

# **FOREWORD**

## **PROFESSOR DON PATERSON'S GARDEN OF SOUTH PACIFIC LAW**

MIRANDA FORSYTH\*

It's not surprising that amongst his many diverse skills and interests, Professor Don Paterson was a passionate gardener. His lands at Teouma were planted with a staggering variety of plants. But over the several decades Don spent in the Pacific Islands, he also prepared the soil and planted out a different kind of garden – one that nurtured the study and teaching of South Pacific law. The bounty of that garden has nourished us all – the contributors to this volume, the generations of law students who have gone through the USP law program, legal practitioners and judges in the region, and the citizens of the region.

The authors of this volume eloquently discuss many of the substantive dimensions of Don's contribution to legal scholarship and the teaching of law. Much of the material he produced was written in his Emalus campus office, in which accretions of paper were laid down over time, covering every surface in growing piles and sprouting from the floor in unsteady stacks.

In this foreword I would like to briefly outline three ways in which Don's approach to his life's work can continue to inspire and guide those who seek to nurture teaching and scholarship of South Pacific law.

The first is the steady and incremental pace at which he worked. Like all good gardeners, Don knew that you cannot grow everything at once, and that everything starts off small. Undeterred by the enormity of the various endeavours he initiated – such as the establishment of the Law School at the University of the South Pacific – Don simply started them off as best he could, with the resources he had to hand. He did not wait for research grants or to develop detailed plans, he just began. In developing what became a LLB he started with a simple certificate in law, for which he quietly set about collecting materials, writing lesson plans, developing course-books, and gently chivvying everyone along with him. When presented with an obstacle, he would gently and respectfully edge his way around it, often with a mischievous chuckle. He was most prepared to take on himself any small task required to advance an agenda he had decided was important. Don offers us a lesson in the power of persistence and consistency over time.

A related attribute is that of intense curiosity, coupled with a humility about his own knowledge, and an embrace of inventiveness. Don was forever asking questions. He was endlessly intrigued by the ways in which the operation of the law was understood and played

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out in the lives of those around him. From what I can tell from conversations I've had with those who knew him much longer than I did, Don appears to have become more open minded as he got older - another example of him bucking well-established trends. This characteristic translated most importantly into his openness to imagining new and different ways to make Pacific law and procedure work better. This is illustrated by his work on customary land, as described in this volume by his long-standing collaborator, Sue Farran.

Finally, over time, Don's garden became less focused around imported and exotic species from elsewhere, and more focused on autochthonous Pacific and customary legal principles and values. As Don's knowledge of South Pacific culture grew, so did his appreciation of the wisdom of customary leaders and legal systems. His final years were spent in actively seeking out customary knowledge and seeking to communicate it to broader audiences. In their contribution to this volume, both Eric Colvin and Tony Angelo reminds us that legal transplants have formed an important component of the region's legal landscape, but at the same time have been intensely problematic. While this is a trend that started in colonialism, it continues into the present, making Don's quest to understand and support what is local and indigenous of critical importance. This is not to say that developing customary law has been straight-forward. Jennifer Corrin's contribution discusses the ways in which contestations over custom are playing out in different arenas of the region today in the context of shifting configurations of power.

I invite you all to wonder with me about what new wonderful plants will sprout from the garden that Don so patiently planted and tended over the years. The contributors in the volume put forth some tantalizing possibilities. Eric Colvin suggests a regional law reform commission. Tuiloma Slade and Rogers Clark's paper identifies the emergence of a distinctive Pacific impetus for international environmental law reform. Don's life tells us we need the imagination to dream of such possibilities, and the courage to start to plant seeds no matter how inhospitable the terrain might seem to begin.