

DONALD EDGAR PATERSON

Curriculum Vitae

Academic Qualifications

| | | |
|---------|--|------|
| BA, LLB | Victoria University of Wellington, New Zealand | 1957 |
| LLM | Victoria University of Wellington, New Zealand | 1959 |
| LLM | Yale Law School, Conn., U.S.A. | 1963 |
| JSD | Yale Law School, Conn., U.S.A. | 1964 |

Positions Held

Junior Lecturer in Law, Victoria University of Wellington New Zealand

Main responsibilities: Conducting lectures and tutorials in
Administrative Law and Legal Systems at under-graduate level

1961-62

Lecturer in Law, Victoria University of Wellington, New Zealand

Main responsibilities: Conducting lectures and tutorials in Administrative Law,
Conflicts of Laws and Legal Systems at under-graduate level

1965

Senior Lecturer in Law, Otago University, Dunedin, New Zealand

Main responsibilities: Conducting lectures and tutorials in Administrative Law,
Constitutional law, Equity, Planning Law and Torts at undergraduate level;
Conducting seminars in Administrative law and Planning Law at post-graduate
level

1966-69

Associate Professor of Law, Otago University, Dunedin New Zealand

Main responsibilities; Conducting lectures and tutorials in Administrative Law,
Constitutional Law, Equity, Planning Law and Torts at under-graduate level;
Conducting seminars in Administartive Law, Constitutional Law and Planning
law at post-graduate level

1970-74

Legal Counsel to New Zealand Ombudsmen, Wellington,

New Zealand

Main responsibilities: Undertaking investigations into complaints relating to lands, local government, police, taxation and valuation

Advising Ombudsmen on legal aspects of other investigations

Assisting in Special Enquiry into New Zealand Intelligence Service

1974-78

Professor of Public Administration, The University of the South Pacific, Suva, Fiji

Main responsibilities: Management of Department of Public Administration, comprising six staff members;

Conducting lectures and tutorials in Constitutional and Legal Systems, Law for Administration, and Administrative Law at under-graduate level;

Representing Department at meetings of University Senate and University Committees

1979-84

Head of School of Social and Economic Development, The University of the South Pacific, Suva, Fiji

Main responsibilities: Management of School of Social and Economic Development, comprising six Departments;

Representing School of Social and Economic development at meetings of University Council and Senate, and University Committees;

Liaising with Office of Vice-Chancellor and University administration on various administrative matters relating to the School and to Departments within the School

1980-82

Deputy Vice-Chancellor, The University of the South Pacific, Suva, Fiji

Main responsibilities: Assisting the Vice-Chancellor with all aspects of the management of the University;

Deputising for the Vice-Chancellor during the absence of the Vice-Chancellor;

Representing the University at meetings of the Fiji Government, and at overseas meetings.

1982-84

Director of the Pacific Law Unit, The University of the South Pacific, Port Vila, Vanuatu

Main responsibilities: Establishment and management of Pacific Law Unit, comprising three staff, established to provide law programme at sub-degree level;

Representation of Pacific Law Unit at meetings of the University Senate and University Committees;

After University agreed to the development of programme in law at degree level, organising of regional workshop to design curriculum for degree in law;

Preparation of all the papers necessary to submit to the University Senate and Council to establish a law degree programme in accordance with the curriculum approved by the regional workshop;

Acting as Head of Department of Law for the first year of the degree programme in law, pending the appointment and arrival of the Foundation Professor of Law.

1984-94

**Professor of Law, The University of the South Pacific,
Port Vila, Vanuatu**

Main responsibilities: Establishment of Law programme for the University at sub-degree level, ie Certificate of Legal Studies and Diploma of Legal Studies; Writing up for teaching by distance education courses for Certificate and Diploma in Legal Studies; Teaching by distance education methods courses for Certificate and Diploma in Legal Studies;

After the University agreed to establish a law programme at degree level (see above), preparation and teaching of courses for first year of law programme; After the law programme at degree level came into operation, conducting lectures and tutorials in Administrative Law, Conflict of Laws, Constitutional Law, Land Law, Legal Systems and Pacific Land Tenures at undergraduate level, and conducting seminars in Advanced Legal Systems at post-graduate level

1984-97

**Retired Professor of Law, The University of the South Pacific,
Port Vila, Vanuatu**

Main responsibilities: Although formally retired from the University, continuation of conducting lectures and tutorials in Administrative Law, Constitutional Law and Legal Systems, and also History/ Politics at undergraduate level, and Advanced Legal Systems at post-graduate level

1997-2000

**Emeritus Professor of Law, The University of the South Pacific,
Port Vila, Vanuatu**

In December 2001 the University accorded me the honour of Emeritus Professor, which has been conferred on only two other retired professors of the University, and I have continued to teach Administrative Law, Constitutional Law, Legal Systems and History/ Politics at under-graduate level, and also Advanced Legal Systems at post-graduate level

2001-Present

Recent Publications

Books

Introduction to South Pacific Law, Cavendish Publishing, London, 1999 (with Jennifer Corrin-Care and Tess Newton). Second edition in preparation

Selected Constitutions of the South Pacific, Institute of Justice and Applied legal Studies, The University of the South Pacific, Suva, Fiji, 2000

South Pacific Property Law, Cavendish Publishing, London (with Sue Farran) 2004

Law Reports

Cook Islands Judgments

1975-80

1981-85

1986-90

1990-95

Tonga Law Reports

1974-1980

1981-1988

1989

1990

Recent Papers and Presentations

Conflicts arising from Management and Use of Customary Land, presented to South Pacific Conference on Transforming Land Conflict, sponsored by FAO/USP/RKS, Suva, Fiji, 10-12 April 2002.

Management and Use of Customary Land: Challenges and Issues, presented to Conference on Management and Use of Customary Land, sponsored by USP and NZAid, Port Vila, Vanuatu, 4 July 2002.

The Land Tribunals and Tenure Reform, presented to Vanuatu Update: 2002, sponsored by ANU and USP, Port Vila, Vanuatu, 22 July 2002.

Religion and the Law in the South Pacific, presented to Conference on New Impulses on the Interaction of Law and Religion, sponsored by Brigham Young University, Provo, Utah, USA, 5-9 October 2002.

Current Issues relating to Land: Leases and Subdivisions, presented to Conference on Land Issues in Vanuatu, sponsored by USP and NZAid, Port Vila, Vanuatu, 26 June 2003.

Island Courts of Vanuatu in the Twenty-First Century, presented to a Judicial Conference sponsored by the Supreme Court, Vanuatu, 8 August 2003.

Constitutional Rights and the Legal System, presented to a Judicial Conference on Mechanisms for Promoting Human Rights, held at Nadi, Fiji, 28 February – 2 March 2005, organised by the Pacific Forum and Asia/ Pacific Forum of Human Rights Organisations.

Indigenous Institutions for Settling Disputes about Customary Land Ownership – Customary Land Tribunals in Vanuatu, presented to a Conference on Peace,

Justice and Reconciliation, held at Brisbane, Australia, 31 March - 3 April 2005, organised by the Australian Centre for Peace and Conflict Studies, University of Queensland.

Human Rights in the South Pacific – A Challenge for the Courts, the Chiefs and the Lawmakers, presented to the 16th Regional Judicial Conference, Port Vila, Vanuatu, 26-30 July 2005

Recent Attempts to Amend the Constitution of Vanuatu – A Cautionary Tale presented to Regional Conference on Constitutional Renewal, Port Vila, Vanuatu, 26 -28 August 2005.

Official Secrets and Access to Government Information – A Challenge for South Pacific Island Countries, presented to a Commonwealth Secretariat Conference on Governance and Land Issues, Suva, Fiji, 23-26 May 2006.

Co-organiser of Vanuatu Judiciary Law Conference, Port Vila, 28-29 August 2006.

Aspects of relationship between customary justice and State justice. Paper presented to Vanuatu Judiciary Law Conference, Port Vila, 28 -29 August 2006.

What after the National Land Summit? presented as part of Vanuatu Update 2006 in Port Vila and Luganville.

14, 16 November 2006

Constitutional Cases since Independence, presented to the Vanuatu Judiciary Conference, 2006.

15 November 2006

Consultancies

Chairman of Commission of Inquiry Appointed by the Vanuatu Government to determine the causes of the loss of MV Latua and a Vanair Twin Otter on or about 8 May 1999.

Main responsibilities: Presiding over a formal inquiry into the causes of the disappearance of an inter-island vessel and a Twin Otter aircraft in the sea off the coast of Efate in bad weather conditions;
Examining, with the assistance of two technical assessors, the evidence produced by the ship-owner, the airline, and the relevant Government departments;
Determining the several different causes contributing to the loss of the vessel and the aircraft;
Reporting to Government as to the results of the inquiry together with recommendations to avoid a repetition of such disasters in the future.

June – August 1999

Member, Consultancy Team to make recommendations for the Reform of Financial Sectors in Selected South Pacific countries appointed by Asian Development Bank

Main responsibilities: Examining the legal systems of Fiji, Kiribati, Papua New Guinea, Solomon Islands and Vanuatu with regard to land, both customary land and freehold land, especially from the point of view of security for commercial loans;

Making recommendations to facilitate the use of land in the above countries as a security for commercial loans.

March- May 2000

Member, Consultancy Team to make recommendations for the determination of Customary Land Disputes appointed by the Vanuatu Government

Main responsibilities; Extensive consulting with indigenous communities throughout Vanuatu about the settlement of land disputes;

Formulation of proposals for the establishment of land tribunals at village level, custom area level, and island level, to determine disputes about rights of ownership of customary land for approval by the Minister of Lands;

Preparation of draft bill to incorporate proposals for land tribunals when approved by Minister of lands;

Participation in workshops to explain land tribunal legislation to chiefs, elders and interested members of the public at Port Vila and Santo.

August 2000 – September 2002

Consultant to Conduct Workshops for Local Government Councillors in Fiji upon Legal and Constitutional Aspects of Good Governance appointed by the Ministry of Local Government, Fiji

Main responsibilities: Preparation of materials for presentation at two day Workshops on legal issues relating to local government in Fiji;

Presentation of materials and discussion of legal issues relating to local government in Fiji at one two day Workshop in Nadi and one two day Workshop in Suva.

November 2000

Secretary, Constitutional Review Committee to make Recommendations for the Reform of the Constitution of Vanuatu appointed by the Parliament of Vanuatu

Main responsibilities: Organising public and private sittings of Constitutional Review Committee in Port Vila and elsewhere throughout Vanuatu;

Recording and collation of all submissions made to the Committee by Government departments and members of the public;

Preparation of draft proposals for changes to the Constitution for approval by the Committee;

Preparation of draft report for approval by Committee;

Formulation of final report by Committee with text of proposed amendments to the Constitution for submission to Parliament

August- November 2001

Consultant to make Recommendations for the Reform of the System of Provincial Government in Vanuatu appointed by the Foundation for the Peoples of the South Pacific (International)

Main responsibilities: Consulting with members of Provincial Councils, Provincial Administrative Staff and members of the public in Penama, Shefa and Tafea Provinces;

Formulation of Conclusions to be drawn from the information obtained from the consultations;

Preparation of draft report for consideration by the Board of Foundation for the Peoples of the South Pacific (International);

Presentation of Report to Annual Meeting of Foundation for the Peoples of the South Pacific (International) in Suva, Fiji

March-June 2002

Consultant to make Recommendations upon Replacement of the Royal Charter by a Multi-lateral Treaty as the Legal Basis for of The University of the South Pacific appointed by The University of the South Pacific

Main responsibilities: Examination of legal issues and political issues relating to the establishment of The University of the South Pacific by a royal charter dated 10 February 1969;

Collection of copies of treaties and international agreements establishing various regional bodies in the South Pacific;

Preparation of paper outlining the legal and political issues involved and providing a draft form of multi-lateral treaty for the establishment of the University;

Presentation of paper and participation in discussions at a special meeting of senior management of University in Suva, Fiji;

Finalisation of paper and draft treaty, after discussion and approval by senior management, for submission to the Council of the University at its meeting in May, 2003

September 2002 - September 2004

Consultant to Conduct Workshop for Higher Level Civil Servants in Fiji upon Legal and Constitutional Aspects of Good Governance appointed by the Public Service Commission of Fiji

Preparation of materials for presentation to a two day workshop of senior civil servants about the legal and constitutional aspects of good governance;

Presentation of materials and wide-ranging discussion of issues relating to good governance at two day workshop held in Suva, Fiji.

17-18 September 2002

Consultant to make Recommendations for the Reform of the Administration of Penama Province, Vanuatu appointed by the Penama Provincial Council

Main responsibilities: Extensive consulting with members of Penama Provincial Council, Provincial administrative officers and members of the public throughout all three islands that comprise Penama Province, ie Ambae, Maewo and Pentecost;

Preparation of draft report with recommendations for improvement of system of provincial governance;

Discussion of draft report with members of Provincial Council and Administration before finalisation;

Submission of final report to meeting of Penama Provincial Council in May, 2003

February - September 2003

Leader of USP Consultancy Team to Improve Operation of Island Courts in Vanuatu

Main responsibilities: Translation of Island Courts Act, Island Courts (Civil Procedure) Rules, and Warrant Establishing Efate Island Court from English into Bislama language; Provision of training programmes to island court justices and court clerks throughout Vanuatu; Drafting simplified civil procedure rules and criminal procedure rules for island courts; Recommendations for improving operation of island courts.

April 2003- September 2005

Member, Consultancy team to review implementation of Customary Land Tribunal Act 2001

Main responsibilities: Together with three other members of team to undertake a review of strengths and weaknesses of implementation by Vanuatu government of the provisions of the Customary Land Tribunal Act 2001; consultations in Efate, Malekula, Santo and Tanna; assistance with preparation of sections of report.

March - June 2004

Consultant to make recommendations for improving the Interface between Customary justice systems and the State justice system in Vanuatu, appointed by AusAID and NSW Attorney-General's Department

Main responsibilities: Consulting with chiefs and others involved with customary justice systems, and with judges, lawyers and police and others involved with the State justice system introduced into Vanuatu after European contact, and more particularly, after independence; Identifying and describing problems that exist with the operation of the dual justice systems, which often run along parallel lines, but sometimes intersect and overlap; Recommendations for reducing or overcoming those problems.

April – November 2004

Consultant to assist with preparing amendments to the Constitution to reduce instability in governments caused by Members of Parliament changing their political allegiances for personal reasons

Main responsibilities: Working with the State Law Office to prepare drafts of amendments for discussion; Advising on instructions received from government; Reviewing drafts prepared by the State Law Office.

September – November 2004

Consultant to Malvatumauri National Council of Chiefs for preparation of chiefs' legislation

Preparation of drafts of legislation to provide for the registration of chiefs, the resolution of disputes about chiefly titles, the enforcement of chiefly decisions, and the establishment of councils of chiefs in urban areas, and discussion of these drafts with the President and Secretary-General, and the members, of the Malvatumauri National Council of Chiefs.

November 2004 – April 2005

Member of Consultancy Team organised by Australian Centre for Peace and Conflict Studies, University of Queensland

Main responsibilities: Explaining to chiefs in Port Vila the main elements of the legal system relevant to the performance of their customary functions, eg provisions of the Constitution and legislation, and the rules of common law and customary law.

November, 2005

Legal consultant to Machinery of Government Sector of RAMSI, Solomon Islands

Preparation of a summary of legal responsibilities and liabilities of Members of Parliament of Solomon Islands, for distribution to members of Parliament. This involved a survey of the Constitution, Leadership Code Acts, National Parliament (Electoral Provisions) Act, and also the legislation relating to the Ombudsman, Auditor-General, Public Service, Public Funds and Public Property.

Preparation of a summary of legal responsibilities of Ministers of Government of Solomon Islands for distribution to Ministers of Government of Solomon Islands. Participation in Induction Program for Members of Parliament of Solomon Islands.

June, 2005 – Present

Participant in Induction Program for Members of Parliament, Solomon Islands

Preparation of materials and presentation of materials at a workshop for Members of Parliament held at Honiara, Solomon Islands

April, 2006

Facilitator for Workshop on Application of Custom by Courts in Marshall Islands

Preparation of material for discussion at workshop for Judges of Traditional Rights Court and District Court of Marshall Islands, and leading the discussion at workshop.

July, 2006

Participant in Induction Program for Members of Parliament, Fiji

Preparation of materials and presentation of materials at a workshop for Members of Parliament held at Coral Coast, Fiji

July, 2006

Participant in Induction Program for Permanent Secretaries, Solomon Islands

Preparation of materials and presentation of materials at a workshop for Permanent Secretaries held at Honiara, Solomon Islands

September, 2006

Leader, Review Team of Comprehensive Reform Program, Vanuatu

Extensive interviewing throughout Vanuatu of persons involved in administration and implementation of Comprehensive Reform Program, and persons affected, or not affected, by such program; assessment of effects and achievements of such program, especially in the public sector, and consideration of appropriate recommendations for the future; co-ordination of assessments and recommendations of other members of the team; preparation of drafts of final report.

August – October, 2006

Teaching and Research Interests

Administrative Law, Constitutional Law, Customary Law, Customary Land Tenure, Local and Provincial Government, Property Law, Public Administration and Good Governance, South Pacific Island Legal Systems.