

# Pacific Islands Law Officers' Network Annual Meeting 2012

## 'Challenges & strategies to enhance democratic governance and the rule of law'

### Communiqué

*The Pacific Islands Law Officers' Network, comprising senior law officer representatives from Australia, Federated States of Micronesia, Fiji, Kiribati, Republic of Nauru, New Zealand, Niue, Papua New Guinea, Pitcairn Islands, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu, meeting in Kokopo, Papua New Guinea, on 29-31 October 2012, communicate the following outcomes of their discussions:*

#### The meeting agreed:

- That it is important for States and their legal systems to support the rule of law, which entails:<sup>1</sup>
  - all persons, institutions and entities, public and private, including the State itself, being accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards, and
  - measures being taken to ensure adherence to the principles of supremacy of law, access to the law, equality before the law, judicial independence, accountability to the law, fairness in the application of the law, the separation of powers, participation in decision-making, legal certainty, the avoidance of arbitrariness and procedural and legal transparency.
- That, through the Pacific Island Forum Principles of Good Government and Accountability,<sup>2</sup> Pacific Island Leaders have committed to respecting and upholding the rule of law.<sup>3</sup>
- That effective governance and a strong law and justice sector, both of which uphold the rule of law, are essential foundations for strengthened development.
- That Government lawyers play a vital role in promoting the rule of law and effective governance, particularly in relation to ensuring that the Executive is subject to the law and operates within the law.

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<sup>1</sup> Based on the following definition of the rule of law: United Nations: Secretary-General to the Security Council, UNSC, 2004, S/2004/616,\*4, at <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IJ%20SPRST200434.pdf>.

<sup>2</sup> <http://www.forumsec.org/pages.cfm/political-governance-security/good-governance/forum-principles-of-good-leadership-accountability.html>.

<sup>3</sup> See also Biketawa Declaration of 2000.

- That an open and vibrant media also plays an important monitoring role in supporting the rule of law and effective governance, by contributing to ensuring that States are subject to effective scrutiny and encouraging them to operate more transparently.

**The meeting also noted:**

- That strong adherence to the rule of law provides a safeguard against arbitrary governance, corruption and abuse of position
- The threats to effective governance posed by transnational and organised crime and its links to corruption
- The importance of a regional approach to combating transnational and organised crime, including in relation to mutual legal assistance and extradition
- The encouraging development of an increasing number of PILON members ratifying key United Nations transnational and organised crime and corruption instruments, and implementing more effective legal regimes to tackle these issues
- The essential role that an effective anti-money laundering regime plays in tackling corruption and transnational and organised crime, by targeting the profit making motive behind such crimes.

**The meeting has reached the following conclusions:**

1. Members acknowledge the need to encourage States to ensure that Government legal offices are effectively resourced and supported in their efforts to provide the State with legal services that:
  - uphold the rule of law
  - promote effective, accountable, transparent and responsive governance, and
  - address corruption and transnational and organised crime, as well as other crime.
2. As agreed at the 2010 PILON meeting:
  - a. There remains a need to improve national and regional responses to combat transnational and organised crime, and members will use best endeavours to improve and update legal frameworks to combat transnational and organised crime and facilitate exchange of information between law enforcement agencies.
  - b. Members will consider prioritising the ratification of international agreements relating to transnational crime and corruption, where that has not already occurred, including the *United Nations Convention against Corruption* and the *United Nations Convention against Transnational Organised Crime*.
3. Members will also continue to use their best endeavours to implement and refine effective anti-money laundering regimes, acknowledging that they are a key measure for tackling corruption and transnational and organised crime.