

## ACCESS TO LEGAL EDUCATION IN PAPUA NEW GUINEA

by  
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### Introduction

Access to legal education in Papua New Guinea is currently the topic of considerable debate. The issue has been pressed into relief by the PNG Government's decision to effect a substantial reduction in funding for tertiary education, and to re-direct the resultant savings into the pre-tertiary level and other revenue-generating sectors of the economy. The decision has compelled education planners to begin to cast critical eyes at the different programmes offered at the tertiary educational level. In a circular dated 14 February, 1986<sup>1</sup> the Papua New Guinea Commission for Higher Education<sup>2</sup> stated that '(t)he Medium Term Development Plan affirms the government's adoption of a manpower-planning approach to educational provision.'

It stresses the point that the chief objective of higher education, in so far as it is publicly funded, will be to satisfy in as economically efficient and educationally effective a manner as possible the skilled manpower demands being created by the economy, both for localisation and growth. It was made clear that *efficiency* and *effectiveness* in satisfying the manpower requirements of the economy would play a key role in funding decisions.

Priorities and targets had been set in the Second National Manpower Assessment of 1983<sup>3</sup> (hereinafter NMA2), and the circular asserted the Government's intention to adhere to the plan and to achieve the targets within the Medium Term Development Plan period. NMA2 lists programmes of study in order of priority. The study of law (specifically the LL.B degree programme) is rated as 'low priority' behind programmes like Commerce, BA (General), Police Studies, Magisterial Studies, Economics, Education, Social Work, Psychology and Library Studies.<sup>4</sup> This rating is based on the assertion that there has been an annual surplus of 33% in the production of legally trained personnel,<sup>5</sup> and a projection that no more than 161 lawyers would need to be produced between 1986 and 1990 to satisfy the legal manpower requirements of the country including the localisation of legal jobs currently occupied by non-citizens.<sup>6</sup> This view was repeated in an official document entitled *Higher Education Plan: A Strategy for Rationalisation 1986-1990*.<sup>7</sup>

These statements were made within a climate of stringent budgetary constraints generated by the Government's decisions (1) to re-direct the economy and place greater emphasis on the production of goods and services, with a proportionate down grading of

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1. Papua New Guinea Commission for Higher Education, 'Budget Circular No. 1/86', Port Moresby. February 1986.
2. The Commission for Higher Education was established by Act of Parliament in 1983 with a mandate to foster the rationalisation and co-ordination of higher education in Papua New Guinea.
3. Papua New Guinea Department of Finance and Planning. *National Manpower Assessment 1982-1992*, Port Moresby, March 1986.
4. For full list, see *ibid* at 30-37.
5. *Ibid.*
6. *Ibid.* at 37.
7. Papua New Guinea Commission for Higher Education, *Higher Education Plan: A Strategy for Reationalisation 1986-1990*, Port Moresby, May 1986, at 171 Appendices 15 and 18.

activities such as education, law and order maintenance, and social services; and (2) to re-direct the allocation of resources accordingly.<sup>8</sup>

At the institutional (i.e. University of Papua New Guinea) level, these official Government statements as to manpower needs and prioritisation have been used as reasons for urging that the allocation of staff, resources and students to the Faculty of Law should be drastically reduced. In 1984 the Committee on University Trained Manpower, relying on the 1981 NMAI, decided to reduce the quota for the annual intake into the LL.B. programme by 10% from 50 to 45.<sup>9</sup> This trend was to be carried forward in future years. In early 1986, it was argued that entries should be further reduced and that the size (i.e. Staff allocation) of the Faculty should also be reduced.<sup>10</sup> A University Working Party on Budget Cuts appeared to have accepted this suggestion when it proposed that the Faculty of Law should be reduced by at least one academic position.<sup>11</sup> The proposed progressive reduction in student numbers entering the LL.B. degree programme must in any event have far-reaching staffing implications for the Law Faculty in the medium to long term.<sup>12</sup>

Current government and University wisdom in Papua New Guinea therefore gestures towards both the allocation of less and less in terms of resources to legal education and the production of diminishing numbers of persons with a legal education.

This paper sets out some basic facts about access to legal education in Papua New Guinea, and then suggests that any policy which seeks to reduce the number of persons with an education in law at this stage in the country's development is either ill-informed or unwise or both.

#### **Basic Facts<sup>13</sup>**

The main organ for the provision of legal education in Papua New Guinea is the Faculty of Law of the University of Papua New Guinea. The term 'legal education', for the purposes of our discussion, is used to demote the academic stage of legal development, as contradistinguished from what may be called 'lawyer training'. The latter refers to the learning of the technical skills to enable one to operate the legal superstructure in society.<sup>14</sup>

The Faculty of Law runs four distinct programmes of study;

- (a) Bachelor of Laws (LL.B);
- (b) Master of Laws (LL.M) by Thesis;
- (c) Diploma in Magisterial Studies (DMS); and
- (d) Diploma in Land Administration (DLA).

The degree of Doctor of Philosophy (Ph.D) may also be taken in the Faculty of Law.

The Faculty has an establishment of 18 academic staff. In addition, there is a position for a Law Librarian.

The Commission on Higher Education in Papua New Guinea (*the Currie Commission*)

- 8. See *Planning and Budgetary Strategy*, presented by the Deputy Prime Minister and Minister for Finance and Planning, on the occasion of the 1986 Budget, (Port Moresby, Government Printer, Budget Document No. 1), at 4 and 21.
- 9. Vice-Chancellor's memorandum of 8 November 1984, addressed to the Dean of the Faculty of Law, in which the CUTM decision was conveyed to the Faculty of Law.  
Memorandum dated January 1986 from Dean of the Science Faculty addressed to the UPNG Working Party on Budgets Cuts, para. 10.
- 10. Memorandum dated January 1986 from Dean of the Science Faculty addressed to the UPNG Working Party on Budgets Cuts, para. 10.
- 11. University of Papua New Guinea, *Report of the Working Party on Budget Cuts to the UPNG Planning Committee*, Port Moresby, February 1986, para. 6(4)(o).
- 12. See 14, *infra*.
- 13. This material is culled from *The University of Papua New Guinea Law Faculty Handbook of Courses, 1987*.
- 14. The nomenclature is borrowed from Robertson, J.B., 'Learning to Swim Without Water', *1984 New Zealand Law Society Conference Proceedings*, Vol. 1 at 79.

which reported in 1964, realised that as the Territory of Papua and New Guinea advanced towards self-government, legal education would become increasingly important, not only for fully-trained lawyers who would practise and eventually preside in the courts, but for others who wished to follow different vocations. The Commission felt that the establishment of a University Law School should have a high priority and considered that, until such time as it was established, selected students should be sent to Australia to take law degrees.

The *Currie Commission* 'thoroughly endorsed' the comment of the Law Council of Australia that 'the need was not only for a profession competent to the tasks of barristers and solicitors, but for men trained in the role of law and understanding the rule of law who might now be expected to lend stability to politics and who will in the not too distant future have to provide candidates for ministerial, administrative and judicial offices which are second to none in importance in a free and stable society.' The Commission agreed with the Law Council that standards of professional and ethical conduct were best learnt by experience of law in action within the professional ranks of an established legal society. The limited extent to which experience in Papua New Guinea only could furnish this training was a matter of concern. To overcome this inadequacy the *Currie Commission* endorsed the recommendation of the Law Council of Australia that Papua New Guinea graduates be placed in selected legal offices and Chambers in Australia.

The Faculty of Law was one of the foundation Faculties of the University of Papua New Guinea, which was established in 1965. The first year of law teaching commenced in 1967 when 17 students were registered for the LL.B degree. The Law degree was spread over a five-year period, with an interruption in the second semester of the third year when a law student was placed in a solicitor's office. This was done in order to give the law student 'knowledge of the practicalities of the law and . . . context to the subjects he is studying at the University.' The practical experience was to be obtained in an Australian solicitor's office although it was envisaged that within a few years, placement could occur in a solicitor's office in Papua New Guinea.

In 1972 an attempt was made to make the curriculum more relevant to the legal needs of the country. Some units (along with the semester in Australia) was dropped and others consolidated. Compulsory units in Customary Law and Law and National Development were introduced in to the first year along with optional units in the final year in Foreign Investment Law, Mining Law, Law and Development, and Legislative Drafting.

One of the most important additions to the curriculum at this time was the introduction of the legal-aid clinic. Initially formed by law students to give legal representation to persons in the lower courts and legal advice to persons living in the settlements which were rapidly growing up around Port Moresby, this programme was incorporated into the curriculum as an optional unit and academic credit given for participation in it. One member of the Faculty was assigned to supervise the clinic as part of his teaching duties.

Much of the change in the curriculum was due to the needs of the first graduates. When law students began to receive their degrees from the University in 1971, most of them went directly into government administrative positions rather than into practice. In order to meet the needs of potential administrators as well as those who wished to become practitioners, the period for the LL.B degree was reduced to four years and a legal training institute was set up, independent of the University, to train law graduates in subjects necessary for the practitioners.

The result of the setting up of the Legal Training Institute was to relieve the Faculty of teaching such subjects as pleading, procedure, accounting, office management, and professional responsibility. This two-step system provided for a University law degree in four years for those who needed it, while qualification to appear before the courts, if

desired, was obtained after completing a further nine months at the Legal Training Institute.

This system of legal education in Papua New Guinea was seriously challenged by a government-sponsored report in late 1974, (Report of the *Working Party on the Future of the University*). The Report recognised that the legal profession would continue to play its traditional role of providing administrators and practitioners, although most Papua New Guineans would be unable to afford the services of private practitioners and would turn to the Public Solicitors office for assistance. At the same time, the Report stressed a need for graduates to work at the 'grass roots' level as catalysts for rural development.

To meet the educational needs of the country, the Report recommended a 'modular approach' to University education, combining University study with work in the field in two-year modules. The Report argued that different needs within the country required different levels of education; some jobs would only require two years at University while others would require further University training after a few years of field work.

The Faculty of Law held a series of meetings between 1974 and 1976 to consider the implications of this proposal. A questionnaire was sent to all government departments, private companies, and private practitioners to determine what types of jobs persons with a two-year diploma and a four-year degree could perform. The Faculty finally concluded, after much debate and opposition, that the required legal skills could be developed through the modular system.

Firstly, the Faculty proposed a self-contained two-year diploma programme designed to give a general understanding of technical skills and of major areas of substantive law. Coupled with this was practical legal training through an expanded clinical programme. Such a two-year programme, it was hoped, would prepare students to deal with most — but certainly not all — of the legal problems faced by the people of Papua New Guinea.

The Faculty also recognised the need to develop specialised expertise in several specific areas of the law critical for economic development: mining law, international commercial transactions, taxation, and local government. Since these skills would not be needed by every lawyer in the country, it was proposed that such specialisation be developed within the framework of a second module leading to the LL.B degree. In the degree programme, students would be encouraged to select one of five areas of specialisation and at the same time, take related units from other Faculties. The proposed areas were Advanced Civil and Criminal Law, Commercial and Property Law, International Law, Public Law, and Community and Social Welfare Law.

The Faculty of Law originally hoped to introduce the new modular programme beginning in the first semester 1977. However, difficulties in establishing the contents of the diploma programme and a lack of support from the Ministries of Education and Justice caused the new modular programme not to be implemented.

In 1980 the Faculty of Law conducted an extensive review of the *curricula* of the Bachelor of Laws, Diploma in Magistrate Studies, and Diploma in Land Administration programmes. Several far-reaching changes were made when a new set of by-laws came into force in 1981.

The main changes in the Bachelor of Laws programme were (a) to reduce the number of compulsory units; and (b) correspondingly to increase the number of optional units which a student needed to complete in order to graduate. It was considered that the compulsory or core units, (both substantive and procedural), would provide the methodological basis for students' legal studies whilst the range of optional units allowed would permit students to tailor their LL.B. degree to their own particular interest and needs. It was also recognised that not all graduates would enter professional practice.

Another major change effected in the 1981 LL.B By-Laws was the introduction of the

Research Paper unit which was designed to expose students to writing up a topic after having conducted rigorous research thereon.

In 1983 there were further alterations to the LL.B curriculum.

During 1983 and 1984 the Faculty of Law, in accordance with new University requirements, prepared a Faculty Plan to guide the Faculty during the years 1984 through 1988. This plan contains objectives for the Faculty during the period of the Plan.

The Faculty of Law has spelt out its functions in the following terms:

*As part of the University*, it is the function of the Faculty of Law to:

- teach law to its own students as well as to students in other faculties;
- promote research into a law and related areas in support of its teaching programme as well as the general development of PNG and Pacific Law;
- contribute to the education of the wider community through public lectures, seminars and the publication of the results of its research.

*As part of the system of professional legal education*, the Faculty has the function of providing the basic theoretical foundation for the practice of the law.

*As a body of trained professionals*, the Faculty has a responsibility, subject to its primary obligations to the University, to provide legal services to the national and provincial governments, their agencies, the national judicial system and the general community.

*As the only Faculty of Law in the Pacific Islands* (outside Australia and New Zealand), the Faculty recognises a duty to contribute to legal education and research in the Pacific region, to the extent of its resources.<sup>15</sup>

The Bachelor of Laws (LL.B) degree of the University of Papua New Guinea is now widely recognised as an academically sound qualification for the pursuit of post-graduate legal studies. Graduates of the Faculty of Law have been accepted for post-graduate study in the United Kingdom (Warwick, London, Oxford, Cambridge Southampton, Sussex), the United States (Harvard), Canada (York-now Osgood Hall, Ottawa), New Zealand (Auckland), and Australia (ANU, Monash, Sydney). So far, one graduate has obtained a Ph.D, and sixteen have obtained LL.Ms.<sup>16</sup>

#### **The Case for Greater Access to Legal Education**

We have already outlined the nature of the current assault on access to legal education in Papua New Guinea. We shall now advance arguments in support of the proposition that, rather than restrict access to legal education in Papua New Guinea, there should be greater access to a legal education at this stage in the country's development.

In Papua New Guinea, the number of nationals with a legal education is so small that even cases with important constitutional implications, or commercial negotiations with far-reaching social effects, are conducted by expatriate lawyers, and the bulk of the population has no chance of obtaining professional legal assistance, except, possibly, when charged with very serious crimes. It might perhaps be argued that the first task of the Law Faculty of the University of Papua should be to produce the graduates needed to fill the profession. Indeed, that has been the position adopted by the government, which appears to have decided that this would be an appropriate order of priorities.

This writer has demonstrated elsewhere that to the extent that legal education is seen purely in terms of legal practice, the official manpower projections are unrealistic.<sup>17</sup> For the

15. UPNG Law Faculty, *supra* n.13 at 20.

16. The figure of 16 may be suspect, as it is derived from the author's own memory.

17. J.B.K. Kaburise, 'The Unrecognised Uses of Legal Education in Papua New Guinea', (1987) Vol VII No. 2 *Third World Law Journal* (forthcoming).

purposes of the discussion 'legal practice' is used to include any occupation which consists predominantly in the provision of legal advice and representation, whether for fees or a salary, and whether to private individual clients, to corporations, or to government.

The official statistics have implications for the allocation of resources to legal education. The staffing levels for each programme of study at the University are arrived at by use of the concept of Equivalent Full-Time Student (EFTS).<sup>18</sup> The staffing level is calculated by dividing the total number of equivalent full-time students by the figure 15 for all Arts-based disciplines in the University in order to arrive at a target staff/student ratio of 1:15.<sup>19</sup>

At present a ceiling of 45 has been imposed on the in-take of students for the first year of study for the LL.B degree; and further reductions have been foreshadowed by the responsible authorities.<sup>20</sup> The further reductions foreshadowed, if pursued, would therefore lead to staffing levels which would render the provision of legal education in Papua New Guinea an unviable proposition. (Drastic reductions in the student quota for legal studies would also have implications for institutions beyond the Faculty of Law of the University of Papua New Guinea, but we do not dwell on these here.<sup>21</sup>

The consequences would, it is submitted, be deleterious for the future development of the country.

Papua New Guinea is a country of laws. Its National Constitution runs into 275 sections<sup>22</sup> and its detailed provisions cover almost every aspect of the national life. In addition the nineteen Provincial Governments each has a constitution. The division of functions between the National and Provincial Governments is governed by labyrinthine and delicately constructed provisions of the National Constitution.<sup>23</sup> To this must be added the large number of statutes and subsidiary legislation (both National and Provincial), 'custom' to which the National Constitution gives pride of place, and the adopted English Common Law. All this body of law is applicable to a population of under four million people.<sup>24</sup> The literacy rate is quite low, and ignorance of law and legal processes is prevalent.<sup>25</sup> There is evidence that, at least so far as the criminal law is concerned, there is a disparity between the formal state law and the perceptions of those for whose lives that law seeks to be normative.<sup>26</sup> There is no reason to believe the situation is any different in relation to the civil law.

Furthermore, in the Preamble to the Constitution of the Independent State of Papua New Guinea, the second National Goal calls for 'all citizens to have an equal opportunity to participate in, and benefit from the development of our country.' To that end, this National Goal calls for the 'equalisation of services in all parts of the country, and *for every citizen to have equal access to legal processes* and all services, governmental or otherwise, that are

18. PNG Commission for Higher Education, *supra* n.7, Appendix 14 at 167-169.

19. *Ibid.*, Appendix 19, at 227.

20. For details, see Kaburise, *supra* n.17.

21. It would, for instance, affect institutions like the Legal Training Institute, the Magisterial Services Commission, etc.

22. As at 1 January 1983, the Constitutional Laws and Documents occupied 43 pages of the *Revised Laws of Papua New Guinea*, chapter 1.

23. PNG National Constitution Part VIA; Constitutional Amendment No. 1 Provincial Government; Organic Law on Provincial Government, *Revised Laws of Papua New Guinea*, chapter 1 (Constitutional Laws and Documents).

24. It has been estimated that the population of Papua New Guinea in 1984 was 3.25 million, based on projections from the last census held in 1980. See Department of Finance and Planning *supra* n.3 at 1.

25. See e.g. D. Moore, B. Richardson & D. Wullemin. 'A Comparison of Rural and Legal Ranking of Seriousness of Crimes in Papua New Guinea' (1984) 12 *Melanesian Law Journal*, 149.

26. *Ibid.*

required for the fulfilment of his or her real needs of aspirations'. (emphasis added). The National Goals and Directive Principles are non-justiciable, under s.25 of the Constitution, but it is nevertheless the duty of all government bodies 'to encourage compliance with them as far as lies within their respective powers'. Moreover, the Constitution states that all laws should be 'understood, applied, exercised, complied with or enforced' so as to give effect to them, wherever possible, and requires the Ombudsman Commission to take them into account whenever it is appropriate.

The Public Solicitor's office, established pursuant to s.176 of the Constitution, has the function of providing legal aid, advice and assistance to persons in need of help. However, because of manpower and financial constraints, many of the lesser criminal cases and most civil matters of whatever import, cannot be handled by that office. Students of the Faculty of Law of the University of Papua New Guinea endeavour, through the annual Legal Education and Assistance to the Provinces (LEAP) programme, to fill the gap that exists between the demand for legal services and the ability of the Public Solicitor's Office to meet the demand.<sup>27</sup> Knowledge gained from the LEAP programme since its inception in 1979 demonstrates beyond doubt that most citizens of Papua New Guinea live in ignorance and fear of the law and the legal system.<sup>28</sup> Assistance through the LEAP programme, conducted once a year over a ten-week period, is of necessity very limited and represents a mere drop in the ocean. Many citizens are left to their own resources, and it appears unlikely this will change for a long time to come. To assist in offsetting this, the LEAP programme also involves extensive legal education undertaken by the students through formal and informal sessions presented over local radio stations and at colleges, high schools and market places.<sup>29</sup> At present there is no organised effort by any other agency to undertake this type of legal education for the 'common person'.<sup>30</sup>

In October 1983 the Chief Ombudsman underlined the point when he stated:

. . . (W)e strongly believe that to limit the intake of national law students at this time is a serious mistake. Our experience has shown that there is a serious lack of legally-trained persons throughout the country. Except possibly for Port Moresby and Lae there are simply not enough lawyers to meet the legal needs of the people. This has resulted in institutions such as the Ombudsman and the Public Solicitor's office being completely over burdened and unable to cope with matters that can only be effectively resolved by the legal system. The end result of restricting the intake of law students, in our opinion, will be to continue to deny a large proportion of the population access to the system of justice. This is contrary to the National Goals and Directive Principles (2.4) which expressly calls 'for every citizen to have equal access to legal processes'.

To limit the number of new layers will also tend to perpetuate the unreasonably high fees lawyers are able to demand because of the scarcity of legal skills in this country. This in turn will continue to work discrimination against the poor. We are indeed fast becoming a country where only the rich man can obtain justice, while the

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27. See University of Papua New Guinea Faculty of Law, *Legal Education and Assistance to the Provinces (LEAP) 1985-1986 Final Report*, Port Moresby, June 1986.

28. *Ibid.*

29. *Ibid.* at 5-6.

30. *Ibid.* at 2.

poor are denied access to the legal system. Such a situation is not healthy for a democracy and was surely never intended by our founding fathers.<sup>31</sup>

This state of affairs hardly augurs well for nation-building and progress; and it has been the subject of concern of many commentators. One commentator writing in 1980, made the observation that lack of funds, but perhaps more importantly lack of or shortage of adequately trained and skilled legal manpower, frustrated the implementation of government policy, not only in the areas of economic development, but also in the administration of justice.<sup>32</sup> The frustration of not being able to see the fruits of policy implementation and the administration of justice according to the rule of law, has led to a questioning of the whole concept of constitutional government and the rule of law.<sup>33</sup> While this can hardly be a major cause of the endemic large scale tribal fighting that has afflicted certain areas of the country, it renders impossible the replacement of that form of disputing by a more orderly and just mode.<sup>34</sup>

Another consequence should be noted here. The lack of familiarity with law and the legal system has led to ambivalent attitudes to outside authority which place state action in the category of *samting bilong gavman*, rather than *samting bilong yumi*, for most citizens.<sup>35</sup>

At the outset of this paper, the point was made that conventional wisdom in Papua New Guinea appears to ignore the wider uses of legal education. Here we start with the proposition that law studies, even when designed only to enable graduates to conduct traditional lawyers' work, are likely to give some competence in other worthwhile activities. While legal educationists are hardly likely to dispute this, many, even among them, regard it as a minor side-effect of their business. These other advantages of legal studies merit a brief exposition.

- (a) The study of law provides a knowledge of the rules, procedures and institutions of important sectors of governmental and other social activity. The student thus becomes familiar with, at the least, certain formal aspects of, for example, governmental administration, commerce, and social transactions such as marriage. This is true even in those countries where state law penetrates least into ordinary life, and where legal education is narrowly limited to that state law. While some of us may make a business of emphasising the unimportance of state law in such societies, we can none of us deny that it has *some* importance. The law graduate is therefore to some extent prepared to participate in public affairs, or to instruct his or her fellow-citizens about the rules followed by official institutions. He or she has some of the knowledge needed to become, *inter alia*, a successful holder of political office,

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31. Correspondence dated 24 October 1983, addressed to the Dean of Law in response to Law Faculty questionnaire on manpower needs for the period 1984-1987. In 1977 the Minister of Justice considered the inaccessibility of legal services sufficiently important to warrant a request under s.9 of the *Law Reform Act*, that the PNG Law Reform Commission investigate the legal profession. For a report, see S.D. Ross, 'The Legal Profession in Papua New Guinea' (1977) 5 *Melanesian Law Journal*, 266. A year earlier, the issue had been identified at a Law Reform Commission Seminar. See J.K. Gawi, Y.P. Ghai & A. Paliwala, (1976) 4 *Melanesian Law Journal* 259 at 265. See also P. Bayne, 'Legal Development in Papua New Guinea: The Place of the Common Law' (1975) 3 *Melanesian Law Journal* 9 at 29.

32. B. Brunton, 'Human Rights in Papua New Guinea and the Prospects for International Supervision' (1980) *Melanesian Law Journal* 143.

33. *Ibid.*

34. *Ibid.* at 143 et *passim*. For the background to tribal fighting in Papua New Guinea, see M.L. Mackellar, 'The Enga Syndrome' (1975) 3 *Melanesian Law Journal* 213; and W. Standish, 'Warfare Leadership and Law in the Highlands' in J. Zorn and P. Bayne (eds) *Lo Bilong Ol Manmeri* (1975).

35. Hess examines this phenomenon in the context of industrial relations in Hess, M. 'Understanding Industrial Relations in Independent Papua New Guinea'. Paper read at 10th Independence Anniversary Seminar, University of Papua New Guinea. September 1985.



civil servant, or family counsellor. It does not imply a philistine view of other disciplines to submit that the study of law is as apt for these purposes as the study of political science, literature or sociology. Some of this potential was recognised by President Kaunda when he said that the lawyer was 'perhaps better fitted than anyone else to work out solutions to the social and economic problems of society.'<sup>36</sup>

- (b) The study of law provides skill in applying general rules of human conduct to particular instances. This skill is useful for many purposes in addition to those of the legal practitioner. Everyone working in or for government operates within the constraints of general rules, whether expressed as laws, official policies, or administrative instructions. Officials constantly have to decide whether particular projected actions are within the terms of these rules. Not only the government official, but the executive in a commercial business, and the counsellor to an individual experiencing difficulty in making personal decisions, have to characterise proposed courses of action in terms of previously laid down rules. Beyond this, every individual who seeks to act according to standards, however nebulous or eccentric, sometimes encounters the difficult case in which skill is required to determine whether an act is within a rule. For all these circumstances a legal education is in some measure a preparation.
- (c) It also seems obvious that legal study provides a general intellectual training. The study of complex, reasoned discussions of intricate problems, the critical assessment of arguments, the endeavour to justify one's conclusions rigorously and persuasively — these must surely serve to sharpen such innate intelligence as we may possess. The study of law should achieve this effect as fully as, for example, history, classics or philosophy.
- (d) Finally, it seems on the whole unlikely that a person can devote some years to reading cases and examining statutory activity without learning something of human motivation. We may be sceptical about the notion of law as social engineering, but we can hardly deny that beliefs about the law enter most people's motivating thoughts from time to time. So the law student gains some grasp of the possibilities of controlling human behaviour. In this he or she need not be regarded as inferior to the historian, literary critic or psychologist.<sup>37</sup>

Legal educators ought to be unhappy at the fact that the benefits of legal study are not being more widely diffused, at the fact that these benefits appear not to be appreciated by the authorities, and at the fact that the legal education currently on offer is consequently too limited by an obsessive concern with the needs of legal practice. There is, therefore, a need to work in Papua New Guinea for a greater appreciation of these other benefits of a legal education.

Papua New Guinea has a rich endowment of fertile and potentially valuable natural resources. Considerable gold reserves have been established which are, as yet, untouched. Oil has been found, though not yet in commercial quantities. The forestry and fisheries resources have unquestionable potential value. The country's beauty and rich cultural

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36. Cited Y. Ghai, *Legal Education in Anglophone Africa* (1972), prepared for the Committee of Legal Education in the Developing Countries.

37. Such merits of a legal education are also discussed in International Legal Centre, *Legal Education in a Changing World* (1975) at 35-39.

heritage provide much potential for tourism. The soil is of a fertility unmatched in many other tropical countries.<sup>38</sup>

Therefore, a combination of the relatively large size of the country, the relatively small size of the population, the blessings of climate and geography and consequent considerable economic potential, and a unique colonial experience which left vast quantities of untapped economic resources, means that the country is likely to continue to experience an enormous transformation in economic activity brought about by its citizens. All these factors suggest a dominant role for law and therefore legal education. This is implicit in the National Directive Goals and Principles embodied in the National Constitution.

All of the foregoing arguments and facts justify our argument that there is a need for the production of larger numbers of graduates in law because it is a type of study which could fit students for a wide variety of occupations — including those which national planners have identified as needing an accelerated rate of localisation.<sup>39</sup>

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38. See *Planning and Budgetary Strategy*, presented by the Deputy Prime Minister and Minister for Finance and Planning, on the occasion of the 1986 Budget. (Port Moresby, Government Printer). Budget Document No. 1 at 22.

39. See Papua New Guinea Department of Finance and Planning, *supra* n.3; and Papua New Guinea Commission for Higher Education, *supra*.