



Pacific Islands Law Officers' Network (PILON)

Report on PILON Secretariat activities in 2012

The PILON Secretariat is pleased to welcome delegates to the 31st PILON Annual Meeting, being hosted by the Papua New Guinea Department of Justice and Attorney General (DJAG) from 29 – 31 October 2012, in Kokopo, East New Britain Province, PNG.

The Secretariat has undertaken and been involved in a range of activities since the 30th PILON Meeting held in New Zealand in December 2011. At the 30th Meeting, the Secretariat was tasked by Members with progressing several work items and projects. In addition, as the Secretariat office had entered its second year, opportunities for new initiatives have been identified or developed through engagement with other organisations. We take this opportunity to update members on the activities of the PILON Secretariat over the course of 2012.

Report on 2012 Work Plan

Technical Legal Assistance – Database

At the 30th PILON Meeting, the Secretariat provided an overview of the **technical legal database** established on the PILON website. The database contains technical legal assistance programs and initiatives available to PILON member countries, setting out details of the assistance available, eligibility requirements and contacts of assistance providers. A **model legislation database** – established as an extension of the technical assistance document and similarly available on the PILON website – was also detailed by the Secretariat.

Pursuant to the 2012 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.

An additional component has been added to the technical legal assistance page of the PILON website during 2012. A third list – of country-specific projects being undertaken or recently completed in individual PILON member countries – was developed by the Secretariat in early 2012. The proposed purpose of the list is two-fold. Firstly, as a reference for other PILON members, providing examples of the kind of assistance or projects being accessed in other member countries; and secondly, for assistance providers, to assist coordination when proposing or commencing a particular project in a member country. The list was developed through review of recent Country Reports and general research, and with the assistance of member country offices and technical assistance providers. The list is a starting point, which will be monitored and built upon by the Secretariat.

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.

Extradition

Extradition standards and procedures between Pacific countries has been a key issue considered at several recent PILON Annual Meetings.

At the 27th Annual Meeting in 2008, Members agreed to encourage their governments to consider ways in which the extradition process between their countries could be streamlined, in particular to further harmonise evidential requirements (noting a preference for a backing of warrants scheme or the no evidence standard), and to harmonise grounds of objection to extradition applications.

At the 29th Meeting in 2010, the PILON Secretariat reported on progress in harmonising and streamlining extradition procedures between PILON members, since 2008. Members noted the progress by some Pacific island countries in this regard, but also noted the lack of progress in most Pacific island countries.

The 2011 and 2012 Work Plan tasked the Secretariat to periodically remind Members of commitments made in relation to reform of extradition processes. This was carried out by including occasional reminders in the Secretariat's monthly emails to Members, including in relation to the technical assistance available in this area.

The PILON Secretariat was also tasked at the 30th Meeting in 2011 to work with members to prepare an update on how PILON member countries have made efforts to harmonise evidential requirements for extradition. This update has been prepared and included in the meeting papers, together with associated recommendations for further consideration of this issue by PILON.

Legislative Responses - Gender Based and Domestic Violence

Members tasked the PILON Secretariat in the 2012 Work Plan with seeking periodical updates from PILON Members on legislative responses to gender based and domestic violence.

This continued on from the same focus in the 2011 Work Plan, initially introduced following consideration of the issue of violence against women at the 29th Annual Meeting. Members agreed at that meeting to encourage efforts to improve and update legal frameworks, and include a report on what progress has been made in regards to violence against women in country reports at future PILON meetings.

Information based on Members' country reports or provided to the Secretariat was circulated in monthly email updates. Further details regarding efforts over the course of 2012 to improve and update legal frameworks in relation to violence against women will be presented by Members in their country reports.

Draft Strategic Plan for PILON

Work towards the development of a draft Strategic Plan has been undertaken by the Secretariat over the course of 2012. A preliminary review and research process resulted in establishment of a proposed framework for the Plan, which was circulated for Member consideration together with a discussion paper regarding the Strategic Plan proposal. Feedback received through this process has been incorporated into a draft Strategic Plan.

The draft Strategic Plan and an accompanying meeting paper are included in the meeting materials, for discussion on Day 2 of the PILON meeting. It is proposed that, following the meeting, the Secretariat make the further additions or amendments to the draft Plan discussed, and circulate this for Member comment and finalisation. Through this process, it is proposed that the PILON Strategic Plan will be finalised by the end of 2012, and commence in 2013.

PILON funding and legal structure

At the 30th PILON Meeting, the Secretariat was tasked to work with the PILON Executive Committee to develop details of the future legal status and structure, funding and functions of the PILON Secretariat, and report back to Members to progress implementation of these arrangements. The Secretariat and Executive Committee were also tasked to prepare amendments expected to be required to reflect these arrangements.

The Secretariat and the PILON Executive Committee discussed and compiled information regarding the structure and funding issues during 2012. A discussion paper setting out the results of this process is included in the papers for the 31st Annual Meeting, and provides the basis for discussion proposed for Day 2 of the meeting.

Other Issues

Work Plan items

At the 28th PILON Meeting in 2009, New Zealand's Ministry of Justice presented on the **Hague Family Conventions**. One initiative arising from that presentation was to task the PILON Secretariat in the 2010 Work Plan to act as a coordination point for PILON members interested in becoming a party to any of the Conventions. This role was highlighted also in the 2011 and 2012 Work Plan.

Over this period, the Secretariat has received only one expression of interest from a member country (in 2010). While the Secretariat will continue to offer assistance as a coordination point for countries interested in the Conventions, it is not proposed to continue to highlight this specifically in the PILON Work Plan, in light of the renewed focus of the Work Plan on specific issues identified through the Strategic Plan.

At the 29th Meeting in 2010, a proposal for a **Pacific Law Ministers Meeting** was discussed, and Members tasked the Secretariat to coordinate with Australia and New Zealand to investigate options for developing the relationship between PILON and any such forum. The Secretariat reported some preliminary discussions in relation to the proposal at the 30th Meeting in 2011. The 2012 Work Plan therefore renewed this item. This proposal has not progressed during 2012. While the Secretariat will remain available to become involved should the proposal be revisited by the relevant stakeholders, as discussions are not currently taking place it is not proposed to again highlight this specifically in the 2013 PILON Work Plan.

New Initiatives

The Secretariat commenced a **PILON newsletter** in 2012. The newsletter is as an extension of the Secretariat's role in providing an information sharing and communication network for PILON members, and providing a connection for PILON with regional and international organisations and initiatives. Two issues have been produced during 2012, and it is intended that the newsletter will continue to be produced bi-annually. The newsletter content varies from and has a different focus than the information circulated by the Secretariat through email updates and website content. This includes a feature article focussing on a relevant law and justice topic (for example, during 2012, topics featured were environmental crime and cybercrime), case notes summarising significant proceedings from PILON member countries, PaCLII hints, and a dedicated update from a PILON Observer Member. Feedback received and downloads of the newsletter from the PILON website have been encouraging. The Secretariat hopes to build upon content suggestions and discussions regarding potential newsletter contributions to further develop this as a useful resource during 2013.

The Secretariat has also been involved throughout 2012 with an initiative directed towards effective coordination and information sharing regarding **legislative drafting assistance projects** in the Pacific region. A meeting was convened in 2011 by the New Zealand Parliamentary

Counsel Office (NZ PCO), attended by organisations providing or of relevance to legislative drafting technical assistance in the Pacific: the Australian Attorney-General's Department, NZ PCO, the Commonwealth Secretariat, Pacific Islands Forum Secretariat (PIFS), AusAid, and the Commonwealth Pacific Governance Facility. One of the outcomes of the meeting was a proposal for the organisations involved to regularly share information about current, proposed, or recently completed legislative drafting projects, to improve coordination of projects and resources, preventing duplication or overlap. The PILON Secretariat has assisted with implementation of this communication network, in two ways. Firstly, through playing a email coordination role, to regularly seek updates or distribute information. Secondly, the list of country-specific projects maintained by the Secretariat on the PILON website (discussed above) includes a specific section listing legislative drafting projects. The organisations involved will assist with providing information for the list, and therefore be able to refer to this as a reference when proposing a project in a member country. This role is relatively straightforward for the Secretariat and complementary to existing tasks undertaken, and offers an opportunity to support an important resource coordination and information sharing initiative.

Representation of PILON at Meetings, Conferences and Working Groups

The Secretariat's Work Plan in 2012 also required representation of PILON at key regional forums, meetings and workshops. A description of these meetings and workshops is given below. The Secretariat is able to provide further details on request. Additionally, the Secretariat has throughout 2012 included a summary of the main outcomes of the meetings and workshops attended on behalf of PILON in the 'news' section of the PILON website, and will continue this practice during 2013.

Forum Regional Security Committee

The Forum Regional Security Committee (FRSC) meeting is hosted by 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 2012 FRSC meeting by the PILON Secretariat.

Key issues considered as part of the 2012 FRSC agenda included trends in transnational organised crime and the 2012 Pacific Transnational Crime Assessment Report; small arms and light weapons (Arms Trade Treaty, Implementation of the UN Programme of Action); the Niue Treaty Subsidiary Agreement drafting process; criminal deportees; counter terrorism; cybercrime; implementation of the Honiara and Nasonini Declarations; and UNHRC Periodic Review processes.

The Secretariat Coordinator provided an update on behalf of PILON at the meeting, together with other regional law enforcement and legal agencies. An overview of outcomes from the 2011 PILON Meeting and the Secretariat's proposed work plan in 2012 was provided. The Secretariat highlighted areas of common interest to the FRSC and PILON – including implementation of the Honiara and Nasonini Declarations, initiatives for strengthening the

regional fisheries legal framework, harmonisation of extradition legislation, and sexual and gender based violence - arising in particular through previous consideration at PILON meetings. The Secretariat expressed appreciation on behalf of PILON for the opportunity to engage with the FRSC to continue to identify and promote legislative responses to regional security issues.

PILON was also represented by the Secretariat at a pre-FRSC meeting of regional law enforcement secretariats and related agencies, hosted by PIFS on 23 April 2012. 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 purpose of the pre-FRSC meeting was for the organisations contributing to the 2012 Pacific Transnational Crime Assessment (PTCA) to provide an update regarding their recent activities and initiatives forming the basis of their report to be included in the PTCA. Although PILON does not contribute text to the PTCA, through meeting participation the Secretariat contributed to discussion and identification of priority areas to be highlighted for the FRSC in the PTCA. The three key issues for priority consideration agreed by the pre-FRSC meeting were:

- the significant risks posed by organised crime groups in the region;
- the need to improve national law enforcement data collection and information management; and
- the need to enhance activities to combat financial crimes and commercial fraud.

Working Group for Strengthening Information Management

The Working Group for Strengthening Information Management (WGSIM) is chaired by PIFS and consists of regional law enforcement Secretariats. The WGSIM was established in 2009, following agreement by the FRSC and in response to calls for better collaboration among law enforcement agencies at both domestic and regional levels. PILON has been a member of the WGSIM since it was established, and represented at the annual meetings of the working group by the PILON Secretariat.

The WGSIM programme of work for 2012 included a regional law official's workshop, hosted by PIFS and held from 24 – 26 April 2012. The workshop was attended by law enforcement officials from member countries as well as representatives of regional stakeholders, including the PILON Secretariat. The workshop focused on identifying how existing domestic and regional structures can better share information and integrate activities to enhance law enforcement services. As well as practical exercises, the workshop therefore also featured presentations on regional law enforcement and intelligence structures, transnational organised crime issues relevant to the Pacific and fisheries information sharing.

Oceania Customs Organisation Annual Conference

The PILON Secretariat attended the 2012 Oceania Customs Organisation (OCO) Annual Conference in May 2012 in American Samoa as an observer.

The theme of the OCO Conference was *“Promoting Connectivity – Borders Divide, Customs Connect”*.

Key issues discussed included an update regarding the OCO Trade Facilitation in Customs Cooperation (TFCC) project, focusing on development of internationally compliant customs legislation in PACP countries; and development of the OCO ten year strategic plan. Of note in the Strategic Plan is identification as a priority area the update of customs legislation in all member countries.

The PILON Secretariat provided a presentation as part of an agenda item focussing on the “Importance of Regional Cooperation on Law Enforcement and Border Security”. The PILON presentation provided a brief overview of the Network and Secretariat, key focus areas in 2012, and PILON and inter-agency examples of regional coordination.

The OCO was invited to attend the 2012 PILON Meeting, and will be represented by the Legal Drafting Officer engaged under the TFCC project.

Pacific Islands Chiefs of Police Conference

The PILON Secretariat attended the Annual Conference of the Pacific Islands Chiefs of Police in the Solomon Islands in August 2012. The focus and theme of the meeting was *“Enhancing Pacific Policing through Information Management”*. Together with other law enforcement organisations in attendance, the PILON Secretariat provided a presentation to the Conference regarding PILON activities.

Pacific Prosecutors’ Conference and Pacific Legislative Drafters’ Technical Forum

Members are referred to the specific papers prepared in relation to both of the above meetings and included in the PILON Meeting material. The papers provide a dedicated overview of meeting proceedings and outcomes, and contain specific recommendations for consideration by PILON Members.

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 January – September 2012 detailing all expenditure and prepared by the Samoan Ministry of Finance is **attached**.

For Members’ further information, an audit of the PILON financial records for 2011 was undertaken by the Samoan Government Audit Office in early 2012. The report produced from the audit is also **attached** for reference.

Special Thanks

The PILON Secretariat would like to thank the PILON Executive Committee for their support and guidance during 2012.

Particular thanks are due to the Samoan Office of the Attorney General and the Australian Attorney-Generals' Department for their generous and ongoing assistance provided to the Secretariat office. The additional responsibilities assumed by both offices to provide this assistance is acknowledged and appreciated.

The Secretariat would also like to acknowledge and thank AusAID for enabling those delegates who required funding assistance to attend this year's meeting in PNG. This support is greatly appreciated by PILON.

Thank you also to the PNG Department of Justice and Attorney General, and its staff, for organising and hosting the 31st 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 encouragement throughout 2012. We look forward to continuing to work with you in 2013.