

A NOTE FROM THE EDITOR

For the second time in as many years, the editorship of the Melanesian Law Journal has changed hands, owing to the defection of a Law Faculty member to the Law Reform Commission of Papua New Guinea.

With Dr. Abdulhusein Paliwala joining the Commission as its Secretary, the ties between the Commission and the Law Faculty are further strengthened - ties which include the Commission Chairman, Bernard M. Narakobi, serving as a lecturer from time to time, and University lecturers acting in research or consultancy capacities for the Commission.

The Commission, which was established by an organic act pursuant to the Independence Constitution of 1976, is currently engaged in a fundamental reappraisal of the legal system and legal profession in Papua New Guinea. Its guiding lights, during this period of critical review, are the National Goals and Directive Principles enumerated in the Preamble to the Constitution, and the Constitutional mandate to declare and develop an "underlying law" which is uniquely Melanesian.

In this edition, Gawi, Ghai and Paliwala report on a recent seminar sponsored by the Law Reform Commission, which drew together lawyers, magistrates and concerned laymen in a discussion of the relationship between Law Reform and the National Goals.

In *Lawyers for the People*, Weisbrot and Paliwala review the nature of the legal profession and legal services in Papua New Guinea, in terms of the basic aims and values embodied in the Constitution, and find them lacking. As this issue goes to press, the Hon. Minister for Justice Ebia Olewale has also called for an investigation into the legal profession and delivery of legal services, and has given a reference to the Law Reform Commission to that effect.

In O'Neill's *The Judges and the Constitution*, Dr. Paliwala's predecessor at the Law Reform Commission takes the judiciary to task for doing too little to develop a Papua New Guinean jurisprudence in the year since independence, even though the Constitution gives the Bench wide powers in this respect. O'Neill apportions some of the blame to the profession as well, for its marked reluctance to move away from the familiar, and thus safe, confines of the English Common Law.

Ottley's article on foreign investment shares the government's belief that foreign capital and expertise is crucial to development, and proceeds from that assumption to survey comprehensively the legal controls placed on foreign investment, particularly those of the *National Investment and Development Act 1974*, and the various company tax acts.

Boehringer's plea for an "alternative criminology" rejects the cross-cultural application of western traditional criminology, even assuming it has any validity in the West other than to perpetuate the social control necessary to maintain a capitalist political economy. Boehringer calls for a sociology of law in the developing world which takes into account the realities of imperialism and neo-colonialism.

Once again the Editorial Board feels compelled to apologise for our chronic tardiness in getting the Journal out to our subscribers. We hope that our new distribution arrangement with the Law Book Company of Australia will enable us to provide more efficient service in the future.

D.W.