

## **GUIDELINES FOR LEGAL DRAFTING ASSISTANCE**

### ***1. Background***

The Forum has long recognised that transnational crime poses a significant threat to the Pacific Islands region. In 1992, Forum Leaders issued the “Honiara Declaration” on Law Enforcement Cooperation, which identified a list of areas that required legislative development in order to strengthen the regional legal framework to combat transnational crime. In 2002, Forum Leaders issued the “Nasonini Declaration” on regional security, in which Leaders reiterated their commitment to the Honiara Declaration and, in recognition of the heightened global and regional threat of terrorism, also committed themselves to the implementation of internationally agreed anti-terrorism measures.

The Legal Drafting Assistance project was established in 1996 to assist Forum Island Countries implement the legislative priorities in the Honiara Declaration. The project has included the development of regional model legislation as well as targeted assistance to individual FICs for the enactment and implementation of legislation. Some form of assistance has been provided to most Forum Island Countries since the inception of the project.

### ***2. Objective***

The objective of the fund is to assist Forum Island Countries meet the commitments made in the Honiara and Nasonini Declarations, to minimise transnational criminal activities and to implement internationally agreed anti-terrorism measures in their respective jurisdictions. This will be achieved by providing targeted assistance for the drafting, enactment and implementation of laws against transnational crime and terrorism.

### ***3. Areas of Coverage***

Assistance can be provided in relation to legislation in areas of priority identified in the Honiara and Nasonini Declarations, in particular:

- extradition
- forfeiture of the proceeds of crime
- mutual assistance in criminal matters
- terrorism and terrorist financing
- anti money laundering
- weapons offences
- drug trafficking
- people smuggling and people trafficking.

### ***4. Type of Assistance***

Assistance may be sought under the fund for:

- Payment of air fares, per diem and consultancy fees (where relevant) for Forum Secretariat staff or a consultant to work in-country with FICs, to draft national legislation or adapt relevant model legislation for the country; and to enact that legislation

- Air fares, per diem and consultancy costs (where relevant) for Forum Secretariat staff and/or consultants to conduct in-country capacity building on the implementation of such legislation, once enacted. (eg the roles and responsibilities of respective national agencies and authorities in its implementation and enforcement)

## 5. *Criteria for assistance*

Assistance may be provided to a Forum Island Country which:

- does not have relevant legislation in place, needs assistance to amend existing legislation, or has legislation but does not have adequate arrangements in place for its implementation;
- indicates sufficient political commitment to enact and implement the relevant legislation;
- where relevant, has a history of active and appropriate use of other assistance provided for Honiara and Nasonini Declaration priorities; and
- is not utilising assistance from another donor in relation to similar or the same activities for the same legislation.

Requests for assistance will be considered on a case-by-case basis, and subject to adequate funding being available.

## 6. *How requests are channeled*

**6.1** All requests for legal drafting assistance must be sent in writing to the Pacific Islands Forum Secretary General, through the national official point of contact. Requests should provide a brief background on activities undertaken to date by the country to implement its commitments under the Honiara and Nasonini Declarations (with or without international assistance). Requests should indicate the rationale for this request, the relevant legislation involved and the type of assistance sought.

**6.2** To avoid unnecessary delays, requests have to be submitted in the approved format as described in paragraph 7. To allow enough time to analyse requests they must be received at least 15 working days before the proposed commencement date of the proposed attachment/assistance and six working weeks for a proposed consultancy;

**6.3** Additional information may be requested by the Secretariat from the implementing agency and must be received within 5 working days of the date of the Secretariat's letter. Failing this, requests will be forfeited unless the Secretariat is advised of any delays anticipated in writing at least three (3) working days before the specified due date;

**6.4** To fast track the process, the Secretariat will make available copies of relevant correspondences related to a specific request to implementing agencies if known or different from the Secretariat's Official Contact in country.

## 7. *Outline of Requests:*

Requests are required to include as much detail as possible. They should include:

- **Title** : Name of project

- **Background** : How the project came about and its rationale, its relationship to government policies and national priorities, who initiated the proposal - is it a truly local initiative
- **Objective** : What the project sets out to achieve
- **Activities** : How the project is intended to be carried out.
- **Benefits** : Who benefits? How many and in what way.
- **Cost** : Breakdown of costs including costings and subsequent acquittal of any travel undertaken
- **Timing** : Duration and the expected commencement date.

#### **8. Performance Indicators**

Performance under the Fund will be judged by progress with the drafting, enactment and/or implementation of the relevant legislation in the assisted country. Another indicator in the medium term, will be the use of the legislation to take appropriate legal action in response to transnational criminal activities.

#### **9. Reporting**

Forum Island Countries receiving assistance for legal drafting or enactment under the Fund are required to keep the Forum Secretariat advised on progress with passage and implementation of such legislation, as appropriate.

#### **10. Information**

For *further information* please:

- a) contact the PIFS Official Contact in your country which is usually the Secretary for Foreign Affairs or External Affairs or the Prime Ministers Office; or
- b) write directly to *The Development Cooperation Adviser, Enabling Mechanism, Pacific Islands Forum Secretariat*, Private Mail Bag, Suva, Fiji, or Fax (679) 3305880, or Phone (679) 3312600 or E-mail: [info@forumsec.org.fj](mailto:info@forumsec.org.fj)