

4. Security cooperation to respond to maritime-based transnational crime

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The *2050 Strategy for the Blue Pacific* acknowledges that law enforcement of transnational crime faces dual challenges: the vast geographic scope and the growing global connections to their oceanic continent.⁹⁵

Global rankings indicate that the Pacific has a relatively low rate of transnational crime, but it is on the rise.⁹⁶ The Pacific Islands Forum's (PIF) 'Pacific Security Outlook Report 2022-2023' expressed concerns that geopolitical competition could divert attention and resources from existing security priorities, including efforts to disrupt transnational organised crime.⁹⁷ In practice, this geostrategic competition has heightened engagement and connections across the Pacific, which transnational crime networks have exploited.⁹⁸ This paper examines the recent shifts to confront these trends and better coordinate the regional security architecture. It focuses on cooperation to combat transnational crime, illegal, unreported, and unregulated (IUU) fishing and fisheries-related crimes, and other maritime environmental crimes.

Cooperation to combat transnational crime

Dimensions of maritime transnational crime have cumulatively been articulated in PIF declarations from the 1992 *Declaration on Law Enforcement Cooperation* (Honiara Declaration)⁹⁹ elaborating transnational environmental crime and narcotic trafficking and the 2002 *Nasonini Declaration on Regional Security* (Nasonini Declaration)¹⁰⁰ expanding the focus of towards migration-

related transnational crime. The 2014 *Palau Declaration on 'The Ocean: Life and Future': Charting a course to sustainability*¹⁰¹ highlights the threat posed by IUU fishing. Each declaration has sought to deepen cooperation and prevent duplication, overlap and potential for conflicts in authority among regional security networks.¹⁰² The 2018 *Boe Declaration on Regional Security* set a clear direction of 'expanded security' for the region including prioritising combatting transnational organised crime.¹⁰³ Subsequently, the PIF now leads the '**Regional Transnational Organised Crime Disruption Strategy 2024 – 2028**'. The Strategy recognises '[t]here is a need to unify national and regional efforts, make connections between the various risks identified and respond in a coordinated and systematic way.'¹⁰⁴

In 2019, the PIF established the **Forum Officials Subcommittee on Regional Security** (FSRS) to promote and coordinate security activities under the *Boe Declaration*, bringing together the various organisations (most of which do not sit under a PIF mandate) that deal with transnational crime.¹⁰⁵ Cooperation in regional law enforcement substantially improved through the 2018 declaration of partnership between the **Oceania Customs Organisation (OCO)**, **Pacific Islands Chiefs of Police (PICP)**,

Pacific Immigration Development Community (PIDC).¹⁰⁶ The maritime security dimension of this cooperative partnership was enhanced with the addition of the **Pacific Islands Forum Fisheries Agency (FFA)** in 2024.¹⁰⁷ Transnational crimes underscore the importance of border security to prevent the movement of illicit goods and people across borders, supported by the regional law enforcement agencies including the OCO and the PIDC. The OCO facilitates border security by aiding the alignment of member administrations with international customs standards.¹⁰⁸ The PIDC provides a forum for Pacific official immigration agencies to share intelligence and policy guidance to strengthen territorial borders and the integrity of their immigration systems. The PICP, including through its **Pacific Community for Law Enforcement Cooperation (PCLEC)**, provides coordination for region-wide police training, capacity building, and a network with the scale of connectivity needed to combat transnational crime. This policing network forms the crucial national link toward the prosecution of transnational crimes.

Given that many of the vessels transshipping and transporting illicit drugs are using the same techniques of ‘going dark’ as IUU fishing vessels, the cornerstone for tackling these threats are the maritime security arrangements to undertake surveillance for these transnational crimes.

These organisations together with the **Pacific Islands Law Officers’ Network**, and to a lesser extent, the **South Pacific Defence Ministers’ Meeting**,¹⁰⁹ **South West Pacific Heads of Maritime Forces**,¹¹⁰ and the Australian-led **Joint Heads of Pacific Security (JHoPS)**,¹¹¹

compose the regional PIF-led security architecture relating to transnational crime.¹¹² This also demonstrates the range of cooperative mechanisms that exist between military forces and law enforcement agencies.¹¹³ However, overlaps with the Pacific-led regional architecture could duplicate and undermine existing collaborative efforts, especially as the collage of arrangements contain differences in membership.¹¹⁴ Continued collaboration and alignment of these efforts to the PIF-led regional security architecture are crucial to effectively combat transnational crime.

Maritime domain awareness is essential for effective maritime surveillance and border security to combat transnational crime. The FFA hosts the **Regional Fisheries Surveillance Centre** in Honiara which undertakes monitoring, control and surveillance of IUU fishing, and maritime-related transnational criminal activities associated with fishing boats. In addition, and in cooperation with the FFA, the **Pacific Quadrilateral Defence Coordination Group**, comprising Australia, France, New Zealand, and the United States, conducts comprehensive maritime surveillance primarily focused on fisheries and is increasingly active in addressing transnational crime.¹¹⁵ These are supported by Australian-donated patrol vessels donated to Pacific Island countries. The PICP notably hosts the **Transnational Crime Network (PTCN)** and its central operational hub, the **Pacific Transnational Crime Coordination Centre (PTCCC)** which is supported by (and supports) all law enforcement agencies.¹¹⁶ The PTCCC functions include managing and disseminating transnational criminal intelligence, collaborating with law enforcement and regional forums, and enhancing capabilities of the PTCN.¹¹⁷ The **Pacific Fusion Centre** also provides strategic policy information to Pacific Island countries about managing transnational criminal threats.

IUU fishing crimes

The geography of Pacific Island countries, with EEZs spanning over 40 million km² and surrounding high seas enclaves, hosts the world’s most significant and lucrative tuna fishery.¹¹⁸ Under the FAO’s 2001 **International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated**

Fishing, illegal fishing is defined as fishing by national or foreign vessels in contravention of the laws of States or the relevant Regional Fisheries Management Organisation.¹¹⁹ The **UN Convention on Transnational Organized Crime (UNTOC)** classifies all aspects of IUU fishing as environmental crimes, which deplete fish stocks crucial to Pacific economies and livelihoods.¹²⁰ According to the 2023 Global Organized Crime Index, IUU fishing is identified as one of the most significant forms of maritime crime in the region.¹²¹ Between 2017-2019, it is estimated that IUU fishing cost the region USD\$333.49m.¹²² Corruption can also be a factor in the fisheries sector.¹²³

The role of Monitoring, Control, and Surveillance (MCS) under the FFA 1992 **Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region** is crucial for ensuring compliance with and enforcement of fisheries laws and regulations.¹²⁴ Effective MCS relies on robust regional and national fisheries legislation that outlines the powers and functions of management authorities, enforcement entities, and the use of specific MCS tools, as well as the processes for enforcement and sanctions.¹²⁵ Regional reports indicate that regional cooperation led by the FFA on MCS is reducing the rate of IUU fishing.¹²⁶ However, there is inherent risk in fisheries observation, with at least three i-Kiribati fisheries observers killed in suspicious circumstances since 2009.¹²⁷

Fisheries-related transnational crimes

The **United Nations Office on Drugs and Crime (UNODC)** distinguishes between IUU fishing crimes and fisheries-related crimes, which can include narcotic, wildlife and firearms trafficking, human trafficking, people smuggling, and forced labour and exploitation.¹²⁸ It is important to note that there has only ever been one case of maritime people smuggling in the Pacific Islands region, to Federated States of Micronesia in 2014.¹²⁹ Known cases of human trafficking tend to be non-maritime—either domestic; foreigners brought to Pacific Island countries for forced labour; or Pacific Islanders trafficked to Australia or New Zealand for forced labour.¹³⁰ However, exploitation and forced labour aboard foreign fishing

vessels working within the Pacific Ocean is rife and should be addressed.¹³¹

The key issue for the PTCCC is the illicit trafficking of narcotics, which is transhipped within the Pacific Islands region and generally transported on small crafts (although occasionally by shipping containers and light planes). Heroin, cocaine, and methamphetamine (including precursors) have all been found in maritime operations by Pacific law enforcement agencies.¹³² While in the past, packages of cocaine have gone unrecognised (and been used as other products), there is a growing use of illicit drugs within Pacific Island countries and fishers are increasingly seeking out lost packages of narcotics in maritime zones to sell locally, making the region an emerging destination for illicit drugs.¹³³ Much of the security cooperation on combating transnational crime, particularly capacity-building from Australia and New Zealand (and more recently, the United States), focuses on the detection and prosecution of illicit drug trafficking. Notably, the Australian-developed Pacific Small Craft App is used by Pacific law enforcement agencies to monitor the entry and departure of small crafts in the region, particularly from islands with smaller populations and less law enforcement resources.¹³⁴

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Other marine-based environmental crimes

The UNODC is increasingly focused on transnational crimes that impact the environment.¹³⁵ The transnational crime of IUU fishing can include non-target species protected under the 1973 *Convention on the International Trade in Endangered Species of Wild Fauna and Flora* (CITES). Only seven Pacific Island countries are members of CITES, although those that are involved are actively proposing additional species to the protected list including sharks, rays, bêche-de-mer (sea cucumbers), and turtles.¹³⁶ In addition, non-members like Cook Islands also participate in CITES

procedures to combat the trafficking of endangered species.¹³⁷ Despite concerns about the illegal flora trade, the prevalence of wildlife trafficking is not well understood in the Pacific Islands region. Bêche-de-mer is illegally or over-harvested in the region, particularly in Solomon Islands despite local and customary bans.¹³⁸ There is also a large industry in the Pacific which exports live marine animals for the aquarium trade, mostly from Kiribati—while this is legal, the rate of sustainable exploitation of these resources is unknown.¹³⁹

International crimes

Pacific Island countries are spearheading international court cases to establish the legality of climate-related harms, potentially holding states and companies accountable for these environmental crimes. The **International Tribunal for the Law of the Sea** (ITLOS) delivered its Advisory Opinion on Climate Change in 2024, clarifying that greenhouse gas emissions are a form of ‘marine pollution’.¹⁴⁰ Consequently, states are obligated under article 194 of the *United Nations Convention on the Law of the Sea* to ‘take all necessary measures’ to prevent, reduce, and control greenhouse gas pollution so it does not cause damage to Pacific Island countries and their marine environment.¹⁴¹ Marine shipping pollution is regulated under the auspices of the International Maritime Organisation’s *International Convention for the Prevention of Pollution from Ships*.¹⁴² A 2023 Pacific Community (SPC) initiative aims to harmonise regional efforts to address shipping pollution in the Pacific maritime transport sector.¹⁴³ Three Pacific Island countries have requested the International Criminal Court amend the list of serious crimes to include ecocide alongside genocide, crimes against humanity, crime of aggression and war crimes.¹⁴⁴ The advisory proceedings before the International Court of Justice led by Vanuatu on the obligations of states with respect to climate harms could pave the way for Pacific Island countries to prosecute fossil fuel companies and states as perpetrators of international climate-induced marine environmental crimes.

