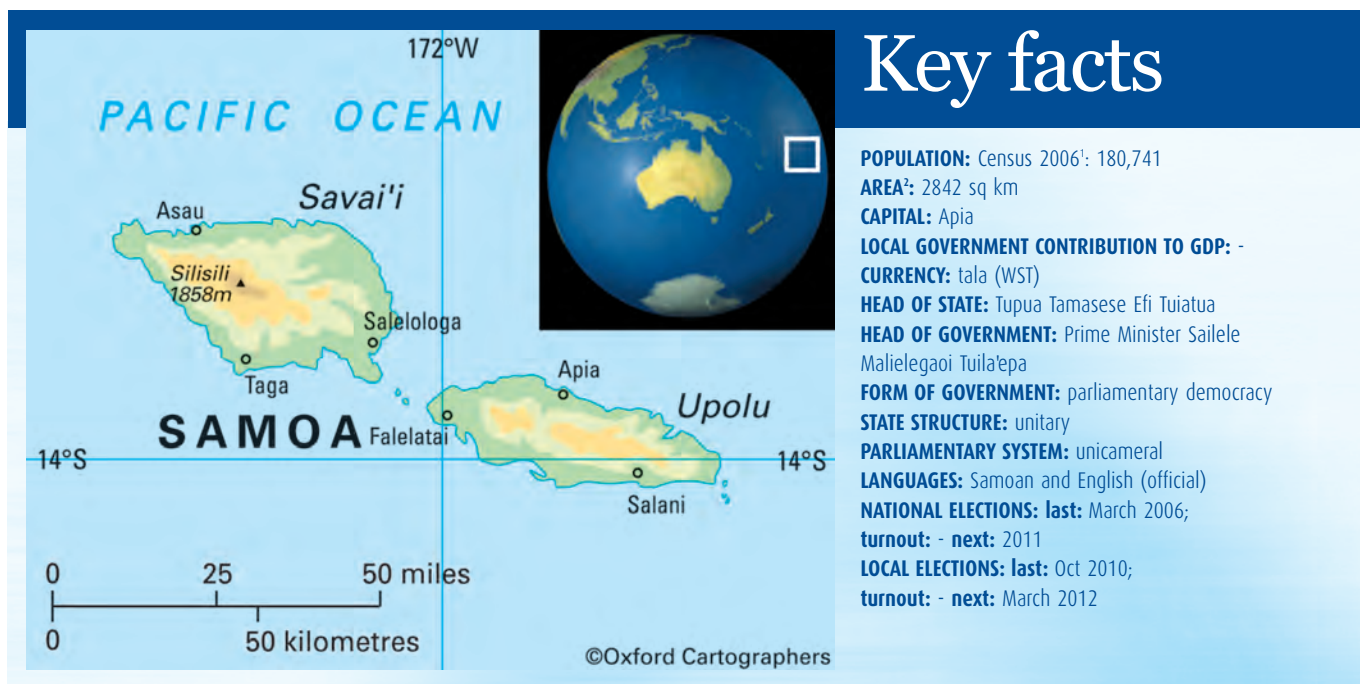


The local government system in

Samoa



SUMMARY

Samoa has two levels of government, a central 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 Internal Affairs of the Ministry of Women, Community and Social Development is responsible for administration of village affairs. There are 26 urban local governments plus the National Capital District Council, 286 village rural-level local governments, 19 provinces and 89 districts. 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. Central government makes transfer payments to local authorities for capital development 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. CENTRAL GOVERNMENT

The independent state of Samoa is a unitary state with a unicameral parliamentary democracy system. The head of state, the O le Ao o le Malo, is elected by the parliament for a term of five years. The head of government is the prime minister who appoints the 13 member cabinet from amongst the elected members. The legislature comprises 49 members. Forty-seven are elected to represent 41 constituencies. They are elected by universal adult suffrage but may 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 islands and other ethnic groups' descent. The parliament is known as the Fono and sits for a five-year term.

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions:

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

2.2 Main legislative texts:

The key governing legislation for village government comprises the Village Fono Act 1990 and the Internal Affairs Act 1995. 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 provides for the promotion and wellbeing of villages, village authority, provides for appointment of Pulenuu [government representatives] and to provide for other matters relating to the culture and traditions of Samoa'. A Ministry of Internal Affairs was never established although the Act itself remains in force and matters relating to village and local government are administered by the Internal Affairs Division of the Ministry of Women, Community and Social Development. The Planning and Urban Management Agency [PUMA] Act 2004 (amended 2005) administers the urban area including the new urban communities around the Apia area.

Samoa's village government system, which predates the modern state, has continued to serve the need for government at the local level since Samoa became independent. The system is



based entirely on customary usage and until the above-mentioned legislation came into force was administered under the Land and Titles Act 1981 which deals with matters of custom, in particular customary land and titles.

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 the urban authorities.

3.2 Ministerial oversight:

Local government, or village government as it is more widely known, is administered by the Ministry of Women, Community and Social Development. The Division of Internal Affairs of the ministry is responsible for administration of village affairs, Samoa's form of local government. The minister's powers are derived from the Internal Affairs Act 1995 and on occasion the minister has had to suspend Puleuu (government representatives at the village level) for not performing their duties and responsibilities.

3.3 Council types:

Samoa's tradition-based village system serves as the country's local system of government. As such, local government is based entirely on the values and principles of indigenous Samoans and on Samoa's own governance forms. There are 26 urban local governments plus 286 village rural-level local governments, 19 provinces and 89 districts. The capital, Apia, is managed by the national Planning and Urban Management Agency (PUMA). Each of the 286 villages has its own system of local government that is separate and independent from others. 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 governments have fallen into disuse with the maturation of the nation's modern state system. District-level forms may 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 and 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, as the executive body and also as the judiciary. Village fono will select committees as they see fit. Central government has no part in this process

Table 1. Distribution of councils and population

District/ itūmālō	Number of authorities			Population (Census 2001)	% rural
	Province	District	Village	-	-
Tier 1					
Tuamasaga	n/a	n/a	n/a	83,191	n/a
A'ana	n/a	n/a	n/a	20,167	n/a
Aiga-i-le-Tai	n/a	n/a	n/a	4,508	n/a
Atua	n/a	n/a	n/a	21,168	n/a
Va'a-o-Fonoti	n/a	n/a	n/a	1,666	n/a
Fa'asaleleaga	n/a	n/a	n/a	12,949	n/a
Gaga'emauga	n/a	n/a	n/a	7,108*	n/a
Gaga'ifomauga	n/a	n/a	n/a	4,770	n/a
Vaisigano	n/a	n/a	n/a	6,643	n/a
Satupa'itea	n/a	n/a	n/a	1,799*	n/a
Palauli	n/a	n/a	n/a	8,984	n/a
TOTAL	19	89	286	180,741	29

*2006

unless it is 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 under clearly defined sub-groups such as young men, women and wives of the council members.

3.4 Traditional leadership:

Samoa's local government system is based on customs observed and practiced by traditional leaders. Their roles are to provide leadership and make laws.

4. ELECTIONS

4.1 Recent local elections

There is no elected local government. Village fono members are there by right as the heads of extended families.

4.3 Elected representatives:

The Puleuu (government representative) is selected by the village fono members according to the practice of that village for a period of three years. Often, this is by rotation of the position among members or among groups. Selection may take place 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 Puleuu has a female counterpart who liaises with the central government for programmes designed for the welfare of women, children and the family.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement:

There is no legal requirement for community involvement.

5.2 Implementation:

Decision-making is the prerogative of the fono. Other formalised groups in the village system such as the 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 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 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 strengths and attractions of the traditional village system is its ability to lend strength and durability to traditional social safety nets that look after the vulnerable, the vulnerable groups and those in need.

5.3 E-government:

There is no e-government strategy currently in place.

6. ORGANISED LOCAL GOVERNMENT

There is no national local government organisation in Samoa, however there is an assembly of Puleuu.

7. INTERGOVERNMENTAL RELATIONS

Samoa's tradition-based village local government system has remained largely separate from its modern central counterpart. The two are based on different and often conflicting principles and 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 government representative called a Pulenuu appointed from the ranks of the village council, with accountability to both government and to 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 the basis of need.

The Pulenuu acts as the main link between local and central 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 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.

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 central government on local government affairs provided they remain within the law of the land. Central government makes no transfers of monies and local authorities have no powers to levy taxes, so there is little need for oversight over budgets. 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 Locally raised revenue:

The village fono has 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 compunction to comply, merely the sense of loyalty to one's community and the weight of community opinion. Government increasingly takes over the provision of infrastructural services, often with a local contribution (in-kind usually) so the levying of such taxes is very rare and today is only for cultural matters.

9.2 Transfers:

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

9.3 Local authority staff:

Much of local government staffing is supplied by the Public Service Commission, which retains the authority to discipline and dismiss staff. Central 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 the 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 this is an externally funded project requiring village fono participation and support.

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

The Village Fono Act 1990 defines the competences of village fono. These are defined as those areas 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 slaughtering facilities.

Role of traditional forms:

Since independence, Samoa has continued to rely on its traditional village government system to serve local government needs. The modern state system and village government have developed separately ever since 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 rolling the strategy out nationally if the pilot is completed successfully. 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 the capacity of village government so it can be progressively incorporated into the modern state government system.

References and useful websites

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