



**Pacific Islands Law Officers' Network Annual Meeting
Outcomes Report
8 – 10 December 2010, Brisbane, Australia**

The Chair, Secretary of the Australian Attorney-General's Department, Mr Roger Wilkins AO, convened the 29th Pacific Islands Law Officers' Network (PILON) annual meeting from 8 to 10 December 2010 in Brisbane, Australia.

PILON member countries represented at the meeting included Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, and Vanuatu. Apologies were received from the Federated States of Micronesia, Palau, the Republic of Marshall Islands and Tuvalu.

Gratitude was expressed for financial support from AusAID who provided funding to facilitate the attendance of four delegates from Pacific island countries, and from the New Zealand Aid Programme which provided funding to facilitate the attendance of seven delegates from Pacific island countries.

The following observer members also attended: the Commonwealth Secretariat; International Committee of the Red Cross (ICRC); the Pacific Islands Forum Fisheries Agency (FFA); Pacific Islands Forum Secretariat (PIFS); Pacific International Maritime Law Association (PIMLA); Pacific Legal Information Institute (PacLII); Secretariat of the Pacific Community (SPC); Secretariat of the Pacific Regional Environment Program (SPREP); United Nations Office on Drugs and Crime (UNODC) and the University of the South Pacific (USP).

Representatives from the Australian Attorney-General's Department (AGD), Australian Federal Police (AFP), the Australian National University (ANU), AusAID, Australian Institute of Criminology (AIC), High Court of Australia (HCA), Australian Office of National Assessments (ONA), Ombudsman Commission of Papua New Guinea, Pacific Immigration Directors' Conference Secretariat, Pacific Islands Chiefs of Police Secretariat (PICP), Pacific Judicial Development Program, Pacific Ombudsman Alliance Secretariat, Pacific Prosecutors' Association (PPA), Secretariat of the Pacific Community Regional Rights Resources Team (RRRT), Pacific Transnational Crime Coordination Centre (PTCCC),

South Pacific Lawyers' Association Secretariat, United Nations Development Programme (UNDP) and the University of Auckland observed the meeting.

This report summarises the outcomes of discussions at the meeting. It is the official record of meeting resolutions and a summary of key discussions. Documents relating to the meeting are available on PILON's website at www.pilonsec.org or otherwise from the Secretariat at pilon.secretariat@ag.gov.au.

Delegates were formally welcomed by a traditional 'Welcome to Country' ceremony, an acknowledgement of traditional land owners.

A. Outgoing PILON Chair's address

The outgoing PILON Chair, the Attorney General of Samoa, Mr Ming Leung Wai, commenced the meeting with an official address to PILON members. The outgoing Chair reported that 2010 had been a busy year for PILON and provided an update on the transition to an independent Secretariat. The Attorney General announced the appointment of a new Secretariat Coordinator, and that the Samoan Office of the Attorney General and the Australian Attorney-General's Department will continue to provide support to the Secretariat, both during the transition and on an ongoing basis.

The outgoing Chair thanked members for their ongoing support and introduced the theme for the 29th Annual Meeting, 'Regional Approaches to Combating Crime'.

B. Incoming PILON Chair's address

The Chair, Mr Roger Wilkins AO, Secretary, Australian Attorney-General's Department, provided an opening address, in which he welcomed members to Brisbane and highlighted the importance of the rule of law as a component of the infrastructure of society, which is of increasing importance to supporting the security and prosperity of member countries and the Pacific region. He noted that the PILON forum and Annual Meeting provide an excellent opportunity for senior law officers to work together to improve law and justice outcomes for the Pacific. Mr Wilkins also noted the theme of the meeting and the importance of the issues included in the agenda, such as transnational organised crime, corruption and environmental crime, violence against women, climate change and criminal deportees. Mr Wilkins also referred to *Australia's Framework for Law and Justice Engagement with the Pacific* and technical legal assistance programs.

C. Opening address

The Attorney-General of Queensland, the Hon Cameron Dick MP, provided an official opening address to PILON members and welcomed delegates to Brisbane. The Attorney-General provided comments on issues including organised crime, gender-based violence and people trafficking. He also noted his close affiliation with PILON and the Pacific.

D. Legal frameworks and initiatives for addressing transnational organised crime in the Pacific

Presentations were provided by:

- Mr Greg White of the Pacific Transnational Crime Cooperation Centre
- Mr Peter Homel of the Australian Institute of Criminology
- Mr Phil Divett of the United Nations Office on Drugs and Crime
- Mr Ben Au of the Australian Attorney-General's Department
- Ms Kelisiana Thynne of the International Committee of the Red Cross, and
- Ms Lorraine Kershaw of the Pacific Islands Forum Secretariat.

Presentations canvassed emerging trends in transnational crime in the Pacific, including the role of the PTCCC in disseminating information, as well as existing international legal frameworks to address transnational organised crime. The Australian *Commonwealth Organised Crime Strategic Framework* was provided as an example of a coordinated national response to organised crime. There was also discussion of regional responses to organised crime, which focused on small arms and light weapons and human trafficking. A panel discussion followed, and members agreed to:

1. note the significant impact of transnational organised crime in the Pacific region, in particular as a threat to national and regional security and economic sustainability, and agree that there is a need to improve national and regional responses to enable law enforcement authorities to effectively combat transnational organised crime
2. acknowledge that firearms trafficking and people trafficking are significant and emerging transnational crime issues for the Pacific region, and support the efforts of States to negotiate an International Arms Trade Treaty
3. use best endeavours to improve and update legal frameworks to combat transnational organised crime and facilitate exchange of information between law enforcement agencies
4. note with appreciation the technical assistance available from the Australian Attorney-General's Department, the Pacific Islands Forum Secretariat and the United Nations Office on Drugs and Crime as well as other donors, to develop and reform legislation, and
5. consider becoming Party to international agreements relating to transnational crime and corruption, where that has not already occurred, including the *United Nations Convention Against Transnational Organised Crime* and the *United Nations Convention Against Corruption*.

E. Legal frameworks and initiatives for addressing corruption in the Pacific

Presentations were provided by:

- Ms Charmaine Rodrigues of the United Nations Development Programme
- Mr Chronox Manek, Chief Ombudsman of the Ombudsman Commission of PNG, and
- Professor Lorraine Elliot of the Australian National University.

Presentations provided information on the *United Nations Convention Against Corruption*, the links between environmental crime and corruption and the work of Pacific Ombudsmen in responding to instances of corruption in the Pacific. Members then discussed current legislative approaches to combating corruption, and the role of national and regional institutions, as well as civil society, in encouraging full implementation of these legal frameworks.

Members agreed to:

1. note the links between corruption and environmental crime and the significant impact of corruption and environmental crime in the Pacific region, in particular as an impediment to economic growth, and ask the Secretariat to report back on best practices on regulation with respect to environmental and resource management
2. note that Leaders of the Pacific Islands Forum have invited members to consider signing and ratifying the *United Nations Convention Against Corruption (UNCAC)* to strengthen good governance in accordance with the spirit of the *Biketawa Declaration*
3. note that technical assistance is available to support efforts to ratify and implement UNCAC, in particular from the Australian Attorney-General's Department and the United Nations Development Program, and encourage countries to make use of that assistance, and
4. support national and regional efforts to respond to instances of corruption, in particular, the efforts of National Ombudsmen and the Pacific Ombudsman Alliance in this regard.

F. Address by the Australian Attorney-General, the Hon Robert McClelland MP

The Australian Attorney-General presented on the importance of the rule of law and access to justice as necessary preconditions to social and economic development, and building stable, safe and secure communities. He also referred to Australia's commitments under the *Australia's Framework for Law and Justice Engagement with the Pacific* and the upcoming Commonwealth Law Ministers' Meeting, which Australia will host on behalf of the Pacific region in July 2011.

G. PILON Secretariat Report

The Secretariat presented a summary of its activities in 2010 and the work which has been performed under the 2010 Work Plan. A written report was also provided to delegates providing additional detail on the activities of the Secretariat, and identifying a number of items for further attention and/or action by members. A copy of the report will be placed on the PILON website following the meeting.

The Secretariat thanked delegates for travelling to attend the meeting in Brisbane and for their ongoing support of PILON, and noted the continuing support of donors such as AusAID, the New Zealand Aid Programme and the International Committee of the Red Cross.

The Secretariat referred to the theme of the meeting and the aim that PILON members would agree on a set of outcomes designed to meet the challenges posed by emerging crime issues.

The Secretariat discussed the record it maintains of training, secondment and exchange opportunities offered by members and observers, and requested that it be kept informed of these initiatives, to ensure that notice of these opportunities can be circulated to members in a timely fashion. The Secretariat provided details on one such opportunity, the Pacific Legal Policy Twinning Program conducted by the Australian Attorney-General's Department, and noted that the Australian Attorney-General's Department would be seeking expressions of interest for the next round of placements under the Legal Policy Twinning Program and the Pacific Legislative Drafting Pairing Program in early 2011. The PILON Litigation Skills Programme was also discussed, and New Zealand will report to the 2011 PILON Meeting on the outcomes of this year's Litigation Skills Programme.

The Secretariat also updated members on the progress of the PILON Secretariat transition to Samoa, and noted that Ms Tracey White would be commencing in the role of Secretariat Coordinator at the end of January 2011. The Secretariat will continue to keep members updated on progress.

At the conclusion of the presentation, PILON members agreed to:

1. note the report given by the PILON Secretariat on its activities in 2010. In particular:
 - (a) the written report prepared by the PILON Secretariat that will be uploaded to the PILON website
 - (b) the progress that has been made in transitioning to an independent Secretariat, and the next stages which will be undertaken as part of that transition
 - (c) the record of legal training, secondment and exchange programs prepared by the Secretariat, and agree that PILON member countries and observers will keep the Secretariat informed of programs which should be included in this record
 - (d) that PILON was represented at a number of forums, meetings, conferences and working groups during the course of 2010 and the Secretariat will continue to represent PILON at such events, when appropriate, or arrange for PILON to be represented by other means, and
 - (e) that, among other issues, the following items were brought forward for consideration at this meeting:
 - (i) emerging issues in the Pacific concerning transnational and organised crime and corruption
 - (ii) measures designed to meet the challenges posed by emerging crime issues
 - (iii) extradition
 - (iv) gender-based violence
 - (v) environmental crime
 - (vi) climate change
 - (vii) criminal deportees, and
 - (viii) ongoing transition of the PILON Secretariat to Samoa.
2. note the paper, 'Update on the harmonisation of extradition standards and procedures in the Pacific', that was provided to members for consideration out of session, and members agreed to:

- (a) note the progress by some Pacific island countries in streamlining and expediting extradition between PILON members since 2008, but note the lack of progress in most Pacific island countries
 - (b) note that assistance is available from the Australian Attorney-General's Department and the Pacific Islands Forum Secretariat to review and reform legal frameworks for international crime cooperation, and
 - (c) task the Secretariat to periodically remind the members of these commitments
3. note the paper, 'Implications of a Pacific regional human rights instrument', that was provided to members for consideration out of session, and:
- (a) note the various implications of a regional human rights instrument, such as a Pacific Charter of Human Rights
 - (b) note the view that consensus on key human rights principles and obligations is required before an effective Pacific Charter of Human Rights can be negotiated and implemented
 - (c) note that the Leaders of the Pacific Islands Forum have committed to the Vision for a Pacific region that is respected for its defence and promotion of human rights
 - (d) agree that PILON members, as legal advisers to government, have an important role to play in providing legal and legal policy advice to their respective governments about:
 - (i) the ratification and implementation of international human rights treaties, and
 - (ii) related issues, such as proposals for national human rights institutions and regional human rights mechanisms, and
 - (e) note that there is a wide range of technical assistance available from the Pacific Islands Forum Secretariat, the Secretariat of the Pacific Community, including the Pacific Regional Rights Resource Team, and UN agencies for the ratification and implementation of existing international human rights treaties, and
4. note the paper, 'Private security companies and international humanitarian law', that was provided to members for consideration out of session, and:
- (a) encourage efforts to review existing domestic law for regulating private security companies against international legal obligations including under the Montreux Document, and
 - (b) note that the ICRC is available to assist States in undertaking this process and in adopting implementing international humanitarian law legislation.

H. Future directions for the PILON Secretariat

The PILON Secretariat provided a presentation on future funding options for the PILON Secretariat. PILON members agreed that New Zealand will prepare, in consultation with Samoa and Australia, a paper for the 30th PILON Meeting on the following matters:

- (a) identifying sustainable future funding sources for the PILON Secretariat post-2012
- (b) inquiring into the future legal status of the PILON Secretariat and whether current arrangements are sustainable, and
- (c) the future roles and functions of the PILON Secretariat.

I. Violence against women

Presentations were provided by:

- Ms Gina HOUNG LEE of the Secretariat of the Pacific Community Regional Rights Resources Team, and
- Mr Brendan HORSLEY of the New Zealand Crown Law Office.

Presentations canvassed legal initiatives that can be undertaken to improve access to justice for victims of sexual and family violence in Pacific island countries, and recent legislative developments in New Zealand.

A panel discussion followed, in which the importance of education and community awareness among both men and women of the issue of violence against women was agreed. Members agreed to:

1. note that violence against women remains a significant issue in the Pacific region
2. commit to continuing to support efforts to combat violence against women and improve access to justice for victims of sexual and family violence
3. encourage efforts to improve and update legal frameworks, noting the assistance available from the Australian Attorney-General's Department, the Secretariat of the Pacific Community Regional Rights Resources Team, the Pacific Islands Forum Secretariat and the Pacific Police Domestic Violence Program, and
4. include a report on what progress has been made in regards to violence against women in country reports at future PILON meetings.

J. Legal implications of climate change in the Pacific

A presentation was provided by Mr Clark Peteru of the Secretariat of the Pacific Regional Environment Programme on the predicted impacts of climate change on Pacific island countries, including the likelihood of displaced persons and the impacts this is likely to have culturally and legally. Members agreed to:

1. note that climate change is one of the biggest threats to sustainable development and security in the Pacific region, and

2. note the recently negotiated *Ambo Declaration* and agree to support further development of regional and country-based legal initiatives to support mitigation and adaptation to climate change.

K. Criminal deportees – legal implications

A presentation was provided by Mr Dave Potaka of the Pacific Islands Chiefs of Police Secretariat on the impacts of criminal deportees on security and the level of criminal activity in Pacific island countries, and Samoa's work in developing a national policy regarding deportees to mitigate the potential threat posed by their return, and to develop support mechanisms for their reintegration.

PILON members agreed to:

1. support the development of regionally and bilaterally agreed solutions to address the security challenges arising from criminal deportees, and
2. note the ongoing work of the Pacific Islands Forum Secretariat, Pacific Islands Chiefs of Police, the Pacific Immigration Directors' Conference and UNESCO in this regard.

L. Discussion of communiqué

Members discussed the conclusion of a communiqué to reflect the agreements reached at this meeting. A copy of the communiqué is provided at **Attachment A**.

M. Addressing legal capacity needs in the Pacific

The Chair provided an overview of *Australia's Framework for Law and Justice Engagement with the Pacific*. Presentations were then provided on law and justice assistance available to Pacific island countries by:

- Ms Lorraine Kershaw of the Pacific Islands Forum Secretariat
- Ms Gina Houg Lee of Secretariat of the Pacific Community Regional Rights Resource Team
- Ms Shirani de Fontgalland of the Commonwealth Secretariat
- Ms Ashleigh Saint of the Australian Attorney-General's Department
- Ms Kelisiana Thynne of the International Committee of the Red Cross
- Mr Lorenz Metzner of the Pacific Judicial Development Program
- Ms Lenore Hamilton of Pacific Islands Legal Information Institute (PacLII), and
- Mr Brendan Horsley of the NZ Crown Law Office.

Members agreed:

1. to note the wide range of law and justice assistance available, including assistance provided by the Australian Government, the New Zealand Government, Commonwealth Secretariat, Pacific Islands Forum Secretariat, Pacific Judicial Development Program, Pacific Police Domestic Violence Program, South Pacific Community including the Regional Rights and Resources Team, the International Committee of the Red Cross, the United Nations Development Program, PacLII and

the United Nations Office on Drugs and Crime, and encourage those agencies to keep the PILON Secretariat updated on assistance that is available

2. that the PILON Secretariat continue to advise members of assistance programs that are available, including through the PILON website, and
3. note the advantages of a sectoral approach to assistance to the law and justice sector.

N. Member country reports

Member countries provided reports on key law and justice activities and initiatives during 2010. Members agreed:

1. to note the Country Reports presented by PILON member countries, and
2. that where consent has been given, for Country Reports to be uploaded to the PILON website.

O. Relationship between PILON and Pacific Law Ministers' forums

The Australian Attorney-General's Department provided information to members about the upcoming Commonwealth Law Ministers Meeting.

Members agreed:

1. to note the presentation given by the Australian Attorney-General's Department on the Commonwealth Law Ministers Meeting (CLMM) to be held in Sydney, Australia from 11-14 July 2011
2. to provide details of the CLMM to ministers and colleagues in their countries who may be interested in attending the CLMM
3. that the PILON Secretariat should investigate options for developing the relationship between PILON and Pacific Law Ministers' forums and that work should be done in consultation with PILON member countries and the Pacific Islands Forum Secretariat, and
4. that the PILON Secretariat report back to PILON members at the 30th PILON Annual Meeting, if not before.

P. Legal information sharing

Presentations were provided by:

- Ms Lenore Hamilton of the Pacific Islands Legal Information Institute (PacLII)
- Ms Kayleen Tavoia of the Pacific Prosecutors' Association, and
- Ms Daiana Buresova of the Pacific Islands Forum Secretariat.

Ms Hamilton presented on the outcomes of the October 2010 PacLII workshop and options for the future sustainability for PacLII. Ms Tavoia provided an update on the activities of the PPA and Ms Buresova provided an update on the activities of the Pacific Legislative Drafters Forum.

Members agreed:

1. to note the ongoing importance of PacLII in providing free access to legal information and resources in the Pacific and encourage member countries to provide every support to sustain its continuation, and
2. that the PILON Secretariat should provide secretariat support to the Pacific Prosecutors' Association and the Pacific Legislative Drafters Forum for an initial period of one year in collaboration with those two organisations.

Q. Presentation on Murri Courts by Judge Brendan Butler AM SC, Chief Magistrate, Magistrates Court of Queensland

Judge Brendan Butler AM SC, Chief Magistrate of the Magistrates Court of Queensland, provided an overview of the work of the Murri Courts. Members thanked Judge Butler for his insightful presentation which canvassed the interface between formal and informal justice systems.

R. Secretariat reports and other updates on regional initiatives

Presentations were provided by:

- Ms Alex Hutton of the Australian Attorney-General's Department
- Ms Lorraine Kershaw of the Pacific Islands Forum Secretariat
- Commander Martin Campbell of the Pacific Islands Forum Fisheries Agency
- Mr Fred Amoa of the Pacific International Maritime Law Association
- Ms Kelisiana Thynne of the International Committee of the Red Cross
- Mr Clark Peteru of the Secretariat of the Pacific Regional Environment Programme
- Ms Barina Waqa of the Australian Attorney-General's Department Pacific Legal Policy Twinning Program
- Mr David Naylor of South Pacific Lawyers' Association Secretariat, and
- Professor Paul Rishworth of the University of Auckland.

Presenters provided reports and updates on the activities of Pacific secretariats and other initiatives in the region. Australia provided an update on progress made on implementing the outcomes of the July 2010 meeting of Pacific Fisheries and Law and Justice Ministers.

S. Arrangements for PILON Annual Meeting 2011

Members considered arrangements for the 2011 Annual Meeting. New Zealand offered, subject to funding being secured, to host the next PILON Annual Meeting in Auckland in November 2011.

Papua New Guinea would like to examine the possibility of hosting the Annual Meeting in 2012.

T. PILON Executive Committee

Under the PILON Charter, the Executive Committee is comprised of the Chair, the incoming Chair, and at least two other PILON member country representatives. It was agreed by

members that the Executive Committee would be comprised of Australia, New Zealand, Samoa and Papua New Guinea.

U. PILON work plan for 2011

Members provided their views on what should be included in next year's PILON Work Plan. The 2011 Work Plan is at **Attachment B**.

V. Special thanks

Members thanked the ICRC for their hospitality in hosting the official welcome function on Tuesday, 7 December 2010. Members also thanked the Australian Attorney-General's Department for their hospitality in hosting the 29th Annual Meeting, the official dinner on Wednesday, 8 December 2010, and the closing function on Thursday, 9 December 2010.