

MODEL LEGISLATION AND LEGISLATIVE RESOURCES

(a) Resources developed for the Pacific

Title	Author / Source	Subject / Details
Handbook for Legislation on Violence against Women (updated)	UNWOMEN	Available on the following link: http://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women This resource is available in English, French and other languages.
Module on Legislation on Violence against Women and Girls		This module provides expert guidance on drafting, advocating for, implementing and monitoring national legislation. It provides step-by-step guidance, case studies of the most promising practices from diverse regions in the world and tools for implementation. Available on the following link: http://endvawnow.org/en/modules/view/8-legislation.html This resource is available in English, French and Spanish.
Arms Trade Treaty (ATT) Model Law	New Zealand – Ministry of Foreign Affairs and Trade (NZ MFAT)	The ATT model law is designed to assist Pacific States to implement the ATT. It covers provisions in the ATT that are suited to implementation through national legislation. States Parties to the ATT will need to implement their other ATT commitments including those involving diversion prevention, reporting and international cooperation and assistance through other measures.
Model Law Relating to International Assistance in the Event of Terrorist Emergencies	Pacific Islands Forum Secretariat (PIFS)	Part of <i>Pacific Regional Framework for External Assistance in the Event of a Terrorist Emergency</i> .

		The Model Assistance Law is “designed for use by those PIF members that wish to participate in the Framework but do not already have laws in place that would allow them to implement an international assistance arrangement or agreement (‘international instruments’) in the event of a terrorist emergency. The Model Assistance Law is designed to provide a simple, all-in-one vehicle for implementing provisions relating to powers, privileges and immunities commonly required in advance of the delivery of assistance by other states”.
Model Law for the Pacific to Implement the Rome Statute of the International Criminal Court	Adapted for the Pacific from a model drafted by Commonwealth Secretariat and International Committee of the Red Cross	“An Act to enable a country to implement and give effect to its obligations under the Rome Statute of the International Criminal Court, and for connected matters.”
Extradition (Model Bill for a backing of warrants extradition scheme within the Pacific)	PIFS, Commonwealth Secretariat, Australian Attorney-General’s Department (AGD)	
Model Law on the Control of Illicit Drugs	PIFS	
Regional Model Law on Counter Terrorism and Transnational Organised Crime	PIFS	This Model implements a suite of international obligations relation to counter-terrorism, terrorist financing, people smuggling and human trafficking and transnational organised crime.

Model Weapons Control Bill	PIFS (Sub-committee of Forum Regional Security Committee)	Updated in 2010 to introduce provisions relating to arms brokering.
Regional Model Law on Customs	Oceania Customs Organisation (OCO) / PIFS	<p>The Pacific Islands Forum Economic Ministers Meeting tasked the Forum Regional Security Committee (FRSC) to work with the Oceania Customs Organisation (OCO) to develop this model law, based on the need to provide some harmonisation to customs systems and processes in the region as a necessary step towards trade and security. The model law is to be used as a guide to undertake reform.</p> <p>It was completed and endorsed by the FRSC after it had been approved by both senior government law officers and heads of customs at a workshop in 2009.</p> <p>The purpose of the Model Act is to “reform and modernize the law relating to Customs controls and enforcement, including administration, border management, trade and travel facilitation and security and for related matters.</p>
Traditional Biological Knowledge, Innovations & Practices Act	SPREP	The Model Act is supported by <i>Guidelines for developing legislation for the protection of traditional biological knowledge, innovations and practices based on the Traditional Biological Knowledge, Innovations and Practices Model Law</i> , developed by PIFS. The purpose of the Guidelines is to assist policy makers to develop national legislation based on the Model Law.
Model Law for the Protection of Traditional Knowledge and Expressions of Culture	SPC, PIFS, UNESCO	<p>Part of the Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture.</p> <p>The Model Law establishes a new range of statutory rights for traditional owners of traditional knowledge and expressions of culture. The model</p>

		law provides a basis for Pacific Island countries wishing to enact legislation for the protection of traditional knowledge and expressions of culture.
Model Marine Pollution Prevention Bill (with Ballast Water Management Convention Provisions)	SPREP / SPC	<p>This is a revised model law “for application in Pacific Island jurisdictions to make comprehensive provision for the implementation of all relevant international conventions dealing with marine pollution prevention and response, including the Ballast Water Management Convention”.</p> <p>This draft was prepared in March 2011 and includes modifications to include comprehensive ballast water management provisions in accordance with the Ballast Water Management Convention.</p>
Pacific Model Pollution Levies Regulation <i>(“A Regulation to Establish the Procedure for the Setting of Levies under the National Marine Pollution Fund (POLFUND), under Section 25 of the Marine Pollution Prevention Act, 200X”)</i>	SPREP	Regulation made pursuant to section 25 of the Model Marine Pollution Prevention Bill.
Pacific Model Port Reception Facilities Regulations		Regulations made pursuant to section 11 of the Model Marine Pollution Prevention Bill. Object of Regulations is for “the provision of waste reception facilities at.....ports to enable vessels to discharge waste oil or oily residues or sewage, or deposit garbage, from those vessels.”
Model Shipping (Ballast Water Management) Regulations	SPREP	<p>Makes comprehensive provision for the implementation of the Ballast Water Management Convention. The Model Law is designed specifically for countries which have already enacted comprehensive marine pollution legislation, and in particular the model Marine Pollution Prevention Act prepared by SPC and SPREP, and last revised in 2002.</p> <p>For countries that have not enacted marine pollution legislation of that nature, the recently revised Model Marine Pollution Act now includes ballast water provisions consistent with the Ballast Water Management Convention. Those new provisions are similar to the provisions of these</p>

		model draft Regulations.
Pacific Islands Maritime Legislation and Regulations (PIMLAR)	PIMLA / SPC	<p>PIMLAR is a four-volume loose-leaf compendium of generic model maritime law and regulations. The compendium was first distributed to Pacific Island Countries in 2002. As new model legislation has been drafted, it has been distributed to member Countries to add to the compendium.</p> <p>The compendium consists of:</p> <ul style="list-style-type: none"> • Volume 1: Maritime Administration - 12 chapters; • Volume 2: Vessel Safety - 15 chapters; • Volume 3: Marine Pollution - 4 chapters; and • Volume 4: Ports - 7 chapters <p>Examples of recent model legislation added to the Compendium includes:</p> <ul style="list-style-type: none"> • <i>Maritime Security Regulations 2004</i> • <i>Bill incorporating the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation(SUA) Convention and Protocols (Generic working draft incorporating SUA Convention 1998 and Protocols 2005)</i> • <i>Long Range Identification and Tracking Regulations</i> • <i>Search and Rescue Bill (translating Search and Rescue Convention 1979 as amended)</i> • <i>Marine Incidents and Investigations Regulations (reflecting amendments to Marine Casualty Code)</i> • <i>Domestic Vessels Safety Regulations</i>
Framework for Developing Immigration Policy and Legislation	Pacific Immigration Directors' Conference (PIDC) Secretariat	<p>The Framework is designed to act as a foundation document to be used when the PIDC secretariat assists members in this area, and for donors as a statement of agreed standards and content for immigration legislation in the Pacific region.</p> <p>The framework is divided into two parts:</p>

		<ul style="list-style-type: none"> • <i>Part A: Issues and Approaches to Developing Policy and Legislation</i> details issues and approaches that should be taken into account. It is intended to guide and provide support to the process of developing new or revised immigration laws. • <i>Part B: Key Parts and Provisions</i> - provides a framework for the legislation itself. This is not a model immigration bill, but rather a practical document or tool that sets out relevant sections and key provisions to help assess existing legislation and provide a basis for the development of any new legislation.
Public Health Law in the Pacific – A Review Companion	Genevieve Howse – Faculty of Health Sciences, School of Public Health, La Trobe University (Australia)	<p>Available on the website for the Western Pacific Regional Office of the World Health Organisation: http://www.wpro.who.int/topics/legislation/en/</p> <p>Intended as a companion to reviewers undertaking review and amendment of public health laws in the Pacific region. Covering policy making; development of legislation; communicable and non communicable disease, public health risk, role of local councils, use of customary approaches; protection of human rights, incorporation of treaty obligations; drafting the bill and Parliamentary processes; suggested legislative text in module format and flow charts designed to make legislation easier to understand and to use.</p>

(b) General Resources

Author / Source	Details
International Committee of the Red Cross	<p>Available from www.icrc.org/eng/resources/documents/legal-fact-sheet/national-implementation-model-laws.htm, for adaptation to suit country's particular circumstances with advice from the ICRC:</p> <ul style="list-style-type: none"> • Anti-personnel mines: <i>Model of legislation for common law States to implement the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and</i>

	<p><i>Transfer of Antipersonnel Mines and on their Destruction</i></p> <ul style="list-style-type: none"> • Biological and Toxin Weapons: <i>Model law: the Biological and Toxin Weapons Crimes Act</i> • Cluster munitions: <i>Model law Convention on Cluster Munitions</i>(legislation for Common Law States on the 2008 Convention on Cluster Munitions) • Emblem: <i>Model law on the emblems</i> (national legislation on the use and protection of the emblem of the Red Cross, Red Crescent and Red Crystal) • Geneva Conventions and Additional Protocols: <i>Model Law - Geneva Conventions (Consolidation) Act</i> (legislation for Common Law States on the 1949 Geneva Conventions and their 1977 and 2005 Additional Protocols) • <i>Model Geneva Conventions Act (for common law States)</i> (model act giving effect to the provisions of the four Geneva Conventions of 1949 and to their two Additional Protocols of 1977) • Missing: <i>Guiding principles / Model Law on the missing</i> (principles for legislating the situation of persons missing as a result of armed conflict or internal violence: measures to prevent persons from going missing and to protect the rights and interests of the missing and their families)
United Nations Office on Drugs and Crime	<p>Available from http://www.unodc.org/unodc/en/legal-tools/model-treaties-and-laws.html, including:</p> <ul style="list-style-type: none"> • Trafficking in persons • Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition • Money Laundering and Financing of Terrorism • Terrorism • Child Victims and Witnesses of Crime • Witness Protection • Drug Control

Commonwealth Secretariat	<ul style="list-style-type: none"> • Model Legislative Provisions on Measures to Combat Terrorism • Model Law on the Implementation of the Rome Statute of the International Criminal Court 2011 • Model Provisions on Money Laundering, Terrorist Financing, Preventive Measures and Proceeds of Crime • Model Law on Competition • Model Law on Civil Recovery • Model Law on Computer and Computer Related Crime • Draft Model Law on Electronic Evidence • Draft Model Law on Electronic Transactions • Freedom of Information Act • Privacy Act • Model Criminal Disclosure Act and related Model Prosecution Disclosure Guidelines
International Federation of Red Cross and Red Crescent Societies	<p>A pilot version of a <i>Model Act for the Facilitation and Regulation of International Disaster Assistance</i> was made available in November 2011.</p> <p>The Model Act is designed to assist states to integrate the recommendations of the IFRC Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and International Recovery Assistance into their national laws.</p> <p>The Model Act and further information is available here: http://www.ifrc.org/en/what-we-do/idrl/model-act-on-idrl/</p>
United Nations Commission on International Trade Law (UNCITRAL)	<p>Available from: http://www.uncitral.org/uncitral/en/uncitral_texts.html</p> <p><i>Arbitration and Conciliation</i></p> <ul style="list-style-type: none"> • UNCITRAL Model Law on International Commercial Arbitration 1985, with amendments as adopted in 2006 • UNCITRAL Model Law on International Commercial Conciliation, 2002 <p><i>Electronic communications</i></p> <ul style="list-style-type: none"> • UNCITRAL Model Law on Electronic Signatures with Guide to Enactment, 2001

	<ul style="list-style-type: none"> • UNCITRAL Model Law on Electronic Commerce, 1996 <p><i>Procurement and private-public partnerships</i></p> <ul style="list-style-type: none"> • UNCITRAL Model Law on Procurement of Goods, Construction and Services, 2011 • UNCITRAL Model Legislative Provisions on Privately Financed Infrastructure Projects, 2003 <p><i>Insolvency</i></p> <ul style="list-style-type: none"> • UNCITRAL Model Law on Cross-Border Insolvency, 1997 <p><i>Payments and financing</i></p> <ul style="list-style-type: none"> • UNCITRAL Model Law on International Credit Transfers, 1992
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PROPOSED / IN PROGRESS

SUBJECT	AUTHOR / SOURCE	TIMEFRAME
Pacific Model Law on Cybercrime	Drafted as an outcome of the International Telecommunication Union (ITU) and European Commission (EC) IC4PAC Project. The IC4PAC project focuses on capacity building and ICT policy, regulatory and legislative frameworks support for Pacific Island countries.	
Model legal professional conduct rules and complaints and discipline handling procedures, for the Pacific	The South Pacific Lawyers Association (SPLA) Legal Ethics and Practice Committee and SPLA Secretariat are working with the Law Council of Australia.	
Model Legislation to assist Commonwealth member countries in implementing the	Commonwealth Secretariat – part of work programme approved by Law Ministers at	Prior to 2013 CLLM

revised Harare Scheme relating to Mutual Legal Assistance in Criminal Matters	2011 Commonwealth Law Ministers' Meeting (CLMM)	
Model Law on Integrity in Public Life (incorporating a Code of Conduct for Public Officials and Guidelines for Dealing with Conflicts of Interest), specifically aimed at the needs of small jurisdictions	Commonwealth Secretariat - Arising from a programme of work approved by Law Ministers and Attorneys-General of Small Commonwealth Jurisdictions at their meeting in 2007	A final draft law, code and guidelines will be presented to Law Ministers of Small Commonwealth Jurisdictions at their meeting in 2013