

PACIFIC ISLANDS LAW OFFICERS' NETWORK 2013

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I. INTRODUCTION

The Pacific Islands Law Officers' Network (PILON) is a network of senior government law officers from Pacific island countries. The PILON membership is made up of seventeen member countries, and ten regional organisations as observer members.¹

PILON provides a forum for addressing law and justice issues common to countries within the Pacific region. PILON aims to enhance communication and cooperation between law officers in the Pacific region, to discuss and progress these issues at a regional level.

The key forum for the Network is the PILON Annual Meeting, which has been held since 1981. This provides Members with an opportunity to discuss relevant regional law and justice issues, share information about significant legal developments, and establish action based outcomes and decisions as a result of meeting discussions. The annual Work Plan for the PILON Secretariat is developed by Members at the Annual Meeting, reflecting the agreed outcomes and identified priorities for PILON.

II. 32ND PILON ANNUAL MEETING

The 32nd Annual Meeting of PILON was hosted by the Tongan Attorney General's Office in Nuku'alofa from 5 to 6 November 2013. Twelve member countries were represented, together with several observer members and other relevant regional organisations in attendance as meeting observers.

The theme of the meeting was 'Domesticating International Law: Challenges and Best Practices'. Meeting attendees considered presentations and participated in discussions focused on this theme. The meeting agenda also encompassed consideration of PILON administrative matters (such as future funding sources and legal structure of the Network), updates regarding other regional issues and initiatives, country reports provided by members and the 2014 PILON work plan.

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1 Member countries are Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Pitcairn Islands, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Observer members are the Asia Pacific Group on Money Laundering, Commonwealth Secretariat, the International Committee of the Red Cross, the Pacific Islands Forum Fisheries Agency, the Pacific Islands Forum Secretariat, the Pacific Legal Information Institute, the Pacific International Maritime Law Association, the Pacific Regional Environment Programme, the Secretariat of the Pacific Community and the University of the South Pacific.

III. DOMESTICATING INTERNATIONAL LAW: CHALLENGES AND BEST PRACTICES

The theme of the 32nd PILON Meeting was considered through presentations focusing on issues which included a range of international law related topics from anti money laundering, international humanitarian law to climate change as well as the UN human rights standards and mechanisms. Presentations were provided by several speakers with substantial experience in international law and related issues. The Deputy Secretary General of the Pacific Islands Forum Secretariat (Strategic Partnership and Coordination Program), Mr Feleti Teo, provided the keynote address to PILON members. Mr Teo highlighted the important role of government lawyers in advising governments in relation to international treaties, from the initial negotiation of a treaty, to the decision of a government to become a party to a treaty (or not), to the implementation of a treaty. Ms Bronwyn Somerville, Principal Executive Officer, Asia Pacific Group on Money Laundering (APG) outlined the role of the APG and the revised Financial Action Task Force (FATF) recommendations and assessment methodology. Ms Monica Silverwood, Legal Adviser, International Committee of the Red Cross (ICRC), discussed the challenges and opportunities in implementing the laws of war in the “peaceful Pacific.” The presentation by Mr Kosimiki Latu, Deputy Director General, Secretariat for the Pacific Regional Environmental Program (SPREP) highlighted several critical questions related to international law, raised by current or potential future climate change impacts, including sovereignty issues, international maritime law issues, and issues relating to rights to fisheries, shipping and seabed minerals. Mr Erik Friberg, Deputy Head, UN High Commissioner for Human Rights, Regional Office for the Pacific (OHCHR) provided an overview of UN human rights mechanisms, including the Universal Periodic Review (UPR) of the UN Human Rights Council, the UN human rights treaty bodies and special procedures, and discussed the opportunities and challenges in domesticating human rights standards.

Following presentations, members participated in discussions particularly in relation to experiences and difficulties faced in complying with obligations under international law as well as discussing issues with adopting international treaties.

IV. PILON DEVELOPMENTS

As part of the Annual Meeting, PILON member countries present a Country Report providing an update on domestic law and justice policy and developments over the previous year. As such members presented an overview of their written Country Report at the 32nd Annual Meeting.² The Country

2 Country Reports are available at <www.pilonsec.org>.

Reports followed a format which specifically included a report on issues in relation to the three priority issues: sexual and gender based violence; illegal fishing; corruption and proceeds of crime.

An update was provided on a standing agenda item – legislative drafting, in relation to the report ‘Shaping Laws in the Pacific – The Role of Legislative Drafters: A Study on Legislative Drafting Services in Forum Island Countries’. The report was prepared by PIFS as a resource to assist national governments and regional and international organisations in understanding the context of legislative development and drafting in Forum Island Countries. A further update was provided regarding implementation of the Regional Action Plan by the Pacific Legislative Drafters’ Technical Forum. The update outlined steps which have been taken by national drafting offices and relevant regional organisations to progress the Regional Action Plan strategies, including preliminary preparations for the fourth meeting of the Technical Forum in 2014.

V. PILON LEGAL POLICY AGENDA

A core component of the Strategic Plan is its definition of PILON’s legal policy agenda. This was identified by the Network during development of the Plan as central to achieving its vision, in allowing PILON to actively determine its own agenda and priorities. The Strategic Plan also identifies that definition of a legal policy agenda will assist in communicating a clear perspective from senior law officers on regional legal issues to other regional forums, allow for prioritisation of resources and focus, and encourage identification of regional strategies to address these issues.

The priority issues forming PILON’s legal policy agenda are:

- Corruption and Proceeds of Crime;
- Sexual and Gender Based Violence; and
- Illegal fishing.

The Strategic Plan contains a description of the identified scope of each issue and relevance to PILON member countries generally, as well as the aim in focusing on these issues through the PILON Strategic Plan. The following is an update on the work of the Working Groups established at the 2013 meeting to consider and progress work under the priority areas.

- Corruption and Proceeds of Crime

The Working Group in conjunction with PILON members has developed a ‘PILON Guide to Legislative International Best Practises for Anti Corruption Agencies’. This is to be uploaded onto the PILON website and printed as a booklet for circulation to members.

The Working Group/Secretariat is also looking at acquiring cases of Corruption and Proceeds of Crime from members in order to develop a case summary as well as a database of judicial decisions in these areas.

- Sexual and Gender Based Violence

The Working Group in conjunction with PILON members has developed a summary of legislative extracts of SGBV related laws for all PILON members highlighting the relevant provisions. Once this document is finalised, it will be uploaded onto the PILON website.

The Working Group and the Secretariat have developed a questionnaire for circulation to members. The purpose of this questionnaire is to seek further information from member countries about any successes or challenges they have encountered while implementing SGBV legislation, including challenges relating to the prosecution of SGBV offences. This questionnaire provides an opportunity to profile SGBV implementation successes in Pacific countries, share lessons learnt with other Pacific jurisdictions, and shape the future work of the WG.

- Illegal fishing

The Working Group and the Secretariat have developed a questionnaire for circulation to members. The purpose of this questionnaire is to seek further information regarding the current situation in member countries in relation to legal approaches to addressing illegal fishing.

The Working Group seeks further information regarding the most relevant issues facing government lawyers, current challenges, examples of successful initiatives implemented domestically, and current capacity building needs in relation to illegal fishing.

A gap analysis on the capacity to implement the Niue Treaty Subsidiary Agreement (NTSA) will also be carried out.

This information will then be translated into a resource document for the members.

VI. CONCLUSION

The 2014 Annual Meeting will be hosted by Kiribati and held in Tarawa on 11-12 November 2014.