

Media release

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Judges support a Pacific regional court

The rise in cross border crime, the need for the development of regional assets such as tuna fish and the small size of many Pacific island populations highlight the need for a collective response to the development of regional legal services.

Former High Court Judge Justice Gerard Winter presented the ideas of establishing a Pacific Law Reform Commission, a Pacific Regional Court and exchanges of judges between Pacific Island States at a consultation held from 3 - 7 December with Pacific Jurists at the Diana Plaza Hotel in Brisbane. Mr Winter said that a Regional Court of Appeal and Pacific Law Commission would strengthen Pacific law, Pacific security and Pacific development.

The consultation for Judges and Magistrates has been organized by the Pacific Regional Rights Resource Team/United Nations Development Programme Pacific Centre (RRRT/UNDP PC). It will discuss Pacific countries' bills of rights, United Nations human rights conventions and standards and their application to domestic law and policy

At their meeting in Tonga last October Pacific Forum Leaders recognised this need by creating a new study initiative for the Pacific Plan. The 17 Judges from 7 Pacific Island States welcomed these proposals and the Forum initiative.

The Judges agreed that a Regional court of appeal would work well with current judicial systems and compliment the development of harmonised law between Pacific Countries.

Mr Winter said it was important for any regional development of courts to use the growing skills and knowledge of Pacific Judicial Officers. Regional training and development of Judges in the Pacific undertaken by the Pacific Judicial development Programme would sustain this expertise within the region.

A judge commented that the idea of having a regional court was timely as national judicial systems sometimes struggle to cope with regional cases using old colonial law. She said "there should be a push by Chief Justices in our countries to establish these regional institutions now."

Mr Winter said "The formation of a Regional Pool of Jurists to serve in Pacific Courts was a sensible first step. At the same time the development of a Pacific Law Commission could provide regional services for the drafting revision and consolidation of national laws and the analysis of regional law and justice issues." The Commission he went on to say would strengthen the two national Law Reform commissions and provide this service to the 15 other Pacific islands that do not have one.

The establishment of a Regional Court of Appeal and perhaps other specialist courts of original jurisdiction would provide regional investors and donors with the assurances they need to expand and continue their contribution towards regional growth. These Courts would not be the first of their kind in the Pacific. There was a

similar court in the 1960s called the Western Pacific Court of Appeal. Various countries used this appeal court based in Fiji. These courts might usefully provide a dispute resolution forum for economic, cultural and social rights created by treaty, statute or constitutional obligation.

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The Pacific Regional Rights Resource Team (RRRT) is a UNDP project with core support from NZAID. RRRT provides training, technical support, policy and advocacy advice in human rights to promote social justice and good governance throughout the Pacific region.