

## **DECLARATION BY THE SOUTH PACIFIC FORUM ON LAW ENFORCEMENT COOPERATION**

Forum Leaders recalled the concerns they had expressed at the 1991 Forum about the possible threat to the region from criminal activities, and their conclusion that scope existed to strengthen effective law enforcement cooperation in the region. An adverse law enforcement environment threaten the sovereignty, security and economic integrity of Forum members and jeopardise economic and social development. The threats to the stability of regional law enforcement were complex and sophisticated, and the potential impact of transnational crime was a matter for increasing concern to regional states and enforcement agencies. The Forum agreed that there was a need for a more comprehensive, integrated and collaborative approach to counter these threats.

The Forum considered that law enforcement cooperation should therefore remain an important focus for the region. The scale of criminal activity affecting the region could expand. Forum Leaders noted that balanced economic and social development, the primary goal of all the countries of the region, could not be achieved without the assurance of safety and security. Early action to strengthen the existing framework to tackle potential law enforcement problems should therefore be taken.

Forum Leaders noted in this regard the important work already being carried out on specialist aspects of law enforcement by other regional bodies to which Forum members-belong, such as the Pacific Islands Law Officers Meeting (PILOM), the Customs Heads of Administration Regional Meeting (CHARM), and the South Pacific Chiefs of Police Conference (SPCPC).

The Forum Secretariat should not duplicate the activities of such agencies. Forum Leaders considered, however, that law enforcement problems faced by the region were important and inter-related. Networking, to provide maximum access to existing opportunities, was very important.

The Forum Regional Security Committee (FRSC) could coordinate and disseminate information which would establish a framework for increasing contacts amongst specialist agencies and provide advice to Forum Leaders on law enforcement issues. Forum Leaders directed the FRSC to meet once a year before the Forum Officials Committee (FOC) to review and advise on programme priorities, institutional linkages, and resource needs in the area of law enforcement cooperation and information exchange on regional and international security issues.

The Forum noted that certain areas of law enforcement had emerged as particularly important to members. These included necessary legislation on extradition, proceeds of crime (assets forfeiture), mutual criminal assistance, and other aspects of economic crime. In addition, further legislation might be necessary in some areas concerning drug issues. Training issues were also seen as of vital importance. The FRSC should, while giving due regard to the important role played by other regional organisations, place priority on these areas in its continuing work.

Forum Leaders noted that lack of resources was a critical constraint in all areas of regional law enforcement.

This would require a strategic approach with clear weighing of competing priorities, including those in other sectors, and the setting of realistic objectives. Forum Leaders directed that the FRSC in reporting to the Forum, should provide regular advice on the resource Implications of its activities, including those for the Forum Secretariat. The Forum hoped that the region's international partners would recognise the newly emerging needs in the law enforcement area, and agreed that appropriate partners should be approached for assistance.

### **Legal Issues**

The Forum noted the priority that members had given to putting into place satisfactory legislative arrangements in extradition, mutual assistance in criminal matters, and forfeiture of the proceeds of crime. It appreciated the key role played by PILOM in coordinating regional concerns, and the growing cooperation between PILOM and the Forum Secretariat. The Forum urged member governments to take action as soon as possible on the priorities identified, although it recognised that exact timetables would naturally depend on the national circumstances of individual members.

### **Mutual Assistance in Criminal Matters**

The Forum recognised that the establishment of a framework of Mutual Assistance in Criminal Matters between themselves would enhance cooperation between their Courts, prosecution authorities and law enforcement agencies. Forum members therefore strongly urged member governments to adopt procedures to assist one another in identifying persons, in searching for and seizing evidence, and in arranging for witnesses to give evidence either in their own country or in the country in which the trial takes place.

### **Forfeiture of the Proceeds of Crime**

The Forum recognised that large profits from organised crime provide both an incentive to criminal activity together with the capital to develop criminal organizations large enough to operate on an international scale. The Forum accepted the need to strengthen national and international legal provisions to enable the proceeds and instrumentalities of crime to be traced frozen and seized, and acknowledged the need to regulate banking and other financial services to reduce the possible manipulation of these services to 'launder' the proceeds of crime. The Forum recognised that bank secrecy laws can be used as a shield for the laundering of criminal profits and determined that it should not be permitted to obstruct the operation of mutual assistance arrangements. The Forum strongly urged member governments to adopt provisions to construct a framework for action by assisting one another in locating the proceeds of crime, in taking forfeiture proceedings and by enforcing confiscation orders made in other countries to the extent consistent with their laws. The Forum also noted the importance, in this respect, of the 1988 United Nations Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

### **Extradition**

The Forum recognised that, while most members have [Extradition Acts which reflect the pre-1986 text of the London Scheme for the Rendition of Fugitive Offenders, there was still a need to review extradition arrangements within the region. The Forum agreed that members should review their extradition legislation and, if required, take steps to introduce and bring into force

legislation based on the United Nations Model Treaty on Extradition or on the current London Scheme for the Rendition of Fugitive Offenders within the Commonwealth.

### **Financial Action Task Force**

The Forum accepted the assessment of the Secretariat's Law Enforcement Needs Assessment Study that there is a risk the South Pacific region may be targetted for money laundering activities as other regions become progressively less attractive for such activities. The Forum noted that significant international efforts were being taken to counter money laundering, in particular by the Group of Seven's Financial Action Task Force (FATF). Many FATF recommendations were relevant to the law enforcement needs and circumstances of South Pacific region, particularly those on strengthening cooperative measures on the forfeiture of proceeds of crime. The Forum recommended that Forum members consider which FATF recommendations are applicable to their individual circumstances, and where applicable introduce and bring into force legislation to implement the relevant FATE recommendations.

### **Customs Issues**

The Forum welcomed CHARM's intention to work towards a closer association with the Forum, in light of the importance of Customs agencies to members in revenue collection and law enforcement. While the determination of ongoing priorities in regional customs assistance was for CHARM, the Forum agreed in principle to the establishment of a Customs support unit within the Forum Secretariat. Resources and accountability implications should be clearly established by officials in approving a specific proposal. The Forum also endorsed the efforts of CHARM to provide for FIC participation in the Customs Cooperation Council. The Forum invited CHARM to provide an annual report to the Forum via the FRSC.

### **Police Issues**

The Forum acknowledged the vital role played by the SPCPC in regional law enforcement issues, and the need to enhance cooperation with the SPCPC. It invited the SPCPC to report annually to the Forum, through the FRSC, on significant issues facing members. The Forum noted in particular that the SPCPC had initiated a training needs assessment and felt that, while the specialist needs of police forces were primarily for the SPCPC and national governments to address, there could be room to facilitate police training through the Forum framework.

### **Drugs Issues**

The Forum expressed its continuing concerns over the grave social consequences of drug abuse and the illegal traffic in narcotic drugs. It recognised the need for cooperation in international efforts to address the problems, and observed that the recommendations adopted in the area of mutual criminal assistance would go some considerable way to assist. The Forum felt that the primary role in cooperation at the operational level to combat the drug problem lay with other organizations, in particular Customs and Police, and directed the Forum Secretariat to assist the efforts of other bodies to the fullest possible extent.

Forum members agreed to accord priority to ratifying and implementing the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

## **Training**

Lee Forum recognised that proper training of personnel was essential in all areas of law enforcement, and that in many instances current arrangements and resources were inadequate. It noted the efforts being made by specialist bodies such as SPCPC, PILOM and CHARM to address the problems in their areas. The Forum considered that in general training needs were best addressed as appropriate by the specialist bodies which could properly assess specialist needs. Training needs covered too many areas to be susceptible to one solution. There might nonetheless in the Forum's view be a role for a central training clearing house to connect donors and specialist agencies in areas of need. The Forum directed the FRSC to examine this possibility further.

## **Other Issues**

The Forum recognised that environmental issues, of fundamental importance to the region, raised significant law enforcement concerns. Efforts to implement laws on waste dumping, driftnet fishing, oil spills and other pollution emergencies, and wildlife smuggling were examples. The Forum acknowledged SPREP's primary role in all regional environmental matters, and welcomed its increasing capacity. It invited SPREP to be involved in the work of the FRSC on the environmental aspects of the region's law enforcement concerns.

The Forum recognised terrorism as a threat to the political and economic security of the region, and noted the various international conventions in the field. It identified areas of possible cooperation amongst Forum governments, particularly in intelligence gathering, training of personnel and Joint exercises in dealing with serious incidents. While recognising the primary role of other networks, particularly police, in addressing this area, the Forum agreed that Forum programmer, particularly in the civil aviation area, should continue to take account of terrorism concerns.

The Forum welcomed the increasing capacity of the FFA in maritime surveillance which embodied capacity of countries to manage their fisheries resources and enforce sovereignty. It recognised the need for coordination of maritime surveillance activities, and asked the FFA to remain involved with the work of the FRSC on the law enforcement aspects of fisheries resource management. In particular, the Forum endorsed the benefits of the regional maritime surveillance communication network, and directed that the FFA should explore the possibilities of further interfacing this with other regional communication networks. The Forum noted that implementation of the Treaty on cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific would significantly enhance the fisheries resource management capability of Forum Members countries. The Forum requested the Forum Secretariat to continue to play an active role in addressing maritime and civil aviation legal issues.

The Forum noted the importance of taxation issues for the development of the economies of the region. It felt that existing organizations with South Pacific membership, such as the Commonwealth Association of Taxation Administrators and the Pacific Association of Taxation Administrators, could provide useful advice on such issues but that further study in this field might be undertaken with a view to identifying the more specific needs of FICs.

The Forum considered the problems faced by Prison administrators throughout the region. The special circumstances of island countries with small prison populations were often with addressed

adequately in existing bodies to promote cooperation in this area in the wider Asia/Pacific region. Forum Leaders endorsed the concept of a meeting of Heads of regional prison services.

The Forum agreed on the importance of indigenous issues in its member countries. It was stressed that an understanding of indigenous issues, in particular a knowledge of customary laws, was essential to the development and security of the region.