

GROUP 2
PHASE 1

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

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I. INTRODUCTION

Although this planet has many beautiful things for us to enjoy, in the dark side of it still exists the unpleasant activities of transnational organized criminal groups. Their operations exist in various forms, including but not limited to, illegal firearms trafficking and human trafficking.

Illegal firearms trafficking has recently developed to be a serious problem. It is not only posing dangers to the countries concerned but also the global community as a whole. Many of the firearms are mainly smuggled, to be used for the internal purposes of one nation. However, there are a certain amount of firearms that have been smuggled by the criminal groups for making profits as well as for fueling the operations of international terrorism. Illegal firearms trafficking has

a direct impact on the world economy and social values. Moreover, it has indirectly damaged the democratic institutions.

Human trafficking especially women, children and migrants is another area that recently has increased in terms of volume and practice. The International Organization for Migration (IOM) estimated that the global human trafficking industry generates up to US\$8 billion each year from this “trade on human misery.” Nearly 2 million children are abused and trafficked globally every year. South Asia and South East Asia take the lead in the volume of trafficking in children for sexual exploitation. Understanding how these activities operate is a vital part before an appropriate countermeasure is taken.

Thus, this paper is a production of an effort to point out and analyze some

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current situations of illegal firearms trafficking and human trafficking which occur in some parts of this world.

II. ILLEGAL FIREARMS TRAFFICKING

The term “illegal trafficking” includes any form of transfer where firearms, parts, components or ammunition move from one country to another without the approval of the countries concerned. Basically there are three categories of country involving in this trafficking as follows:

- (i) Illegal manufacturing countries
- (ii) Transit countries
- (iii) Effected countries

A. Global Perception of Firearms Trafficking

Firearms trafficking is committed internationally by organized criminal groups and it poses a significant threat not only to the lives of people but also to the security and development of each country. Some trafficked firearms are considered illegally manufactured or surpluses from military conflicts. For example, it is estimated that America’s proxy war with Russia has left approximately 3 million weapons of all kind unused (packed and greased) on Afghanistan’s soil.

[An estimated \$6–8 billion were allocated by Washington for the supply of light weapons only {Chalk, Peter; Focus}. The International Institute of Strategic Studies (I.I.S.S) in London estimate the illicit global market at \$5 billion a year (Focus, Vol. 3, No. 13).]

1. African Continent

In Uganda, small arms come from neighboring countries that are faced with

civil wars. These countries are Sudan, Somali, Congo and Rwanda.

The Karamojong, a nomadic tribe in the Northeastern part of Uganda has in its possession about 200,000 guns, mainly from Sudan and Somali, and they are using the arms for cattle rustling. The firearms originally imported by the Government of Somalia eventually find their way out of the country. Rebel groups and criminals are using these arms in Uganda to commit atrocities.

In Tanzania, the illegal firearms come from its neighboring countries which are Rwanda, Burundi, Uganda, Congo, Mozambique and Somali. These guns find markets in Tanzania and they are used in committing offences or are taken to other countries for illegal use.

In Nigeria, the Nigerian Civil War, between 1967–1970, exposed the country to an influx of firearms. The illegal firearms trafficking to Nigeria from neighboring countries has fueled ethnic/religious armed conflicts and armed robbery in the country.

2. Asian Continent

In the Islamic Republic of Pakistan certain categories of weapons are illegally manufactured in its tribal area. These illegal weapons are sold on profit inside of Pakistan and gets into the hands of certain sectarian organizations—who in turn use them for terrorist purposes inside the country. More over some of these weapons trickle down to neighboring countries such as India, Afghanistan and Iran.

But Pakistan is also an effected country. The reason being the period from 1979–1988, when the people of Afghanistan fought a war with the former Soviet Union, many categories of

weapons entered this country. These weapons were supplied almost all by western countries, especially the U.S.A and its allies, moreover to this were also added countries like Egypt, Saudi-Arabia and other Muslim countries who were against the communist ideology of the USSR. This brought in its wake a culture known as the "Kalashnikov-culture".

Organized criminal groups therefore made good money by selling and smuggling them to other countries like India, Iran and Kashmir, where already certain internal discord existed, and the demand by terrorist groups existed. These weapons were supplied by both land and sea routes.

As far as Nepal is concerned, this is an effected country. Due to an increase in Maoist activities internally and terrorism by Tamil-Nadu, in Sri-Lanka, the trafficking of arms has increased to dangerous levels. In Nepal firearms are mainly smuggled for the purpose of Dacoits and political activities from the neighboring countries. It is said that Nepalese Maoist (political party) has many types of firearms which have been illegally kept and used.

Whereas in India, the state of Punjab was affected by terrorist activities during the 1980's and Jammu and Kashmir have been particularly vulnerable to arms trafficking across the border. India has a long border with Pakistan, Nepal, Bhutan, China, Myanmar and Bangladesh.

Thailand is geographically located among the neighboring countries that have political unrest in such countries as Burma and Cambodia. In the past 10 years, a number of firearms has been smuggled in and out of Thailand into those two countries. A total number of

400,000 firearms have been imported since 1995 and were brought in on fake import licenses. Those illegal firearms were then sold to the third parties/countries. Thailand is found to be a transit and effected country.

In the Philippines these activities works in two ways. The organized crime groups smuggled the U.S made firearms into the countries and these firearms are used by the rebel groups in fighting against the government. On the other hand, locally made handguns manufactured in the Province of Cebu, in Central Philippines, are smuggled to other countries, particularly Japan, Taiwan and other ASEAN countries through air and sea. The Philippines is an illegal manufacturing and effected country.

Firearms trafficking is not considered a serious problem in Malaysia and many criminals fear the mandatory death sentence that they are liable to face if arrested with a firearm. For the past two years (till June 2001) statistics show that only 413 such firearms comprising mostly pistols, revolvers and shotguns were seized and the number of arrests were about 461. In 1999, a few have been shot dead in East Malaysia but they were rather foreigners who were involved in activities such as piracy. Investigation shows that most of the firearms are smuggled from neighboring countries such as Thailand and the Philippines either by organized groups or individuals where they can be obtained quite cheaply and easily. It is very easy to bring in firearms into the country via the borders, especially land and sea where it is next to impossible for the authorities to conduct thorough observations. Firearms are used mainly in committing crime. It is estimated that the actual number of firearms made in this country could be 20

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times or even more than the firearms seized. Malaysia is an effected country.

Papua New Guinea is also faced with the increase of illegal firearms trafficking. Reports indicate that firearms trafficking occur in areas like the highlands where people have been using them in their tribal fights. High-powered firearms are also being used in the cities of Port Moresby and Lae as well as in Bougainville. It is evident that firearms trafficking in Bougainville were conveyed from the Solomon Islands and Indonesia. It is noted that firearms are smuggled into PNG by shipping cargo containers, light aircraft, parcel port, fishing trawlers, and small boats, crossing the Solomon and Indonesian border. Papua New Guinea is considered an effected country.

In Japan, the possession of firearms is strictly controlled by the Firearms and Swords Control Law. Strict regulations contribute to the relatively low rate of firearms-related crimes in Japan, and it is almost impossible to produce firearms illegally inside Japan. However, it is also the fact that occasionally firearms are used in crimes, especially in robbery cases. In 1999, police seized 837 authentic handguns (down 92 from the year before) and the majority of them were trafficked into Japan from foreign countries by crime syndicates. The countries where they were made range from the U.S, the Philippines, Thailand, to Russia, Korea, China, Brazil, and Turkey. They are cunningly brought into Japan by such means as being taken into pieces and hidden in containerized cargo. In these contexts, Japan could be categorized as one of the effected countries by trafficking of firearms.

3. Latin American Continent

In countries such as Argentina and Venezuela, illegal firearms trafficking is a new problem to them. The weapons of Syrian origin have been smuggled to Argentina. However there is no record on any organized crime group involved in those two countries.

Likewise in Honduras, the problem of firearms trafficking started since their war with El Salvador and the Contra of Nicaragua. The weapons come from Nicaragua through their boundaries in the northern zone. There is a record where some of the firearms trafficking have been linked with drugs trafficking because some Hondurans make deals with organized crime groups in South Africa where they exchange weapons with drugs. The situation becomes worse where a few organized gangs in Honduras have a capability in manufacturing their own hand made guns and almost all the juveniles in those groups have one each and they often use them in committing crime. Honduras authorities find it hard to control this because more hand made guns can be manufactured any time.

Brazil also has the same problem where weapons have been smuggled from Paraguay through the Port of Rio de Janeiro and Santos in Sao Paulo. Firearms are used by members of organized criminal groups to commit crimes of threat and murder. There is also evidence that a group involved in illicit drug trafficking in Brazil have exchanged firearms for cocaine with terrorist groups from other neighboring countries.

III. HUMAN (WOMEN, CHILDREN AND MIGRANTS) TRAFFICKING

Trafficking in human beings implies illegal movement of people from one

country to another country in violation of existing national laws and procedures. In human trafficking activity, the attention has been paid mostly to women and children because they are more often the victims. Basically, there are 2 categories of country involved in this human trafficking as follows:

- (i) Source countries
- (ii) Destination countries

Focusing on the trafficked person, there are two types of human trafficking:

Some persons, mainly women and children, are forced to engage in labor including prostitution in exchange for money and are exploited. Thus, they are so called forced laborers. On the other hand, some persons voluntarily engage in illegal work with the purpose of getting money. Thus, they are so called illegal immigrants.

A. Global Perceptions of Human Trafficking

1. African Continent

Apart from South Africa and Libya, the other countries in Africa are source countries of human trafficking.

Nigeria is a source, transit and destination country for trafficked persons. The majority of trafficking from Nigeria involves females destined for Europe. Italian authorities estimate that 10,000 Nigerian prostitutes work in Italy and many of them are victims of trafficking. Nigerians, primarily women and children are trafficked to work on plantations in other African countries, including Gabon, Cameroon, Equatorial Guinea and Benin. Other significant destination countries for trafficked Nigerians include the Netherlands, the Czech Republic, Spain, France and

countries in the Middle East. Nigeria also serves as a transit hub for trafficking in West Africa and to a lesser extent a destination point for young children from nearby West African countries. Women and children are also trafficked within Nigeria. There are illegal syndicates operating within and outside Nigeria doing human trafficking. The entire business is shrouded in secrecy and some of the victims are transported outside Nigeria in the guise to pursue education and gainful employment. The traffickers employ subtle force, coercion, fraud and outright deceit to accomplish their objectives.

Mali is a source and destination country for trafficked persons, primarily children. Children from Mali are trafficked to Ivory Coast to work on cotton and cocoa plantations or for domestic servitude. Women from Nigeria are trafficked to Mali for sexual exploitation.

Due to the prevailing civil war in the northern part of Uganda, the country has become a source of trafficked persons, primarily women and children. The Lords Resistance Army (an antigovernment rebel group) based in Sudan has kidnapped about 10,000 persons from Uganda to southern Sudan; and forced them to become soldiers, forced laborers and sex slaves. Also some women are being taken to Europe and the Middle East by organized groups for purposes of prostitution. Some of the children taken to Sudan are sold into slavery to Sudanese Arabs or exchanged for guns.

The Democratic Republic of Congo is a significant source country for trafficking in persons. Women are trafficked to Europe, mainly France and Belgium, for sexual exploitation; and boys are

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trafficked by rebel groups within Congo for forced military services.

Ugandan and Rwandan soldiers, in addition to Congolese for Democracy Rebels, reportedly in the recent past have abducted many Congolese women and girls from the village they raided and forced them into sexual servitude.

South Africa is a destination country for trafficked persons. Women are trafficked within South Africa and from other African countries (e.g. Angola, Zimbabwe, Lesotho, Swaziland, Zambia, Cameroon, Malawi and Rwanda), Asia (specially Thailand and Taiwan), Eastern Europe, Russia and the new independent States. South Africa is also a transit point for trafficking operations between developing countries and Europe, the United States and Canada.

Generally, human trafficking networks in Africa are often informal and secretive in nature, which makes the identification of networks and traffickers extremely difficult.

2. Asian Continent

Many people seeking gainful employment from underdeveloped and developing countries travel on unusual routes to reach their destination where there is relative economic prosperity (developed countries). Laos has had this problem since 15 years ago.

Some countries are also found to be both countries of origin and destination for human trafficking such as India, China, Thailand, etc.

The growth and development of Thailand in the past 10 years compared to the neighboring countries have induced foreign people to migrate to Thailand. Persons from Burma,

Cambodia and Laos are the primary trafficked persons to Thailand to work in farms, industrial places and other sectors. A large number of Thai persons, especially young women and girls, have been trafficked internationally to Japan, Taiwan, Malaysia, Singapore, Europe and the United State chiefly for sexual exploitation and, to a lesser degree, sweatshop labor. Besides, Thailand has been used as a transit country and the number involved is obviously large. Persons especially from China are trafficked through Thailand to a number of developed countries and more prosperous neighboring countries. The organized crime groups bring them as tourists and later will arrange for forged visas and passports. Related foreign languages are arranged while waiting for those documents ready. With the cooperation of certain airline officers, they then traffic persons to the destination countries.

Malaysia is both a source and destination country for trafficked persons. Young women from Indonesia, Thailand and the Philippines are trafficked into Malaysia for sexual exploitation. Some, with the help of organized criminal groups, misuse their tourist visas while many have been cheated by these groups. They entered Malaysia without any valid travel document or through other illegal landing point and were forced to work until they pay the organized crime group substantial amounts of money, normally unaffordable figures, under threat of physical harm and under threat to expose their illegal alien status to the authorities. A number (3,625) of them have been arrested in the last two years and will be/are being sent back to their country of origin after undergoing punishment for violation/illegal entry to this country. Also, a small number of

young Malaysian women, primarily ethnic Chinese are trafficked to Japan, Canada, the United States and Taiwan also for sexual exploitation.

In the context of Nepal as a source country, the main reasons for children and women trafficking include natural disaster, poverty, illiteracy, divorce between the parents, death of parents, child labor, sexual abuse, unemployment, migration, child marriage, polygamy, violence in the family, etc. Most of the women and girls have been taken to many countries and sold to brothels for the purpose of prostitution. Organized criminal gangs have been found to be active behind such inhuman crime and cruelty. This type of crime is mostly committed outside the national boundary. It has become very difficult for the criminal justice authorities to arrest and punish the criminals. It is said that 5,000 to 7,000 women are sold every year from Nepal to other countries. They are trafficked either forcefully or on the pretext of finding a good job or marriage or false promise and also are sold as maids. In recent years some Nepalese girls, especially from rural areas, have been trafficked to the Middle East, East Asia and South East Asia for commercial sex purposes. Most of them would not know where they are taken until the people who brought them to strange places have slipped away and they are in the custody of some strangers who start to abuse them. Moreover, the children are trafficked for labor and begging purposes. Nepal has to face some illegal migrant problems from Tibet.

Pakistan's domestic flesh trade does not appear to be backed by powerful organized criminal networks as known in other countries of the world. Tiny operations are clandestine and behind the curtains.

In India and Pakistan the commercial sex trade is profitable. However women are kidnapped and end up as prostitutes domestically. A large number of Indian young girls from southern India have been sent to Saudi Arabia and Gulf countries for the same purpose of sexual exploitation. Moreover certain syndicates have been identified who indulge in sending men and children for purposes of labor to western and far eastern countries, including Japan and certain rich Arab countries.

After the break-up of the U.S.S.R., women trafficking in Iran increased in the sense that these two countries are acting as transit countries because of their close proximity. However, the trafficked women cannot stay for long in Pakistan and Iran because of stringent immigration laws and Islamic laws.

In Japan, although there are few instances of trafficking in the strict sense, there are many illegal immigrants (smuggling). However, trafficking in the broad sense is probably not rare because transnational crime organizations are involved in almost all these smuggling cases. The number of persons taken into custody involved in collective smuggling cases was 770 (44 cases) in 1999 and 90% of them were Chinese nationals. Most of the cases were linked to Chinese transnational crime organizations, Snake Head, which is a generic term applied to organizations in charge of smuggling Chinese people into Japan and other countries. Snake Head solicits would-be illegal immigrants and undertakes, in exchange for considerable amounts of payment, not only their transportation to Japan but also their shelter after their arrival in Japan and prepares forged passports and other necessary documents.

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IV. ANALYSIS

A. Causes

1. Illegal Firearms Trafficking

Focusing on the causes of the above-mentioned two kinds of trafficking, some factors could be seen in common. Apparently, one of the common causes is the fact that these two kinds of trafficking could bring enormous sums of monetary benefit, both in cash and kind to the transnational crime organization.

In addition to that, there are some factors peculiar to each type of trafficking like warfare in the source country and effected country as well as demand for terrorist and crime activities in the effected country.

It is analyzed that illegal arms proliferation is a global phenomena. It has extracted a heavy toll in terms of human lives and socio-economic development of entire regions.

In Asia, especially Afghanistan, the death toll has passed 200,000 (dead and injured during the war) and is still rising. In India, Pakistan, Cambodia, Sri-Lanka and some African states, they continue to see conflict related deaths in hundreds.

In Latin American countries such as Argentina, Brazil, Honduras, etc. firearms were found to be exchanged for illegal drugs and money making. The relationship between arms and narcotics dealers overlap, thus creating a deadly combination.

It is analyzed that illegal trafficking of arms disturbs the public peace, tranquility and disturbs the balance of the economy—thus reducing reliance of the public on government organization, thus causing anarchy.

2. Human Trafficking

There are some factors peculiar to each type of trafficking, like economic imbalances between source country and effected country, social and political insecurity in the source country and demand in effected country.

It is analyzed that the favorite destinations of illegal migrants are the developed industrialized nations like the U.S.A., Japan, Canada, Germany and France. Most women from under developed countries wind up as sex slaves or maidservants in the above-mentioned countries.

The problem has increased in both size and seriousness by the growing involvement of organized crime groups. These groups have disrupted the immigration policies of the governments. Therefore, there are substantial humanitarian concerns and issues related to the global problem of alien smuggling. This also poses administrative problems to concerned countries.

For example, European criminal organizations may pay \$6,000 to Asian Syndicates to buy Chinese men and women. The person may have to pay more than \$15,000 to their employers to purchase their freedom. The profit is \$9,000 plus free labor.

It is analyzed that at least 700,000 persons, especially women and children, are trafficked each year across international borders (UN Human Rights Report).

B. Modus Operandi

1. Illegal Firearms Trafficking

The *modus operandi* (hereinafter "m.o.") of the trafficking route is as follows:

- a. Firearms arrive in receiving country as undeclared or misdeclared items and included with other goods, consigned to fictitious names and addresses;
- b. Firearms can also be dismantled into pieces and included among metal items or machinery parts legally imported or exported in containerized cargo;
- c. Firearms are sometimes thrown from vessels, boats, etc. at pre-arranged areas some distance from the shore where they are later picked up by small boats and brought to undisclosed places.

2. Human trafficking

The m.o. of the trafficking route is as follows:

- a. Some persons arrive at the destination hiding in the container cargo. This sea route is the typical and traditional m.o;
- b. Some persons take airlines with forged or altered passports and other necessary documents. This air route is a relatively new one.

C. Effect and Conclusion

Looking at the current situation we analyzed in our Group Work Shop, it is indispensable to take necessary countermeasures urgently against trafficking in firearms and humans. These crimes have tremendous harmful effects on each country involved. Firearms trafficking cause even social and political instability, and human trafficking results in the disruption of

families in source countries and economic and social disorder in effected countries as well as violations of human rights of victims, especially women and children. International law and other legal frameworks have regrettably been insufficient to combat these crimes. Law enforcement in each country and international cooperation in this field seems to have been ineffective and inefficient so far. Taking into due consideration such a situation, the U.N. Convention against Transnational Organized Crime and the Protocol against trafficking in persons, especially women and children, and the Protocol against the smuggling of migrants were adopted in November 2000. The Protocol against Illicit Trafficking, Parts, Its Components and Ammunition was also adopted in May 2001. All agencies involved in criminal justice have to make every effort to eradicate trafficking in firearms and humans by fully utilizing these new legal tools.