

## Charles Guy Powles - lawyer, teacher, friend

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For almost his entire life Guy Powles had close family and professional connections to Samoa. He served in Samoa as a stipendiary magistrate from 1965 to 1966. He undertook in-country research on his LL.M thesis published in 1973<sup>1</sup>. From 1974 to 1975 he was a legal adviser to a committee appointed by Cabinet to review what was then the Land and Titles Protection Ordinance 1934; and he became involved with the policy planning and drafting of key legislation relating to the practice of the Land and Titles Court and the alienation of Samoan customary land. The enacted legislation remain today of central importance.

The years of Guy's work in Samoa during this period were critical in the country's post-independence experience and in Samoa's legal and constitutional development. It would have been an exceptional opportunity for someone in Guy's position to observe the legal, social and political developments; and, I'm sure, with gained insights to be able to be engaged and to contribute as Guy did. As a member of the office of the Attorney-General of Samoa, and in time, as Attorney General of Samoa, I had endless discussions with Guy on his research and on many of the legal and constitutional issues of the time. Undoubtedly, the experience of Samoa would also have provided impetus and essential grounding for branching out region-wide and for Guy's research and work as the distinguished academic and Pacific scholar we have all come to know and admire.

I was among the first crop of Samoan law students abroad in the 1960s. Then a practicing barrister in Wellington, Guy was one of my early tutors at Victoria University. It was the first contact in our long association as colleagues and friends. As a lawyer Guy was always particular and exacting. But I could see that he was more concerned to ensure that I was properly prepared to understand both the conceptual demands of a field of study almost entirely new to a Pacific mind and, equally new, to cope with a University regime of preparation, legal research and learning.

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<sup>1</sup> *The Status of Customary Law in Western Samoa*, Victoria University of Wellington, 1973.

Later on in our careers Guy and I were to spend much more time on the more practical aspects of legal study and resources from a broader Pacific perspective.

From his earliest writings on the Pacific<sup>2</sup> Guy had expressed concern about the need for adequate legal training and resources for countries across the region. To Governments, Universities and others, at every opportunity over many years, he was persistent in his advocacy for appropriate and early action. During my brief visit to London in 1971 when Guy was working there as a solicitor, I remember his insisting on our seeing the British Foreign and Commonwealth Office as well as the Commonwealth Secretariat to solicit support for legal assistance for Pacific island countries. Guy Powles was to continue to call for support from the Commonwealth Secretariat while I was a staff member there from 1983 together with another old Pacific hand, the late Jeremy Pope who was then Director of the Legal Division.

It is well known that in 1974 Guy Powles and Jeremy Fordham (who, like Guy, had also served as a stipendiary magistrate, in Kiribati) had jointly made a persuasive case for a Pacific Law Centre to provide legal education as well as legal research and drafting services. Their efforts through public discussions at conferences of the Commonwealth Magistrates Association gained wide support, and resulted in an important seminar in Tonga in 1976 attended by Pacific judges and magistrates, lawyers, senior justice administrators, academics and others. Pacific perspectives from that seminar were captured in *Pacific Courts and Justice*<sup>3</sup> edited by Guy Powles, Mere Pulea and Ron Crocombe. Some ten years later progress in legal training and provisions for Pacific legal systems, court structure and legal services was reviewed in *Pacific Courts and Legal Systems*,<sup>4</sup> edited by Guy Powles and Mere Pulea. Both publications remain invaluable in their full scope statement of the issues, and more so by the expressed viewpoints of so many Pacific people with direct experience of the problems and for whom the needed responses were, and are, so critical.

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<sup>2</sup> For example, CG Powles, *Lawyers in the South Pacific* [1974] NZLJ 377; and Guy Powles, 'Court systems of the South Pacific' in *Pacific Courts and Justice*, Institute of Pacific Studies, USP, and The Commonwealth Magistrates Association, 1977.

<sup>3</sup> *Pacific Courts and Justice*, Institute of Pacific Studies, USP, and The Commonwealth Magistrates Association, 1977.

<sup>4</sup> *Pacific Courts and Legal Systems*, University of the South Pacific in association with the Faculty of Law, Monash University, 1988.

Guy Powles was particularly concerned about the paucity of legal resources available to many Pacific countries. From his own research and from other studies<sup>5</sup> it seemed clear that what was needed most included: adequately educated and trained legal personnel; legal research; and legal information systems comprising the preparation and publication of statutes, regulations and court reports and the dissemination and exchange of legal news and material throughout the region. At that time the University of the South Pacific (USP) did not have a law degree course. But Guy believed quite firmly that USP had great strengths in related subject courses like land tenure and administration, history and politics. He thought USP was the logical home for a regional law centre; and he advanced a paper<sup>6</sup> setting out in detail his reasoning. In 1991 I was invited to Port Vila to chair a distinguished group of Pacific colleagues to advise USP on the establishment of a law course and the syllabus for such a course. Guy Powles was a member of the group, and so was Professor Jennifer Corrin.

The collection, organisation and management of legal material is near impossible for many Pacific island countries, and more so of material of Commonwealth or Pacific regional coverage. Many talented and brave souls like Guy Powles have played their part, and many more will need to be called on. I was particularly grateful to Guy for his support and encouragement for my own work on the compilation and editing the Western Samoa Law Reports series until 1982 when I left Samoa to join the Legal Division of the Commonwealth Secretariat in London. Over the years Guy extended the same committed support to Jeremy Pope and me for our efforts from London on the *Commonwealth Law Bulletin* (which, among its other aims, reported decisions of Pacific courts, major legislation and general legal developments); development and launching of the *South Pacific Law Reports*<sup>7</sup> (under the general editorship of Dr William (Bill) Hodge) and our supporting regional legal endeavours through Commonwealth assistance to the Pacific Islands Law Officers

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<sup>5</sup> See, for example, Dr GP Barton, *Legal Resource Needs in Small States: Report on Some Pacific Jurisdictions*, Commonwealth Secretariat, 1980.

<sup>6</sup> *How might law schools respond to the legal education and information needs of the south and central Pacific?*, Commonwealth Legal Education Association, 1984.

<sup>7</sup> *South Pacific Law Reports*, Oxford University Press, 1987.

Meeting (PILOM).<sup>8</sup> There were other tasks. I recall that we got Guy involved in the project and to read the first draft of Jacqueline Elliott's massive *Pacific Law Bibliography*.<sup>9</sup>

Pacific constitutions have attracted the attention of many renowned scholars of the Pacific and beyond and many have provided important analyses and comparative assessments of constitutional theory and practice. Guy Powles was a true pioneer in the field and stands out with his research and studies on the operations of Pacific constitutions, on customary law and cultural practices and human rights. His closeness to Samoa and other Pacific societies provided him first-hand insights and I think he had deep understanding of the complexities of customary rules, the importance of language (and the uniqueness of chiefly systems, as with the *faamatai* in Samoa) and the dynamics in their relationship with law and the legal machinery of the State. I have a natural interest in studies on my own country and I often return to read Guy's work on the Constitution of Samoa. But, of course, Guy's Pacific repertoire is extensive. His work on political and constitutional reforms in Tonga,<sup>10</sup> for example, is a major study of general scholarly interest and importance.

Guy had been a student of Samoan customary law since the mid-1960s. I remember the many conversations and correspondence we had (as on the status and utilisation of Samoan customary lands, a complex problem recently given prominence and now presently under public consultations and debate in the country), and his visits to Samoa to advise and teach, still to learn, to contribute. My last recollection of Guy and Maureen in Samoa was in 2012 at a celebration ball for the 50<sup>th</sup> anniversary of Samoa's independence, their dancing and moments of warmth and gaiety among their many friends, at home, very much of family.

And so, it is a real personal privilege in this special edition of the Journal of South Pacific Law to be able to offer a few lines in salutation to Guy Powles. Guy was a man of serious thought and elevated reach. He committed his long years to exceptional service to the law. His considerable academic research and scholarship are matters of public record, widely acknowledged and

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<sup>8</sup> Now the Pacific Islands Law Officers Network (PILON). PILON is a network of senior public law officers from Pacific Island countries, established in 1982, which focuses on common legal issues.

<sup>9</sup> *Pacific Law Bibliography*, Legal Division, Commonwealth Secretariat and Commonwealth Legal Education Association, 1990.

<sup>10</sup> *Political and Constitutional Reform Opens the Door: The Kingdom of Tonga's Path to Democracy*, Faculty of Law, Monash University, 2011.

appreciated. He rendered generous and unstinting public service throughout the Pacific, to Governments, Universities, communities and to students alike. He taught and gave inspiration to many, and left with many more the qualities and wealth of his convictions and learning. This collective tribute is warmly welcomed: a fitting measure of our high esteem and affection for a true Pacific lawyer, teacher and friend.