

GROUP 2
PHASE 1

**CURRENT SITUATION OF ILLEGAL FIREARMS
TRAFFICKING AND HUMAN (WOMEN, CHILDREN, AND
MIGRANTS) TRAFFICKING**

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I. INTRODUCTION

The presence of transnational organized criminal groups in almost all corners of the world seems to signify that every State is fighting a losing battle against this scourge of the modern world. Problems arising from the activities of these syndicates in the commission of so-called “hard crimes” such as the trafficking of narcotics and psychotropic substances, firearms, and humans, as well as the newly-emerging “high-tech crimes” of money laundering, product counterfeiting, card fraud, and computer-related offenses, are shared by most countries. This report will attempt to show the current situation of the illegal trafficking of firearms and humans from a global perspective, with the end in view of arriving at a solution founded not only on individual but also, and more importantly, on international multilateral efforts.

**II. ILLEGAL FIREARMS
TRAFFICKING**

Guns are manufactured and distributed to serve the various needs of different groups of people. On the supply end, firearms are generally trafficked for profit: since their underground sale is unregulated, the suppliers have absolute control over their prices. There are times, however, when they are used as currency to purchase narcotics. Brazilian drug traffickers trade firearms for cocaine with terrorist groups from neighboring countries. Some guns in Papua New Guinea are also exchanged for drugs, and this is where transnational organized criminal groups make their presence felt.

Civil strife and a strong military presence likewise greatly contribute to the accumulation of firearms and ammunition in certain places. The proliferation of firearms in Nigeria is due largely to armed conflicts in that region. The first wave

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occurred in the wake of the civil war of 1967-1970, while the second wave came during the Peacekeeping Operations, particularly in the Economic Commission of West African States Monitoring Group Operations (ECOMOG). And while Nigeria used to be merely a transit nation, it has since been transformed into a primary user. There is, however, no relevant data linking illicit firearms to any particular transnational organized crime group.

In similar fashion, gun trafficking is very rampant in Tanzania due to civil wars in the neighboring states of Rwanda, Burundi, Uganda, the Democratic Republic of Congo, Mozambique, and Somalia, through Kenya. Between 1997 and 1999, some 1,716 people have been arrested in relation to firearms, 1,313 guns and 7,113 ammunition were seized, leading to the filing of 1,223 cases of firearms trafficking involving sub-machine guns, semiautomatic rifles, pistols, shotguns, AK-47s, and muzzle loading guns.

At other times, soldiers in countries that have experienced much internal conflict or wars find themselves with no meaningful employment and no use for guns at the cessation of hostilities. Cambodia and Vietnam had a surplus of guns after the war in that region. The military had guns, but they needed money, so they sold their guns at the Thai border, thus, creating problems for the Thai authorities. Only strict border checks controlled its spread, thereby drastically reducing Thailand's firearms problem.

From the demand end, guns support the illegal activities of organized criminal groups in countries like Brazil, Japan, Papua New Guinea, Tanzania, and Uganda. They are also used in terrorist or guerilla warfare, as what is happening in the Indian states of Punjab, Jammu, and Kashmir, and in Muslim Mindanao in the

Philippines. In fact, even Nomadic tribes in Karimojong, Uganda, have 200,000 guns, mostly from Somalia and Sudan. Two organized crime groups, the Allied Democratic Force and the Lords Resistance Army, also possess a large number of firearms. And if money is not enough, there are times when kidnapped children are traded for guns.

How, then, are firearms being trafficked around the globe? In Brazil, this is the main activity of frontier smugglers, mostly at the Brazil-Paraguay area, where firearms enter the black market. The Russian mafia, on the other hand, sponsors the importation of illicit arms to Brazil through the ports of Rio de Janeiro and Santos in São Paulo. In Papua New Guinea, firearms enter the community from Australia, Indonesia, and the Solomon Islands in container cargo vessels, light aircraft, fishing trawlers, and by individual couriers or through parcel ports. As an importer, the Philippines gets its guns mainly from the United States, and as a manufacturer, moves imported as well as locally crafted handguns to Taiwan, Japan, Malaysia, and other Asian countries. This is done either by misdeclaring the contents of cargo containers and sending them to a fictitious consignee, or by smuggling the firearms into non-commercial ports.

In regional trafficking of firearms, transnational organized criminal groups make full use of the unguarded borders of such countries as India, Malaysia, Nigeria, and Pakistan. India's long and porous border poses a major problem in monitoring and controlling movement of illegal firearms. And yet, firearms are transported not only by land but also by sea and air. Gun trafficking in India continues despite the existence of the Arms Act of 1959.

As in India, it is through penetrable borders where firearms find their way into Malaysia. The problem, though not serious, is compounded by the lack of control at the borders, making it ideal for arms smugglers. Because of the proximity of Muslim Mindanao in the Philippines, it is believed that illegal firearms are trafficked between these two countries by sea. Statistics show that in 1999, 247 pistols, revolvers, and shotguns were seized, with 250 people arrested. In 1999, Sabah police arrested 116 people and shot 15 others. The involvement of transnational organized criminals, however, has not been established. Some countries, like Laos and Nigeria, are merely transit points for the trafficking of firearms so that the long hand of transnational organized crime never actuary touches them.

The Japanese public is fortunate enough to be shielded from the influx of firearms, illegal or otherwise, by its firearms control system, as well as by the non-necessity of procuring firearms because of the lack of internal conflicts. Arid while guns were previously used only against criminal elements, in recent times, even ordinary and innocent citizens have been victimized. The boryokudan however, has no monopoly of firearms. Even the notorious Aum Shinri Cult, which was responsible for the fatal sarin gas incident in 1994, is involved in the illicit manufacture of firearms, such as AK-47s. Some of their firearms are reportedly smuggled from the Philippines.

III. HUMAN TRAFFICKING

Human trafficking, especially the trafficking of women and children, has lately been receiving much attention because of its human rights implications. But trafficking in humans is of two types: the first is initiated by the victim and is, therefore, voluntary, while the second is

totally involuntary.

The Chinese experience explains it best. Because of economic hardships or, perhaps, due to government policy, many Chinese want to leave the country in search of a better life. Some of them are able to gain lawful employment overseas. The problem begins when the authorized period of stay or employment expires and they opt to stay on as illegal migrants. The second situation, though rarer, involves, to a large extent, human smuggling. This occurs when prospective migrants who try but fail to obtain legitimate travel documents seek the help of triad societies and organized crime syndicates or "snakeheads" who are willing to provide them with forged travel documents for a very high fee. To pay these fees, they sometimes resort to drug trafficking, weapons smuggling, kidnapping, murder, robbery, blackmail or extortion, and even terrorism: They normally travel on long and unusual routes, under inhuman conditions, just to reach their destination, which is usually a progressive country like the U.S., France, U.K., Italy, Australia, or Japan. China, being a developed nation in its own right, also attracts illegal migrants. At present, however, China has no specific law on illegal migration or human smuggling.

Similarly, the problem of Japan is more on illegal immigration rather than human trafficking. There are instances when people seeking gainful employment in Japan but cannot do so legally solicit the help of transnational organized criminal groups to secure forged travel documents, find work, and enter Japan. In 1992, for example, among the persons deported by the Immigration Bureau, the number of persons who entered Japan illegally, that is, without a valid passport, was 3,459. Thereafter, the annual figure remained fairly constant until 1996, when illegal immigrants started to enter the country by

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sea. Thus, by 1999, the number of illegal immigrants has swelled to 9,337, with 6,281 individuals entering Japan by air the rest by sea. This shifting trend may be due to the difficulty in getting into the country through regular landing procedures. Among those who opt to enter Japan by sea, more ingenious methods have recently been uncovered, such as transferring from Chinese to Korean fishing vessels, traveling with forged documents aboard vessels of legal registry, hiding in the ship's secret compartments, and disembarking at non-commercial ports along the Japanese coast. Illegal immigration, particularly by Chinese nationals, is usually carried out with the assistance of the triad or "snake heads" in cooperation with the boryokudan.

In the past few years, there has also been a marked increase in the number of illegal migrants to Fiji, mostly women and young girls of Chinese origin. Investigations reveal that criminal organizations are responsible for transporting these illegal migrants to Fiji, with assistance from their Fijian counterparts and some corrupt Fijian authorities. Many of them initially enter Fiji on fishing vessels, jump into the water, before being picked up and transferred to smaller boats, as pre-arranged.

Personal economic gain also appears to be the common reason behind the trafficking of women from Brazil, Nigeria, the Philippines, Thailand, and Uganda. Trafficking of women in Brazil has intensified in the past few years, spurred by the socio-economic difficulties in the country. The high rate of unemployment is actually forcing women and adolescents into prostitution. Criminal organizations in Brazil take women to Europe and Asia, usually under the guise of giving them good jobs in a regular company, or in a dance group or show house, and/or in a prostitution house or striptease show.

Organized crime syndicates in Nigeria employ various tactics in human trafficking. They use education, gainful employment, or success stories to attract victims. At other times, they employ force, coercion, fraud, or deceit. In the end, the hapless victim is forced into prostitution, child labor, or even slavery. The average age of women trafficked into prostitution or slavery is 14 years.

Following global trends, there is a steady increase in the rate of trafficking of persons in the Philippines. The usual methods employed by transnational organized criminal groups are illegal recruitment and mail-order bride scheme, including cyber matchmaking (e.g., advertisements seeking marriage proposals from foreign males). These could only be perpetrated by local syndicates working with the help of foreign organized crime groups.

Women and children are the usual victims of human trafficking in Uganda. There is evidence that Ugandan children are abducted by Sudanese rebels, brought to Sudan and used not only in combat but are also sold into slavery to Sudanese Arabs or exchanged for guns. Through the years, over 10,000 children have been abducted and even as some of them have reportedly been released, around 6,000 are still missing. On the other hand, many women who leave Uganda for promised jobs in Europe or the Middle East end up being sold into sex slavery. To this day, some of these women attempt to return home but are unable to do so because they have no money and, therefore, cannot procure proper travel documents.

On a slightly different mode, India, Pakistan, and Thailand are similarly situated in that the main thrust of human traffickers in these countries is on sexual trafficking. The commercial sex trade in India is undoubtedly profitable. Fear of

AIDS is forcing syndicates to look for younger girls, with demands for virgins rising exponentially in the last few years. Thus, incidents of kidnapping of women and children in India as well as in other countries have steadily increased in recent times. The victims end up working as prostitutes, either in India or in other countries, notably in Arab countries.

Trafficking in women into and from Pakistan is now more prevalent and is actually getting worse. It used to involve mostly foreigners, but the internal trafficking of Pakistani women is on the rise, although there is insufficient proof of this. The prostitution of poor young girls has always been around, with very few being able to escape their fate even if they want to.

On the other hand, Thailand's problems in human trafficking take on many forms. Legal as well as economic reasons contribute to the problem. In desperate search of jobs abroad, young Thai women resort to small groups of illegal human traffickers with international connections. The high demand for prostitutes accounts for the continued profitability of the business. Some countries, like Laos and Malaysia, serve only as transit points for trafficking women en route to a third country for prostitution or forced labor.

IV. ANALYSIS

A perusal of the foregoing facts instantly reveals a uniformity in the reasons or causes surrounding the illicit trafficking of firearms and humans, as well as in the *modus operandi* employed by transnational organized criminal groups to consummate their acts. For some countries, such as India, Nigeria, Pakistan, Tanzania, and Uganda, and to some extent, Papua New Guinea and the Philippines, the use of firearms is integral to armed struggle,

thereby feeding the fire of internal strife or regional conflict. Transnational criminal organizations engaged in the distribution of firearms benefit the most from situations like these because of the ensuing breakdown of the social order. Less government restrictions mean more freedom for them to operate with impunity.

In Brazil and Papua New Guinea, firearms are also exchanged for illegal drugs. The symbiotic relationship between arms and narcotics dealers is all too evident that their activities often overlap, thus, creating a very deadly combination. Firearms are also the weapons of choice of terrorists. In India and the Philippines, terrorists are getting bolder as their firearms become more sophisticated than standard government-issued firearms.

As regards human trafficking, the most common reason for voluntarily venturing to a foreign land is the desire to simply earn a living. It must be noted that the favorite destinations of illegal migrants are the developed or highly industrialized nations like the U.S., Japan, Canada, Germany, France, and the U.K. Most women originating from Brazil, India, Nigeria, Pakistan, the Philippines, Thailand, and Uganda usually wind up as sex workers, servants, or abused homemakers.

Criminal elements prowling the globe for likely victims are becoming more and more creative, making it more difficult for the proper authorities, and the public at large, to detect their true intentions. They devise sterling success stories that would convince even the most skeptical foreign employment aspirant.

Others make use of a mail-order bride scheme to lure young women who wish to fast-track their dream of living in another country. Many young and educated Filipino women have fallen prey to this

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system. And if subtle persuasion fails, they can always resort to deception, coercion, and abduction.

IV. CONCLUSION

Illegal firearms trafficking and the trafficking of humans continue to be carried out in spite of intensified efforts by individual States to eradicate them. The methods utilized by transnational organized criminal groups to carry out such illicit activities are still evolving both in sophistication and in virulence. One of the best solutions in sight is the relentless development of equally innovative if not outright crafty countermeasures enforceable at the domestic as well as at the global level. The unwavering commitment of all members of the international community to assist and cooperate with each other will not only prove to be ideal but also indispensable.

The United Nations has been endeavoring to fight and eradicate transnational organized crime and, in fact, has been campaigning for the adoption of the three related Protocols on firearms, smuggling of migrants, and trafficking in persons for the establishment of an effective legal framework against transnational organized crime. A UN Global Programme Against Trafficking in Human Beings is also being launched worldwide. The target year of the *Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century* "for achieving a significant decrease in the incidence of illegal firearms and human trafficking is 2005. None of us is bound by this period. If the balance between crime and law enforcement at the transnational level could tilt in favor of the law much sooner, then, for once, we would be one step ahead of organized crime.