

Small Arms in the Pacific: An Overview of the Issues

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In the last two decades, a series of events around the South Pacific has highlighted problems with small arms and light weapons. Coups in Fiji, armed conflicts in Bougainville, New Caledonia and the Solomon Islands, mutinies by Vanuatu's paramilitary police force, and several tense standoffs between the military and the government in Papua New Guinea (PNG) have all raised troubling questions about the control and misuse of firearms in the Pacific Islands.

Partly in response to concerns about this violence, there has been a growth in research about the control of firearms in the region. Two studies have surveyed the licit and illicit trade and production across the region.¹ There have been several country studies as well as attempts to use participatory research methodologies to examine the drivers of gun violence.² This paper summarises some of the key findings of this research. It focuses in particular on three issues: the adequacy of existing firearms regulation in the region, the scale and nature of illicit transfers of small arms, and the need to promote better stockpile management by regional police forces and militaries.

Firearms laws

There is widespread debate about the effectiveness of gun control legislation in controlling the misuse of firearms. Advocates of gun owners' rights believe that gun regulation does little to deter crime or improve gun safety. They assert that legislation only imposes cumbersome rules and fees on law-abiding citizens, without having any affect on criminals who possess illegal weapons. In contrast, proponents of gun controls believe that requirements such as the registration of weapons, prohibitions on owning certain classes of firearms and limits on ammunition are common sense rules that make for a safer society. My own research does not seek to revisit this debate, but rather assesses the adequacy of legislation in the Pacific by looking at the internal consistency of laws and how well legislation complies with international obligations agreed to by regional governments.

¹ David Capie, *Under the Gun: The Small Arms Challenge in the Pacific* (Victoria University of Wellington Press, Wellington 2003); Philip Alpers and Conor Twyford, *Small Arms in the Pacific* (Small Arms Survey, Geneva, 2003)

² Carol Nelson and Robert Muggah, *Disarming the Solomons: An Evaluation of the Weapons Free Villages* (Small Arms Survey, Geneva, 2004); Robert Muggah, *Reconsidering Small Arms Survey in the Solomon Islands* (Policy Briefing for the UNDP, 2004); Robert Muggah, *Diagnosing Demand: Assessing the Motivations and Means for Firearms Acquisitions in the Solomon Islands and Papua New Guinea* (Small Arms Survey, Geneva, 2004)

In general firearms legislation in the South Pacific is reasonably sound, but some areas need to be strengthened. Most regional states have common restrictions on prohibited weapons and their laws address central issues such as registration and safe storage. Informal practices are often more restrictive than the letter of the law requires. In some jurisdictions, however, legislation has not been reviewed or updated for some considerable time. Penalties have been devalued over time by inflation and their deterrent effect has diminished. They often vary enormously between regional states. Increasing convergence in the criminal penalties for firearms offences across the region is important in deterring arms traffickers from using the Pacific as a transit point.

In some instances there are also loopholes and inconsistencies in gun laws. These include ambiguous requirements for the marking and safe storage of weapons and poorly specified criteria for licensing. For example, while several Pacific states require a person to have a "good," "substantial," or "lawful" reason for possessing a firearm, they do not adequately define what these reasons might be. Similarly, while many statutes require that a person must be "fit and proper" or not of "intemperate habits" or "unsound mind" to receive a firearms license, these terms are not defined. Many states do not require any background checks that could provide information as to the suitability of an applicant. In such cases, decisions are left to the discretion of officials. Ideally, discretion permits a sensible degree of pragmatism and flexibility, particularly in very small states where the authorities know most applicants personally. However, in practice, a lack of clear regulations can open the door for corruption or neglect.

Much of the action taken by regional governments has focused on improving gun controls, for example through the Nadi Framework and the Pacific Islands Forum's model legislation. But while this is worthwhile, changing laws will not in itself resolve many of the Pacific's most pressing problems with small arms. Interviews with police and customs officials around the region suggest that inadequate legislation is not the most significant obstacle preventing the control of firearms and ammunition. Rather, the biggest problem seems to be the implementation and enforcement of existing laws. Sometimes this is simply a matter of other priorities or neglect by law enforcement personnel, but generally it needs to be seen as part of the growing problem with shrinking resources and the lack of state capacity in the Pacific.

Many governments simply do not have the money to invest in strengthening their police or customs services. Indeed, in the past several years there have been cutbacks in spending on these services in several Pacific states. Low salaries and poor resources undoubtedly lower morale and in some cases provide an opening for corruption. Some states have recognised the need to maintain central, computerised registers of firearms, but need assistance to put such a system in place. Other regional governments lack the necessary legal expertise to draft improved regulations.

If the small arms challenge in the South Pacific is to be addressed in an effective fashion, dealing with legislative loopholes will be just one part of the solution. Regulatory reform needs to be made part of a broader agenda for promoting sustainable economic development, good governance, and law and order in the region. This will require a long-

term commitment on the part of regional states and major development assistance providers outside the region.

Illicit Trafficking

The second aspect of the small arms agenda that has received attention in the Pacific concerns illicit trafficking. The smuggling of illicit firearms is not new to the region. There have been several cases in the two decades years where significant quantities of illicit military weapons have been smuggled into the region. Several tons of Soviet-made arms were shipped to Fiji in April 1988, where some were distributed. A few weeks later, a large consignment of weapons en route to Fiji from Yemen was interdicted in Australia. New Zealand authorities seized shipment of automatic weapons and ammunition bound for New Caledonia in 1985.

In addition to these incidents, there is a steady transnational illicit trade involving much smaller numbers of weapons. Trafficking takes place across the Torres Strait between Australia and PNG, as well as between PNG and West Papua, and PNG and the Solomon Islands. There is evidence that weapons are also being shipped from Bougainville into the Solomons and the Highlands of PNG. Estimates of the size of this illicit trade vary significantly. Despite alarming newspaper reports warning that "thousands" of military weapons are being smuggled, the evidence suggests many of these claims are exaggerated.

While it is difficult to estimate with any degree of certainty the size of an illegal enterprise like weapons trafficking, an assessment of data collected by the Oceania Customs Organisation (OCO) alongside other sources of information permits us to draw some cautious conclusions. First, based on the available information, the total volume of firearms moved in an illegal fashion *between states* in the region is quite small. If the Torres Strait is one the busiest routes for arms smuggling, as is frequently alleged, the reported seizure of just 17 weapons in all of 1997, suggests the overall scale of the arms trafficking operations is not large. Similarly, if the seizures reported by regional customs services netted only 5% of the total number of illegal weapons being transferred, there would be no more than several hundred weapons moving annually between regional states. Most of these arms are not military weapons, but "civilian" firearms such as .22 rifles and shotguns. In many cases, these incidents were caused by ignorance and misunderstandings of local laws, rather than an attempt to undermine a country's security.

While extravagant claims are made about an active "guns for drugs" trade between PNG and Australia and there are periodic rumours of containers of military arms being shipped through the region, these appear to be exaggerated and sometimes unsubstantiated. It is notable that, with the exception of the Sandline weapons imported into PNG, not a single large seizure of weapons was reported anywhere in the region during the period 1995-2001. This is despite the outbreak of serious fighting in the Solomon Islands, a coup in Fiji, and ongoing violence in Bougainville. Most seizures that were made were generally from individuals, not organised groups, and according to one customs official, there is no

evidence of “sophisticated or professional importation” of weapons anywhere in the region.

Second, it seems the market for imported illicit firearms in the Pacific is small. Apart from the resource rich Highlands of PNG, few people in the region have the money needed to pay for imported modern weapons. Rather, an examination of countries where there are ongoing problems with firearms suggests that most illicit military weapons in circulation are sourced from within the state, in particular from law enforcement stocks. In PNG many illicit arms used in crime or tribal fighting are sourced from police or PNGDF armouries. In the Solomon Islands, almost all of the military weapons that were used in the recent conflict came from raids on a small number of police stations. In many parts of the Pacific, it is much easier and much cheaper to acquire illegal military weapons locally, than it is to import them.

Although the illicit trade in military small arms appears to be very small, this is no reason for complacency. First, as the Fiji and New Caledonia examples show, large scale smuggling of weapons into the region has happened before. If someone is determined to import illegal military weapons, purchase and delivery can be arranged, even to some of the more remote parts of the region. If another conflict was to break out in the region and allowed to drag on, it is quite possible that established international illicit arms dealers would attempt to supply a demand for weapons.

Second, even if the total number of weapons moving in the region is small, just a few dozen weapons could potentially have a significantly destabilising influence in the Pacific. As one analysis of South Pacific security notes, “While there is insufficient wealth to make the South Pacific an attractive market for drugs or illegal firearms, a relatively small amount of money or quantity of weapons can have a disproportionate effect.” Many members of the Pacific Island Forum are weak states, and are particularly vulnerable. In several societies there are grievances about inter-group relations, economic inequality and land that could potentially spill over into conflict. Easy access to weapons in those situations might make the difference between a dispute being settled by peaceful or violent means. Nowhere is this more evident than the Solomon Islands, where the loss of control over just a few hundred military firearms led to violence, a coup and destroyed the country’s economy.

Disciplined Forces?

The porous nature of national borders and the fragility of many Pacific states means that we need to be alert to the possibility that illicit weapons shipments could be imported into the region from outside suppliers. But we also need to acknowledge that as of now, the largest concentrations of military small arms and ammunition in each PIF state are in the hands of their military and/or police forces. How securely they store those weapons and how disciplined they prove to be in the management of their arms and ammunition, will be an extremely important factor in determining the extent of the small arms challenge to the Pacific in the future.

Improving stockpile management and armoury security is of critical importance in the Pacific. To be effective it will require a comprehensive strategy. Regional militaries and police forces should conduct audits to ascertain precisely what types and numbers of weapons they have in their possession and where they are located. Surplus and obsolete weapons and ammunition should be identified and disposed of. The physical security of armouries and magazines must also be improved. Australia and New Zealand have invested millions of dollars in strengthening armouries across the region in recent years and have significantly improved the physical security of weapons. The strongest armoury, however, cannot prevent someone with a key from admitting a thief, or taking the weapons themselves. To prevent this, requires a broader strategy to instil greater discipline and professionalism in Pacific militaries and police forces.

Conclusion

At present, the Pacific is not plagued by the kind of illicit weapons flows that have affected other parts of the globe. Apart from parts of Papua New Guinea, the region is comparatively free from gun violence and armed conflict. However, the misuse and proliferation of illicit firearms is a growing concern. Weak state institutions and limited capacities to enforce existing laws means that the present situation cannot be taken for granted. The collapse of the Solomon Islands between 1998 and 2003 shows how quickly the uncontrolled circulation of a small number of weapons can reduce a country to near anarchy.

Effectively combating the growing small arms problem in the Pacific will require comprehensive and sustained policies by governments within in the region and help from the international community. Addressing the problem should begin with improved firearms laws, secure armouries and improved weapons controls, but it will ultimately require a long-term commitment to improving levels of governance and strengthening state capacity throughout the region.