



Pacific Islands Law Officers' Network (PILON)

Report on PILON Secretariat activities in 2013

The PILON Secretariat is pleased to welcome delegates to the 32nd PILON Annual Meeting, being hosted by the Tongan Attorney General's Office (AGO) from 5 – 6 November 2013, in Nuku'alofa, Tonga.

The theme of the meeting this year is “**Domesticating International Law: Challenges and Best Practices**”.

The Secretariat has undertaken a range of activities since the 31st PILON Meeting held in Papua New Guinea in October 2012. At the 31st Meeting, the Secretariat was tasked by Members with progressing several work items and projects, and new initiatives have also been pursued during 2013. We take this opportunity to update members on the activities of the PILON Secretariat over the course of 2013.

Report on 2013 Work Plan

This year, reporting in relation to work undertaken by the Secretariat is divided between this paper, as well as a specific report regarding implementation of the Strategic Plan (Session Six). Where there is cross over in work items, detailed information is outlined in the Strategic Plan report and a summary is set out below.

Technical Legal Assistance – Database

At recent PILON Meetings, the Secretariat has provided an overview of the **technical legal assistance database** established on the PILON website. The three components of the database, developed progressively during 2011 and 2012 are:

- A **database** outlining technical legal assistance programs and initiatives available to PILON member countries in specific areas of law; setting out details of assistance available, eligibility requirements and contact details of assistance providers;
- A list of **model legislation** and legislative resources (developed specifically for the Pacific, or general resources)

- List of **country-specific projects** (legislative assistance, workshops /training, or exchange or mentoring opportunities) currently being undertaken or recently completed in member countries.

Pursuant to the 2013 PILON Work Plan, the Secretariat has continued to maintain and update the technical legal assistance database. Ongoing maintenance is required to ensure that all available opportunities and initiatives are incorporated and existing program details are up to date. The Secretariat has been assisted in this process by observer members and other organisations advising of updates required, requesting inclusion or assisting with research and enquiries.

The PILON Secretariat will continue to maintain and update the technical assistance database, and circulate information to Members in relation to relevant opportunities in this regard. Observer members and invited meeting observers are also encouraged to provide information to the Secretariat regarding programs or initiatives offered.

Implementation of Strategic Plan

The 2013 Work Plan required the Secretariat to carry out allocated tasks under the PILON Strategic Plan, support the three priority issue Working Groups as required, and ensure appropriate monitoring and reporting on progress in implementation of the Strategic Plan.

A detailed report in relation to Plan implementation has been included as part of the meeting material for Session Six. This includes a summary of tasks undertaken under each “Strategic Priority” outlined in the Plan. Individual reports have also been submitted for the three Working Groups, summarising discussions during 2013 and working group proposals. Information regarding specific activities undertaken has therefore not been duplicated in this report, and members are requested to refer to the above meeting material for information regarding these activities.

As set out in Strategic Plan report, the Secretariat’s activities during 2013 have been guided by and taken place in the framework of the Strategic Plan. As Secretariat staffing and office arrangements have become settled over the course of 2013, this has permitted activities in support of Plan implementation to more centrally occupy the work of the Secretariat. This is expected to continue for the second year of the Strategic Plan. Background work required under the Plan for the priority issues (for example, research in support of Working Groups, establishment of dedicated web pages) has been carried out, and Working Groups have progressed or identified proposed initiatives requiring further progress during 2014. The Secretariat will also be required to establish a draft for a new Strategic Plan, to be considered at the 2014 PILON Meeting.

As activities required of the Secretariat under the Strategic Plan have become more defined over the first year of its operation, it is proposed that the 2014 Work Plan more specifically outline these activities.

Other Work Plan items

An outline of activities undertaken in support of the **Pacific Legislative Drafters Forum** is provided in the meeting paper prepared for discussion of legislative drafting as part of Session Ten.

Information in relation to activities undertaken in support of the **Pacific Prosecutors Association** (PPA) is outlined as part of the Strategic Plan report. In summary, support towards the annual PPA conference was not required during 2013, as a host for the conference was not identified and this was unable to be held. A web page containing background information and relevant links in relation to the PPA was established on the PILON website. This has the potential to be further developed, for example through making available relevant practical resources or other items which PPA member countries wish to share. It is hoped that the work of the PPA can again be progressed, in conjunction with the PPA Executive Committee, during 2014.

The Secretariat continued to liaise with the New Zealand Crown Law Office (CLO) in relation to proposed **PILON Litigation Skills Programmes** (LSP), as tasked under the 2013 Work Plan. The CLO has undertaken extensive discussions with the New Zealand Ministry of Foreign Affairs and Trade and carried out work towards securing funding for the LSP. Regular communication has been maintained between the CLO and Secretariat during the year, and the Secretariat has assisted where possible, for example with provision of background information or distribution of information to members. An update in relation to status of the programme will be provided to the PILON Meeting by New Zealand CLO representatives.

Following discussion of **future funding arrangements** for PILON at the 2012 Annual Meeting, the Secretariat was tasked to work with the Executive Committee, especially Australia and New Zealand, to finalise arrangements for the 2014 budget for the PILON Secretariat. Australia and New Zealand will provide updates in relation to future funding arrangements at the PILON Meeting. A summary to assist this consideration is **Attachment B** to this paper.

Additional Activities

During 2013, PILON received an invitation from the **Asia/Pacific Group on Money Laundering (APGML)** to apply to become an observer member of the organisation. Under APGML's Terms of Reference, observer organisations are those who actively support or are otherwise interested in APGML's objectives. The invitation to apply to become an observer member was extended on the basis of the similar objectives shared by PILON and APGML, and the mutual benefit in formalising the established relationship between the two organisations, including in assisting coordination of technical assistance and training in the Pacific region. In general terms, observer membership of APGML facilitates greater involvement in APGML activities, including

Annual Meetings, typologies projects and other events, and distribution of relevant information regarding technical assistance and APG's mutual evaluation programme. The proposal to apply to become an observer was considered and endorsed by the PILON Executive Committee. The application subsequently made on behalf of PILON was approved by the APGML Steering Group in August 2013. Following further communication with the APGML Secretariat, an application was received by the PILON Secretariat for APGML to become an observer member of PILON. Members have the opportunity to consider this application as part of Session 8 of the Annual Meeting.

PILON received an invitation, through the New Zealand Crown Law office, to submit an update on annual activities to the **New Zealand Yearbook of International Law**. The Yearbook, currently in its tenth volume, has a "South Pacific" section which includes an update on Pacific Islands Forum activities in the preceding year and previously has included a summary of cases of regional significance. The Yearbook Editor proposed that this section be expanded to include a PILON update, attaching relevant documents from the PILON Annual Meeting. The Secretariat has submitted an article which will be published in the upcoming Yearbook, covering events which occurred in the 2012 calendar year. The article summarises proceedings and outcomes from the 2012 PILON Annual Meeting (including discussions in relation to meeting theme, and establishment of the PILON Strategic Plan and legal policy agenda); and attaches the meeting communiqué.

The 2012 PILON Secretariat report advised members of a new initiative which the Secretariat had become involved with, directed towards effective coordination and information sharing regarding **legislative drafting assistance projects** in the Pacific region. In summary, this entailed providing support towards a network of organisations involved in providing legislative drafting technical assistance in the Pacific: the New Zealand Parliamentary Counsel Office (NZ PCO), Australian Attorney-General's Department, Commonwealth Secretariat, Pacific Islands Forum Secretariat (PIFS) and AusAid. These organisations have proposed to maintain communication and share information about current and proposed legislative drafting projects, to improve coordination of projects and resources. The Secretariat has continued its involvement in this communication network during 2013. Firstly, through continuation of its email coordination role, regularly seeking updates and distributing information to the organisations. Secondly, incorporating information received into the list of country-specific projects maintained by the Secretariat on the PILON website (discussed above). This list includes a specific section detailing legislative drafting projects.

Representation of PILON at Meetings, Conferences and Working Groups

The Secretariat's Work Plan in 2013 also required representation of PILON at key regional forums, meetings and workshops. A description of these meetings is given below. The Secretariat is able to provide additional details on request.

Forum Regional Security Committee

The Forum Regional Security Committee (FRSC) meeting is hosted by the Pacific Islands Forum Secretariat (PIFS) and is the principal regional forum on political security and governance issues. PILON is invited as an observer to the FRSC, and was represented at the June 2013 FRSC meeting by the PILON Secretariat.

Key issues considered as part of the 2013 FRSC agenda included trends in transnational organised crime and the 2013 Pacific Transnational Crime Assessment Report; small arms and light weapons (the recently finalised Arms Trade Treaty, and implementation of the UN Programme of Action); strengthening the regional fisheries legal framework; regional legal cooperation initiatives; sexual and gender based violence; national security issues; and the Universal Periodic Review process and implementation of recommendations. Discussion of these issues – both updates provided by PIFS and other regional organisations and information provided by member country representatives regarding domestic context – is of relevance and particular assistance in informing the work of the Secretariat.

The PILON Secretariat provided an update to the FRSC at the meeting, together with other regional law enforcement and legal agencies. An overview of outcomes from the 2012 PILON Meeting and the Strategic Plan was provided, highlighting areas of common interest.

The PILON Secretariat also participated in a pre-FRSC meeting of regional law enforcement secretariats and related agencies, hosted by PIFS in April 2013. Other organisations in attendance included the Pacific Islands Chiefs of Police (PICP), Pacific Immigration Directors' Conference Secretariat (PIDC), Oceania Customs Organisation (OCO), Secretariat of the Pacific Community (SPC), and the Forum Fisheries Agency (FFA). The Secretariat Coordinator was unable to attend in person however participated in discussions via Skype. The purpose of the pre-FRSC forum is to better coordinate regional efforts in relation to transnational crime. An update regarding current activities of each organisation is provided, including current priority areas for possible cooperation. Production of the 2013 Pacific Transnational Crime Assessment (PTCA) was also discussed. The three issues in the PTCA which were agreed as the priority areas to highlight to the FRSC in 2013 were:

- the significant risk posed by Organised Crime Groups in the region;
- the dangers posed by corruption; and
- the need to improve intelligence capacity and products.

APGML – Revised FATF Standards and Pacific Typologies Workshop

The PILON Secretariat attended the above two workshops as an observer. The workshops were hosted by the APGML in conjunction with the Australian Transaction Reports and Analysis Centre (AUSTRAC), and held over consecutive days in March 2013 in Brisbane, Australia. The workshops were also attended by agencies including FIUs, Customs and government law offices from Pacific countries.

The workshop on the Revised Financial Action Task Force (FATF) 40 Standards was directed at briefing APG members on key changes to the FATF Recommendations and assessment methodology. The presentations provided aimed to provide a practical understanding on how the revised standards, adopted in February 2012, will work. Country delegates also participated in and reported back following break-out group exercises, regarding the application of particular standards to their domestic AML system.

The Pacific Typologies Workshop covered the current or proposed typologies projects being undertaken through the APG-ML Secretariat, lead by Member countries. Typologies projects study the methods, techniques and trends of particular issues related to money laundering. Most relevant to PILON is the typologies project on *Recovering the Proceeds of Corruption in the Pacific*, which was proposed and is being led by PNG. An overview of each project, case examples from member countries, and future progress were discussed.

Pacific Islands Chiefs of Police Conference

The PILON Secretariat attended the Annual Conference of the Pacific Islands Chiefs of Police in the Cook Islands in August 2013. The focus and theme of the meeting was “Preventing Crime through Information Management”. The agenda included ‘workshop’ style elements to explore this theme, which facilitated active discussion amongst Chiefs in attendance in relation to priority issues. Together with other law enforcement organisations in attendance, the PILON Secretariat provided a presentation to the Conference regarding PILON activities.

Secretariat Office Arrangements

The end of 2013 will mark almost three years since the Secretariat was established as an independent office in Samoa. Over the course of this year, the Secretariat has moved to new office premises, an Assistant Coordinator was appointed and has commenced in this role, and the incoming Secretariat Coordinator has been appointed.

At the conclusion of previous tenancy arrangements with SPREP, the Secretariat office re-located and is now based under a sub-tenancy agreement within the office of the Samoa Law Reform Commission.

The Assistant Coordinator position, provided for under the PILON Charter, was previously filled from October 2011 – July 2012 by a volunteer under the Australian Youth Ambassadors for Development (AYAD) program. Following the conclusion of this placement, the proposal to recruit an Assistant Coordinator was put on hold pending determination of funding and Secretariat structure issues at the 2012 PILON Meeting. The recruitment process was therefore able to commence in early 2013.

The Secretariat advertised the position of Assistant Coordinator in February – March 2013. Ten applications for the position were received.

Through PILON Executive Committee consultation, it was agreed that the Selection Committee for the position would comprise of representatives from the Australian Attorney-General's Department (AGD), Samoan Office of the Attorney General (OAG), and the PILON Secretariat Coordinator. The Executive Committee were consulted throughout the recruitment process and approved the final appointment.

Five candidates were shortlisted and interviewed by the Selection Committee in early April 2013. Ms Kelerayani Gavidu was subsequently offered the position of Assistant Coordinator, and commenced in that role in Samoa in August 2013.

The contract for the current Secretariat Coordinator will end in November 2013. Recruitment for the next Coordinator therefore commenced in mid 2013. The recruitment process was coordinated by the Australian AGD.

The AGD advertised the position of Secretariat Coordinator in June 2013. Applicants were asked to respond to set criteria and submit a full curriculum vitae detailing their educational and work qualifications. Four applications for the position were received.

The AGD sought nominations from the PILON Executive Committee to sit on the Selection Committee for the Coordinator position. As a result, the Selection Committee was comprised of representatives from the Australian AGD, Samoan OAG, PNG Department of Justice and Attorney General, and Tongan Attorney General's Office.

Interviews were conducted in July 2013. Ms Kerryn Kwan was subsequently offered the position of Secretariat Coordinator, and will commence in this role in late October 2013. This will allow Ms Kwan to attend the 32nd PILON Meeting, as incoming Secretariat Coordinator, and complete a dedicated handover with the outgoing Coordinator.

Financial Report

Under the established financial arrangements, the Secretariat is required to provide an annual financial statement, detailing all expenditure, in the PILON Secretariat Report. A financial statement for the period 1 October 2012 – 30 September 2013 detailing all expenditure and prepared by the Samoan Ministry of Finance is **Attachment A** to this report.

Special Thanks

The PILON Secretariat would like to sincerely thank the PILON Executive Committee for their support and guidance during 2013: Dr Lawrence Kalinoe (PNG), Madeleine Laracy (NZ), Catherine Hawkins (Australia), Aumua Ming Leung Wai (Samoa), 'Aminiasi Kefu (Tonga) and Lionel Aingimea (Nauru).

Special recognition must again be given to the Samoan Office of the Attorney General and the Australian Attorney-Generals' Department. Both offices assume significant additional responsibilities in providing support to the PILON Secretariat office, which has included involvement in two recruitment processes during 2013. This invaluable assistance is acknowledged and appreciated.

Thank you also to the Tongan Office of the Attorney General for organising and hosting the 32nd PILON Annual Meeting. The Secretariat appreciates the considerable time and effort you have put into this meeting and recognises the crucial role played by host countries in organising these meetings each year.

Finally, thanks go to PILON Members for their involvement and support of the Secretariat throughout 2013. We look forward to continuing to work with you in 2014.