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THE DEVELOPMENT OF LEGAL RESOURCES— PAPUA NEW GUINEA

K. Osborn*

It is fair to say that the development of legal resources for the poor in Papua New Guinea is in its infancy. A high rate of illiteracy, a lack of financial resources, and geographical factors, as well as a great number of linguistic groupings, are some of the factors constraining such development. Such programmes can come only from 'within' and must take account of existing customary and economic factors. Women's groups have achieved much, raising consciousness about the importance of self-motivation and independence from government. Their involvement has been in such areas as agricultural development and handicrafts. But at the level of legal resources, no 'grass-roots' experiments have been attempted.

The Village Courts perform the function of resolution of local disputes, and lawyers are statutorily disqualified from involvement at the village court level. In the urban context, the office of Public Solicitor provides the major source of legal assistance and representation for ordinary people. The office was "established primarily to provide legal representation for indigenous and impecunious persons, as well as giving legal advice as required, but not to the detriment of the growth of the private legal profession" (First Annual Report). Considerable budgetary difficulties confront the Public Solicitors Office, and severe restrictions are placed on the sorts of cases to be taken on. The private sector does not get involved where the Public Solicitor is unable to assist. There is no legal referral service, whereby lawyers on a voluntary basis give free advice after hours.

Various avenues have come into existence to expand available legal resources, involving law students and the Justice Department. The Faculty of Law of the University of Papua New Guinea provides a Legal Aid Programme (LEAP) involving 20 students (1982-1983) during vacations. Senior law students work in their home regions between University semesters. A Coordinating Committee provides guidelines to participating

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students, within which advice is to be proffered. Limited payment is made and some financial assistance is made available by international organisations and provincial governments. The scheme enjoys government support. The students liaise with the local Magistracy and lawyers. Students are normally provided with office space near the courts. They generate their own publicity and make themselves known locally. Close contact is maintained between each student and the Coordinating Committee, and a member of the Coordinating Committee endeavours to visit each student 'in the field' to observe and offer support. There is an attempt to work in groups of 2 or 3 where possible. The LEAP Programme is generally well regarded and is seen as a positive community-based contribution by the legal profession.

The University also provides the opportunity for senior law students to appear in court on behalf of clients who approach the Faculty for assistance or are referred by students of other Faculties. A certificate must be obtained from the Dean of the Faculty. This process is continued while graduate students are at the Legal Training Institute to meet post-admission requirements. The Director, appointed pursuant to the Post-graduate Legal Training Act, can invoke section 19: "where it is convenient for the purpose of giving trainees practical experience of live legal matters, the Institute may provide, through the Director, legal and associated services to the Government and to lawyers and other persons." The Director is professionally responsible for any such service.

Little research has been carried out about the effectiveness of these programmes or about unmet legal needs generally. There are serious problems with enforcing discipline within the profession. The lack of supervision is alarming. A new Lawyers Act is being drafted, in an effort to tighten supervision. All too often, lawyers are perceived as putting self-interest before the interests of the people they were trained to serve. These major areas of reform will require dedication and determination, if they are to succeed.

The low level of communication between lawmakers and ordinary people has created difficulties. One pioneering effort to remedy this breakdown was a National Law Week, 1984, which endeavoured to implement at a national level the first objective of the LEAP programme: providing legal education to people in both urban and rural areas. In a report on the 1982/1983 LEAP programme, it was said: "A legal literacy campaign is necessary for a nation such as Papua New Guinea where many of the concepts of law and order, and of institutions such as the courts, judges and lawyers are new and unfamiliar to an extremely large proportion of citizens."

Such is the scale of this problem of legal literacy that the National Law Week of 1984 was expanded in 1985 into a National Law Awareness Campaign. The campaign was designed to keep the debate going on specified themes throughout the year. The benefits of these efforts are difficult to assess. Often the people who lack legal literacy are left out of the scheme of things because of language difficulties. The National Law Week Theme 'Law is your Friend' was translated into pidgin as: *Mekim Pren Wantaim Lo* and as *Taravatu Oi Turaia*.

There is a distinct lack of coordination between law-related institutions such as the University Law Faculty, the Legal Training Institute, the Department of Justice, the National Court, and Magisterial Services.

Legal resources programmes require vision, commitment and motivation from those who are to manage them, as well as from the recipients of programme benefits. Although a definite need exists for a more equitable diffusion of legal services throughout the population, it is difficult to express confidence in the ability of existing institutional structures to overcome the forces which militate against justice or against adequate legal assistance being available in the future. What is needed is fresh ideas and fresh initiatives, backed by government, to tackle some of the unmet needs within the legal system in Papua New Guinea.

