

SAMOA

SUMMARY

Samoa has two levels of government: national government based on a modern state system and village local government based on traditional structures. The key governing legislation for village government comprises the Village Fono Act 1990 and the Internal Affairs Act 1995. The Division of Governance of the Ministry of Women, Community and Social Development is responsible for administration of village affairs. Village fono (councils) have power to levy taxes in line with village usage to support community activities, but there is no legal provision to enforce collection, although traditional sanctions can be enforced with court approval. National government makes transfer payments to local authorities for capital developments on an ad-hoc basis. The village has the power to promote development alone or in partnership with government ministries. Areas of responsibility include education, agriculture, fisheries, law and justice, public health and village hygiene, the construction of plantation roads, water supplies, sports and recreation, religion, and family welfare.

1. NATIONAL GOVERNMENT

The independent state of Samoa is a unitary state with a unicameral democratic parliamentary system.^{37.1a} The parliament is known as the Fono and sits for a five-year term. The head of state, the O le Ao o le Malö, is elected by parliament for a term of five years. The head of government is the prime minister, who appoints a 13-member cabinet from amongst the elected members of parliament (MPs). The legislature comprises 49 MPs, including the speaker of the house. Forty-seven are elected to represent 41 constituencies. They are elected by universal adult suffrage but may only be contested by matai title-holders (chiefs of extended families, of whom there are 18,063). The two other members are elected on a separate voters' roll comprising citizens of European, Asian, Pacific Islander and other ethnic groups' descent. Following the 2016 elections, 10% (5/50) MPs were women: four elected as constituency MPs, and one under a quota system ensuring a minimum of 10% female representation.^{37.1b}

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions

There is no provision for local government within the constitution.^{37.2a} Part IX of the Constitution deals with lands and titles but without any reference to village or local government.

2.2 Main legislative texts

The key legislation for village government comprises the Village Fono Act 1990^{37.2b} and the Internal Affairs Act 1995.^{37.2c} The Village Fono Act 'validates and empowers the exercise of power and authority by village fono (councils) in accordance with custom and usage of their villages, and to confirm or grant certain powers...'

The Internal Affairs Act 1995 'establishes the Ministry of Internal Affairs and the promotion and wellbeing of villages and village authorities, and provides for the appointment of pulenuu (government representatives) [...] for other matters relating to the culture and traditions of Samoa'. The Planning and Urban Management Agency Act 2004 (amended 2005) administers the urban part of Samoa including the new urban communities around Apia. The Ministry of Internal Affairs has since become a department within the Ministry of Women, Community and Social Development (MWCSO).

2.3 Proposed legislative changes

No known proposed legislative changes.

2.4 National urban policy

The Samoa urban policy for Apia 'Sustainable, Resilient and Inclusive City' has been developed by the Planning and Urban Management Agency of the Ministry of Natural Resources and Environment. The policy sets the scene for building a more resilient and desirable physical form and recognises that future investment is required to make the city more workable, liveable, inclusive, competitive and sustainable. Urban planning must act as a conduit to coordinate land management with infrastructure, natural resources, and hazard risk reduction. The policy also recognises the critical role of the public and private sectors, and individuals, in planning, managing and investing in urban development.^{37.2d}

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state

In the Samoa local government system there is only one level, although within that level there are two types of local authorities: rural village fono and urban authorities. These can also be described as (1) traditional villages and (2) non-traditional villages.



KEY FACTS

POPULATION (2017 estimate):
196,315

AREA (UN 2006):
2,842 sq km

CAPITAL:
Apia

CURRENCY:
tala (WST)

HEAD OF STATE:
Tuiatua Tupua Tamasese Efi

HEAD OF GOVERNMENT:
Prime Minister Tuilaepa Sailele Malielegaoi

FORM OF GOVERNMENT:
parliamentary democracy

STATE STRUCTURE:
unitary

PARLIAMENTARY SYSTEM:
unicameral

LANGUAGES:
Samoan and English (official)

NATIONAL ELECTIONS:
last: 2016, turnout: 70.5%; next: 2021

WOMEN IN PARLIAMENT (2016):
10%

LOCAL ELECTIONS:
last: March 2016, turnout: na; next: March 2018

WOMEN COUNCILLORS (2015):
0%

LOCAL GOVERNMENT EXPENDITURE as a percentage of total government expenditure 2013/14:
na

Table 37.1a. Distribution of councils and population

Provinces (itumalo)	Villages (total)	Traditional villages	Urban villages	Population (2011 Census)	Population (2017 est.)	% rural (2017 est.)
Apia Urban Area	63	na	na	36,735	na	0
Northwest Upolu	54	na	na	62,390	na	100
Rest of Upolu	111	na	na	44,293	na	100
Savali	102	na	na	44,402	na	100
TOTAL	330	286	26	187,820	196,315	81.9

Source: MWCSO communication with CLGF and 2011 Census^{37,30}

3.2 Ministerial oversight

Local government, or village government as it is known, is administered by the Ministry of Women, Community and Social Development (MWCSO) through its Governance Division.^{37,3b} The minister's powers are derived from the Internal Affairs Act 1995 and on occasion the minister has had to suspend pulenuu for not fulfilling their duties and responsibilities.

3.3 Council types

Samoa's tradition-based village system serves as the local system of government. As such, local/village government has to date been based entirely on the values and principles of indigenous Samoan governance. There are 56 non-traditional village governments of which 45 are within the capital Apia. Some of the non-traditional villages are grouped together, with the result that there are 39 government representatives (sviola malo) for the 56 non-traditional villages. There are a further 286 rural traditional village councils in 11 traditional districts or 41 electoral constituencies. The business and infrastructural development of the capital, Apia, is managed by the national Planning and Urban Management Agency, while the village of Apia (a traditional village) is managed by the Apia village council. The urban area has a number of traditional villages in addition to non-traditional villages. Each of the 286 traditional villages has its own system of local government that is separate and independent from others. However, Samoa's two systems of government – the modern state based on democratic principles and village government based on custom – increasingly come into conflict as democratic practices make advances at the expense of customary practices. Earlier forms of tradition-based district government have fallen into disuse with the maturation of the nation's modern state system, although district-level forms may still be used from time to time on matters relating to culture. The structure of village government is determined entirely by the village's own customs, usage and history, but the governing body is the village council of chiefs or matai (representatives of extended family groups).

This council, or fono, serves as the legislative body, the executive body and also the judiciary. Village fono will appoint committees as they see fit. National government has no part in this process except in relation to a committee for a project where the village and government are partners. The decisions of the council are implemented by the rest of the adult population who themselves are grouped and organised into clearly defined sub-groups such as young men, women and wives of council members.

3.4 Traditional leadership

Samoa's local government system is based on customs observed and practised by traditional leaders. Their roles are to provide leadership and make laws. The modern state system and village government have developed separately, with no incorporation of the tradition-based local government system into Samoa's democratic modern state system. A strategy to modernise village government is being piloted, with support from CLGF, with a view to a national roll-out if the pilot is successful. The strategy envisages introduction into the village system of new procedures, processes and structures that will over time make decision-making at village council level more democratic. The scheme also builds capacity within village government so that it can be progressively incorporated into the modern state government system.

4. ELECTIONS

4.1 Recent local elections

There is no elected local government.^{37,4a}

4.2 Voting system

Village fono members are there by right as the heads of extended families.

4.3 Elected representatives

The pulenuu is selected by each village's fono members according to the practice of that village, for a period of three years. Often, the position rotates among members or among groups. Selection may take place either by appointment by the leading chief or by a vote by members using a first-past-the-post system.

4.4 Women's representation

Approximately 20% of matai are women and the pulenuu has a female counterpart who liaises with national government on programmes designed for the welfare of women, children and the family. There is also a youth representative from every village, assisting where necessary with youth development in the respective villages. The Government of Samoa has developed the National Policy for Gender Equality 2016-20 to help address some of the barriers to wider women's participation.^{37,4b}

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement

There is no legal requirement.

5.2 Implementation

Decision-making at local level is the prerogative of the fono. Other formalised groups in the village system such as women's or men's groups may be consulted, depending on the subject in question. They may also seek to give the council an opinion or view through highly formalised

Table 37.1b. Women fono members and women matai following the last three terms

Election	2009-11		2012-14		2015-17	
	#	%	#	%	#	%
Fono members						
Female fono members	na	0.00	na	0.00	na	0.00
Male fono members	na	100.0	na	100.0	na	100.0
Total fono members	na	100.0	na	100.0	na	100.0
Matai						
Female matai	1,766	10.5	na	na	na	-20
Male matai	15,021	89.5	na	na	na	-80
Total matai	16,787	100.0	na	100.0	na	100.0

Source: MWCSO correspondence with CLGF and their Women: Matai and Leadership Survey^{37,4c}

channels. Power flow is strictly top-down. Family heads who sit in council may or may not consult their family members but this nevertheless is the only channel for individuals, including disabled people, to participate in the decision-making process. Issues of poverty and minority groups are not always relevant because of the homogenous nature of Samoan society and the relative absence of marginalised groups. One of the advantages and attractions of the traditional village system is its ability to lend strength and durability to traditional social safety nets that look after vulnerable groups and those in need. The formulating of village sustainable development plans and village by-laws by the Governance division, with the assistance of the CLGF, has provided the opportunity for sector-wide development, increased participation of women and youth, and fostered shared decision-making in some villages.

5.3 ICT use in citizen engagement

No information is available.

6. ORGANISED LOCAL GOVERNMENT

There is no national local government organisation in Samoa; however, there is an assembly of pulenuu or village representatives. A separate assembly has also been organised for representatives of non-traditional villages.

7. INTERGOVERNMENTAL RELATIONS

Samoa's tradition-based village local government system has remained largely separate from its modern national government counterpart. The two are based on different and often conflicting principles, values and institutions. Links between the two have been described as those of interests and of personalities rather than of a unified system of government. Formal interaction between the two is via a pulenuu appointed from the ranks of the village council, with accountability to both government and the council. The position of pulenuu was created some 100 years ago by colonial administrations and has not changed much since. Interaction between the two levels of government is spasmodic at best and takes place on an ad-hoc basis. The pulenuu acts as the main link between local and national government, with a mandate to promote government policies on economic and social development within the village decision-making process. When delivering services, government ministries use the office of the pulenuu to liaise with local communities. In general, village authorities do not work as a group to promote their common interests, but rather as individual entities.

Other than the liaison role provided by the offices of the pulenuu and his female counterpart, there are no formal consultation mechanisms in existence. A policy formalising their roles has been developed by the MWCSO.

8. MONITORING SYSTEMS

Samoa's village government system has not been formally incorporated into the modern state system so there are no oversight provisions by the national government of local government affairs, provided they remain within the law of the land. Traditional oversight mechanisms do however exist. The small size and highly localised nature of these authorities ensure a high degree of visibility and transparency in the decision-making process. Members of the fono act as individuals and not as members of political parties. No one faction or individual can dominate proceedings without others reacting to limit their influence.

9. FINANCE, STAFFING AND RESOURCES

9.1 Local government expenditure

No information is available.

9.2 Locally raised revenue

The village fono have power to levy taxes in line with village usage to support community activities, but there is no legal provision to enforce collection, although traditional sanctions can be enforced with court approval. There are no records of the extent of such levies but they can be substantial depending on the project, eg a church or school building. Village fono raise and spend their own funds as they see fit. Most do not have a budget as such, but raise funds for specific projects. Village governments will tax their own people for village projects such as plantation roads, sea walls or water supplies. The power to do this is derived entirely from custom and usage. There is no legal compulsion to comply, merely the sense of loyalty to one's community and the weight of community opinion. However, government is increasingly taking over the provision of infrastructural services, often with a local contribution (usually in kind), so the levying of such taxes has become very rare and today is only for cultural matters.

9.3 Transfers

National government makes transfer payments to local authorities for capital developments on an ad-hoc basis.

9.4 Loans

No information is available.

9.5 Local authority staff

Much of local government staffing is supplied by the Public Service Commission, which retains the authority to discipline and dismiss staff. National government staff are also seconded to local authorities. Village government has no permanent staff. Village residents provide whatever service and support the village fono needs. Young men and women and wives of council members are organised in formalised groups to provide the necessary support to the fono. Such support is always on a voluntary basis, rendered on the premise that this is their village, their community, and their project. Village fono committee members are not remunerated unless in relation to an externally funded project requiring village fono participation and support.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

10.1 Overview of local government service delivery responsibility

The Village Fono Act 1990 defines the competencies of village fono; these are related to village culture and usage. In practice, the village has the power to promote development alone or in partnership with government ministries. Areas of competence include education, agriculture, fisheries, law and justice (to a limited extent), public health and village hygiene, the construction of plantation roads, water supplies, sports and recreation, religion, and family welfare. Cemeteries are family-owned, as are backyard slaughter facilities.

10.2 ICT use in service delivery

No information is available.

10.3 The role of local government in achieving the UN Sustainable Development Goals (SDGs)

As part of the mid-term review of the Strategy for the Development of Samoa (SDS) 2012-16, a preliminary integrated assessment of the SDS against the SDGs was undertaken. The consultative processes that followed covered the whole country. The review findings formed the basis for the development of the new SDS (2016-20) whose theme is 'accelerating sustainable development and creating opportunities for all'.^{37,10}

REFERENCES AND USEFUL WEBSITES

- 37.1a. Government of Samoa
www.samoagovt.ws
- 37.1b. Inter-Parliamentary Union 2017
'Women in national parliaments'.
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- 37.2a Constitution of Samoa www.samoagovt.ws/wp-content/uploads/2014/07/Constitution-of-the-Independent-State-of-Samoa-1960.pdf
- 37.2b Village Fono Act 1990 <http://extwprlegs1.fao.org/docs/pdf/sam37645.pdf>
- 37.2c Internal Affairs Act 1995 www.palemene.ws/new/wp-content/uploads/01/Acts/Acts%201995/Internal_Affairs_Act_1995_-_Eng.pdf
- 37.3a 2011 Census www.sbs.gov.ws/index.php?option=com_advlisting&view=download&fileId=1388&Itemid=164
- 37.3b Governance Division with the Ministry of Women, Community and Social Development www.mwcsd.gov.ws/divisions/internal-affairs
- 37.3c National Policy for Gender Equality 2016-20 www.mwcsd.gov.ws/images/2017/Documents/DFSD/Samoa-gender-policy.pdf
- 37.4a Office of the Electoral Commissioner www.oec.gov.ws
- 37.4b Women: Matai and Leadership Survey www.mwcsd.gov.ws/images/2017/Documents/DFSD/Women-Matai-and-Leadership-Report-2015---FINAL-FINAL.pdf
- 37.5 No reference for this section
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- 37.7 No reference for this section
- 37.8 No reference for this section
- 37.9 No reference for this section
- 37.10 'The processes towards implementation of the SDGs' <https://sustainabledevelopment.un.org/hlpf/2016/samoa>
- 37.11a UN statistics surface area <http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf>
- 37.11b Commonwealth Local Government knowledge hub www.clgf.org.uk/resource-centre/knowledge-hub
- 37.11c UNDP Samoa HDR country profile <http://hdr.undp.org/en/countries/profiles/WSM>



Annex 37a Summary of service provision in different spheres of government in Samoa

Services	Delivering authority		Remarks
	National government	Village government	
GENERAL ADMINISTRATION			
Police	■		
Fire protection	■		
Civil protection	■		
Criminal justice	■		
Civil status register	■	■	
Statistical office	■		
Electoral register	■		
EDUCATION			
Pre-school (kindergarten and nursery)		■	
Primary	■	■	
Secondary	■	■	
Vocational and technical	■		
Higher education	■		
Adult education	■		
SOCIAL WELFARE			
Family welfare services		■	
Welfare homes	■		
Social security	■		
PUBLIC HEALTH			
Primary care	■	■	
Hospitals	■		
Health protection		■	
HOUSING AND TOWN PLANNING			
Housing	■		
Town planning	■		
Regional planning	■		
TRANSPORT			
Roads	■	■	
Transport	■		
Urban roads	■		
Urban rail			
Ports	■		
Airports	■		
ENVIRONMENT AND PUBLIC SANITATION			
Water and sanitation	■	■	
Refuse collection and disposal	■	■	
Cemeteries and crematoria		■	
Slaughterhouses			
Environmental protection	■	■	
Consumer protection	■		
CULTURE, LEISURE AND SPORTS			
Theatres and concerts	■	■	
Museums and libraries	■	■	
Parks and open spaces		■	
Sports and leisure facilities		■	
Religious facilities		■	
UTILITIES			
Gas services	■		
District heating	■		
Water supply	■	■	
Electricity	■		
ECONOMIC			
Agriculture, forests and fisheries	■	■	
Local economic development/promotion	■	■	
Trade and industry	■		
Tourism	■	■	

■ sole responsibility service ■ joint responsibility service ■ discretionary service