent of the local population, died during the armed conflict between 1989 and 1998.<sup>76</sup> Following the 2001 Bougainville Peace

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72 Small Arms Survey 2004, above n 69, 285.

73 See Small Arms Survey 2004, above n 69, 290-291.

74 Small Arms Survey 2004, above n 69, 284.

75 Forum Secretariat, above n 2, 32.

76 See Emile LeBrun and Robert Muggah (eds) *Silencing Guns: Local Perspectives on Small Arms and Armed Violence in Rural Pacific Islands Communities* (Occasional Paper 15, Small Arms Survey, Geneva, 2005) 20, available at <[http://www.smallarmssurvey.org/files/sas/publications/o\\_papers\\_pdf/2005-op-15-pacific\\_islands.pdf](http://www.smallarmssurvey.org/files/sas/publications/o_papers_pdf/2005-op-15-pacific_islands.pdf)> (last accessed 16 November 2006).

Agreement, a comprehensive weapon collection and disposal process was instituted, which resulted in the destruction of over 1800 weapons in the following three years.<sup>77</sup> However, many weapons remain available in Bougainville, including handguns, semi-automatic weapons and home-made arms, and there is some evidence that weapons stemming from the Bougainville conflict have been traded to other parts of PNG and to Solomon Islands.<sup>78</sup>

Currently, one of the areas of particular concern is PNG's Southern Highlands Province, where "every tribe ... now has access to high-powered firearms. Some claim that every village has one ..."<sup>79</sup> Due to the deteriorating law and order situation in the Province, on 1 August 2006, PNG's Prime Minister declared a state of emergency in the Southern Highlands. It is estimated that over 90 per cent of the firearms in that area are held illegally;<sup>80</sup> the number of illicit, commercially-made, high-powered firearms in the Southern Highlands Province is estimated to be between 500 and 1040.<sup>81</sup> Suggestions that thousands of weapons are smuggled into the highlands appear to be exaggerated.<sup>82</sup> Most of the arms have been stolen or otherwise sourced from the Royal PNG Police Constabulary, the PNG Defence Force and, in smaller numbers, from prison officers.<sup>83</sup> The weapons are frequently high-powered rifles and are often used in revenge killings and tribal warfare, which has become increasingly fatal and destructive.<sup>84</sup> Research published in 2005 has shown that:<sup>85</sup>

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77 LeBrun and Muggah, above n 76, 22.

78 See LeBrun and Muggah, above n 76, 26; Small Arms Survey 2004, above n 69, 289; Alpers, above n 68, 69.

79 Alpers, above n 68, 37.

80 LeBrun and Muggah, above n 76, 8.

81 Alpers, above n 68, 44.

82 UNODC, above n 1, 22.

83 Alpers, above n 68, 8.

84 See LeBrun and Muggah, above n 76, 16.

[T]he rate of gun homicide per 100,000 factory-made firearms in civilian possession is two to five times higher in the Southern Highlands of PNG [(SHP)] than in Ecuador, the country with the world's highest known rate. In short, a privately held factory-made firearm in SHP is several times more likely to be used to commit a homicide than a similar gun in five of the world's most dangerous countries.

The conflict in Solomon Islands, which started in 1998, has also been marked by the use of illicit firearms. It has been estimated that in 2003, at the end of a conflict which killed 200 people and displaced approximately 40,000, some 3500 weapons were in circulation in the country. As a result of an amnesty program under RAMSI, some 90-95 per cent of firearms in civilian hands were surrendered.<sup>86</sup> Some firearms, especially small arms, remain in circulation and continue to be used for threats and intimidation.<sup>87</sup>

Reports about trafficking in firearms in the region are often conflicting and the level and sophistication of organised crime involvement is not fully known and not well understood. Some reports suggest that much of the illicit firearms trade occurs at the local level and is purely domestic. The weapons frequently originate from the police or defence forces where they were stolen or otherwise misappropriated. The illicit cross-border trade in firearms is said to be very small compared to domestic gun-running. A 2005 study found that:<sup>88</sup>

[A]llegations of cross-border smuggling are rarely supported by evidence. No interdiction authority, domestic or foreign, claims to know of an illicit small arms shipment of any size destined for PNG.

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85 Alpers, above n 68, 84-85.

86 LeBrun and Muggah, above n 76, 29; Small Arms Survey 2004, above n 69, 292-293, 298-300.

87 LeBrun and Muggah, above n 76, 39; Small Arms Survey 2004, above n 69, 288.

88 Alpers, above n 68, 58.

... In reality, ... firearms smuggled from foreign countries make up only a small proportion of those seized, sighted, and reported.

The trafficking of firearms into PNG seems to occur along two main routes: they are either smuggled across the Indonesia-PNG border, or are brought in from Asia by boat. There is also some limited evidence of small numbers of handguns, rifles, semi-automatic firearms and shotguns smuggled from Australia to PNG via the Torres Strait.<sup>89</sup> Smuggling of firearms by boat is comparatively easy in a country with long, unpatrolled coastlines and in which customs inspections are the exception rather than the rule and are often less than thorough.<sup>90</sup> It is equally easy to bring firearms into PNG across the land border with Indonesia's Irian Jaya Province (West Papua), which is rarely patrolled, though "it is ... difficult to be sure in which direction the arms are flowing as both countries claim to be the target of local gun-runners."<sup>91</sup> Statements that "guns are flown in directly into the highlands on unchartered flights"<sup>92</sup> could not be confirmed.

In PNG, there have been many reports about a nexus between the illicit firearms trade and cannabis cultivation in the highlands. For some years, there has been growing evidence about local growers selling cannabis in return for firearms. There is very limited knowledge about patterns and actual levels of this trade. The trading usually takes place in PNG's larger coastal cities. Firearms are then brought back to the mountain provinces on the "Highlands Highway" and the cannabis is often exported to Australia and other countries where much higher profits can be achieved.<sup>93</sup>

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89 See Alpers, above n 68, 59-63.

90 Alpers, above n 68, 59.

91 Alpers, above n 68, 63-64. Compare UNODC, above n 1, 22.

92 UNODC, above n 1, 24.

93 Personal communication with Ms Rosie A Johnson, Senior State Prosecutor, November 2003, Goroka. See also Forum Secretariat, above n 2, 32; Small Arms Survey 2004, above n 69, 285-286; Alpers, above n 68, 66; M Ware "Savage Harvest" (9 April 2001) *Time Magazine* South Pacific 24.

## *V THE WAY AHEAD*

Drugs, sex, guns and other phenomena associated with transnational organised crime are becoming increasingly prominent and widespread in the Pacific islands. Their remote location and the vast oceans around them no longer provide a barrier or insulation from transnational criminal activities; instead, the relative isolation of these countries, their small populations and their lack of economic power make the Pacific islands perhaps more vulnerable to the operations of, and exploitation by, criminal organisations.

Domestic laws have often been ill-equipped to deal with new and emerging transnational crime issues in the Pacific islands. Many nations have outdated laws and criminal offences which have been largely left unchanged since their introduction following independence in the 1970s and 1980s. Law enforcement agencies in many island nations are often not well trained and frequently lack the skills, tools and know-how to fight sophisticated international criminal enterprises.<sup>94</sup> Moreover, few countries in the region have signed enforceable international treaties relating to transnational organised crime.

The discrepancy between existing laws and their enforcement, the lack of adequate resources for sophisticated investigation techniques, insufficiently trained personnel, inadequate coordination of law enforcement agencies at national and supranational levels, along with the dangers of corruption and bribery, are among the main obstacles for effective action against transnational organised crime in the Pacific islands. Furthermore, some countries have been reluctant to take any action against criminal organisations if these syndicates bring money into the country or if they infiltrate local authorities with bribes.

International and regional cooperation in the Pacific region is crucial for the prevention and suppression of transnational organised crime. Such cooperation has, however, been only very slowly

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<sup>94</sup> See in this book A H Angelo "Legal Capacity in Pacific Island Countries" chapter 4.

forthcoming. The implementation of international conventions poses significant challenges to the Pacific islands and many nations have been reluctant to accede to this body of law. Many, if not most, countries have to amend their laws, including penal codes, organised crime Acts and procedural legislation. The criminal justice and law enforcement systems of some countries also require adjustment to put in place the provisions under international instruments.

But in addition to the legislative amendments required to meet the obligations under international conventions, many treaties require substantial financial, material and human resources. This creates particular difficulties for smaller and economically less developed nations. Many countries in the Pacific region simply do not have the resources to commit themselves to costly obligations.<sup>95</sup> Also, given the colonial history of the region, many islands have very strong sentiments to maintain full national sovereignty over all aspects of governance and some countries are reluctant to support the internationalisation of criminal law and criminal justice systems. However, with growing evidence of transnational organised crime in the Pacific region, the island countries are increasingly showing some willingness to participate in security cooperation and international law enforcement activities.

The Forum has taken on a leading role in establishing a regional framework to prevent and suppress transnational organised crime. The Forum Secretariat has established itself as a centre for cooperation and has produced a series of relevant declarations to fight transnational organised crime more effectively. The Honiara Declaration on Law Enforcement Cooperation (Honiara Declaration),<sup>96</sup> adopted by the

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95 Compare Neil Boister "New Directions for Regional Cooperation in the Suppression of Transnational Crime in the South Pacific" (2005) 9(2) *J Sth Pac L* <<http://www.paclii.org/journals/fJSPL/vol09no2/1.shtml>> (last accessed 18 November 2006) [New Directions for Regional Cooperation in the Suppression of Transnational Crime in the South Pacific].

96 South Pacific Forum "Declaration by the South Pacific Forum on Law Enforcement Cooperation" (Attachment to the Twenty-Third South Pacific Forum

Forum in 1992, was the first regional effort to address some of the issues associated with transnational organised crime in the region. The Honiara Declaration seeks to prevent and suppress a range of relevant offences through law enforcement cooperation, mutual legal assistance, extradition and a range of other measures.<sup>97</sup> In 2000, the South Pacific Chiefs of Police Conference (SPCOC) agreed on a common framework for weapons control, known as the Nadi Framework. In 2002, the Nasonini Declaration on Regional Security (Nasonini Declaration), the Forum's anti-terrorism strategy, followed.<sup>98</sup> While the Honiara and Nasonini Declarations have widespread support of all Forum member states, their implementation has been, at best, sluggish and some countries do not see any urgency for legislative reform in this field.<sup>99</sup> A major shortcoming of the Forum Declarations has been the lack of enforceability of these instruments and the failure of some nations to "live up" to their commitments. These problems relate directly to the nature of the Forum and its lack of enforcement powers. Neil Boister has observed that:<sup>100</sup>

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Communiqué SPFS(92)18, Honiara, Solomon Islands, 8-9 July 1992), available at <<http://www.forumsec.org>> (last accessed 25 November 2006).

97 See Regional Cooperation in the Suppression of Transnational Crime in the South Pacific, above n 13, 48-56; New Directions for Regional Cooperation in the Suppression of Transnational Crime in the South Pacific, above n 95. See also in this book Shennia Spillane "Possibilities and Pitfalls: Regionalising Criminal Law in the Pacific Islands Forum" chapter 10.

98 Pacific Islands Forum "Nasonini Declaration on Regional Security" (Annex 1 to the Thirty-Third Pacific Islands Forum Communiqué PIF(02)8, Suva, Fiji, 15-17 August 2002), available at <<http://www.forumsec.org>> (last accessed 25 November 2006). See also Spillane, above n 97.

99 Regional Cooperation in the Suppression of Transnational Crime in the South Pacific, above n 13, 56-78; New Directions for Regional Cooperation in the Suppression of Transnational Crime in the South Pacific, above n 95.

100 New Directions for Regional Cooperation in the Suppression of Transnational Crime in the South Pacific, above n 95.



Currently, the Forum cannot pass regional criminal laws. In the absence of the transformation of the Forum into a supranational regional organisation in the South Pacific, which is politically unlikely, any regional criminal law must thus be a product of an intergovernmental treaty adopted by the member states of the Forum. ... A possible next step for Forum members is to provide for a range of regional treaties to suppress a range of transnational crimes.

The Forum has also developed a range of model laws and best practice guidelines on a range of issues relating to illicit drugs, sex-related offences and firearms trafficking. These initiatives include the Counter Terrorism and Transnational Organised Crime Model Provisions 2003, the Illicit Drugs Control Bill 2002, the Weapons Control Bill 2003 and the Sex Offences Model Provisions 2005.<sup>101</sup>

On the institutional side, the Pacific region has seen the creation of a number of new cooperative law enforcement agencies in recent years. Among those are the Pacific Transnational Crime Coordination Centre and the Pacific Regional Policing Initiative (PRPI), both based in Suva, Fiji. The PRPI was established in 2003 following a proposal by the Australian government at the 2003 Forum annual meeting in Auckland. It is specifically concerned with strategic policing issues, police leadership and executive development, police training and technical skills as well as technical assistance.<sup>102</sup>

These and other regional initiatives complement the efforts made at the global level, taking into account the more sensitive cultural, ethnic and political factors of the Pacific island nations. Complete uniformity and harmonisation of the criminal law and law enforcement systems of the countries in the region is an illusion and probably undesirable. At present, it is more important to encourage understanding of the immediate problems associated with

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101 The full text of these instruments is available at <<http://www.forumsec.org>> (last accessed 27 November 2006).

102 Personal communication with Dr Glenn Crannage, Programme Director, Pacific Regional Policing Initiative, January 2005, Suva.

transnational organised crime in the region and to bring the countries together to address the issues along with the underlying political, demographic, environmental and socio-economic factors.

Ultimately, it is desirable that the specific instruments and organisations dealing with transnational organised crime in the Pacific obtain more recognition, further support and greater enforceability. It is crucial that more countries in the region ratify relevant international treaties and in the longer term attempt to eliminate the shortcomings of these instruments. The role of regional fora needs to be strengthened in order to make their work more effective and, wherever possible, enforceable. The harmonisation of criminal law and criminal justice systems in the region should go hand in hand with closer judicial and law enforcement cooperation.

Additional arrangements are needed to help developing nations with technical equipment, personnel exchange and better know-how to fight the causes and consequences of transnational organised crime more effectively.<sup>103</sup> Furthermore, the regional powers must assist the developing nations of the Pacific with personnel and financial aid to allow these nations to escape the "circle of crime and corruption". Law enforcement agencies in the Pacific islands need to obtain financial and technical assistance to keep pace with the growing sophistication of trafficking organisations. Finally, the exchange and training of personnel is essential for effective counter-action and also contributes to confidence building in the region.

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103 See John McFarlane "Transnational Crime and Illegal Immigration in the Asia-Pacific Region: Background, Prospects and Countermeasures" (SDSC Working Paper No 335, Australian National University, Defence Studies Centre, Canberra, 1999) 16.