TECHNICAL LEGAL ASSISTANCE DATABASE

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# CRIMINAL LAW
(including: EXTRADITION – ANTI-TERRORISM – ANTI-MONEY LAUNDERING – DRUGS - CYBERCRIME)

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<tr>
<td>Legal Drafting Unit&lt;br&gt;Pacific Islands Forum Secretariat (PIFS)</td>
<td><strong>Legislative Assistance</strong>&lt;br&gt;Forum Island Countries may seek legal drafting assistance from the PIFS Legal Drafting Unit. Forum Secretariat staff or a consultant is funded to work in-country to draft national legislation or adapt relevant model legislation, and to enact that legislation. PIFS is able to provide legislative drafting assistance to Forum Members in relation to implementation of legislative commitments under the <em>Honiara Declaration on Law Enforcement Cooperation</em> and <em>Nasonini Declaration on regional security</em>, in particular:&lt;br&gt;• extradition&lt;br&gt;• forfeiture of the proceeds of crime&lt;br&gt;• mutual assistance in criminal matters&lt;br&gt;• terrorism and terrorist financing&lt;br&gt;• anti money laundering&lt;br&gt;• weapons offences&lt;br&gt;• drug trafficking&lt;br&gt;• people smuggling and people trafficking.</td>
<td>Lorraine Kershaw&lt;br&gt;International Legal Adviser&lt;br&gt;Pacific Islands Forum Secretariat&lt;br&gt;Suva, Fiji&lt;br&gt;E: <a href="mailto:LorraineK@forumsec.org.fj">LorraineK@forumsec.org.fj</a>&lt;br&gt;T: +679 322 0216</td>
</tr>
<tr>
<td>Pacific Police Development Program&lt;br&gt;Pacific Section&lt;br&gt;The Australian Attorney-General’s</td>
<td><strong>Legislative Assistance</strong>&lt;br&gt;The Pacific Section of the AGD is funded under the Pacific Police Development Program to deliver technical legal assistance in the review</td>
<td>Director&lt;br&gt;Pacific Crime and Policing Section&lt;br&gt;Attorney-General’s Department</td>
</tr>
</tbody>
</table>

Department (AGD) and reform of police and criminal justice legislation in Pacific island countries.

Assistance can take the form of a policy review or provision of comments on a draft piece of legislation, and often continues through to the drafting of new legislation and assistance with its passage through parliament.

Examples of projects include:

- Development of the Tuvalu Police Service Act 2009 and Police Powers and Duties Act 2009, and regulations to support this legislation
- Development of police regulations to support the Police Service Act 2008 and Police Powers and Duties Act 2008 in Kiribati;
- Development of a new Tonga Police Bill, and assistance with implementation of new Police Act
- Development of a new Nauru Criminal Code, which will modernise existing criminal offences and introduce a number of new offences, including child sex and domestic violence offences
- Review of Police Legislation in Nauru
- Assistance to Cook Islands to review Crimes Act 1969
- Provision of technical legal assistance to review and reform police service, police powers and duties, and forensic procedures regulations, forms and procedures; resulting in amendment Bill for the Police Services Act
- Provision of technical legal assistance to review and reform drugs legislation in PNG. Working in collaboration with the PNG Department of Justice and Attorney General to enhance PNG’s legal framework on illegal drugs and precursor chemicals
- Provision of technical legal assistance to review the Samoan Crimes Bill 2010
- Provision of technical legal assistance to implement Vanuatu’s

Canberra, Australia
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T: +61 2 6141 6666
| Criminal Law Section  
| Legal and Constitutional Affairs Division  
| Commonwealth Secretariat |
| **Exchange / Mentoring Scheme**  
| The Criminal Law Section (CLS) of the Commonwealth Secretariat’s Legal and Constitutional Affairs Division facilitates a Pro Bono Mentoring and Exchange Scheme, placing either Pacific prosecutors in offices in Australia or New Zealand; or a mentor from New Zealand or Australia in a Pacific prosecution office.  
| Member countries may request assistance from the CLS in mandated criminal law matters, which currently include matters such as Victims of Crime, Prosecution Disclosure Obligations, Anti-corruption, Counter-Terrorism, countering the Financing of Terrorism, Anti-Money Laundering, Human Trafficking, and international cooperation.  
| The CLS will assess the request, and depending on funding, will advise if assistance is possible. If so, the CLS will work with the member country to organise the placement or mentoring.  
| **Workshops / Training**  
| The CLS continues to assist facilitating regional prosecution conferences and training opportunities.  
| Previous examples of this includes assistance in facilitating the annual Pacific Prosecutors’ Association Conference; and in 2009 providing a Prosecution Training Programme for the Asia/Pacific region for prosecutors from 11 Commonwealth member states, involving a web component, face to face workshop and 12 month voluntary mentoring component.  
| Shirani de Fontgalland  
| Head - Criminal Law Section  
| Legal and Constitutional Affairs Division  
| Commonwealth Secretariat  
| London, UK  
| E: s.defontgalland@commonwealth.int  
| T: + 44 7808 295 988  
| Lani Gibbins |
### Exchange / Mentoring Scheme
AMLAT and the Commonwealth DPP have developed a pairing program that places regional prosecutors in a proceeds of crime team within the Commonwealth DPP – the **Asia-Pacific Prosecutor Program**. The pairing program was developed to increase the capacity of prosecutors to undertake proceeds of crime action through practical experience, training and mentoring with the Commonwealth DPP. The participants in the program return to their home countries following their placement and assist to implement proceeds of crime systems in their own jurisdictions.

To date, there have been successful placements from PNG, Solomon Islands, Vanuatu, Indonesia and Samoa within CDPP offices in Melbourne, Brisbane and Canberra.

### Workshops / Training
AMLAT regularly hosts workshops in Australia and the region. The workshops focus on awareness raising, training and mentoring in the area of anti-money laundering, proceeds of crime and counter-financing of terrorism. The workshops are targeted at increasing the capacity of a number of different professional groups including prosecutors, police officers and the judiciary. They provide tailored activities designed to enhance the skills and knowledge of participants. AMLAT works with a number of Australian Government and international partners in presenting and hosting the workshops.

Recent regional workshops that AMLAT have hosted include:
- Asia-Pacific Regional Conference on Following the Proceeds of Environmental Crime, February 2010, Wollongong
- Judicial Workshop on Proceeds of Crime and Money Laundering 2009, Brisbane
- Proceeds of Crime Workshop November 2008, Honiara, and
United Nations Office of Drugs and Crime (UNODC) – Pacific Regional Programme

| Legislative Assistance | Jeremy Douglas  
|------------------------|--------------------------------------------------
| The UNODC Pacific Regional Programme consists of two main thematic areas: ‘Rule of Law’ and ‘Public Health’. Under these two thematic areas there are four sub-programmes, which, respectively, have the following aims:  
  - **Illicit trafficking:** Reducing illicit trafficking and smuggling of people, drugs (and their precursors) and natural resources/hazardous substances;  
  - **Governance:** Reducing weaknesses in governance, including corruption and the capacity to effectively address money laundering and asset recovery.  
  - **Criminal Justice:** Reducing serious transnational organized crimes, including terrorism, and protecting vulnerable groups.  
  - **Drug demand reduction / HIV & Aids:** Reducing demand for drugs and tackling the HIV/AIDS epidemics, specifically among drug users and those in correctional/prison settings. | Regional Representative  
| | Regional Office for Southeast Asia and the Pacific  
| | Bangkok, Thailand  
| | T: +662 288 2100  
| | M: +6685 667 2662  
| | jeremy.douglas@unodc.org | 
| | Annika Wythes  
| | Regional Anti-Corruption Adviser – Pacific  
| | United Nations Office on Drugs and Crime (UNODC)  
| | Suva, Fiji  
| | T: +679 322751  
| | annika.wythes@unodc.org | 
| | www.unodc.org/eastasiaandpacific/ |
UNDOC, in conjunction with the Pacific Islands Forum Secretariat (PIFS) also provide legislative drafting assistance through the ‘Strengthening the Legal Framework against Terrorism in the Pacific’ project which is aimed at supporting the implementation of the universal legal framework against terrorism contained in the 16 international counter terrorism instruments. The project aims to provide practical assistance to Pacific Island countries in ratification of instruments, counter terrorism reporting, development of counter terrorism legislation and through (regional and national) training provided to criminal justice officers.

**UN Pacific Regional Anti-Corruption Project (UN-PRAC) [2012 – 2016]**

- Joint UNDP-UNODC Project aims to support Pacific island countries to strengthen their capacity to address corruption.
- Project will work in 13 countries: Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu
- Output 1: To strengthen political will to endorse strong policy and legal frameworks aimed at implementing UNCAC (through training for MPs on various aspects of UNCAC; technical assistance provided to Governments on request in support of ratification; countries supported in UNCAC review mechanism; legislative support to implement UNCAC)
- Output 2: To strengthen the capacity of key national anti-corruption institutions and non-state actors to more effectively tackle corruption with resultant improvements in service delivery (through capacity development key integrity institutions; support advocacy and monitoring of non-state actors)
- Output 3: To promote more informed anti-corruption policy and advocacy by conducting tailored research and sharing knowledge
| **Asia / Pacific Group on Money Laundering (APG)** | The Asia Pacific Group on Money Laundering (APG) is an autonomous and collaborative international organisation. APG members and observers are committed to the effective implementation and enforcement of internationally accepted standards against money laundering and the financing of terrorism.

PILON Members who are members of the APG are: Australia, Cook Islands, Fiji, the Republic of the Marshall Islands, Nauru, New Zealand, Niue, Palau, PNG, Samoa, Solomon Islands, Tonga and Vanuatu.

One of the functions of the APG is to coordinate bi-lateral and donor agency assistance in relation to anti-money laundering and counter-financing of terrorism (AML/CFT), which includes training and technical assistance to government legal officers from member countries.

The matters covered by the AML / CFT technical assistance and training includes:

- Drafting legislation, regulation and guidance
- Training for investigators, prosecutors and judges on money laundering and terrorist financing investigations, prosecutions and asset tracing/confiscation
- Enhancing international cooperation, including mutual legal assistance.

The APG works with Donors and Providers to facilitate the design, development and delivery of technical assistance and training based on information collected from relevant APG members of their needs. |
| **Sisilia Eteauti**  
 **Director, Technical Assistance and Training**  
 **Asia/Pacific Group on Money Laundering**  
 **Sydney, Australia**  
 **T: +61 2 92770530 - Ext 126530**  
 **E: mail@apgml.org**  
 **www.apgml.org** |  

| **Capacity Building and ICT Policy, Regulatory and Legislative Frameworks Support for Pacific Island Countries** | The ITU run ICB4PAC project seeks to foster socio-economic development through the use of ICT, by facilitating the establishment of enabling and sustainable policy, regulatory, legislative and strategic frameworks for Pacific Island Countries. |
| **Mr. Sandro BAZZANELLA**  
 **Project Manager**  
 **ITU-EC Project-Harmonized Policies** |
<table>
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<th>frameworks to accelerate ICT development in the Pacific region.</th>
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<td>The first phase of the ICB4PAC project has included:</td>
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<td>- drafting of model legislation for the Pacific.</td>
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<tr>
<td>- A report on the status of cybercrime legislation</td>
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<td>Regional model cybercrime legislation was developed through a series of workshops attended by project countries. This legislation is in line with the Council of Europe Convention on Cybercrime, and based on the Commonwealth model law on computers and computer related crime, various UN Resolutions, and the Caribbean (HIPCAR) cybercrime legislative text.</td>
</tr>
<tr>
<td>The ICB4PAC Project assessment report - titled <em>The present situation of cybercrime legislation in the Pacific Island countries</em> - provides a detailed consideration of cybercrime projects being conducted around the region and details existing cybercrime legislation in Pacific countries, to identify gaps.</td>
</tr>
<tr>
<td>Under the current (second) phase of the project, in-country support may be accessed by project countries (detailed below).</td>
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<tr>
<td><strong>Legislative Assistance</strong></td>
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<tr>
<td>Through the ICB4PAC project, the ICU is offering assistance to member countries in drafting cybercrime related legislation and policies. Consultants are available to conduct a comparable analysis between the ICB4PAC draft legislation and the local relevant Acts to identify gaps. Assistance in drafting legislation to fill these gaps is available, as is representation at public consultations on both the draft legislation and broader ICT policy.</td>
</tr>
<tr>
<td>Assistance has been or is currently being provided to Samoa, Cook Islands, Niue, Fiji, Tuvalu, Palau, Kiribatii, FSM and Nauru.</td>
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**HUMAN RIGHTS LAW**

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| The Pacific Regional Rights Resource Team of the Secretariat of the Pacific Community (RRRT/SPC) | Legislative Assistance  
Violence against Women  
RRRT has recently completed administering a project titled “Changing Laws, Protecting Women”. Assistance provided under this project included development of draft legislation, drawing on the global good practices guidelines, with country groups. Some follow on work is continuing in member countries to finalise this legislation or related implementation plans.  

**Legislative Assistance - Workshop/Training**  
**HIV**  
RRRT currently administers a project titled “Advocating for improved legislation: changing laws protecting people” (HIV Project).  
The work in the HIV project is aimed at changing the limited legislative protection for those living with or affected by HIV (PLWH).  
The context for the project is that – other than PNG, Pohnpei State (FSM) and Fiji, which have HIV specific legislation - no other Pacific Island Country currently protects against discrimination on the grounds of HIV or health status through a standalone HIV law, and the Constitutions of only a few countries protect against sex and gender discrimination.  
RRRT have carried out a review of legislation and provided options for legislative response to HIV for Pacific Island countries. | Sandra Bernklau  
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T: +679 3305 582  
Daiana Buresova  
Senior Legal Policy Researcher – Human Rights  
Pacific Regional Rights Resource Team  
Suva, Fiji  
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Under the project, RRRT carry out training to raise awareness of the need for legislative protection for people living with or affected by HIV. This includes offering regional training regarding HIV, Human Rights and the Law for graduating lawyers, lawyers, judges and magistrates, and Members of Parliament.

**Workshop / Training**
The RRRT, in partnership with the Pacific Islands Forum Secretariat (PIFS), has hosted an annual regional human rights training workshop for lawyers and magistrates since 2004. SPC/RRRT has trained lawyers and magistrates from all the Pacific Islands Forum countries.

The purpose of the workshop is to provide training on international human rights conventions and standards, and how these can be applied to domestic law, policy and practice. The training assists participants to apply international covenants, customary international law and case law precedents; improves knowledge and ability to monitor human rights at a national level; increases understanding of procedure, evidence and remedies in human rights cases, and improves participants’ ability to litigate or advocate for the protection of universal human rights within their domestic jurisdictions.

The 2011 Training Workshop, held in November, focused on areas on need in the Pacific and included topics such as Climate Change and Human Rights, Sexual and Gender-Based Violence legislative reform, HIV and Human Rights, Advocacy Strategy and litigation on Human Rights, Equality and Substantive Equality and PIC reporting to the UN Universal Periodic Review process.

<table>
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<tr>
<th>Human Rights Unit</th>
<th>Legislative Assistance</th>
<th>Monica Vincent</th>
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<tbody>
<tr>
<td>Commonwealth Secretariat</td>
<td>The Human Rights Unit of the Commonwealth Secretariat works to</td>
<td>Human Rights Officer</td>
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</table>
increase the awareness of, and respect for the promotion and protection of human rights in the Commonwealth.

This includes providing technical assistance to countries to improve adherence to, compliance with and implementation of international human rights instruments, including assistance with drafting implementing legislation.

Establishing and strengthening National Human Rights Institutions is one of the key mandates of the Human Rights Unit. The assistance available to the Commonwealth countries in this area includes advice and assistance in drafting enabling legislation and building the capacity of national institutions through training of members in the national institutions.

EU/PIFS Human Rights Project 2012

The Project will be jointly implemented by the Pacific Island Forum Secretariat (PIFS), SPC/RRRT and the Office of the High Commissioner for Human Rights (OHCHR).

The project is funded by the European Union to provide assistance for ratification and implementation of International Human Rights instruments and the Rome Statute. In this capacity the project can provide:

**Legislative Assistance**
- advice and technical assistance to Forum Island Countries on the ratification, reporting and implementation process of UN Treaties and the Rome Statue.
- assistance with integrating principals of human rights in national legislation.
### INTERNATIONAL HUMANITARIAN LAW

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| International Committee of the Red Cross – Regional Delegation in the Pacific | **Legislative Assistance**  
- Assistance with accession and ratification of international humanitarian law treaties  
- Assistance with drafting implementing legislation for international humanitarian law treaties  
- Assistance with drafting explanatory memoranda, cabinet papers and other information documents of use in the legislative process  
**Workshops / Training**  
On request, ICRC is able to provide in-country workshops to government law offices (as well as Ministries of Foreign Affairs) on implementation of international humanitarian law treaties, including the Rome Statute of the International Criminal Court, the Cluster Munitions Convention, the Land Mines Convention, and the Geneva Conventions and their Additional Protocols.  
The workshops cover background such as the history and focus of the treaty, and why it is important to become a party; as well as technical legal aspects, such as required domestic legislation and other administrative issues which may be required to implement the treaty into domestic law. This includes working on model legislation or | Monica Silverwood  
Regional Legal Adviser  
Regional Delegation in the Pacific  
International Committee of the Red Cross  
*Sydney Office*  
*Note:* This is mainly a service in the Pacific region.  
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E: [sydney.syd@icrc.org](mailto:sydney.syd@icrc.org)  
[msilverwood@icrc.org](mailto:msilverwood@icrc.org)  
[www.icrc.org](http://www.icrc.org) |
| **Coalition for the International Criminal Court (CICC)** | **Legislative Assistance** | **Evelyn Serrano**  
(Manila, Philippines)  
Asia/Pacific Coordinator  
CICC  
T: + 63 2 456-6196  
E: serrano@iccnow.org  
Web: www.iccnow.org |
| | | |
| **Amnesty International** | **Legislative Assistance**  
Amnesty International is available to provide assistance to Pacific States which are interested in acceding to the Rome Statute.  
In summary, Amnesty International can provide assistance with:  
- reference materials on enacting implementing legislation, in particular: *International Criminal Court: Checklist of effective implementation*  
- answering questions and providing advice to drafters by e-mail and telephone  
- review of a State’s existing national laws to identify where implementing legislation is required (where laws are provided in English)  
- review and comments on draft implementing legislation, and/or depending on resources, Amnesty may also be available to visit States and work with drafters, and/or make presentations at national conferences or seminars. | **Jonathan O’Donohue**  
Legal Adviser  
International Justice Project  
Amnesty International  
London  
UNITED KINGDOM  
T: +44 20 7413 5608  
E: jonodonohu@amnesty.org  
Web: www.amnesty.org |
| **Human Rights Law Centre**  
University of Nottingham | **Legislative Assistance**  
The Human Rights Law Centre, University of Nottingham, is able to | **Human Rights Law Centre**  
University of Nottingham |
provide assistance to Pacific States wishing to accede to the Rome Statute. Since 2003 the Centre has provided training on the ICC and the drafting of implementing legislation for over 100 government officials in the Asia-Pacific region. The Centre has previously worked with both Fiji and Samoa.

In summary, the Human Rights Law Centre can provide assistance with:
- drafting
- technical assistance
- training or capacity building programs for drafters, government officials, or judicial officers, and/or foreign affairs officers.

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<thead>
<tr>
<th>Nottingham, UK</th>
<th>T: +44 115 8468506</th>
<th>E: <a href="mailto:hrlc@nottingham.ac.uk">hrlc@nottingham.ac.uk</a></th>
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## ENVIRONMENTAL LAW

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<tr>
<td>Secretariat for the Pacific Regional Environment Programme (SPREP)</td>
<td><strong>Legislative Assistance</strong>&lt;br&gt;The areas of focus within the SPREP Pacific Futures programme include managing multilateral environmental agreements, environment monitoring and reporting, climate change and atmosphere, and waste management and pollution control.&lt;br&gt;&lt;br&gt;SPREP is able to provide assistance with drafting of environmental legislation within these areas, on a limited basis (one or two member countries per year).</td>
<td>Clark Peteru&lt;br&gt;Legal Adviser&lt;br&gt;SPREP&lt;br&gt;Apia, Samoa&lt;br&gt;E: <a href="mailto:clarkp@sprep.org">clarkp@sprep.org</a>&lt;br&gt;T: +685 66262</td>
</tr>
<tr>
<td>United Nations Environment Programme (UNEP) Regional Office for Asia Pacific (ROAP)</td>
<td><strong>Legislative Assistance</strong>&lt;br&gt;(<a href="http://www.unep.org/roap/Activities/EnvironmentalGovernance/EnvironmentalLawandConventions/TechnicalAssistanceinEnvironmentalLegislation/tabid/6776/Default.aspx">http://www.unep.org/roap/Activities/EnvironmentalGovernance/EnvironmentalLawandConventions/TechnicalAssistanceinEnvironmentalLegislation/tabid/6776/Default.aspx</a>)&lt;br&gt;At the request of governments in the region, UNEP ROAP provides technical assistance to develop and implement environmental laws and regulations on pollution control, biodiversity and natural resources conservation, as well as waste and chemicals management. In addition, UNEP provides assistance to strengthen national legislation to implement multilateral environmental agreements (MEAs) in selected countries.&lt;br&gt;&lt;br&gt;UNEP also assesses needs to identify environmental problems and help mitigate these problems through the development of appropriate environmental legislation and institutions. Assistance is also provided to National Legal Experts to review existing environmental policies, legislation and institutional regimes and in organizing national consensus-</td>
<td>Wanhua Yang (Ms.)&lt;br&gt;Environmental Law Officer&lt;br&gt;UNEP Division of Environmental Law &amp; Conventions&lt;br&gt;Regional Office for Asia and the Pacific&lt;br&gt;Bangkok, Thailand&lt;br&gt;T: +(66 2) 288-1877&lt;br&gt;E: <a href="mailto:yangw@un.org">yangw@un.org</a> or <a href="mailto:wanhua.yang@unep.org">wanhua.yang@unep.org</a></td>
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Building workshops with stakeholders for appropriate legal, policy and institutional reforms. Legal advice is provided to draft framework environmental laws, sectoral statutes and domestic laws for the implementation of MEAs.

**Workshops/Training:**
To further strengthen capacity to implement environmental law, UNEP organizes global training programmes on environmental law and policy every two years. About 400 environmental lawyers and policymakers from around the globe have been trained since 1993.

To replicate this programme in the Asia Pacific region, UNEP has previously organized Regional Training Programmes in Tianjin, China and in Bangkok, Thailand.

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<tr>
<th>Environmental Defender’s Office (EDO) of New South Wales – International Program</th>
<th>The Environmental Defender’s Office Ltd of New South Wales (EDO) is a not-for-profit community legal centre specialising in public interest environmental law. The objectives of the EDO’s international program are:</th>
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<tr>
<td><strong>To enhance the capacity of local communities, individuals and organisations to achieve environmental conservation and sustainable development outcomes;</strong></td>
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<td><strong>To raise the profile of environmental law at national and regional levels;</strong></td>
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<td><strong>To promote the values of public participation and good governance and to empower the community to achieve better outcomes through the informed use of the law;</strong></td>
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<td><strong>To build partnerships and networks for information-sharing and collaboration to maximize the effectiveness of capacity-building work in the region;</strong></td>
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<td><strong>To increase access to justice by working with diverse groups</strong></td>
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| | BJ Kim  
International Programs Officer  
Environmental Defender's Office (NSW)  
Sydney, Australia  
T: +61 02 9262 6989  
E: bj.kim@edo.org.au  
within the community, particularly women, Indigenous peoples, disadvantaged and marginalised groups; and

- To increase understanding in Australia of the environmental and development issues facing other countries in the region, and to develop support for and avenues for engagement in the EDO’s capacity-building activities among the Australian community.

The focus of the EDO’s international program is primarily building the capacity of lawyers working in NGOs in the Pacific through training programs, legal advice and litigation support, multidisciplinary support (policy, education, scientific, governance and management), and volunteer placements. However, where there has been a need and appropriate circumstances, EDO has worked with a number of government agencies around the Pacific including, the Landowners Advocacy and Legal Support Unit (LALSU) in Public Solicitor’s Office in the Solomon Islands, and government agencies responsible for environmental protection and management in Fiji, Tonga, Samoa, Vanuatu, and Kiribati.

The EDO can assist in having a volunteer with environmental law experience placed in organisations around the Pacific. In addition, the EDO has received support from AusAID to facilitating 2-3 month professional attachments for environmental lawyers in the Pacific at EDO’s offices in Sydney. In late 2012, the EDO hosted a lawyer from the Ministry of Natural Resources and Environment, Samoa and from the Fiji Environmental Law Association.

| International Union for Conservation of Nature (IUCN) | **Legislative Assistance**  
As part of the Mangrove Ecosystem for Climate Change Adaptation Project (MESCAL), the IUCN team is conducting legislative and policy reviews in Pacific countries with a view to making recommendations, if necessary, for policy and legislative change to effect co-management of... | Patricia Parkinson  
Senior Environmental Legal Officer  
E: patricia.parkinson@iucn.org  
T:+679 331 9084 ext 18 |
mangroves for climate change adaptation and livelihoods.

Under the REDD+ readiness program in the Pacific for the conservation of forest ecosystems, carbon rights studies are being conducted in Fiji, Vanuatu, PNG and Solomon Islands, involving reviews of relevant legislation with a view to making recommendations for legislative change in the interests clarification of carbon rights for the development of a coherent regional framework for the implementation of REDD+.

There is capacity to assist additional IUCN member states in these areas.

http://www.iucn.org

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| Economic and Legal Section (ELS) Special Advisory Services Division Commonwealth Secretariat | The Economic and Legal Section (ELS) forms part of the Commonwealth Secretariat’s Special Advisory Services Division and is mandated to provide legal and technical assistance to Commonwealth Member countries concerning the management of natural resources, maritime boundary delimitation and related law of the sea issues. Assistance is provided on a country specific, regional and sub-regional basis and to regional organisations. The work that ELS carries out is designed to assist Commonwealth Member countries to overcome national capacity constraints, to enhance in-country expertise and ultimately enable them to realise the rights conferred to them under international law concerning the establishment of maritime zone and the management of natural and | Joshua Brien  
Legal Adviser (Natural Resources)  
Special Advisory Services Division  
- Economic & Legal Section  
Commonwealth Secretariat  
London, UK  
E: j.brien@commonwealth.int  
T: +44 (0) 20 7747 6427  
M: +44 (0) 7587 631419 |
living resources.

This includes assistance in legal aspects of maritime boundaries – such as the review of legislation, contracts and regulatory instruments, analysing and providing advice, conducting negotiations, and legislative drafting.

ELS is presently assisting a number of Member countries in the Pacific to update national maritime zones legislation, and also to prepare and carry out negotiations to settle unresolved maritime boundaries with neighbouring countries (both Commonwealth and non-Commonwealth).

In addition, ELS has been particularly active in providing legal and technical assistance to Commonwealth Member countries in the Pacific Region concerning both the delimitation of maritime boundaries and the preparation of Submissions to the United Nations under Article 76 of the 1982 United Nations Convention on the Law of the Sea for areas of extended continental shelf. In each case, the provision of assistance has been underpinned by country-specific or regional projects, each tailored to the needs and requirements of the relevant Commonwealth Member countries.

Since 2009, ELS has provided legal, scientific and technical assistance to the Cook Islands, Papua New Guinea, Solomon Islands and Tonga to enable them to complete and lodge continental shelf submissions with the United Nations. In addition, assistance is presently being provided to Kiribati, Papua New Guinea, Solomon Islands and Tuvalu concerning the preparation of new or additional submissions by each of these countries.
The Forum Fisheries Agency (FFA) provides its Members with assistance in reviewing and drafting fisheries legislation which serve to implement legislative obligations under the UN Convention on the Law of the Sea and international, regional and subregional fisheries instruments.

**Workshop/Training**

FFA runs regular courses on dockside boarding and prosecutions. These courses are run at the national level, with occasional courses run at the sub-regional level, provide training to fisheries enforcement officials to support effective collection and documentation of information and evidence to monitor compliance with fisheries conservation and management measures and to secure successful prosecution of fisheries offences.

Member may request training and specify areas that they would like emphasized.

FFA also provides an advanced regional evidence and investigation course. The course runs for 3 weeks and is a follow on from the national workshops. In addition, FFA has also conducted regional prosecutors training courses.

Legal Counsel
Pacific Islands Forum Fisheries Agency
Honiara, Solomon Islands
T: +(677) 21124
E: manu.tupou-roosen@ffa.int

The Pacific Judicial Development Programme (PJDP) is a regional programme which aims to strengthen judicial systems as a central pillar of good governance and the rule of law.

The Programme operates in 14 Pacific Island Countries: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

The Federal Court of Australia is responsible for the implementation of Phase 2 of the Programme. The purpose of this phase is to strengthen governance and rule of law in Pacific Island Countries through resuming support to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use.

The Program is based around four thematic pillars: promoting access to justice; strengthening governance and the rule of law; improving judicial systems and processes; and supporting judicial training and development.

Phase 2 of the PJDP was originally to be implemented between January 2011 and June 2012; however was extended until 2013 to consolidate and build upon the foundations of the preceding 18 month implementation period. Phase 2 involves practical judicial training and court development services, while enhancing the set-up, localisation and sustainability of those services across the region. These services will deliver ten projects including:

(i) strengthen judicial leadership by providing opportunities for intra-
| Justice Section | The Justice Section of the Legal and Constitutional Affairs Division has primary responsibility for requests from Commonwealth member states for assistance in relation to strengthening court registries and building the capacity of court staff, effective case-flow management, and regional interaction and actively involving leaders in the ongoing development and implementation of the PJDP; (ii) develop core orientation and decision-making training modules for judges, court officers and lay magistrates to provide the basis for ongoing PIC-driven training in the region; (iii) mobilise the Regional Training Team (RTT) a cadre of certified trainers from member PICs, and actively support this team to develop sustainable training capacity regarding four core modules; (iv) introduce codes of judicial conduct to strengthen governance mechanisms in selected courts; (v) research and develop a medium/long-term plan for the sustainability of ongoing judicial development across the region; (vi) diagnose the needs for judicial administration and support pilot activities to guide the formulation of a regional support strategy for registry systems and process; (vii) design a judicial monitoring and evaluation framework to provide the basis for future performance monitoring and development assistance impact assessment; (viii) research and develop a customary dispute resolution strategy as a mechanism for promoting an holistic approach to alternative dispute resolution in the region; (ix) publish and revise benchbooks to develop selected resources with medium to longer-term value to PJDP counterpart courts; and (x) manage a Responsive Fund for locally-based, incentive-driven, development applications. | Jarvis Matiya  
Head of Justice Section  
Legal & Constitutional Affairs Division |
training for judicial officers in the subordinate and the superior courts.

Capacity building activities facilitated by the Justice Section in response to requests of this nature have previously included:

- facilitating attendance of Judges or Magistrates at training courses / workshops, for example through the Commonwealth Judicial Education Institute (Halifax, Canada), RIPA International (London, UK) or Public Administration International, on topics such as case management, judicial ethics or judicial administration;
- providing commercial law training for judges, and support for a training course for judges and magistrates on how to deal with vulnerable witnesses; and
- placement of an expert on Court Administration to strengthen a High Court registry through establishment of appropriate systems, procedures and documentation.

Governance and Institutional Development Division
Commonwealth Secretariat

The assistance facilitated by the Governance and Institutional Development Division (GIDD) includes the placement / appointment of judges for member governments in small jurisdictions, to address the problem of lack of capacity.

These judges assist in clearing case backlogs, strengthening the administration of justice and maintaining the independence and integrity of member state judiciaries.
## General / All Areas - Legislative Drafting

<table>
<thead>
<tr>
<th>Program/Country/Organisation</th>
<th>Assistance Available</th>
<th>Contact Details</th>
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<tbody>
<tr>
<td><strong>Justice Section</strong>&lt;br&gt;Legal and Constitutional Affairs Division&lt;br&gt;Commonwealth Secretariat</td>
<td><strong>Legislative Assistance</strong>&lt;br&gt;The Justice Section has been mandated by Commonwealth Law Ministers to support the capacity building of the legislative drafters.&lt;br&gt;&lt;br&gt;One means of doing so is the placement of legislative drafters in the drafting offices of Commonwealth jurisdictions. This assistance is available on request. The Justice Section advises on the placement process and conducts needs assessments to identify the scope of the required assistance.&lt;br&gt;&lt;br&gt;To access this assistance, requests for a placement should be submitted through the member country’s Commonwealth Point of Contact to the Secretariat Legal and Constitutional Affairs Division.</td>
<td>Jarvis Matiya&lt;br&gt;Head of Justice Section&lt;br&gt;Legal &amp; Constitutional Affairs Division&lt;br&gt;Commonwealth Secretariat&lt;br&gt;London, UK&lt;br&gt;T: +44 (0) 20 7747 6421&lt;br&gt;E: <a href="mailto:J.Matiya@commonwealth.int">J.Matiya@commonwealth.int</a></td>
</tr>
<tr>
<td><strong>Workshops / Training</strong>&lt;br&gt;The Justice Section conducts training and seminars for legislative drafters in the Commonwealth. These activities may be provided through request or following assessment and identification of a need by the Justice Section. For example, in 2009 an in-country training was offered to the Pacific and taken up by Samoa, where an in-house training took place in August 2009. The Commonwealth also collaborated with the Office of the New Zealand Parliamentary Counsel to convene a technical forum for Pacific drafters.</td>
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<td><strong>New Zealand Parliamentary Counsel Office (PCO)</strong></td>
<td><strong>Legislative Assistance</strong>&lt;br&gt;The “Pacific Island desk” within the New Zealand Parliamentary Counsel Office (PCO) consists of 1 full-time experienced Parliamentary Counsel who is available to provide legislative drafting assistance, training and mentoring to officials in the Pacific Islands responsible for the drafting of legislation. If required, the Parliamentary Counsel may also, together with country</td>
<td>Fiona Leonard&lt;br&gt;Drafting Team Manager&lt;br&gt;Parliamentary Counsel Office&lt;br&gt;Wellington, NZ&lt;br&gt;E: <a href="mailto:fiona.leonard@parliament.govt.nz">fiona.leonard@parliament.govt.nz</a></td>
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officials, develop templates for legislation for on-going use and drafting handbooks (setting out format and style requirements).

Assistance is provided with priority given to the Cook Islands, Niue and Tokelau, but will be extended to other countries as resources allow.

The Parliamentary Counsel is based in Wellington but is funded to travel to Pacific Islands to provide training, receive instructions, consult with stakeholders, and to present draft legislation to Cabinet and Ministers.

Assistance is offered to draft legislation within a country’s legislative programme that is required to strengthen governance, legal and judicial systems, improve the country’s business environment, trade facilitation, and market access and ensure compliance with international obligations.

The Parliamentary Counsel is able to provide on the job training and mentoring in the form of guidance and drafting techniques, provision of advice on common issues and problems arising when drafting legislation, and assist officials in identifying and resolving issues that arise in drafting specific to the relevant country. The training will be tailored to meet any special requirements relating to the relevant jurisdiction.

The Pacific Island desk has been funded for a three year period, commencing 1 July 2011.

<table>
<thead>
<tr>
<th>Pacific Islands Forum Secretariat – Legal Drafting Unit</th>
<th>Legislative Assistance</th>
<th>Lorraine Kershaw</th>
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<tbody>
<tr>
<td>As well as drafting security related legislation, the Legal Drafting Unit is mandated to:</td>
<td>Provide legislative drafting assistance in relation to national legislative agendas; Render legislative drafting assistance to the 14 Forum Island</td>
<td>International Legal Adviser</td>
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<td>Pacific Islands Forum Secretariat</td>
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<td>Suva, Fiji</td>
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<td>E: <a href="mailto:LorraineK@forumsec.org.fj">LorraineK@forumsec.org.fj</a></td>
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<td>T: +679 322 0216</td>
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<tr>
<td>School of Law</td>
<td>Workshops / Training</td>
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| University of the South Pacific (USP) | The USP School of Law offers a Professional Diploma in Legislative Drafting (PDLD). The PDLD is a 30 week program for both experienced and novice legislative drafters. Participants learn practical skills in translating government policies into clear and effective laws that can be understood and applied by a variety of stakeholders. The program introduces participants to the legislative drafting process in a progressive manner. The training involves drafting Bills and subsidiary legislation, including amendments, repeals and penal provisions. Students acquire skills through ‘hands-on’ experience, culminating in an intensive drafting workshop at the end of the program. The PDLD program is delivered through the Pacific using flexible learning strategies, including CD-Rom materials developed by the Commonwealth of | Mrs Prem Shekhar  
Suva Division, School of Law  
University of the South Pacific  
Suva, Fiji  
T: (679) 3232984  
E: shekhar_p@usp.ac.fj  
| Institute of Applied Legal Studies | **Workshops / Training**  
The University of London offers a four week Advanced Legislative Drafting Course. Taught in intensive, in-class mode, the course seeks to ‘empower national drafters to apply best international drafting practices to their own legal system reflecting their own political, cultural, and social intricacies, which are better known and understood by national drafters.’ Central to the programme is the belief that barriers between ‘developed’ and ‘transitional’ jurisdictions, between common and civil law traditions, between continents and countries are in essence overrated: all drafters can learn from the experience of others provided that lessons learnt serve the same functionality test, and are subsequently naturalised in the context of national eccentricities. The Course seeks to encourage modern drafting techniques with an emphasis on effective and user-friendly legislation, and exposure to a variety of drafting styles and lecturers, thus allowing participants to select elements that best suit their national laws, tradition, culture, and jurisprudence. |
| --- | --- |
| University of London |  | Charles Clore House  
17 Russell Square  
London  
WC1B 5DR  
P: +44 20 7862 5800  
http://ials.sas.ac.uk/index.asp |
|  | Learning, face-to-face tutorials, video conferencing and a residential workshop.  
In previous years, applications for the PDLD have closed in March, with the course commencing in April. Additionally, scholarships have previously been offered by the PIFS and the Commonwealth Centre of learning to cover PDLD program fees. |
### Legal Policy Twinning Program

**Exchange / Mentoring Scheme**

The Legal Policy Twinning Program offers three-month placements in the legal policy area of the Australian Attorney General’s Department for senior officers from Pacific Island law and justice agencies. Placements seek to develop skills in managing legislative reform, developing legal policy and writing drafting instructions.

The Australian Attorney-General’s Department invites Pacific Island countries to nominate one candidate per year. Nominations for the Twinning Program are usually called in May; and the three month program runs from September – December of that year.

**Contact Details**

| Director, Pacific Section | Australian Attorney-General’s Department | Canberra, Australia | E: pacific@ag.gov.au | T: +61 2 6141 6666 |

### Pacific Law Library Twinning Program

**Provides Pacific Island countries with library management and legal research assistance, and legal materials, equipment and in-country training to support the development and provision of law library services, collections and staff in the Pacific region.**

By way of example, in 2012 the Program provided in-country assistance to the Samoan legal sector with the provision of legal research training in UK, New Zealand and Australian legislation and case law. The Program also provided assistance with training and the organisation of library materials to the Samoan Attorney-General’s Office library.

**Contact Details**

| Laura Davern | Pacific Administration | Library and Information Services Section | Australian Attorney-General’s Department | Canberra, Australia | T: +61 2 6141 6666 | E: pacifictwinning@ag.gov.au |

### Bar Readers’ Course

The Victorian Bar Readers’ Course runs for eight weeks in March and September each year. Two places in the Bar Readers’ Course are available per intake for South Pacific applicants. The course fee is waived for the

**Contact Details**

| Wendy Pollock | Co-ordinator Professional Development (& Secretary – | | | | |
program, however applicants are responsible for their airfares, accommodation and associated costs. Application details are available upon request.

The Readers’ Course is an intensive 10-week course conducted twice yearly in Melbourne and which covers a wide-range of advocacy skills and ethics. It is the compulsory training course for lawyers who wish to practise as members of the Victorian Bar. Since 1987 a total of 122 lawyers from Papua New Guinea, Vanuatu, the Solomon Islands and Fiji have attended and completed the Victorian Bar Readers’ Course. Further information about the Course is available here:  [http://www.vicbar.com.au/about-us/how-to-become-a-barrister/readers146-course](http://www.vicbar.com.au/about-us/how-to-become-a-barrister/readers146-course)

The Victorian Bar South Pacific Education Committee is able to organise and conduct Advocacy workshops in the South Pacific to meet the needs of local requests. Advanced civil and criminal (including appellate) advocacy skills training workshops have been previously conducted in PNG, the Solomon Islands, Vanuatu and Fiji.

South Pacific Education Committee
The Victorian Bar Inc.
Melbourne, Australia
T: +61 3 9225 7924
E: wendy.pollock@vicbar.com.au
**MISCELLANEOUS**
(Deep Sea Mining, Aviation, Customs, Labour Law)

<table>
<thead>
<tr>
<th>PROGRAM/COUNTRY / ORGANISATION</th>
<th>ASSISTANCE AVAILABLE</th>
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</table>
  The project will provide technical assistance to 15 participating Pacific Island States, with a focus on supporting them to develop and implement comprehensive policy and legislative frameworks to manage deep seabed mineral developments.  
  Countries participating in the Project are: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Tonga, Samoa, Solomon Islands, Timor Leste, Tuvalu, Vanuatu. | Hannah Lily  
Deep Sea Minerals Project - Legal Advisor  
Applied Geoscience and Technology Division (SOPAC)  
T: +679 338 1377  
E: hannah@sopac.org                                                                                                                                 |
| Pacific Aviation Safety Office (PASO) | An aviation legal specialist has been engaged by PASO under a current project funded by the Asian Development Bank (ADB). Assistance will be provided to national civil aviation administrations and PASO staff to draft and adopt legal and regulatory reforms.  
Based on a completed aviation legal review of national legislation and Regulations, the specialist will draft recommended revisions to laws and regulations so that each Pacific developing member country of PASO is able to:  
- become compliant with international requirements; and  
- adopt a harmonized regulatory environment based on the New Zealand Civil Aviation Regulations. | Kim Murray  
Consultant  
T: +644 499 9389  
E: kim@lawchambers.co.nz                                                                                                                   |
| Strengthening Pacific Economic Integration Through Trade (SPEITT) Project | The “Trade Facilitation in Customs Cooperation (TFCC)” component of the SPEITT Project is funded by the European Union and implemented by the OCO.  

The TFCC provides for the development of internationally compliant customs legislation in the customs administrations of Pacific-Africa Carribean and Pacific (PACP) Group countries.  

In 2010, under the EU-funded Pacific Regional Economic Integration Program (PACREIP), the OCO undertook legislative scoping missions in nine PACP customs administrations (Nauru, Kiribati, Marshall Islands, Niue, FSM, Palau, Niue, Samoa and Tuvalu).  

A legal drafter engaged under the TFCC – SPEITT project will work with the law offices and customs administrations in each of the countries to make the necessary changes identified through a drafting process. The program will first be implemented in FSM, Palau and Tuvalu, with the remaining countries to follow. |
|---|
| United Nations Commission on International Trade Law (UNCITRAL) Regional Centre for Asia and the Pacific (RCAP) | The main objectives of the UNCITRAL Regional Centre for Asia and the Pacific (RCAP) are:  

- to enhance international trade and development in the Asia-Pacific region by promoting certainty in international commercial transactions through the dissemination of international trade norms and standards;  
- to provide bilateral and multilateral technical assistance to States with respect to the adoption and uniform interpretation of UNCITRAL texts through workshops and seminars;  
- to engage in coordination activities with international and regional organisations active in trade law reform projects in the region; and  
- to function as a channel of communication between States in the region and UNCITRAL. |
The United Nations Commission on International Trade Law (UNCITRAL) has prepared various instruments to foster the progressive harmonization and unification of international trade law in the following areas: international sale of goods and related transactions, international transport of goods, international commercial arbitration and conciliation, public procurement and infrastructure development, construction contracts, international payments, electronic commerce and insolvency.

The UNCITRAL RCAP provides technical assistance in the adoption and implementation of treaties and model laws related to commercial and investment legislation. This assistance may take the form, for instance, of: assessment of the commercial law status at the country level, or for specific business sectors; formulation of proposals for trade law reform; preparation and review of draft legislative texts; organisation and delivery of workshops and other forms of training, including in cooperation with other substantive organisations or donors.

International Labour Organization

**Legislative Assistance**

The adoption of labour laws and regulations is an important means of implementing ILO standards, promoting the ILO Declaration and the Fundamental Principles and Rights at Work, and putting the concept of Decent Work into practice. Under the ILO Constitution, the Office is committed to offering technical cooperation and advisory services to member States and to assist them in assessing and, where necessary, framing or revising their labour laws. This includes assistance in the development of national laws and regulations to enable improved compliance with ILO Conventions and the implementation of Decent Work.

**technical assistance is being provided to Samoa, Kiribati, Vanuatu and PNG to revise labour legislation. Other assistance from the ILO is has also been provided to the Cook Islands, Solomon Islands and Tonga (a non-member State) on reviewing various aspects of labour legislation.**

The ILO also maintains two databases:

- **NORMLEX**
  
  
  - a comprehensive database of ILO labour standards as well as national labour and social security laws; and

- **NATLEX**
  
  
  - a database of national labour, social security and related human rights legislation.

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| **FAO Development Law Service**  
| **Legal Office of the Food and Agriculture Organization of the United Nations (FAO)**  
| The FAO Development Law Service provides legal advisory services and assistance to FAO Member countries in developing effective legal frameworks for food and agriculture, water, fisheries and aquaculture, plants, animals, forestry, wildlife and national parks and environment and biodiversity, as well as general agricultural issues (institutions, trade, economic reform).

The Service provides legal advisory services in a multi-disciplinary manner by working with other technical services of FAO (e.g. the Fisheries and Aquaculture Department and the Forestry Department) and pursues a participatory approach in law development by engaging stakeholders. Specifically, the Service helps governments at their request to prepare laws, regulations, agreements and other legal text on the areas named above, and advises on institutional structures and compliance with international law. An element of most advisory projects is capacity building through participatory training of national officials and consultants.

The Service’s biannual newsletter provides latest information on its activities, and is available on the FAO website (here: [http://www.fao.org/legal/development](http://www.fao.org/legal/development)). |

| **Blaise Kuemlangan**  
| **Chief**  
| **Development Law Service**  
| **FAO Legal Office**  
| **Food and Agriculture Organization of the United Nations**  
| **Rome, Italy**  
| **T: +39 0657054080**  
| **E: Blaise.Kuemlangan@fao.org** |
Interested governments in the Pacific region can contact the FAO Development Law Service directly to request assistance, or alternatively the FAO Samoa Office in the first instance for information regarding the FAO Legal Office and applicable procedures for requesting assistance.

For further information, see: http://www.fao.org/legal/development-law/en/