

FOREWORD

I am honoured to have been asked to write the foreword to this volume of the *Comparative Law Journal of the Pacific*. I was delighted to accept not only because the Journal continues to be a major voice of legal scholarship across the Pacific, but also because this volume is particularly thought-provoking. It should resonate with comparative legal scholars around the world for its multi-disciplinary coverage.

The opening article is a cracker. It sets the scene for what is to come. The respected, I daresay revered, Dr Mele Tupou Vaitohi discusses culturally appropriate research methodologies. The discussion is not in a vacuum – its purpose is to obtain good quality data using the qualitative Talanoa approach to learn about the lived experiences and perceptions of those who participated in the project as a way to improve Pasifika legal education. The aim is to remedy diversity shortfalls in the New Zealand legal system. Although Pasifika people comprise 7.4 percent of the New Zealand population, only 3 percent of lawyers and 3 percent of judges identify as Pasifika. All of the Pasifika judges are in the District Court. There are no Pasifika judges in the High Court, Court of Appeal or Supreme Court, and Dr Vaitohi reports that there has never been a Pasifika Queen's Counsel. Courts should look like the country they serve, and this article shines a light on a research methodology that can be used to gather data that will remedy diversity and representation shortfalls in legal education and the legal profession in all jurisdictions.

The world is increasingly looking to Pacific jurisdictions for ways of dealing with pressing issues such as decolonisation, the sustainability of marine resources, climate change, and making commerce fairer. Herve Raimana Lallemand-Moe presents the paradox of how greater integration of French Polynesia might provide a model to facilitate decolonization by strengthening the autonomy of non-self-governing territories inside the legal framework of administering powers. Professor Sylvie André discusses the post-colonial mythology of Paul Gauguin through which France and its overseas territories express values underpinning their relations. She contextualises the discussion with images of Gauguin's paintings, a refreshing multidisciplinary touch in a law journal.

Sue Farran and Jennifer Corrin present their research on plural legal governance of marine resources in Vanuatu and Solomon Islands, but their findings are relevant to many Pacific Island countries, and reflect a qualitative research methodology of the kind discussed in the first article. It almost reads as a memoir of how the research was conducted with agility when the pandemic arrived and other local events overtook the researchers. Most revealingly, it emphasizes the gendered roles at play in marine resource management, and the valuable influence of women in rule- and decision-making. In a related article, Lili Song discusses Tonga's historic claim to

waters, and the resources in those waters, within a rectangular boundary that overlaps the claims of neighbouring countries. The article assesses the claim in terms of public international law concepts of effectiveness and continuity of the claim, and acquiescence in the claim by other states. It is a model analytical case study.

Next, we come to the existential fight against climate change, and the hope for the future offered by young Pasifika law students. Two articles, one by Dr Sarina Theys and the other by Aditi Shetye and Manon Rouby, describe the campaign, called #EndorseTheAO, which has resulted in Vanuatu agreeing to propose that the United Nations General Assembly resolve to request an advisory opinion from the International Court of Justice. They want the General Assembly to seek an opinion from the ICJ on the links between climate change and human rights. Intergenerational equity is at the forefront of the campaign and will be in the advisory opinion. The articles brim with intelligence and urgency, and much needed youthful enthusiasm. Readers will be left reassured that Pasifika youth advocacy is leading the charge into a better environmental future.

Following from climate change are articles covering the vexed issue of the extent to which personal privacy is compromised by using cadastral and genealogical data to settle land title records in French Polynesia (Tania Berthou); and by steps taken to improve tax compliance and prevent money laundering around the world but particularly in the Cook Islands (Brandts-Giesen and McLaughlin). The challenges faced by a small competition authority in French Polynesia are explored by Johanne Peyre and Tran Bao Cao discusses how to improve the protection of minority shareholders in Viet Nam. It is one of the great virtues of comparative study to understand similarities between countries, of challenges and how those challenges are met.

The volume closes with a series of thought-provoking articles that are focused on communication. Professor Emeritus Tony Angelo discusses a subject dear to my heart, the process of consolidating, revising and reforming legislation, and establishing the consolidation as the authoritative point of access to legislation in force. Lise Hope Suveinakama writes about access to justice from the perspective of an interpreter who is experienced in interpreting Tokelauan to English and vice-versa. She recounts what she describes as a “shattering” personal experience in which she felt she had betrayed her own people by what she communicated to them. It is an intelligent and moving account of the significant impact interpretation has on the ability of people to access justice. John Jamieson teaches us how to reconsider the very nature of communication, not as a concept based on a sender, a message and a recipient, but as an inchoate unity that is disrupted. Using this lens deepens our understanding of communication and reduces the risks of miscommunication, of

talking past each other, which is what Article 49.3 of the French Constitution seeks to avoid. Adriano Evangelisti discusses the use of Article 49.3 when a bill to establish a universal pension system was before the Assemblée Nationale.

I commend to you this Volume of the Comparative Law Journal of the Pacific. It will take you on a journey to places few have been, and will enlighten you with new ways of thinking. It discusses topics of pressing significance and will undoubtedly be cited in future discussions of those topics. You will be well-rewarded for the time spent immersed in this volume.

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