

**CONFERENCE REPORT - 23RD PACIFIC ISLANDS LAW OFFICERS MEETING**  
**Nuku'alofa, Tonga, 27th-29th September 2004**

PROFESSOR BOB HUGHES  
Head, School of Law, USP

The annual meeting of the Pacific Islands Law Officers Meeting was held in the Kingdom of Tonga from 27th-29th September 2004. This was the twenty-third meeting of PILOM. The meeting brings together senior government law officers from the Pacific countries; most often Attorneys-General, Solicitors-General and senior Crown Counsel.

The purpose of the meeting is to provide a forum for the sharing of information regarding major legal issues and developments in the respective countries of particular relevance to the roles of government law officers. The format is such that reports on legal developments are usually provided by each country by way of a country report. This is interspersed with presentations by invited speakers and regular reports from the Commonwealth Secretariat, the Forum Secretariat, The South Pacific Police Commissioners' Conference and the School of Law at the University of the South Pacific.

The countries represented traditionally are all of the USP countries, along with Papua New Guinea, Palau, Federated States of Micronesia, Australia and New Zealand. For the present conference Nauru, Palau and the Cook Islands were unable to attend. The location of the conference shifts from one country to the other in no particular order, the next location usually being determined by offers to host presented at any particular meeting. The hosting country provides the conference secretariat and usually the chairperson for the meeting. The conference was last held in Tonga in 1997.

The holding of the conference in Tonga this year was an important event given the current legal and political environment in that country. The ever present theme at PILOM in recent times has been the upholding of the rule of law and the strengthening and reinforcement of the legal institutions in the region. Tonga, at this time, is undergoing a degree of political crisis which directly impacts on the relationship between the political rulers and the roles of key legal institutions and legal actors in the country. The outcome of the current events may well have a determining effect on the rule of law in that country and its role in prescribing and limiting the power of political rulers. Thus the presence of PILOM was, if nothing else, a significant symbolic occasion.

Country reports presented to the meeting covered a range of materials from new legislation introduced in areas such as constitutional amendment, anti-terrorism, proceeds of crime, mutual assistance and security measures to reports of major cases recently decided in the courts of the respective countries. Many of the reports raised issue of common concern such as in the area of staff training, the need for legislative drafting assistance and the use of the provisions of model legislation. Many reports also indicated ongoing problems in relation to political interference and the approaches taken to cases of contempt and corruption. In some instances it was evidence that law officers were under pressure, through lack of resources, to deal with heavy work demands. Absence of senior suitably experienced and skilled staff was

also a factor.

It was generally agreed that PILOM continues to provide a very useful forum for the exchange of information and provision of mutual assistance to law officers of the region. From a USP, and indeed a regional perspective it was gratifying to note the increasing number of USP law graduates participating in the meeting. At the current meeting these were Iakoba Italeli, Attorney-General of Tuvalu, Marstella Jack Assistance Attorney-General of Federated States of Micronesia, Frederick Sam, State Law Office of Vanuatu and Birimaka Tekanene, State Advocate of Kiribati. Others present at the meeting as part of the Tongan secretariat included Sarah Raasch and Luisa Fukofuka from the Crown Law Office of Tonga.

Aside from the country reports presentations were given to PILOM by invited speakers and observers, Ms. Betty Mould-Iddrisu, the Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat, provided sessions on the Commonwealth Project on Counter Terrorism and on the International Criminal Court. She gave a further presentation on the work of the Commonwealth Secretariat. Justice McIlrea of the Supreme Court of Tonga gave a paper on the role of restorative justice within criminal justice systems.

Mr. Nicholas Cowdery, the Director of Public Prosecutions of New South Wales and Chairman of the World Association of Prosecutors, gave a presentation on the roles of prosecutors and the many challenges facing them in the upholding of the rule of law, particularly in the face of political and media criticism. Mr. Terence Arnold, the Solicitor-General of New Zealand lectured on the role of law officers and the contribution of their officers to the maintenance of the rule of law. Both papers raised issues concerning the interaction between the rule of law and legal institutions, on the one hand, and popular and political opinion, on the other.

A report was provided to the meeting by Dr. Transform Aqorau, Legal Advisor, Political and Legal Affairs Division of the Forum Secretariat outlining changes in the structure and context of operation of the Forum. His report also gave indications of the possible significance which the adoption of the Forum's Pacific Plan might have for the future operation of PILOM. For example, one implication of the Plan could be for a more structured and intensified role for PILOM in the implementation and administration of aspects of the Plan, particularly in the implementation of cooperative schemes of legal regulation.

Ms. Lautoa Faleatau, Assistant Police Commander of Tonga provided the report of the South Pacific Chiefs of Police Conference. She spoke of moves within the conference to foster improved communication and a greater degree of cooperation between regional police services and to promote capacity building. Also addressed were transnational crime issues, terrorism and drug trafficking measures and the establishment of a womens' advisory network.

Professor Bob Hughes provided a report on the further development of the USP law programme and the Institute of Justice and Applied Legal Studies. He also raised issues relating to the comprehensive review of the Pacific Islands Legal Information Institute and the possible future roles it might take on in serving the legal communities of the region, both by way of expansion of its law reporting functions and other training and information provision activities.

At the conclusion of the meeting there was a discussion of some important areas affecting the future of PILOM. These were as follows:

1. The implications of the Pacific Plan for the future of PILOM. It was agreed that members will need to give further consideration to the implications of the Plan and a possible expanded role which PILOM might have under it.
2. PILOM Secretariat. The discussion of a permanent PILOM secretariat had been discussed at previous meetings. It was agreed that the secretariat functions should remain local to the hosting country for the