



Pacific Islands Law Officers' Network meeting outcomes 6-10 December 2007

The Chair, Solicitor General of the Cook Islands, Mr Michael Mitchell, convened the 26th Pacific Islands Law Officers' Network (PILON) meeting from 6-10 December 2007. The meeting was the inaugural meeting under its new title agreed to by members at the 25th Pacific Islands Law Officers' Meeting in Kiribati in February 2007.

Representatives were present from nine Pacific countries: Australia; the Cook Islands; Fiji; Kiribati; the Republic of the Marshall Islands; New Zealand; Samoa; Tuvalu; and Vanuatu. The following observers also attended: Pacific Islands Forum Secretariat; International Committee of the Red Cross; Pacific Islands Forum Fisheries Agency; Secretariat of the Pacific Community; Pacific Regional Environment Programme; and Pacific International Maritime Law Association.

This report summarises the key outcomes arising from discussions at the PILON meeting. It is the official record of the resolutions agreed to by members.

A. Discussion paper: *Establishing PILON as a regional organisation*

Members agreed to the proposals in the discussion paper formalising PILON's operation. It was agreed that PILON should continue to be an informal association of senior law officers meeting annually for members to discuss law and justice issues in the Pacific. The organisation would also act to effectively link law officers throughout the year, and to progress a work plan between meetings.

The meeting adopted a Charter and Rules of Procedure to establish a structure for PILON and govern its operations. The organisation would be supported by a Secretariat, to be co-located with the Pacific Islands Forum Secretariat under arrangements to be negotiated. Until the next PILON meeting, the Secretariat will continue to operate out of the Australian Attorney-General's Department.

The Charter and Rules of Procedure adopted at the meeting incorporated changes to the drafts presented to members as part of the discussion paper. The key matters agreed concerning the proposals contained in the discussion paper were as follows:

- 1) the Steering Committee to be called the Executive Committee, as an indication of its role in overseeing PILON activities between meetings
- 2) recruitment guidelines for the permanent Secretariat to be developed for consideration at the next PILON meeting
- 3) the role of the Chair to begin at the commencement of the meeting and continue until the start of the next meeting. The incoming Chair is the senior law officer nominated by the country that will host the next meeting.
- 4) that future consideration be given to French Polynesia and New Caledonia participating in PILON. Further clarification will be sought from these territories on whether or not they wish to engage with PILON and in what capacity.
- 5) that a paper on the engagement of territories of non-member countries with PILON be developed and presented for discussion at the next PILON meeting.
- 6) that a majority of member countries will constitute a quorum at a PILON meeting. In the event the meeting is not quorate, outcomes will be provisional until communication of acceptance by a majority of members. Where a member country does not communicate its position within one month of being advised of a provisional outcome, the country will be deemed to accept the outcome. If a decision requires a consensus of members, one objection will defeat the outcome.
- 7) that no suspension provision be included in the Charter.

Definition of 'senior law officer'

PILON agreed that its membership comprises law officers at the highest level carrying out specific functions in member countries. The Charter provides that the person be a public service office holder. Elected law officers are not members of PILON. Senior law officers may delegate attendance at the meeting where necessary.

There was significant discussion over the meaning of a 'senior law officer' for the purposes of attending a PILON meeting. Two issues arose concerning identifying the head of the delegation for a meeting and delegation an office's representation to a person who is not a public servant.

The definition of a 'senior law officer' was amended to:

- require the Secretariat to be advised if a member country wishes to delegate attendance to a person who is not a public servant in the same office as the relevant senior law officer, and for the Executive Committee to consider whether the delegation is appropriate.
- provide that more than one senior law officer may attend a meeting from a particular country, with the delegation advising the Chair which person is the head of the delegation.
- provide that the Secretariat must be advised of the name and title of each senior law officer and, if applicable, the identity of the contact person for that officer on PILON matters.

Funding the PILON Secretariat

Delegates agreed in principle that member countries should contribute to the future costs of the Secretariat. It was noted that there is limited capacity for most member countries to contribute to the costs of running a Secretariat. Delegates recognised that member countries already make a significant contribution by meeting the costs of attendance at PILON meetings. Nevertheless, delegates considered it to be important to contribute financially to the Secretariat to ensure they have ownership of the work of the Secretariat. It was agreed that:

- the costs of staffing the interim Secretariat will continue to be absorbed by the Australian Attorney-General's Department until the next annual meeting, and
- the Secretariat be tasked with locating possible donor funding to supplement the contributions of members for a permanent Secretariat.

B. International Criminal

Court

The meeting considered the issues associated with countries in the Pacific acceding to the Rome Statute. Members agreed that those Pacific nations not yet a party should consider accession, and noted that technical assistance is available to assist with implementation.

The Secretariat will assist member countries by circulating information on available technical assistance.

C. Extradition and mutual

assistance

Members welcomed the background paper developed by the Secretariat, *Extradition and mutual assistance – Multilateral treaty and model legislation*. Members established a committee to examine the evidentiary bases for extradition and mutual assistance models, and to examine a means of facilitating extradition and mutual assistance across the region with a view to harmonising standards to the extent possible. The committee will prepare and circulate a discussion paper in advance of the next annual meeting.

D. Pacific Law Ministers'

Meeting

Members considered the issues concerning the role of law ministers in a Pacific Law Ministers' Meeting. Discussion was deferred until the 27th meeting of PILON.

E. Strategic

plan

The meeting endorsed the development of a Strategic Plan, including the following areas:

- law and justice sector capacity building, training, mentoring and continuing education
- good governance measures in coordination with the work of regional organisations and member countries, including legislative developments

- implementation of commitments of Pacific Islands Forum Leaders' Meetings, including the Honiara Declaration and the Nasonini Declaration
- identification of short, medium and longer term priorities for PILON
- a focus on the particular vulnerabilities of Small Island States in the Pacific, including legal issues relating to climate change, and
- improving information sharing among member countries.

F. Work

PILON adopted ^{plan} general principles for a work plan, to be finalised by the Secretariat and the Executive Committee, and circulated to members as soon as possible. This work plan will guide the work of the Secretariat and the Executive Committee until the next meeting.

G. Hosting of the 27th PILON

No country ^{meeting} at this stage is able to make a firm offer to host the 27th annual meeting. Members will consider their positions and inform the Secretariat. The Secretariat will contact member countries absent from the 26th meeting to inquire about their willingness to host the 27th meeting.

H. Executive

The Executive ^{Committee} is to consist of

- Cook Islands,
- as Chair
- the incoming Chair, once identified

- New

Those member countries ^{Ki} not present will be invited to express an interest in joining the Executive Committee. ^{Ze} ^{ala} ⁱⁿ ^{nd.} ^{an}

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I. Regional Legal Infrastructure Initiative

Members welcomed the Regional Legal Infrastructure Initiative 12.9 of the Pacific Plan. PILON and individual member countries appreciate the opportunity to provide input into the scoping studies earmarked for 2008.

J. Action Plan on Sustainable Legislative Drafting Capacity Building

Members noted the progress of the Action Plan. It was noted that funding for some of the initiatives was for Commonwealth countries and did not include the compact states of the

Pacific and that the Forum Secretariat will endeavour to identify funding for those countries.

K. Honiara Declaration and Nasonini

Declaration

The meeting noted that the Forum Secretariat will undertake a survey of the legislation in place across the Pacific to identify areas which could be harmonised. The Forum Secretariat will report on the outcome of this survey at the 27th annual meeting.