

# PACIFIC ISLANDS LAW OFFICERS' NETWORK 2014

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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 twelve observer members comprising various regional organisations.<sup>1</sup>

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, and 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. 33RD PILON ANNUAL MEETING

The 33rd Annual Meeting of PILON was hosted by the Attorney-General's Office of Kiribati in Tarawa from 11 to 12 November 2014. Fourteen member countries were represented, together with several observer members and other relevant regional organisations in attendance.

The theme of the meeting was "Combating Environmental Crimes in the Pacific: Issues and Best Practices". Meeting attendees considered presentations and participated in discussion focused on this theme. The meeting agenda also encompassed consideration of PILON administrative matters (such as an extension of the duration of the current Strategic Plan), updates regarding other regional issues and initiatives, country reports provided by members and the 2015 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 International Federation of the Red Cross and Red Crescent Societies, 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, the South Pacific Lawyers Association and the University of the South Pacific.

### III. “COMBATING ENVIRONMENTAL CRIMES IN THE PACIFIC: ISSUES AND BEST PRACTICES”

The theme of the 33rd PILON Meeting was considered through presentations focusing on issues which included a range of presentations from the keynote to several thematic presentations. The International Legal Adviser of the Pacific Islands Forum Secretariat, Ms Lorraine Kershaw, provided the keynote address to PILON members. Ms Kershaw set the scene for the theme of the meeting by providing a high-level overview of the different types of activity that constitute “environmental crime”, the global impact of environmental crime and the political recognition within the Pacific of threats posed by environmental crime. The presentation highlighted the nature of the threats presented by two of the most serious and prevalent types of environmental crime in the Pacific region – illegal trade in wildlife (or biodiversity crime) and natural resources-related crime (such as illegal logging/mining/fishing) – drawing on assessments prepared by the Forum Secretariat in collaboration with regional law enforcement organisations and by the UN Office of Drug and Crime. Mr Andrew Teem, Senior Policy Adviser, National Policy Unit, Office of Te Beretitenti, Kiribati, provided the legal dimensions of climate change in Kiribati. Mr Morgan Dunn, Senior Solicitor, Ministry for Primary Industries, New Zealand, presented on “Combating Fisheries Crime Using the Vessel Monitoring System (VMS): Evidential Issues and Examples of Successful Prosecutions in New Zealand”. Ms Ruria Iteraera, Fisheries Legal Officer, Attorney-General’s Office, Kiribati, presented on the domestic practice of regulating IUU fishing in Kiribati. The presentation highlighted the international fisheries legal framework as well as the Kiribati legal framework relating to fisheries.

Following presentations members participated in discussions, particularly in relation to experiences and difficulties faced with the impacts of climate change; the potential assistance to Pacific Island Countries from the 2020 Climate Change Support Agreements; the importance of VMS for addressing illegal fishing; failure of all countries to sign up to the Niue Treaty Subsidiary Agreement (NTSA) due to the significant information provision requirements; and that a pool of experts in the area of IUU prosecutions be developed and disseminated to members.

### IV. PILON DEVELOPMENTS

For PILON member countries presenting a Country Report is part and parcel of the Annual Meeting and is an opportunity to provide 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 33rd Annual Meeting.<sup>2</sup> The Country Reports

2 Country Reports are available at <[www.pilonsec.org](http://www.pilonsec.org)>.

followed a format which specifically included a report on three priority issues: sexual and gender based violence, illegal fishing, and corruption and proceeds of crime.

An update was provided on a standing agenda item – legislative drafting. The Pacific Islands Forum Secretariat convened the Pacific Legislative Drafters' Technical Forum in Suva from 9-11 April 2014. The meeting provided an opportunity for government lawyers to share experiences and developments in the delivery of legislative drafting services. Participants emphasised the importance of: continuing regular meetings of the Drafters' Forum, increasing opportunities for technical training and mentoring, and raising awareness of the importance of legislative development and drafting. The Drafters' Forum also included an interactive training component on legal policy development, delivered by the Australian Attorney-General's Department. The training addressed an issue raised by government lawyers at the 2012 meeting of the Drafters' Forum, being the need to improve the availability and quality of underlying policy for legislative proposals.

The Samoa Office of the Attorney-General has offered to host the next meeting of the Drafters' Forum in Apia in September 2015. The Pacific Islands Forum Secretariat will assist Samoa with relevant arrangements.

Another initiative was the regional advanced legislative drafting course that took place in Auckland, New Zealand from 23-27 June 2014. Convened by the Commonwealth Secretariat and supported by the NZ Parliamentary Counsel Office, the course was facilitated by Professor St John Bates and attended by legal officers from ten Pacific Island Countries. Participants appreciated the course as an opportunity to deepen their understanding of critical implications (eg constitutional, parliamentary, policy, interpretation and international) to modernising or drafting new legislation while sharpening their drafting skills through written exercises involving preparation of legislative advice and drafts in response to various practical policy issues.

## V. PILON LITIGATION SKILLS TRAINING

New Zealand Crown Law reported that a Memorandum of Understanding between the New Zealand Crown Law Office and the New Zealand Ministry of Foreign Affairs and Trade (MFAT) was soon to be finalised for funding for this training. Samoa will host this training in late November in Apia 2015. This will see the revival of this program which has been dormant for a few years.

## VII. REPORT – FORENSIC LAW REVIEW

The Australian Attorney-General's Department (AGD) presented the findings and recommendations of a 2014 regional review of forensics legislation and provided copies of the review to PILON members. The review reveals that, in many Pacific island countries, outdated police powers in

legislation are making it harder than it should be for Pacific law enforcement agencies to conduct modern forensic investigations and have that evidence admitted in court. This is a barrier to effective law enforcement, including the enforcement of laws to combat PILON strategic priorities, such as sexual and gender based violence (SGBV), and corruption and proceeds of crime. The Pacific Islands Chiefs of Police PICP made a request to the Australian AGD to develop model forensic provisions. PILON members were asked to support the development of these model provisions. The Australian AGD will provide further information to PILON and PPA members on how they can be involved in this process in 2015.

### VIII. 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, and allow for prioritisation of resources and focus and encourage identification of regional strategies to address these issues.

The three 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 Effective Asset Management*. This is to be uploaded onto the PILON website and printed as a booklet for circulation to members.
- **Sexual and Gender Based Violence**  
The Working Group focused on implementation challenges of SGBV legislation and it included an SGBV questionnaire circulated to members and a Working Group meeting held in August 2014.  
As a result of the August 2014 meeting and the survey circulated to members, a paper was developed on challenges faced by members on the implementation of SGBV legislation.  
The Working Group will have a follow up meeting in 2015.
- **Illegal Fishing**  
At the beginning of 2014, there was a call for more members for the Working Group which resulted in Tuvalu and Cook Islands joining. Contact was made with the Forum Fisheries Agency on types of assistance provided to PILON members; and a questionnaire was circulated to members to gauge

assistance received or required in relation to illegal fishing. The Working Group will seek to progress practical assistance through information sharing identified in the illegal fishing panel discussion.

## IX. CONCLUSION

The 34th PILON Annual Meeting will be hosted by Solomon Islands and held in Honiara in December 2015.

