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Transnational and organised crime in Pacific Island Countries and Territories: Police capacity to respond to the emerging security threat

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Transnational and organised crime is supported by complex and multilayered networks that are mobile, well-resourced, and strategically coordinated, enabling them to operate across international borders (Dandurand 2007, Le Mièr 2011) and making them a major threat to global security (Goldsmith and Sheptycki 2007, UN Office on Drugs and Crime (UNODC 2016). Many argue that such crimes are primarily opportunistic, facilitated by global connectivity and the potential for large profit margins (Madsen 2009). The perpetrators may assess opportunities for profit against the risks of detection, investigation, and prosecution by local, regional and international law enforcement agencies. In doing so, they weigh the perceived capabilities and limitations of such agencies and their likely willingness – or reluctance – to engage in complex and costly transnational investigations (Dandurand 2007, Williams and Godson 2002).

Dialogue among scholars and practitioners about transnational and organised crime in Pacific Island Countries and Territories (PICTs) often only scratches the surface of the multifaceted nature of the threat posed to many small countries in the Pacific. PICTs are characterised by large geographic areas largely of ocean, porous maritime borders, and relatively small populations scattered across multiple islands. For criminal enterprises, the relatively low risks of detection of transnational and organised crime in this environment, along with its profitability, contribute to the growing attractiveness of the region as a potential crime hub.

Adding to these challenges, policing organisations in many PICTs are often under resourced (McLeod 2009). The complexity of transnational and organised crime makes it notoriously difficult to detect, monitor, investigate and respond effectively to the illegal activities involved even for well-resourced police organisations. In PICTs, the challenges are exacerbated by the vast geographic expanses of ocean and the limited resources available for patrolling it. For many PICTs, the legal systems are not well equipped to deal with the magnitude or types of crimes taking place within their jurisdictions (Schloenhardt 2009). Some crime classifications are yet to be included in local legislation, further limiting the extent to which they can be adequately addressed. Organisations thus encounter myriad challenges in their attempts to mount appropriate responses to new and emerging threats. Dialogue at the regional level has raised questions about the response capacity of security service providers – including customs, immigration, and police – to deal with current and emerging transnational and organised crime threats. This paper considers the nature of the threats, existing legislation, policing resources and Pacific specific approaches to capacity development. We conclude that, to be most effective, capacity development must be led by the

PICTs and undertaken in light of a nuanced understanding of existing capacities and limitations within the region.

The threat of transnational and organised crime in the Pacific

Limited data exist on transnational and organised crime in the Pacific region. However, available sources suggest several prominent areas of concern, including: environmental crimes related to illegal fishing and resource extraction; sex trafficking, which is associated with resource extraction industries, such as logging; and trafficking in illicit drugs and their precursor chemicals (UNODC 2016). News reports suggest that shipments of illicit drugs facilitated by mafia style groups and destined for the ‘lucrative markets’ of Australia and New Zealand are finding their way into PICTs (see Lyons 2019), leading to forecasts of increased drug use (including of methamphetamines), financial crimes, organised motorcycle gangs, deported individuals with a history of criminal activities outside of their home country, and cybercrime (Holloway 2020).

Legislation around transnational and organisational crime

The sanctioning of key international legal instruments and alignment of domestic legislation with these instruments has been identified as key to addressing transnational and organised crime across the Pacific region (UNODC 2016). A key turning point in recognising the need for new legislation occurred in 2004 in Fiji when a multinational investigation – Operation Outrigger – culminated in the seizure of the largest drug manufacturing lab in the Southern Hemisphere. The lab had been established in Fiji by members of the triad gang – reportedly from Hong Kong and Malaysia – to produce purified methamphetamine, or ‘ice’ (Sunday 2005). The lab premises contained extremely volatile chemicals and reportedly had a potential explosion radius of up to 300 metres (ibid) – demonstrating the need for updated legislation to address the banning of precursor chemicals as well as the drugs that they produce. Fiji is reviewing its Illicit Drug Control Act, which will be presented to Parliament in 2020/21 alongside a National Narcotics Strategy that seeks to address the social and economic harms related to drug trafficking and usage in Fiji (Kumar 2020).

Country specific legislative capacities differ and, for many PICTs, legislative reform remains a work in progress. In 2016, Papua New Guinea (PNG) customs officers publicly raised concerns about the inability of the PNG’s law enforcement agencies to prosecute drug cases in PNG due to weak legislation. Financial, administrative and staff

challenges have prevented the development of national drug control measures in PNG – among the PICTs in which the possession and supply of some synthetic drugs and their precursors is not criminalised (UNODC 2016). Support has been provided to engage in necessary legislative reform. For example, in PNG, a Controlled Substance Bill was drafted in 1998 with the assistance of a United Nations Development Programme (UNDP) advisor. The bill was not, however, adopted.

The extent to which governments and organisations prioritise addressing transnational and organised crime differs across the region. In some instances, reforming legislation to address transnational and organised crime is not a priority – perceived as an externally imposed, rather than an internal concern. The non-prioritisation and low prioritisation of transnational and organised crime at the government level impacts on policing policies and the organisational capacity to respond. In some jurisdictions, this means these crimes are not yet formally identified in legislation, constraining law enforcement officers' abilities to respond. For example, online fraud is categorised as theft for immediate response purposes. The Cyber Safety Pasifika program aims to address this issue by increasing police capacity to enforce laws and investigate and prosecute relevant crimes (AFP, 2018). The program also aims to strengthen legislation in line with international standards (AFP 2018, Cyber Safety Pasifika 2019).

Police organisations: Resource considerations

PICT police organisations are a primary subset of each country's security apparatus. All PICTs have police services or forces that are affiliated with other internal and external bodies and employ a multilayered approach to transnational and organised crime involving local, regional, and international partners working across multiple agencies. Existing local and regional networks include: 28 locally staffed Transnational Crime Units (TCUs) in 20 PICTs (AFP 2019); the Transnational, Serious and Organised Crime (TSOC) Pacific Taskforce; the Pacific Transnational Crime Network (PTCN); and the Pacific Transnational Crime Coordination Centre (PTCCC). These regional networks are supported by Australia and New Zealand. Additionally, the Pacific Islands Chiefs of Police partner with organisations such as Oceania Customs Organisation, the Pacific Immigration Development Community, the Pacific Islands Law Officers Network, the Asia-Pacific Group on Money Laundering, and the Pacific Islands Forum Fisheries Agency. This proliferation of agencies suggests the necessary architecture is in place to support increased cooperation on transnational and organised crime and the strong need for partnerships. The contextual applicability of the edict for these agencies, their legitimacy among intended stakeholders and the extent to which they are able to operate as intended are, however, likely to vary.

The existence of multiple agencies focused on the same or closely related issues may, however, reflect a duplication of efforts and resources and may strain already limited or scarce resources. The scarcity of resources highlights a

need for better efforts and coordination of agencies – and improved cooperation and collaboration – to increase chances of effectively addressing transnational and organised crime. Compounding these challenges is the substantial gap in information on transnational crime in the Pacific (UNODC 2016) which in turn inhibits development of evidence based approaches to prioritise the allocation of limited resources.

Despite the challenges of creating effective regional partnerships, the need to do so has been strongly affirmed and reinforced by the member countries of the Pacific Islands Forum. The Boe Declaration on Regional Security cites transnational crime – along with human security, environmental and resource security, and cybersecurity – as four key challenges to the Pacific (PIFS 2018). The Boe Declaration and associated Action Plan adopted by the member countries of the Pacific Islands Forum align with the UN Sustainable Development Goals (specifically SDGs 8, 14,15,16) that address enhanced cooperation, information and intelligence sharing – between law enforcement at both national and regional levels – and the ratification and implementation of relevant international conventions on transnational crime such as the Palermo Convention. The Boe Declaration and Action Plan also propose strengthening anti-money laundering mechanisms and combating corruption by public officials.

Cooperation and information sharing across agencies remains, however, a work in progress. Some smaller countries have reported a one sided arrangement favouring larger and better resourced partners. Joint operations between national jurisdictions can become an exercise in selective intelligence sharing, justified by partners on the basis of information security concerns. In one recent case, a two year investigation was carried out on a planned drug import to Australia from PNG. The investigation involved the Queensland Joint Organised Crime Task Force, which included state and federal policing agencies, and the Australian Federal Police Criminal Assets Confiscation Taskforce in collaboration with the Royal Papua New Guinea Constabulary (AFP Media 2020). While the investigation resulted in the seizure of over 500 kilograms of cocaine in PNG and prosecutions of people involved, it is unclear how much intelligence sharing took place in practice, given concerns about intelligence being leaked to PNG elites with criminal connections (Vaka'uta 2020). Additionally, challenges arise when governmental organisations – such as police services – make use of generic yahoo or gmail accounts which may lack security features needed by organisations working with sensitive information. For PICTs, adopting measures to improve the security of communications would help to facilitate more equitable information – and intelligence sharing arrangements.

Although transnational and organised crime has often been regarded in PICTs as part of an externally driven policing agenda (McLeod 2009), some evidence suggests it is increasingly part of an internally recognised agenda by PICTs. For example, following discussions at the Pacific Islands Chiefs of Police Meeting in Nauru in August 2018, the Transnational, Serious and Organised Crime (TSOC) Pacific Taskforce was launched in February 2019, through the signing of a memorandum of understanding between the

Australian Federal Police, New Zealand Police, Fiji Police Force, and Tonga Police. The purpose of the TSOC Pacific Taskforce is to increase targeting capabilities, improve sharing of operational intelligence, and strengthen cooperation to conduct expanded and complex investigations. The TSOC goals include enhancing information sharing between participants of the PTCN, PTCCC, and respective TCUs (AFP 2019). Fiji has also signed a memorandum of understanding with Indonesia's Narcotics Bureau to facilitate intelligence sharing – building on earlier agreements with Indonesia to provide training and information sharing (Kumar 2020).

Pacific specific capacity

Organisational capacity to respond to transnational and organised crime varies in PICTs, with some countries more reliant than others on support from external partners (Watson 2020). Many smaller countries across the region lack the capacity to conduct investigations and intelligence gathering, and some outlying islands and villages have limited immediate access to local police (Boswell 2010). Limited capacity for maritime surveillance, a dearth of technology to facilitate crime detection, and a lack of exposure to new and emerging crimes also leads to reliance on external bodies to compensate for shortfalls in skill sets.

Police capacity development programs have been ongoing in PICTs for many years. These programs have primarily involved deployments of Australian and New Zealand police to PICTs to act in an advisory capacity or work alongside Pacific police to develop leadership skills and deliver general and specialised education and training. Large scale programs, such as the Regional Assistance Mission to Solomon Islands (RAMSI), have also included police from fellow PICTs (Putt et al. 2018). Smaller targeted programs have been facilitated by the Pacific Islands Chiefs of Police along with initiatives led by New Zealand Police – such as Pacific Prevention of Domestic Violence Programme (PPDVP), Partnership for Pacific Policing (3P) – and initiatives led by Australian Federal Police such as Pacific Police Development Program-Regional (PPDP-R), Cyber Safety Pasifika and the Pacific Forensic Working Group. In 2019, New Zealand deployed additional police officers to provide training and technical assistance as part of a New Zealand–Tonga–Australia jointly funded program to combat transnational crime. The Australian Defence Force has a Pacific Maritime Security Program, which includes the provision of 21 new patrol boats to PICTs (and Timor-Leste) and integrated regional aerial surveillance (Department of Defence 2018). Training support is also provided in the form of specialist senior officers working with local officers in-country, and officers travelling to China for specialist training (Kumar 2018).

Responding to transnational and organised crime requires organisational commitment to current as well as anticipated threats. At times, an external focus on transnational and organised crime has not reflected the needs identified within PICTs (McLeod 2009, Watson 2020) and strained resources necessitate that priority is given to immediate threats and/or to adjusting to external

stakeholder or government imposed priorities (Watson 2020). Natural disasters such as cyclones and, more recently, the COVID-19 pandemic, have revealed the level of organisational agility required. With scarce resources, it is not surprising that for some Pacific countries, addressing immediate needs takes precedence over engaging in organisational planning and preparation, particularly if threats are deemed comparatively low risk. However, a lack of planning and preparation can impact the establishment of bilateral and multilateral agreements; result in cooperation imbalances; and impede the development of contingency measures (Department of Defense 2019, Watson and Dinnen 2020, Watson 2020). Notably, Fiji, Tonga, and Papua New Guinea are actively deploying resources to address high risk threats to the region.

The issue of conflicting priorities between aid donor and recipient countries also presents challenges for police organisations (Dinnen and Peake 2013, Law and Development Partnership 2013). These include a lack of flexibility to adapt to local needs and contexts, the imposition of external political priorities, and a lack of autonomy and control for local recipients. Police in PICTs must simultaneously navigate their organisations capacity development priorities and donor and political sensitivities (Allen 2006, Boswell 2010, ANU Enterprise 2007, Cox et al. 2012). Collaborative approaches and mutual agreement on the aims of police development programs and how their achievement will be measured is essential, although it is inherently complex (Peake and Dinnen 2014).

On the one hand, PICTs benefit from international assistance through training and upskilling of staff to respond to transnational and organised crime (Australian Federal Police 2016). On the other hand, the challenges of identifying the most suitable people for these training opportunities, retention of trained employees, and local opportunities to use these new skills complicate national efforts. Smaller countries may find it more feasible to depend on external support to compensate for shortfalls in their resources – compounding their reliance on foreign capacity while maintaining a low level of local capacity. It may be more useful in the longer term to invest in local capacity development, despite a lack of perceived immediate need. This issue is, however, complex because limited local resources must often be diverted to address immediately pressing issues. The complexity of addressing transnational and organised crime, coupled with the resourcing and geographical constraints in the Pacific region, combine to make a strong case for regional approaches.

Conclusion

Regional capacity building for transnational and organised crime must align with the needs of police organisations, and recognise the nuances of current capacities and constraints. Regional collaboration requires honest and open dialogue at national and regional levels. Capacity development discussions with larger partners – such as Australia – need to be clear about how the resources for building capacity to respond to transnational crime will impact on operational capacity in other areas. These discussions need to be

culturally appropriate and context specific, recognising the differences within and between PICTs.

Financial resources and feasibility issues continue to loom as deterrents to improving existing, or developing new, prevention and response capacity. Corruption and the potential for political gain from organised crime loom large (Watson and Dinnen 2020). Essential to addressing crime effectively, is a long term vision, planning that involves key stakeholders with a focus on local stakeholders, and co-ordination of efforts across agencies. Understanding the complexity and nuances of these challenges is a necessary starting point for making further inroads into the capacity development and collaboration needed to address transnational and organised crime in the Pacific region. This understanding is a starting point for thinking about ways to explore contingency measures and develop stronger bilateral and multilateral agreements on mutual legal assistance and regional law enforcement cooperation.

A wealth of regional forums such as the Pacific Islands Forum (PIF) and the Pacific Islands Chiefs of Police (PICP) already exist, along with other regional bodies with a vested interest in protecting the Pacific from transnational and organisational crime threats. The idea of Pacific-led demand for capacity development at the regional level – within existing networks that facilitate resource sharing – is at the heart of improving regional response capabilities. These regional organisations enable the necessary dialogue at both national and organisational levels by way of existing platforms. Key elements of success in bolstering the capacity of local law enforcement to address crime threats will build greater linkages between Pacific law enforcement and other relevant agencies and build the necessary supporting systems within the health, education, and social service sectors to support communities and individuals.

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