

## Transnational crime in the Pacific Islands: real or apparent danger?

Rob McCusker

*Transnational crime constitutes a challenge for even the most advanced industrial nations. The Pacific Islands are culturally, educationally and socially diverse, geographically isolated and sparsely populated. There is a degree of heterogeneity in their respective levels of governance, corruption and law enforcement capacity. Economic weaknesses and their impact upon infrastructure, poverty and general instability may increase the attractiveness of the islands to transnational crime. This paper explores the nature and quality of the available evidence concerning the issues of trafficking in drugs, people, arms and wildlife, corruption, money laundering, identity and electronic crime and terrorism. It concludes that the development of effective law enforcement and criminal justice infrastructure must be achieved within the broader context of continued improvements in economic, social and governance issues. To be able to respond in a timely and informed manner, it remains crucial for further research on transnational crime in the region to be undertaken.*

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### Overview

The UN Secretary-General's High-level Panel on Threats, Challenges and Change (United Nations 2004: 23) maintained that transnational organised crime was one of six key global security challenges. It is likely that there may be tangible differences between the nature and scope of global and regional transnational crime and that any debate concerning its presence at a regional level should be supported either by examples of infiltration or at least evidence of viable criminal opportunities (Boister 2004). It is important to examine the nature and scope of transnational crime at the regional level and more importantly to ascertain with requisite certainty what evidence, if any, exists to support the assertions made in relation to transnational crime infiltration.

A variety of sources (Urwin 2005a; Pacific Islands Forum Secretariat 2003 and 2004) suggest that the Pacific Islands region is an actual, or potential, transnational crime hub. Equally, centres such as the Pacific Transnational Crime Coordination Centre (PTCCC) in Suva and law enforcement agencies such as the Australian Federal Police are dedicated to tackling such crime. Overall, however, the level, range and quality of information on transnational crime in the Pacific Islands region are, in terms of availability, quality and reliability, variable. This paper summarises the key issues reported in these sources and assesses whether they constitute sufficient evidence of a significant presence of organised criminal networks and the commission of transnational crime.

### Vulnerability of the region

Transnational crime networks tend to follow a well-established and logical pattern of activity. Simply stated, they target areas of least resistance. The Pacific Islands are culturally, educationally and socially diverse, geographically isolated and sparsely populated. They are typified in whole or in part

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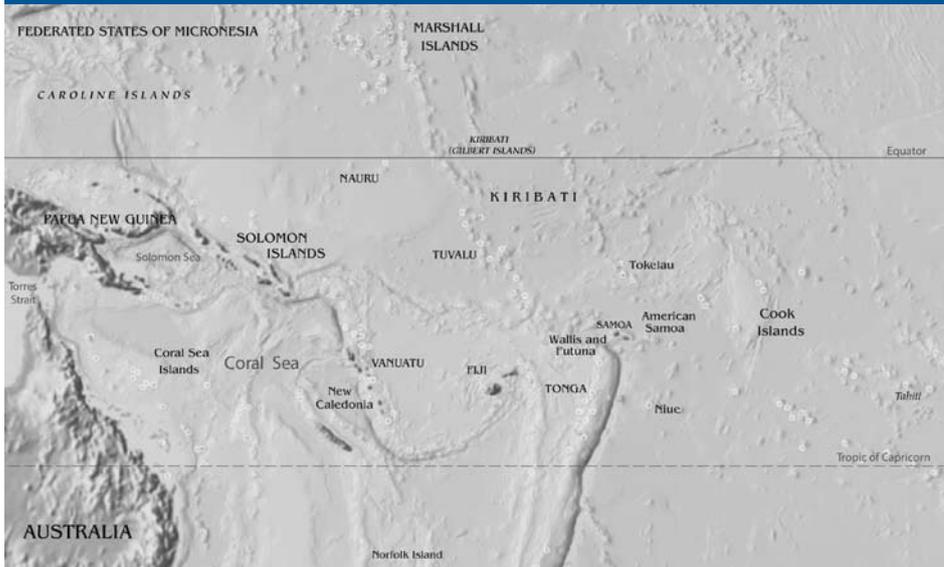
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**Figure 1: Pacific Islands region**



Source: *The world factbook 2005*, Central Intelligence Agency. [http://www.cia.gov/cia/publications/factbook/reference\\_maps/oceania.html](http://www.cia.gov/cia/publications/factbook/reference_maps/oceania.html)

by poor governance, corruption and a lack of law enforcement capacity. It is arguable that the islands' economic weaknesses and their attendant consequences in terms of infrastructure, poverty and instability may increase the attractiveness of the islands to transnational crime networks (Renton-Green 2002; AusAID 2004).

Transnational crime is enterprise-based which requires the presence of existing or prospective market opportunities to justify and sustain its presence. It is arguable that in terms of political, economic and social development, the Pacific Islands are not homogeneous in nature (May 2004) and that accordingly the nature and degree of transnational crime infiltration is likely to be heterogeneous.

In terms of the broader Asia-Pacific region the presence of transnational crime networks is well documented (see UNODC 2005; US State Department 2005; Emmers 2003). The facts that the Pacific Islands fall geographically within this broader region and that they lack (*per se* and relative to that broader region) the capacity to deal with the threat effectively, suggest that a degree of transnational crime within the islands is likely. The key issue for determination is whether the islands have, or will

become, the target, facilitator or both of transnational crime.

A number of transnational crimes including the illegal trade in wildlife, manufacture of and trafficking in illicit drugs, and identity fraud have been identified and there has been a recognition of the vulnerability of the islands to exploitation by transnational crime networks (Urwin 2005a; Pacific Islands Forum Secretariat 2003 and 2004). Broadly, the actual and/or potential nature of transnational crime activity in the Pacific Islands can be determined by the nature and characteristics of the islands themselves. Thus, the geographical characteristics of the islands give rise to drug transshipment and wildlife trafficking. The socioeconomic and cultural characteristics of the islands give rise to corruption and money laundering and the characteristics of law enforcement capacity give rise to identity and electronic crime (Figure 2).

It is also possible to view the islands as a facilitator of transnational crime on the one hand and/or vulnerable to such activity on the other. Thus, the characteristics of the islands facilitate drug transshipment, which may in turn encourage the utilisation of the islands for money laundering. The flow of

undeclared money through the islands undermines their economic integrity which in turn leads to instability. Instability contributes to both poor infrastructure development and insufficient oversight of that infrastructure which then facilitates the use and acceptance of corruption. Corruption then provides, *inter alia*, for the market in identity documents which can lead to identity-related crime. Poorly developed law enforcement capacity merely exacerbates the situation. The nature of the evidence for such threats is, however, not always available or clearly delineated.

In evidence to a Foreign Affairs, Defence and Trade References Committee (FADT 2003) the Australian Federal Police (AFP) maintained that '[t]ransnational criminal organisations exploit [the Pacific] environment at local, national and international levels.' *Jane's foreign report* (2005) noted that the apparent evolution of transnational crime in the South Pacific was an issue for the Australian and New Zealand governments, and the US Drug Enforcement Administration (DEA 2004) has reported that '[l]ocal, national, and international law enforcement agencies increasingly are concerned about the transshipment of cocaine, heroin, marijuana, and methamphetamine through the Pacific Islands Region.'

Evidence of the presence of drugs in the Pacific Islands is available. In 2000, 350 kg of heroin bound for Australia, New Zealand and Canada was seized in Suva. In 2002, 74 kg of methamphetamine was found on a ship in Singapore bound for Fiji and Australia, and 2.5 kg of pseudoephedrine was found in scuba tanks shipped to Brisbane from Fiji in 2003 (Feizkhan 2004). On 9 June 2004, 5 kg of crystal methamphetamine ('ice'), 700 litres of liquid methamphetamine and sufficient precursor chemicals to produce an additional 1000 kg of methamphetamine were seized from a warehouse in Suva, Fiji (DEA 2004).

It has been suggested (Boister 2004) that although Pacific Island states are deemed

to be vulnerable to transnational crime infiltration, it is often difficult to measure the nature of that threat. Another commentator (Urwin 2004a, 2004b, 2005a and 2005b) has argued that there seems little reason to doubt that the Pacific region is being targeted in terms of illicit drugs, people smuggling, money laundering and identity fraud because of its relative lack of effective legislation and finite human, technical and financial resources.

**Corruption**

Corruption in the Pacific remains a major issue (Transparency International 2004), with suggestions made that organised crime networks may systematically target those working in the public and private sectors where conditions of service and payment are low (Urwin 2004c). A recent report (*Pacific Islands report 2005*) argues that Chinese organised crime groups have infiltrated and corrupted senior members of the Papua New Guinea (PNG) police force. The report alleges links between 16 of PNG’s senior police and Asian criminals implicated in people smuggling, money laundering, prostitution, illegal gambling, fraud

and theft. The Police Minister for PNG, Bire Kimisopa, noted that ‘Chinese mafia have bought off officials throughout the system...they are operating illegal businesses, they are siphoning money out, corrupting Government officials, colluding with police and making attempts to kill officials as well’ (*Pacific Islands report 2005*).

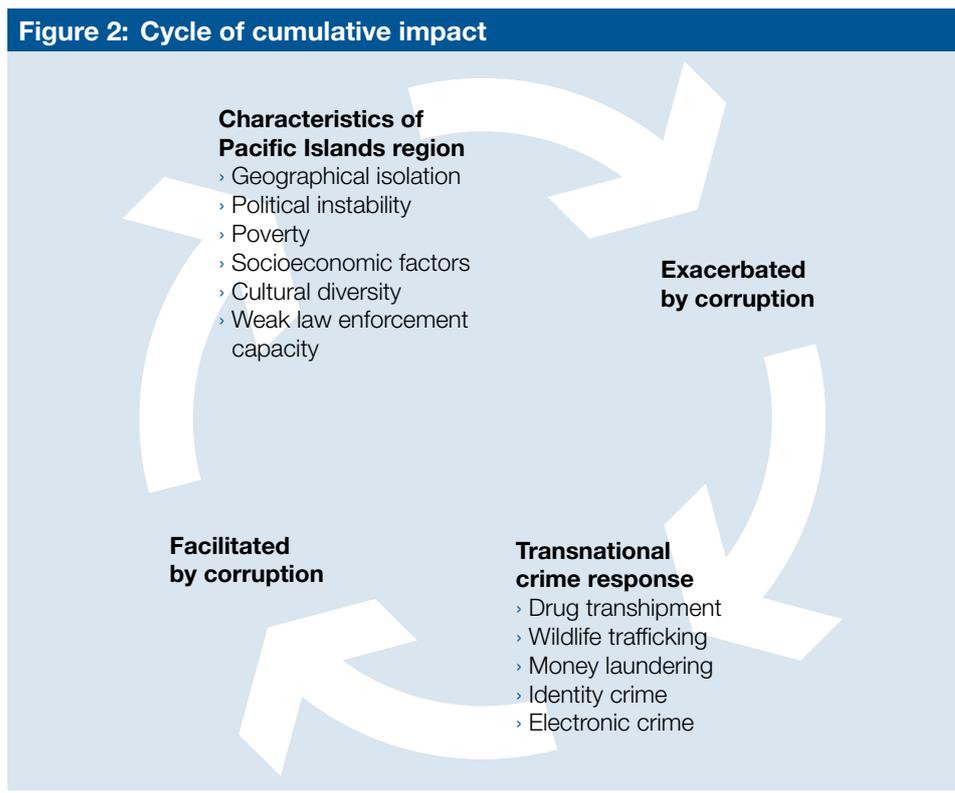
Confusion and/or disagreement within the Pacific Islands concerning the definition and relative importance of corruption abounds (Larmour 2005a; 2005b; Larmour & Barcham 2005). Where corruption might be regarded culturally as the bestowing of gifts rather than as a method for obtaining favours (Findlay 2003) the propensity for its use by transnational crime groups increases. Payments to officials in connection with the issuing of work permits, visas, citizenship certificates and passports have been identified in Papua New Guinea, the Solomon Islands, Vanuatu and Fiji (Skehan 2005; *Jane’s foreign report 2005*). In January 2005, the Solomon Islands Minister for Provincial Government and Constituency Development, Clement Rojumana, was arrested on 25 charges of official

corruption concerning the granting of citizenship certificates (Pacific Magazine 2005). Particular sectors of, and activities within, the Pacific Islands are deemed to be at more risk of corruption than others and these include the trade in so-called ‘tokens of sovereignty’ (Findlay 2003), including passports (Transparency International 2004).

**Money laundering, identity and electronic crime**

Weak banking systems, strong secrecy laws and the provision of offshore financial services have historically made the Pacific Islands region a target for increased money laundering activity (UNODC 2003a). In 2005, however, there are no longer any Pacific Island states on the Financial Action Task Force’s Non-Cooperative Countries and Territories list, Nauru having been recently removed following the closure of some 400 shell banks and the introduction of a number of legislative reforms (Financial Action Task Force 2005). However, the state of anti-money laundering capacity in the region is debatable.

The Asia/Pacific Group on Money Laundering’s Typologies Working Group (APG: 2005) has begun the process of examining the region in relevant jurisdictional categories in order to better understand the diversity and complexity of money laundering trends. Seven of the nine Pacific members of the APG (including Australia and New Zealand) provided reports detailing examples or case studies of methods and facilitation activities under 24 categories identified by the report as constituting trends in the Asia-Pacific region as a whole. It was noted that Samoa, Niue, Republic of the Marshall Islands and Vanuatu could provide no information on any activity. The Cook Islands could provide information on three activities, Fiji on 11, and Palau on eight. As a point of reference, Australia provided information on 18 and New Zealand 15.



Jurisdictions were then asked to identify money laundering trends, including notification of research or studies undertaken to assist in that process, via a dedicated pro forma. Fiji and Vanuatu failed to use the pro forma and thus no applicable information could be discerned. The Cook Islands and Marshall Islands failed to provide any information on any trends and had not undertaken any research. Palau had noted two emerging trends but had not undertaken any research.

The use of underground banking systems to launder money may become an issue given the prevalence of MIRAB economies (that is, those in which migration, remittances, aid and bureaucracy are deemed central to a country's socioeconomic system) in the Asia-Pacific region and in the Pacific Islands region in particular (Connell & Brown 2005). Legally transferred remittances to the East Asia and Pacific region in 2004 accounted for 17.5 percent of the estimated global total of \$US125.8 billion (World Bank 2005). It has been suggested that a far greater proportion of remittances continues to flow through unofficial, informal channels (Sander 2003).

In the East Asia and Pacific region, remittances in 2004 were approximately \$US20.3 billion, up \$US7.4 billion since 2001 (World Bank 2005). In Tonga, for example, in FY 2002, remittances accounted for 50 percent of GDP, with 75 percent of all Tongan households reporting receiving remittances from overseas (Small & Dixon 2004). The fact that 'Pacific island countries have yet to develop policies that send more remittances through official rather than informal channels [and that]...there has been virtually no concerted effort by any government to offer incentives for migrants to remit more through official channels' (Connell & Brown 2005) suggests the possible use of alternative remittance systems. Curiously however, when asked to confirm whether there was evidence of underground banking services/alternative remittance services

being utilised, Palau alone did so (APG Typologies Working Group 2005).

The evidentiary problems that beset the discovery and assessment of identity-related crime generally apply equally, if not more so, in the Pacific Islands, where law enforcement capacity is relatively poor and currently focused upon the provision of essential policing services (Pacific Islands Forum Secretariat 2004). There is a particular concern in relation to identity fraud given the propensity of transnational crime groups to use it to facilitate other forms of transnational criminal activity. This fact, coupled with the ready availability via corruption of breeder documents such as passports, renders the issue a crucial one (Boister 2004).

Transnational criminals now routinely use computer networks and systems in the commission of crime. Similar utilisation in the Pacific Islands may have serious effects given that most Pacific Islands nations do not have pertinent computer-related legislation, the essential investigatory tools to trace transnational criminals operating in the cyber environment, or the requisite personnel to undertake dedicated investigations (Evans 2004).

### **Trafficking: illicit drugs, people, arms and wildlife**

Evidence of transnational crime *per se* in the Pacific Islands is often obtained from one common point of reference, that of drug trafficking and principally the transshipment of drugs through islands such as Fiji, Tahiti and Tonga (UNODC 2003a; DEA 2004). The extent of such transshipment remains unclear (UNODC 2003a; International Narcotics Control Board (INCB) 2004) although it is posited that drugs are transported primarily via existing commercial sea and air transportation routes and/or non-commercial vessels, with the drugs possibly being secreted on one of the numerous uninhabited islands of the Pacific region (UNODC 2003a).

Drug transshipment may also be facilitated by the lack of a universal legislative approach to drug trafficking. In relation to the three counter-narcotic treaties (*Single Convention on Narcotic Drugs 1961, Convention on Psychotropic Substances 1971 and United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988*) it is instructive to note that Kiribati, Nauru, Niue, Tuvalu and Vanuatu are not parties to any of the treaties. The Solomon Islands is a party only to the 1961 convention, Samoa to the 1988 convention and the Marshall Islands, Palau and PNG to both the 1961 and 1971 conventions (INCB 2005). However, the existence and/or movement of illicit drugs in and/or through the region does not necessarily indicate full ranging transnational crime *per se*.

The potential for drug transshipment through disparate island groups such as those in the Pacific region may be readily seen in the Caribbean. The geographical location of the Caribbean islands adjacent to major shipping routes and their geographical remoteness renders them a natural trafficking transshipment point into the United States and Europe (Bethel 2003). Equally, in the Northern Pacific, the Commonwealth of the Northern Mariana Islands (CNMI) appears to be a smuggling hub for illicit drugs, particularly crystal methamphetamine, sourced from Asia, Hawaii and the United States and distributed by a number of criminal groups, namely the Chamorro, Chinese, Filipino, and Japanese, in addition to local residents, within the CNMI (National Drug Intelligence Centre 2003).

Factors thought to contribute to the susceptibility of the Pacific Islands to illicit drug activity include the geographic proximity of the islands to East Asia and South America and the generally isolated nature of the islands' coastlines. Illicit drugs production in the Pacific Islands is believed to be limited in scope and/or scale. The exceptions to this are the methamphetamine-related seizures in Suva (referred to above) and cannabis

which has been observed growing in a number of countries including Fiji, PNG, Federated States of Micronesia, Samoa and Tonga. PNG, Fiji, Palau, Samoa and Tonga are known for the illicit commercial cultivation of marijuana (UNODC 2003a).

Early reports (United Nations Drug Control Programme 2001) suggested the presence of criminal syndicates outside the Pacific Islands region rather than within it (a position echoed more recently by Boister 2004; DEA 2004; Oakley 2004). However, a Tongan syndicate based in Hawaii has been connected to the trafficking of cocaine (UNODC 2003a) and there have been indications (undisclosed) of the establishment of crystal methamphetamine laboratories in the region by Asian drug trafficking groups (DEA 2004).

The most comprehensive review of the global nature of trafficking in human beings, the *Trafficking in persons report* (US Department of State 2005) does not include any Pacific Island states in its review. Indeed, there appears to be little evidence of trafficking into or out of the South Pacific (UNODC 2003b) although there have been suggestions that the islands may provide a stepping stone for those wishing to enter Australia with the cooperation of transnational crime syndicates (Skehan 2005). The possibility of people smuggling is seemingly a real one with the Foreign Minister of PNG estimating that 10,000 illegal immigrants (largely Chinese) have been smuggled into his country (Forbes 2005).

Arms trafficking, in contrast to illicit drugs, appears to be largely confined to a small area – that is, PNG via the movement of arms from Southeast Asia and the PNG/West Papua border (Alpers & Twyford 2003). The number of illegal firearms being used in tribal disputes and criminal activity is rising but allegations of a firearms trade between American Samoa and Samoa and within Nauru, Niue and the Cook Islands are supported by anecdote but not evidence.

There is believed to be an extensive illegal trade in endangered species from the Pacific Islands which are deemed to constitute both a source and transit point for that trade (Pacific Islands Forum Secretariat 2003). A variety of export controls on wildlife exist in the region and those operating in the Pacific Islands tend to prioritise those species, the loss of which in an uncontrolled manner would deplete government revenue most severely. Thus, large-scale fisheries are more closely regulated than native birds and reptiles (TRAFFIC 2005). The rich biological diversity of the region and the relative lack of capacity within the islands to protect wildlife has led to the regular targeting of Oceanic flora and fauna (TRAFFIC 2005).

### Terrorism

There is divergent opinion and little agreement upon the susceptibility of the Pacific Islands to terrorism either as a direct target or indirect facilitator of attacks upon other countries. The Australian Strategic Policy Institute (2002) has suggested that PNG, the Solomon Islands and Vanuatu are potential havens for terrorist groups wishing to operate in the broader Asia-Pacific region. Conversely, some commentators suggest that in fact the islands are not riven with the degree of instability that would make them attractive and/or amenable to terrorist infiltration (FADT 2003; May 2004) whilst others have pointed out that in terms of generic problems and challenges such as poverty, transnational crime and aid dependency, the Pacific Islands region is similar to many others that have in fact experienced terrorism first hand (Council for Security Cooperation in the Asia Pacific 2003).

There are certainly indications of indirect terrorist activity through the use of flags of convenience. In October 2002, Croatian police seized a Tongan-registered vessel carrying explosives to Iraq. In September 2002, Italian authorities intercepted another Tongan-

registered vessel claiming it had landed 15 Pakistani al Qaeda members said to be planning strikes in Europe, and in the same year Israeli authorities captured 50 tonnes of Iranian source weapons destined for the Palestinian Authority from a Tongan-registered ship in the Red Sea (Renton-Green 2002).

### Conclusion

Transnational crime activity in the Pacific Islands is rendered easier by the absence of government and law enforcement capacity. However, even if capacity is increased and improved, transnational crime will not simply vanish. It will, as evidenced by the experience of advanced industrial nations, simply become more complex, more diverse and more adaptable. The ability to deal with enhanced transnational crime issues will depend upon effective law enforcement and criminal justice infrastructure. These in turn depend upon mitigation of economic, social and governance issues.

Of greater importance than establishing the nature and level of transnational crime in the Pacific Islands is the need to understand the role and impact of facilitating factors such as corruption, document fraud, identity theft and money laundering. A failure to mitigate these factors will ensure that the islands remain attractive conduits for transnational criminal activity.

There is a need for further research on the infiltration of transnational crime in the Pacific Islands. In the public domain, evidence to assess the scale and nature of actual activity is lacking. In broader terms, it is important to continue to examine transnational crime in the Asia-Pacific region as a whole, so that displacement of transnational crime to the less well-prepared Pacific Islands might be understood and anticipated more readily. Equally, it will be important to monitor increased efforts throughout the region to improve law enforcement capacity including the impact of the PTCCC in Fiji and the Pacific Transnational Crime Network.

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