

**2015 – 2017 Regional Action Plan for Sustainable Legislative Drafting Capacity Building in Forum Island Countries
(December, 2015)***

Goals	Strategies	Actions	Implementation responsibilities	Timeframes
GOAL 1 – ENHANCED REGIONAL NETWORKING				
1.1 Strengthened networks, information sharing, and awareness raising in legislative development and drafting:	(1) continue support for the Pacific Legislative Drafters’ Technical Forum as the formal networking mechanism for Pacific legislative drafters:	(a) continue support for the Drafters’ Forum and its initiatives, including annual meetings; (b) PIFS coordinate with countries and partners on a 2016 Drafters’ Forum meeting, noting the benefits of the 2015 Drafters’ Forum meeting being hosted in a Forum Island Country; (c) presentation of meeting outcomes and report of updates at annual meetings of the Pacific Islands Law Officers’ Network (PILON);	<ul style="list-style-type: none"> National drafting offices; Partners – PIFS, NZ Parliamentary Counsel Office (PCO), Australian AG’s Department (AGD), Australian Office of Parliamentary Counsel (OPC), Commonwealth Secretariat, PILON Secretariat. 	<ul style="list-style-type: none"> Begin arrangements within 6 months for the next Drafters’ Forum meeting.
	(2) use social media for improved awareness raising and to encourage networking:	(a) create a Facebook page for everyday networking, sharing of information, and raising awareness on issues and opportunities.	<ul style="list-style-type: none"> PIFS work with interested countries to create and administer the page for its intended purpose. 	<ul style="list-style-type: none"> Within 3 months.

* The Regional Action Plan was developed by participants of the 2015 meeting of the Pacific Legislative Drafters’ Technical Forum (Drafters’ Forum), which took place from 29 September - 2 October 2015 in Apia, Samoa. The Drafters’ Forum is the regional network for government lawyers responsible for legislative drafting in Pacific Islands Forum governments. The Regional Action Plan is a consolidation of recommendations developed by participants during group exercises. It identifies goals for improving legislative development and drafting services in Forum Island Countries, and specific strategies and actions for achieving those goals. These support the overall objective of the Drafters’ Forum, which is to support Forum Island Countries’ ready access to high quality legislative drafting services. The Pacific Islands Forum Secretariat is responsible for the coordination of activities of the Drafters’ Forum.

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GOAL 2 – DEVELOPMENT/UPDATE OF LEGISLATIVE DEVELOPMENT & DRAFTING RESOURCES				
2.1 All countries develop and enforce legislative drafting guides (manuals) and templates:	(1) utilise technical assistance and undertake peer assistance/south-south cooperation to develop guides/manuals for Forum Island Countries that have yet to develop/update guides:	(a) PIFS provide or coordinate the provision of technical assistance and facilitate peer assistance between countries (for example, using the Nauru experience in 2015). Countries that have indicated interest in drafting new or revising outdated guides are Fiji, Kiribati, Palau, PNG, Solomon Islands, Tuvalu, and Vanuatu;	<ul style="list-style-type: none"> National drafting offices; Partners. 	<ul style="list-style-type: none"> 2 years (by end of 2017).
	(2) comply with legislative drafting best practices and techniques:	(a) drafting guides identify and require compliance with legislative drafting best practices and techniques;	<ul style="list-style-type: none"> National drafting offices. 	<ul style="list-style-type: none"> Ongoing.
	(3) improve the quality of drafting instructions through increased awareness of and mandatory usage of drafting instructions and drafting templates:	<p>(a) countries establish and require compliance with a checklist(s) of best practices to be considered for every drafting work;</p> <p>(b) drafting guides include guidance relating to and a template(s) for drafting instructions;</p> <p>(c) countries develop training materials for training with policy officials on legislative</p>	<ul style="list-style-type: none"> National drafting offices. Australian AGD, PIFS and other partners assist the 	<ul style="list-style-type: none"> Ongoing.

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		development/drafting process and requirements, specifically drafting instructions and templates;	development of training materials.	
	(4) increase use of the dedicated online portal on the PILON website for sharing specific country information and tools in legislative drafting:	(a) PILON Secretariat and PIFS coordinate with countries to make available updated drafting tools, e.g. guides, directives, templates, checklists, model provisions, best practices, precedents, training materials, links, etc.;	<ul style="list-style-type: none"> • PILON Secretariat; PIFS; National drafting offices. 	<ul style="list-style-type: none"> • Ongoing.
2.2 Improved quality of legislative drafting services sourced externally:	(1) strengthen legal controls over the recruitment and quality of work of legislative drafting consultants:	<p>(a) countries develop mandatory minimum qualification requirements for drafting consultancies and standard clauses for legislative drafting consultancy contracts, e.g. a clause requiring full payment only upon the draft being approved by relevant authorities as to substance and form;</p> <p>(b) compile a list of consultant drafters (with their CVs) to be made accessible to countries and partners. The list will identify expert drafters (in the</p>	<ul style="list-style-type: none"> • National drafting offices. • National drafting offices; PIFS and partners. 	<ul style="list-style-type: none"> • Ongoing. • Within 3 months.

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		region and abroad), their qualifications, areas of expertise, experience, quality of work, and references.		
GOAL 3 – STRENGTHENING KNOWLEDGE, SKILLS AND CAPACITY IN LEGISLATIVE DEVELOPMENT AND DRAFTING				
3.1 Ongoing technical knowledge and skills development:	(1) seek opportunities for, and undertake, training programmes:	(a) at the regional level: <ul style="list-style-type: none"> - countries support continuation of the USP PDL D programme, and PIFS and Commonwealth scholarships for PDL D; - PIFS continue to liaise with USP regarding PDL D progress and possible inclusion of legislative drafting as an undergrad course; - delivery of at least one annual regional training on legislative drafting techniques (a training, for example, could be attached to an annual meeting of the Drafters’ Forum); - countries seek/utilise opportunities, such as scholarship programmes, e.g. DFAT Australian Awards programme; and 	<ul style="list-style-type: none"> • PIFS coordinate regional training opportunities with partners. 	<ul style="list-style-type: none"> • Ongoing.

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		<ul style="list-style-type: none"> - countries support and continue to utilise the Legal Policy Development Course of the Australian AGD and engage with its associated Pacific Policy Network; (b) at the national level: <ul style="list-style-type: none"> - countries provide frequent in-house trainings. Larger offices with dedicated drafting teams should hold weekly/fortnightly trainings, and share training materials with smaller offices; smaller offices could target monthly trainings; - countries engage expert drafter(s) to conduct trainings; - training should focus on areas such as English language proficiency, plain language drafting, and basic drafting techniques; - partners assist countries that may require assistance with the development of basic training materials; and - countries utilise relevant academic and professional research and legal 	<ul style="list-style-type: none"> • National drafting offices; Partners. 	<ul style="list-style-type: none"> • Ongoing / frequent.

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		precedents (for example, relating to traditional customs and practices) to assist relevant legislative drafting;		
	(2) support regional secondment and mentoring programmes between countries:	<p>(a) PIFS and partners support Samoa's secondment programme to its' AGO Legislative Drafting Division. The secondment programme should ensure the seconded officer will receive close supervision/mentoring from a senior drafter;</p> <p>(b) countries encourage mentoring programmes for new/junior drafters/legal officers;</p> <p>(c) PIFS coordinate with partners on specific training programmes to upskill senior Pacific drafters in mentoring junior drafters;</p>	<ul style="list-style-type: none"> • Samoa; PIFS and partners. • National drafting offices; Partners. • PIFS and partners. 	<ul style="list-style-type: none"> • Organise logistics by Feb 2016. • Ongoing. • By the next Drafters' Forum meeting.
3.2 Improved practices for building legislative drafting capacity and experience	(1) allocate legal officers to focus specifically on legislative drafting matters (relevant for bigger offices)	(a) allocate a dedicated legislative drafting division, or delegate legal officers to focus on legislative drafting. If required, countries may consider legislative options for	<ul style="list-style-type: none"> • National drafting offices. 	<ul style="list-style-type: none"> • Ongoing.

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(irrespective of resource constraints):	OR increase awareness, knowledge, and skills amongst all legal officers (relevant for smaller offices):	<p>establishing a specific drafting office (e.g. Parliamentary Counsel Office) or for allocating specific drafting responsibilities of state law offices;</p> <p>(b) provide rotation of legal officers between the different sections (if any) of the office to enable more exposure to all working areas of the office. This can be required as part of employee job descriptions, employment contracts, or scholarship bonds. Countries should also encourage incentives for employee promotions.</p>	<ul style="list-style-type: none"> National drafting offices. 	<ul style="list-style-type: none"> Ongoing.
GOAL 4 – IMPROVED REGIONAL RESOURCES TO SUPPORT LEGISLATIVE IMPLEMENTATION OF TREATY OBLIGATIONS				
4.1 Clear guides and tools for the legislative implementation of treaty obligations:	(1) streamline processes and requirements for developing model provisions and other legislative support material/resources:	<p>(a) in developing model provisions/laws in the region, the relevant development assistance provider should:</p> <ul style="list-style-type: none"> consult with drafters of all Forum Island Countries; develop accompanying explanatory notes (including policy); seek views, where necessary, from the 	<ul style="list-style-type: none"> National drafting offices; Partners and other regional and international development providers (donors) operating in the region. 	<ul style="list-style-type: none"> Ongoing.

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		Drafters' Forum; and - provide ongoing education, training and awareness support relating to the model provisions/laws;		
	(2) create and practice coherent processes for developing compliant legislation:	(a) national legislative drafting guides should include the process to be followed in drafting treaty compliant legislation. For example: step 1 – comprehensive legislative compliance review; step 2 – legislative drafting plan and legislative options; step 3 – drafting instructions; step 4 – legislative text, explanatory memorandum, etc.; step 5 – legislative implementation plan; (b) following the CRPD training component of the 2015 Drafters' Forum meeting: - countries work together with technical assistance providers to undertake comprehensive expert reviews of their current laws for CRPD compliance;	<ul style="list-style-type: none"> • National drafting offices. • National drafting offices; PIFS; UNESCAP; SPC RRRT. 	<ul style="list-style-type: none"> • Ongoing. • Ongoing.
	(3) develop and share best practices /	(a) create and make available a precedent bank on the Drafters'	<ul style="list-style-type: none"> • National drafting offices; PILON 	<ul style="list-style-type: none"> • Within 12 months.

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	standard legislative provisions (e.g. offence/liability provisions):	Forum portal on the PILON website.	Secretariat; PIFS.	
GOAL 5 – IMPROVED ACCESS TO LAWS				
5.1 Ease of public access to law and justice:	(1) improve processes and resources for frequent law revisions and consolidations, and free public access to laws:	<ul style="list-style-type: none"> (a) where absent, formulate policies and legal requirements to authorise and require mandatory law consolidation and reviews on a frequent basis; (b) prioritise budget for the update of and accessibility to laws; (c) provide free online access to updated copies of legislation; (d) continue support and assistance to PaCLii, particularly by working with relevant national authorities to ensure that all new and revised legislation are submitted to PaCLii immediately after they are passed or being assented to. 	<ul style="list-style-type: none"> • National drafting offices; national Parliament secretariat or legal counsel offices. 	<ul style="list-style-type: none"> • Ongoing.