

# Talanoa



## Issue 7: March 2017

**Welcome** readers to the first issue of Talanoa for 2017! Content ideas, articles, suggestions and feedback are always welcomed by the Secretariat. We encourage you to sign up to our mailing list so you never miss an issue and are kept up to date with what's been happening in the region. We are grateful to the PILON members Australia and Solomon Islands for their contributions to this issue, Observer Members the Pacific Island Chiefs of Police and the Pacific Islands Forum Secretariat, and other contributors.

## Introducing the new PILON Secretariat Coordinator!

### *PILON Executive Committee*

We are pleased to announce the appointment of Mrs Sasa'e Fualautoalasi-Walter as the new PILON Secretariat Coordinator, from 5 December 2016. A number of strong applications were received for the position and the PILON Executive Committee wishes to thank all those who applied for the position.

Sasa'e holds a Masters Degree in Business Administration, a Bachelors Degree in Management and Law, and post graduate qualifications in Marketing, Project Management and Training and Assessment.

She has most recently been a lecturer at the National University of Samoa, with previous experience in

the Samoan Ministry of Prime Minister and Cabinet as well as the Public Service Commission.

The PILON Executive Committee welcomes Sasa'e to the role and thanks Assistant Coordinator Ms Temalesi Buatoka for her hard work acting in the position over the last six months.



The PILON Secretariat is now recruiting for a new Assistant Coordinator following the departure of Ms Buatoka—see the PILON website for further information.

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# -PILON BUSINESS-

## 35th PILON Annual Meeting in Pohnpei

### *PILON Secretariat*



The 35th PILON Annual Meeting was convened in Pohnpei, Federated States of Micronesia from 25-28 October 2016.

Mr Berney Martin, Vice Speaker of the 19th Congress of the Federated States of Micronesia delivered the keynote address commending the success of PILON and encouraged members to remain committed to tackling PILON's important strategic priorities of sexual and gender-based violence (SGBV), cybercrime, and environmental crime and corruption.

On 25 October, the Environmental Crime and Corruption Working Group held its Technical Workshop, with guest speaker Christopher Cardani, a lawyer with the United States Embassy in the Philippines.

The formal Annual Meeting then commenced on 26 October, where members discussed their respective countries' law and justice issues relating to the three PILON policy priorities. This gave members a chance to share challenges and successes, and engage in discussion around the table.

Members were then updated on the work of the PILON Secretariat and various PILON projects over the course of 2016, including collaboration with

other regional organisations such as the Pacific Island Chiefs of Police on issues such as cybercrime, methamphetamines and criminal deportees.

A special presentation was given by two prospective Observer Members—the Pacific Island Chiefs of Police and the Oceania Customs Organisation. Both Observer Member applications were tabled with members reaching a unanimous decision in granting the two applications.

The PILON Secretariat would like to thank those who attended the 35th PILON Annual Meeting and special thanks to the generous hosts—the Federated States of Micronesia—who showed considerable hospitality to all PILON members.

The Outcomes Report of the 35th Annual Meeting is now available on the PILON website ([www.pilonsec.org](http://www.pilonsec.org)).



## **PILON Secondment Program and Experts Database—calling for nominations!**

### *PILON Secretariat*

#### Secondment Program

During the PILON Executive Committee meeting in May this year, its members endorsed the establishment of a Secondment Program for litigators, drafters and advisors from and to PILON member countries for two to three months at a time.

Participation in this program will provide a significant professional development opportunity not only for the nominated staff; but also for the receiving member country. The program will also contribute to strengthening regional law and justice

networks and consolidating expertise within the Pacific region.

The secondment program is being piloted during the 2016-2017 financial year, with funding provided through the PILON Secretariat by the Australian Attorney-General's Department.

PILON member countries requiring assistance with a distinct law and justice project with measurable outcomes achievable within two to three months can forward these to the PILON Secretariat throughout the year. Following endorsement by the Executive Committee, the Secretariat will circulate nominations to PILON member countries to advertise within their own agencies for the purpose of identifying a suitable candidate. Candidates must be put forward with the endorsement of their home agency.

Once the receiving country has decided on a suitable candidate from the sending country, both parties as well the PILON Secretariat will sign a Memorandum of Understanding outlining the objectives and particulars of the arrangement. Upon completion of the project, the receiving country and the seconded officer will provide an outcomes report to the PILON Executive Committee for tabling at the 2017 Annual Meeting.

For further information, please contact the PILON Secretariat via the PILON website.

#### Expert Witness Database

The PILON Executive Committee has also agreed to establish an expert witness database, particularly of those with Pacific experience, for PILON members to draw on as required. The list of experts will be located on the members-only section of the PILON website and maintained by the PILON Secretariat with assistance from PILON members.

The experts will be drawn from various subject matters of relevance to PILON, including sexual and gender-based violence, forensics, accounting, etc. If you would like to recommend experts for inclusion on this database, please contact the PILON

Secretariat via the PILON website.

### **Pacific Prosecutors' Association *PILON Secretariat***

The Pacific Prosecutors' Association (PPA) annual conference was hosted by Nauru in Fiji from 19-21 September 2016. Prosecuting offices from the Cook Islands, Federated States of Micronesia, Kiribati, Nauru, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu attended, as well as a number of guest speakers.

There was strong engagement from regional prosecuting offices and panel discussions covered the issues associated with judicial review, accountability of public officials, duty on prosecutors to disclose, ethical conduct and prosecution standards, prosecuting group offenders, witness assistance services and dealing with child victims.

PPA members also agreed to form three working groups on **Governance, Training and Standards**, and progress the development of a high level regional prosecutions policy for adaptation by individual jurisdictions as appropriate.

The 2017 PPA annual conference will be hosted by Papua New Guinea. Thanks to Nauru for its excellent hosting and facilitation of the 2016 PPA conference. We look forward to working with Papua New Guinea on the next conference.





# -SPOTLIGHT-

## Solomon Islands Legal Policy Training 2016

*Daniel Suluia, Principal Legal Officer, Solomon Islands Law Reform Commission*

Legal Policy Champions from Solomon Islands, Kyla S. Venokana and Daniel A. Suluia, conducted a successful two-day training on the Pacific Legal Policy Development Course for 10 participants of the Solomon Islands Ministry of Justice and Legal Affairs from 22-23 September 2016.

The participants consisted of three young lawyers and two administrative officers from the Solomon Islands Law Reform Commission, two intern law students from the Papua New Guinea Faculty of Law, and three administrative staff of the Ministry of Justice and Legal Affairs.

The two-day training was conducted based on a course developed by the Australian Attorney-General's Department to help public servants in their role assisting ministers with the development of sound public policies. The course summarises the policy development process using seven policy steps that carry the acronym OUTCOME:

1. **Obtain** information to clarify the problem;
2. **Uncover** and understand stakeholders;
3. **Think** ahead and plan;
4. **Create** options;
5. **Outreach** to stakeholders and decision makers (policy decision is made);
6. **Make** it happen; and
7. **Evaluate** and monitor.

The problem of increasing road accidents in Honiara City relating to the drinking of alcohol while driving was used for practical exercises throughout the course.

The participants highly commended the course saying they “really like the training because it improves their understanding and knowledge of the legal policy process”, and the principles and lessons learned will assist them to “carry out critical analysis of policy in their work.” The participants also suggested that they learned most from the course “from the exercises or activities.”

Daniel A. Suluia attended the prestigious Pacific Legal Policy Twinning Program in Canberra from 12 October to 4 December 2015, while Kyla S. Venokana participated in the intensive Pacific Legal Policy Champions Program in Canberra from 15-26 February 2016.

We would like to sincerely thank the Australian Attorney-General's Department for designing this excellent course. We also thank the Australian Government for fully funding the program so selected officers from Pacific Island countries can attend and undertake the Twinning Program and Champions Program in Canberra each year.



## Pacific Legal Policy Network

*Tim Mitchell, Australian Attorney-General's Department*



The Pacific Legal Policy Network aims to showcase best practice policy development strategies and tools, and encourage Pacific law and justice agencies to work together and share ideas and experiences to address key legal policy issues and challenges.

The Network was established by the Australian Attorney-General's Department in early 2016 to bring together Pacific island officers who have participated in Australia's Legal Policy Twinning and Legal Policy Champions programs. Through bi-monthly teleconferences and email updates, the Network provides an ongoing forum for capacity building and networking.

Two recent teleconferences held by the Network have covered issues relating to community engagement and implementation of legislation, summarised below.

### **Community engagement**

On 25 July, the Network discussed key strategies for undertaking community engagement on complex legal policy issues and heard from Vipul Khosla, Community Liaison Officer in the Australian Attorney-General's Department's Countering Violent Extremism Unit.

Some key strategies discussed were:

- Build in sufficient time for appropriate engagement in your project planning, so you will have time to do it right. To consult well, it is advisable to bring key people on board before engaging directly with communities,

explaining to them not just what you are consulting on, but why you wish to consult.

- Consider the objectives of your engagement from the start, so you can assess how you are going. For example, work out if you will need to engage with traditional governance systems as well as the formal government systems that operate in your context. Decide if you will consult directly with grassroots community members or consult the grassroots through community leaders or other government organisations.
- Set expectations with your stakeholders at the onset of the engagement. Shaping your messaging well can help the community feel empowered by realising that their opinions matter.
- Be careful when communicating complex concepts via word of mouth, particularly in multi-lingual environments.
- Weave personal stories and experiences into your consultations to assist in communicating the context clearly and demonstrating the impact of the legal policy issue on people's day-to-day lives.
- Consider testing your message on focus groups before reaching out to the broader community, particularly in relation to complex or contentious issues.
- Maintain and build relationships with key stakeholders even in quiet times when you don't have anything in particular to consult on—this can make it easier to deal with difficult consultations later on.

### **Implementing legislation**

On 22 September, the Network shared their insights on the process of implementing legislation. In particular, how do you know when a law has been successfully implemented? What are some key

barriers to successful implementation, and how can these be overcome?

The discussion highlighted the importance of considering implementation issues early on in the policy development process, and collaboratively developing an implementation plan to ensure that the law can and will be effectively implemented. Practical implementation activities to consider include:

- Budgeting for the new law
- Developing a strategy for stakeholder engagement
- Drafting explanatory material
- Drafting subordinate instruments
- Formally commencing and publishing the law
- Distributing the law
- Establishing and resourcing institutions
- Delivering training, and
- Raising public awareness.

Alison Evans' ['Practitioner's Guide on implementing criminal codes and other legislation in post conflict and developing countries'](#) was flagged as a helpful resource, which explores these concepts further.

If you'd like more information about these issues or the Pacific Legal Policy Network, contact the Australian Attorney-General's Department at [Pacific@ag.gov.au](mailto:Pacific@ag.gov.au).

## **2016 Australia's Pacific Legal Policy Twinning Program**

*Marie Wynter and Tim Mitchell, Australian Attorney-General's Department*

The 2016 Pacific Legal Policy Twinning Program is currently underway in Canberra. The program provides participants with the opportunity to build their policy skills and become champions for good policy development practices by undertaking a two month placement within the Australian Attorney-General's Department.



This year we are excited to be hosting four participants: Mr Godfrey Male (Senior Legal Officer, Solomon Islands Law Reform Commission), Ms Glenys Andrews (Senior Legal Officer, Fiji Office of the Solicitor-General), Mr Jimmy Kency Kalopong (Assistant Legal Officer, Vanuatu Police Force), and Ms Freda Nii Enn (Principal Legal Officer, Papua New Guinea Department of Justice and Attorney General).

Participants have received extensive legal policy development training, including training on how to deliver the Pacific Legal Policy Development Course to colleagues in their home countries. They have also been introduced to senior officials across key Australian Government agencies, and have been hard at work developing policies to address the crime and policing policy nominated as priorities for their governments.

Godfrey is looking at how to update the criminal trespass laws in the Solomon Islands, in situations where communal ownership is common; Glenys is working on strengthening Fiji's cyber laws to guard against the rising global tide of cybercrime; Freda has been looking at reforms to extradition legislation in Papua New Guinea; and Kency has been analysing how to strengthen laws around professional standards in the Vanuatu Police Force.

In between program activities participants have been building networks and having fun together – playing lunchtime soccer, visiting the Australian War



Memorial, hunting for the November 2016 'Supermoon', and celebrating Christmas together.



Further information about the program is available at the website listed below, which also includes a list of past participants in the Australian Attorney-General's Department training programs, who are able to deliver the Pacific Legal Policy Development Course in your country.

<https://www.ag.gov.au/Internationalrelations/InternationalLegalAssistance/Pages/PacificLegalPolicyTrainingProgram.aspx>



## -OBSERVER MEMBERS UPDATE-

### **Pacific Island Chiefs of Police Annual Meeting, French Polynesia**

*Superintendent Waata Shepherd, Executive Director - Secretariat*



The Pacific Island Chiefs of Police (PICP) held their annual conference in Tahiti from 20-23 September 2016. 19 of the 21 member countries were represented.

PILON is a key partner for PICP and was represented by Mrs Karen Moore of the Australian Attorney-General's Department, who provided an update on recent achievements including the PILON Strategic Plan 2016-18, enhancing the regional commitment to eradicate sexual and gender-based violence, working on greater awareness of environmental crime offences and their links to corruption, and continuing implementation of the Pacific Forensic Model Provisions.

The Chiefs were also briefed on PILON's review of Pacific cybercrime legislation, as well as methamphetamine laws and information sharing on criminal deportees.

PILON's participation in the conference highlighted how PICP and PILON can complement each other's

work, and work together more effectively to achieve common outcomes of benefit to the region. PICP remains grateful for the assistance and support of PILON to the police jurisdictions across the Pacific region.



## -IN FOCUS-

### **Kiribati National Library and Archives— preserving cultural identity and supporting good governance in the Pacific**

*Kylie Moloney, Pacific Manuscripts Bureau,  
Australian National University (ANU)*

Have you ever needed to get a copy of your birth certificate, or tried to trace your family tree? The reason why you've been able to find it (or not) is because of recordkeeping laws and practices in your country.

Good recordkeeping plays a cornerstone role in the good governance of countries and is important for protecting the interests of the government, community and individual. Good practices help to ensure government offices and agencies are organised and undertake work in a way that is efficient and accountable, in compliance with laws and regulations. By keeping records of public events and the important decisions, activities and directions taken by governments, they also assist communities and individuals to gain a better understanding of their identity, culture and history.

All government officials are responsible for making sure the government applies the principles of good governance. Failing to keep good records can have serious implications for governments, communities and individuals.

The Pacific Manuscripts Bureau, based at the ANU, was formed in 1968 to copy archives, manuscripts and rare printed material relating to the Pacific islands. The aim of the Bureau is to help with the long-term preservation and accessibility of the documentary heritage of the Pacific islands. It is a non-profit organisation sponsored by an international consortium of libraries specialising in Pacific research.

In 2016 the Bureau was awarded a grant by the Pacific Conservation Development Trust of New Zealand to Strengthen the Kiribati National Library and Archive (KNLA). The KNLA was established at independence in 1979 and is located in Bairiki, Tarawa—the capital of Kiribati. It is staffed by 10 people, including 6 library staff, 2 archive staff and 2 support staff.

The KNLA includes approximately 1,200 shelf meters of archival records including land court minutes and land registers, archives from the Gilbert and Ellice Island Colonial period (returned from the Western Pacific Archives (WPA) in Fiji), genealogies for each of the islands in Kiribati, language cards as well as published material on Kiribati and the Pacific including books, pamphlets, newspapers, maps and some audiovisual material such as CDs, DVDs and microfilm copies of some





of the WPA material.

Visitors use the KNLA collections primarily for research relating to land. This research involves land court minutes and land title records. Land commissioners are employed to undertake land-related research on behalf of individuals and families in Kiribati.

In June/July 2016 Ms Kylie Moloney of the ANU's Pacific Manuscripts Bureau travelled to Tarawa. She worked with KNLA staff to deliver training, understand the history and content of the Gilbert and Ellice Island Colonial pre-independence archive, clean and re-furbish a work room and receive and unpack 33 boxes of donated archival stationery and digital equipment. She also had extensive discussions with KNLA staff about the challenges and issues they face including access to archive and library training, and strategies to advocate for the role of the KNLA to government departments. She delivered a library and archive workshop for 40 people on good recordkeeping and how to address the challenges of working with paper-based collections in Kiribati.

This project revealed that there have been very few deposits of public records relating to the government administration of Kiribati since independence in 1979. With few public records, the documentary evidence and history of the administration of Kiribati since 1979 is incomplete and Kiribati and its people risks losing vital insight into its history since independence.

Ms Moloney's report on the KNLA strengthening project was submitted to the Kiribati Permanent Secretary for the Ministry of Education with a number of recommendations, including the development of an archive policy and implementation of the Recordkeeping for Good Governance Toolkit (produced by the Pacific Regional Branch of the International Council on Archives). The Pacific Manuscripts Bureau will continue to support the Kiribati National Library

and Archive to become a stronger recordkeeping institution.

For more information, email [kylie.moloney@anu.edu.au](mailto:kylie.moloney@anu.edu.au).

## -OPPORTUNITIES-

### **Regional Gender-Based Violence Case Law Database**

*Hansdeep Singh, International Center for Advocates Against Discrimination (ICAAD) Co-Founder, Director of Legal Programmes & Jaspreet Singh, ICAAD Co-Founder, Director of Advocacy & Policy*

ICAAD is partnering with the University of the South Pacific (USP) School of Law, which operates the Pacific Islands Legal Information Institute (PacLII) database, and HURIDOCS, a non-government organisation that supports human rights defenders to use information technologies and documentation methods to organise and present data about violations, to create a Regional Gender-Based Violence (GBV) Sentencing Database.

This Sentencing Database will provide comprehensive analysis on GBV cases from 18 years' worth (2000 – 2018) of sentencing decisions in 12 Pacific island countries, combining both a manual review effort by attorneys as well as analysis provided through automated algorithms. The manual review effort will build on the 900+ cases previously analyzed by ICAAD and DLA Piper, and we anticipate that over 4,000 additional cases will need to be analyzed and coded, to complete the database.

The processed data will be freely and publicly available in an online open source platform called Uwazi, a HURIDOCS tool that will be customized for this project. Uwazi is currently being piloted by organizations working with case law collections on the African continent including the South African Legal Information Institute (SafLII) and has strong

potential to revolutionize case law and other types of research by enabling users to publish, categorize, annotate, and demonstrate connections between documents.

ICAAD and HURIDOCS will work with USP to examine how the Sentencing Database can illuminate sentencing patterns and evidence of bias over time. Additionally, the Sentencing Database project will be used to create a community of legal practitioners who have greater awareness of gender bias in the justice system, via the development of a community of contributors for manual analysis of cases. This community can, in turn, promote evidence-based law reforms.

We are actively seeking partners (civil society organizations and the judiciary) around the Pacific to further develop this initiative.

Interested in getting involved? Contact Hansdeep at [hansdeep@icaad.ngo](mailto:hansdeep@icaad.ngo).

## Professional Development for Better Outcomes in Gender-Based Violence Cases

*Hansdeep Singh, ICAAD Co-Founder, Director of Legal Programmes & Jaspreet Singh, ICAAD Co-Founder, Director of Advocacy & Policy*

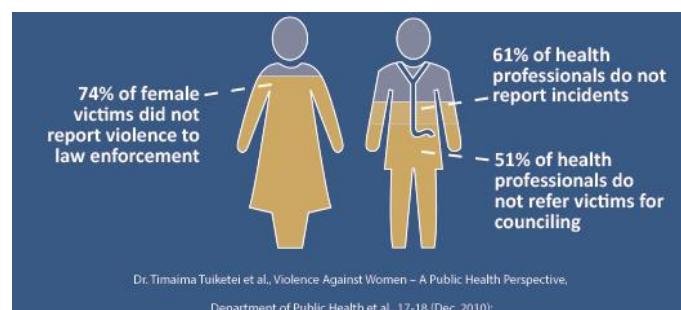
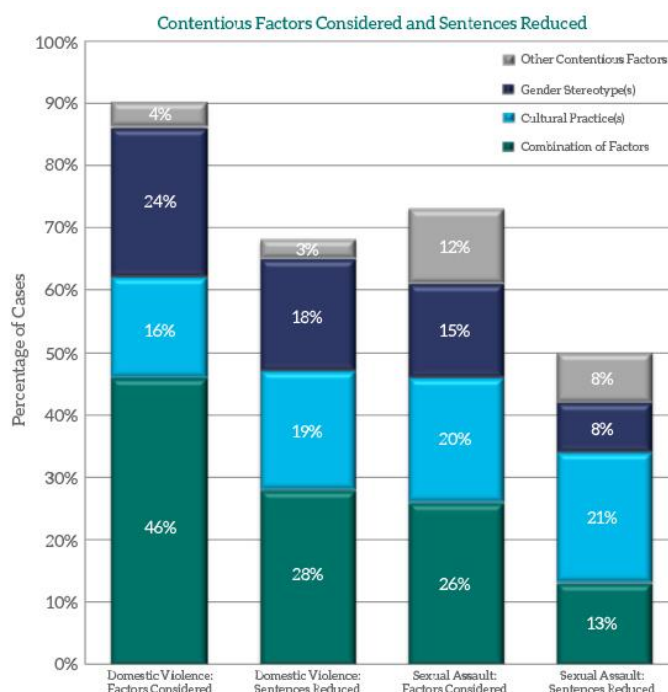
Successful prosecution of sexual assault and domestic violence perpetrators is one of the keys to reducing violence against women and girls. Successful prosecutions can often hinge on the actions of medical professionals. Medical professionals are the gatekeepers to ensuring that crucial evidence is properly collected, preserved, documented, and turned over to the police or for use in prosecution.

However, the lack of internal systems in healthcare settings, training in evidence collection and preservation, and the inability to withstand scrutiny on the witness stand in court proceedings, often compromise the ability to secure convictions for sexual violence cases.

ICAAD, in conjunction with Australian law firm DLA Piper LLP and experts at the Victorian Institute of Forensic Medicine, is developing a three-day training workshop for health and legal professionals. The training will include segments on understanding the relevant laws, documentation of forensic evidence, the role of evidence and witnesses, court proceedings, testifying as expert witnesses, and surviving cross-examinations.

We are actively seeking partners around the Pacific to further develop this initiative and Ministries of Health interested in jointly piloting the initiative.

Interested in getting involved? Contact Jaspreet at [jaspreeet@icaad.ngo](mailto:jaspreeet@icaad.ngo).



## Pacific Constitutions Network inaugural conference

*Miranda Forsyth, Associate Professor, RegNet School of Regulation & Global Governance, ANU*

The powerpoints, papers and podcasts from the truly enjoyable Pacific Constitutions Network inaugural conference, held 23-25 November in Port Vila, Vanuatu, are now available online at: <http://www.paclii.org/pcn/publications2.html>.

If you would like to join the network please email [leeanne.sackett@vanuatu.usp.ac.fj](mailto:leeanne.sackett@vanuatu.usp.ac.fj).

Nauru, from September 2014 until his untimely passing.

A Fijian historian, Dr Birj Lal said “Ratu Joni will be favourably remembered as the most esteemed Fijian Chief in the 21st century in Fiji, he was a man of great accomplishments but never stood on protocol. He was accessible to all and that’s the mark of a truly great man.”

Speaking at the funeral service, his close friend and Nauru’s current Solicitor General, Graham Leung said Ratu Joni cared deeply about people and had the rare quality of empathy.

*~Ni Vakacegu toka Ratu Joni Madraiwiwi.~*

## -OBITUARIES-



### Chief Justice Ratu Joni Madraiwiwi

Former Chief Justice of Nauru, Bauan Chief and lawyer, the late Ratu Joni Madraiwiwi will be best remembered as a liberal and reformer. He passed away on 29 September 2016 at the age of 59 at his home in Suva after a short illness.

At the time of his passing, Ratu Joni Madraiwiwi was the Nauru Chief Justice and Roko Tui Bau (Kingmaker). He was previously the Vice President of Fiji from 2004-2006. Ratu Joni also served on the Truth and Reconciliation Commission in Solomon Islands which was set up in 2008 to deal with the aftermath of the ethnic tension. Tonga’s previous King also made him a Lord to which he held the title of Lord Madraiwiwi Tangatatonga. He then moved to Nauru to take up the role of Chief Justice of



### Justice Catherine Davani

Papua New Guinea’s first female judge, Justice Catherine Davani, passed away on 4 November 2016 after a battle with breast cancer. She was appointed to the bench in 2001 and was serving her second term as judge of the National and Supreme Court at the time of her death.

In extending his sympathies, Papua New Guinea Prime Minister O’Neill noted, “Girls all around the nation can look to the example she set and aspire to break through barriers and be everything they want to be in their careers.” Governor Powes Parkop referred to Justice Davani as “an outstanding lawyer, a resolute and very fair judge and also a great footballer.”



Born in Wau, Morobe Province on 3 June 1960, the late judge was from Dorom village, Rigo district and Goilala district in the Central Province.

She had practiced as a lawyer since November 1984, starting her career with the Public Solicitors Office before going on a study break to Sydney, Australia. From January 1989 to July 1990, she worked with Namaliu and Co Lawyers before joining Gadens Ridgeway Lawyers in January 1991. She made Senior Associate at Shepherds Lawyers in March 1994 before moving onto Blake Dawson Lawyers in February 2000, also as a Senior Associate.

The late Judge was also passionate about sports and was a member of the Papua New Guinea Sports Federation from 1993 to 2001. She was involved with soccer since 1979 when women's soccer was first played at club level in Port Moresby. She represented Papua New Guinea at three Oceania Football Confederation World Cup qualifiers, being captain of the national team at the 1994 and 1998 World Cup Qualifiers. Following her death, female soccer players of the Port Moresby Soccer Association have told of how Justice Davani had taken them under her wing, guided them and always been there when they needed a shoulder to cry on.

She is survived by her husband, John Arthur Davani and four sons, and leaves a lasting legacy for Papua New Guinea's rule of law, particularly for her integrity, discipline, and ability to combine her responsibilities to her family and as a sportsperson and legal professional—and excel at all three at once.