

Chapter 6

INSTITUTIONALIZED POLITICAL POWER: SAMOAN PARLIAMENTARY DEMOCRACY

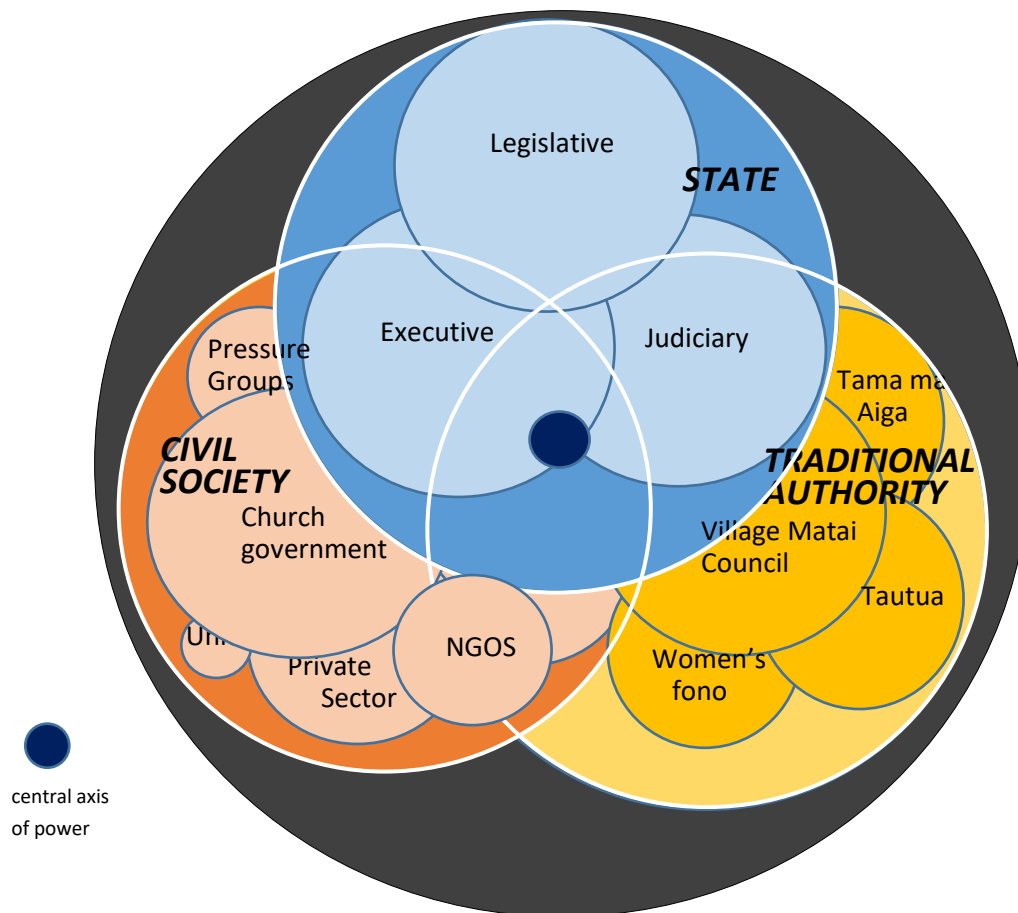
Samoa is a parliamentary democracy. It has a structure, a purpose, and the means by which it is executed on behalf of the state. Structurally it is a constitutional democracy, framed along the lines of the British Westminster's model. Its purpose is self-preservation of the Samoan people ultimately;⁴⁵ the means of doing so are in the rule of law, systems and institutions that uphold the ideals and practices of good governance. In saying this, it needs reiterating the point that Samoa is a democracy with a difference. Traditional authority (matai system) is still the underpinning force of its governing systems, including the state (Meleisea, 1987, 1987a; Soo, 2008). As the HRPP party takes a more proactive role in government, the boundary and manner of relations between the democratic based authority (upheld by the state and rule of law) and traditional authority (upheld by its matai customs and traditions) can only be described as muddled. Firstly, the fact that Samoa is a democracy that is bereft of the essential checks and balances (Malifa, 2010; Iati, 2013). Secondly, because of the assertive role of the ruling party in government in reshaping Samoan society by the day (Toleafoa, 2017; So'o, 2008; Meleisea, 2020).

6.1 Political spheres of power influence

Three main political spheres of influence can be identified in this study (refer p. 124). First, the state, a parliamentary democracy in the Westminster's style. Secondly, the civil society, which comprises the Private Sector, the Church, Pressure Groups, the Media, and non-governmental organisations (NGOs). Thirdly, traditional authority, which power centre and sphere of influence is the village in council. Apparently, there is overlapping in the three spheres of influence due to the multi-layered nature of society. For example, the *faamatai* is the political tie that binds the three spheres together; maintained by the power of kinship connections and *faaSamoa* as a social organism.

⁴⁵ As spelt out in the Preamble of the Constitution, explicitly and implicitly.

Figure 1. Samoa's power relations: Structure of legitimate power & relations and spheres of influence



- As the figure shows, the overlapping in the spheres of influence among three authorities, denotes a confluence of power relations, is obvious. For example, while Tama a Aiga are acknowledged by the state in its leadership, they too have as much influence in the village and district affairs. The state apparatus displays the ideal democracy; an equal distribution of power among the three estates of government. In civil society, the church shows dominance while the village matai council does so for Traditional Authority. Those with less influence are further away from the central axis of power. *Source: LPSTavita*

6.2 Parliamentary democracy and legislative power

Parliamentary democracy is a system of democratic governance of a state where the executive branch derives its democratic legitimacy from its ability to command the confidence of the legislative branch, typically a parliament, is also held accountable to that parliament (Levine, 2004). Samoa does not fit the normal description of a parliamentary democracy where equal human rights take first place and consideration. The Samoan system is rather a compromise of Western democratic ideals and traditional principles of *faaSamoa*. While it has adopted universal suffrage lately, its candidates for parliament are selected on the basis of status, that is, one has to become a matai in order to be eligible for entry. Thus, the modern Samoan parliament is a variation of the Westminster system but has some direct historical links with the New Zealand system as well. On top of the hierarchical ladder is the head of state, performing ceremonial duties on behalf of the state. The powers vested in this office are limited.

Ambiguity surrounding the selection criteria has been part of its political discourse since Independence. Traditional convention has it that the role be filled by any one candidate of the two royal lines, the Sa Tupuā and the Sa Malietoā.⁴⁶ The constitution on the other hand is clear that any candidate that fits the criteria prescribed is qualified. The idea of ‘royals only’ is not clearly stated in the constitution, though this has been the conventional practice since the country regained independence. This also applies for the office of the council of deputies that plays a supporting role to the head of state office. The idea that the royal head of state supported by his other royal peers is the argument of pro-royals; again, it is not spelt out in the constitution. Otherwise, any further pretence has been resolved politically by the HRPP government when non-royal (those without *tamaaiga* status) candidates were selected for the first time to the council. It remains to be seen if a non-royal assumes the office of head of state; which any pro-democratic government can do; also given the fact that such a move is constitutional and therefore legitimate.

It was obvious that Samoa’s strive to regain its independence must align with the demands of a UN Committee (Davidson, 1967, Meti, 2002). On that understanding a compromise was deemed inevitable between Western democracy and *faaSamoa* ideals.

⁴⁶Royal as referred to Samoa’s nobility of the first ranking order is highly favoured by scholars; this involves the two lineages and titles derived from.

The two stands for two incompatible political systems, two ways of living, and it was the ultimate task of the Constitutional Convention to make a match of them in as best a way as possible (Meti, 2002.). To satisfy all parties, some form of compromise could only be the answer given the situation; even though it was a temporary fixture for serious disagreements (Soo, 1987, Meti, 2002). The anticipation of the pro-traditionalists was that Samoan customs will continue to be read into the constitution and will prevail finally. There is a big question on such intention and the way it should be carried out (Meleisea, 1987). For example, while the Samoan customs are acknowledged in the constitution, customary authority, in essence, is not part of the modern state apparatus. While customary authority is acknowledged under the Village Fono Act, ultimately it is subjected to constitutional or statutory law upheld by the state. While the Land and Titles court may deliberate on customary matters and make decisions on that basis, their enforcement are done under 'state' jurisdiction through the court and law enforcement apparatus. This is well exemplified in the appointment of *tamaaiga* to executive positions, which roles are strictly ceremonial and lack political leverage to be of any influence in the relations of power. Only parliament is acknowledged as the sole law-making authority in the land by the constitution.

Proponents of the old system (matai suffrage) would like to argue that the system was truly democratic for the fact that a matai is chosen by the consent of all family members (So'o, 2006). It was the matai title proliferation phenomenon during the seventies and eighties - for the purpose of winning elections - that put a question mark on the former's claim more so, credibility. The new model (universal suffrage)⁴⁷ is yet to prove itself. Suffice to say that the smooth transition from the old to the new, though with the exception as described, is indicative of the levelling effect of *faaSamoa* on major political decisions affecting the whole populace.

Samoa's current parliament has 50 members,⁴⁸ with 47 seats selected by the voters from 41 political constituencies; 2 seats are elected on a non-territorial basis by special voters; an extra seat was added to make up for the 10 percent quota arrangement on behalf of

⁴⁷While universal suffrage is now part of Samoa's electoral system, the untitled cannot be candidates of national elections; they need to hold a matai title in order to qualify.

⁴⁸Leading up to the 2021 general elections, the next parliament will have 51 seats selected from 51 electoral constituencies. The change in the division of electorates has become a political hot potato for conservative forces since it was enacted, and which caused for one influential member of the HRPP to walk away and formed own party.

female members, agreed to by parliament. Samoa follows a simple plurality system in its election process, like New Zealand's previous system of First Past the Post; the candidate who polls more vote than any other candidate is elected. It is a five-year tenure. With the introduction of political parties, candidates' campaign on behalf of their parties and election policies. Members of a new assembly will select a speaker, and deputy, who will preside over the normal business of parliament.

Members of parliament are representatives of their constituencies and are morally obligated to their demands to be heard and acted upon by government. A majority party forms a government and the executive branch headed by the prime minister, supported by a group of 12 ministers, who in turn are supported by 13 associate ministers. Others who missed out may be selected as members of various parliamentary committees or board members in government corporations. The change of numbers from 8 to 13 ministers, and provision for the office of parliamentary undersecretary (aka associate minister) required an amendment in the constitution and legislation for the latter. The changes, particularly the instalment of 13 associate ministers, were strongly criticised by the opposition party at the time as politically motivated (Tolefoa, 2013).

Just five decades had passed since independence and Samoa's parliament has withstood the impact of change brought about by technology but mainly through the political will. Some of these changes have been transformational with the passage of time; most notably the legislations in response to the 'constitutional crisis' of the 1980s. A successive change of government occurred three times within a span of a year. Fanned by the divisiveness in party politics at the time and the uncertainty that turned out as a result, parliament has sought to rectify the anomalies through the best way it can: legislation. Legislating against party hopping for example was considered the best way to counter the problem, according to the incumbent prime minister (Malielegaoi, 2017). This and other legislative measures proposed by government and passed as laws have become the norm, particularly with the HRPP commanding almost full majority of seats in the house.

As the highest forum in the land, parliament today has become more a voice for the party in government, a testament on the anomaly in power distribution. Without any viable opposition that counters, it is by any name a one-party state. Because of this anomaly, it lacks the vibrancy of previous assemblies, or its traditional prototype, the village *fono*,

where everyone expresses freely without a party line to worry about. In the meantime, there is a sense of urgency for a quick reinstalment of a strong opposition to redress a very serious imbalance in the system.

6.3 Judiciary and disciplinary power

Samoa's Judiciary was established under Article 6 of the constitution. The Supreme Court is presided over by the chief justice and has jurisdiction over both civil and criminal matters. There is the Court of Appeal which president is the chief justice and deals with appeals from the lower courts. There is a District Court, a Family Court, a Youth Court, a Family Violence Court, a therapeutic court called Alcohol & Drug Court. Samoa also has a court called *Faamasino Fesoasoani* Court – a part of the District Court, that deals with customary matters pertaining to customary lands and titles. The president is one of the judges of the Supreme Court.⁴⁹ Samoa is a member of the Commonwealth and other respective judicial forums globally.

Samoa's modern judiciary system was borne out of the country's colonial legacy, particularly the New Zealand influence on its structures, practices and organisational ethos (Sapolu et al., 2012). Its perpetuity even when the country became independent in 1962 was understood apparently; a system could not be transitioned overnight, especially with the ultimate purpose to pass the reins on to the Samoans themselves. Indeed, it takes time for the local personnel to familiarize themselves with the intricacies of a new system; that a workforce needs judges, lawyers and administrators; more importantly raising awareness among the people about living under codified law as opposed to traditional village rule based on oral tradition. Not least, convincing the public that justice can be served with Samoan judges replacing their *palagi* counterparts (ibid.). This moral doubt was keenly felt where their lands and titles have increasingly become a matter of judicial interest.

But the overriding matter of contention for the Judiciary was to do with the interpretation of the constitution which basis is the universal code with due deference to customary rule. The former is premised on individual rights and democratic principles, while customary matters judged under the *faaSamoa* ethos and *faamatai* philosophy. It was

⁴⁹Ministry of Justice and Courts Administration General Information.

soon realized that judicating under a dual system of contradictory values was problematic (Meleisea, 1997; Sapolu et al., 2012). Under the constitution, individual rights seemed to have been well protected over communal. Problems abound for the judiciary leadership as time progressed, as the issue of communal versus fundamental human rights can no longer be ignored (ibid.). The Judiciary is implicated now and then for interpreting the law one-sidedly, while government too is accused of empowering traditional authority for its own purposes.⁵⁰ As it turned out, the overall outcome for both sides has been unsatisfactory. The dilemma was compounded by other such cultural matters that need urgent attention, for instance, the practice of splitting a matai title among many holders. With other malpractices that impact the court processes, the result was a backlog of work and postponement of justice that reflected negatively on the state. A commission of inquiry was appointed in 2016 to investigate the matter, which recommended for an improvement of the quality of the service as well as fixing the problem of resourcing (Samoa Observer, Issue June 28, 2016).⁵¹

In 2020 the HRPP government decided to respond to the dilemma by proposing a separate system for customary matters. No longer subordinate to the supreme court and the common law system, the proposed court will have its own structures, administrative institutions including a court of appeal. The concern of the critics is, this will lead to more politicization of the system and leaving another arm of democracy more susceptible to political encroachment (Samoa Observer, Issue March 25, 2020). For example, under the new law judges can be dismissed by a commission which members the critics pointed out, appointees of the government (Samoa Observer, Issue April 29, 2020).⁵² Currently a judge can only be dismissed by a two-thirds majority of the parliament. Of much concern is the implication of power through these legislations for all parties involved.

More potently, such a move will compromise the delivery of justice, the protection of fundamental rights of families or individuals guaranteed under the constitution, the opposition argued. Resistance against the move has gained momentum, both locally and overseas (Samoa Observer, May 1, 2020). The local association of lawyers, even the

⁵⁰ The motive behind government's move to empower village councils is political according to Participant 3.

⁵¹ The prime minister called for a check on the judges of the LTC hence the commission. Samoa Observer 28/6/2016.

⁵² The president of the Samoan Law Society is quoted in the Samoa Observer Issue 29/4/2020, as saying, the proposed changes means the Supreme Court judges will no longer be able to conduct their work without fear.

overseas legal fraternity, some of international repute, strongly opposed government's plan (Samoa Observer, Issue April 29, 2020). In defence of the government, the prime minister argued that the change was necessary for the sake of customs and the culture (ibid.). He believed that the constitution was written by Europeans whose understanding of the *faaSamoa* was limited if none at all (Samoa Observer, Issue May 5, 2020). He also contended that the common law was European derived and not Samoan; that rights-based values espoused under democracy infringed on the collective values of *faamatai* (ibid.). His argument is, a separation of the Judiciary will solve the problem, more so the imbalance due to the constitution's leniency towards individual rights.

To counter, the former deputy prime minister turned rival maintained that such a move is another step closer to dismantling Samoa's constitutional and legal framework altogether. Her point is, no one is above the law, individually or collectively. Her concern is to do with the uncertainty of this commitment whereby a panel of a few individuals will dictate the terms based on their own interpretation of *faaSamoa's* oral tradition, especially with a lot of power to influence court decisions. This plan by the government is political and self-serving, she argued (Samoa Observer, October 13, 2020). In other words, the principle of the separation of powers is right in the fore of Samoa's political discussion at this very moment. The incumbent chief justice was fully aware of the predicament by reminding everyone of this key governing principle when he took his oath. He declared, "The three branches of government are independent of each other, and that is what we call the separation of powers. We do not act together as a committee, but rather three separate parts of a whole" (Samoa Observer, Issue December 9, 2020). Once legislations are enacted, this principle is jeopardised.

Section 42 of Samoa's constitution stated: There shall be a Parliament of Samoa, which shall consist of the Head of State and the Legislative Assembly. The subsequent section (43) clearly stated the power of Parliament to make laws: Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of Samoa and laws having effect outside as well as within Samoa.

6.4 Executive and instrumental power

Part 4 of Samoa's constitution spelt out the Executive functions of its democracy. Executive power is vested in the office of head of state who exercises such power, though parliament also confers other such functions independently. The role of a cabinet of ministers is to direct and control the affairs of government through its ministries and state-owned enterprises. The cabinet consists of the Prime Minister and no more than 12 ministers of his or her choice. The constitution also calls for an Executive Council. The council is normally reserved for emergency cases whereby both the head of state and the Cabinet take to council on any matter of urgency or importance to government or the nation that needs for such meeting. The head of state or the prime minister can summon the council. Since regaining Independence in 1962, the council has never been put to the test until the constitutional crisis of the 1980's came up. In 1982, two sides of the house were embroiled in a bitter tussle for leadership of the country. An abrupt change in the HRPP leadership caused for a new power shift.⁵³ In the ensuing struggle the HRPP boycotted the head of state's decision, reinstating Tupuola Efi's government (So'o, 2008). The council was summoned by the head of state.

The year 1982 is marked as momentous for Samoa, having three prime ministers seated in one year. The event highlighted a number of things pertaining to the functions and relations of the executive power. First, the role of the head of state or more directly the authority vested upon to appoint a government. The crisis referred to implicated the role of the office of head of state strongly, more so the lack of clarity on the extent of its power and jurisdiction (So'o, 2008). Secondly, the problem of party-hopping that has been blamed as the cause of government disruption and political instability. Both have been dealt with through legislation (Soo, 2008; Malielegaoi, 2017).

As central authority of the executive government, the HRPP leadership continues to take a more liberal stance to issues involving power relations. This could be seen by its drive at democratizing the systems. Under its leadership, the first non-*tamaaiga* members joined the Council of Deputies, hence removing the demarcation between tradition sanctioned by customary *tapu* and the state justified by the constitution. On the other hand, choosing a woman as deputy in a male-dominated caucus is a gesture to both democracy

⁵³Vaai Kolone stood down from office of prime minister due to a court decision; the head of state responded by reinstating Tupuola Efi as prime minister.

of fair representation and tradition whereby seniority and service are acknowledged all the same. The ten percent allotment for women representation in parliament, the introduction of universal suffrage before that, even the embracing of minority groups such as *faafafine*, and women in the workplaces, all happened under the HRPP's watch.

Power relations among the three executive powers, cabinet government, judiciary and parliament are understood in the context of their three separate functions. There are frictions to be anticipated, as world experience would well attest to in abundance (Fukuyama, 2014), Samoa is no exception. Once such rupture emerged lately between the government and the judiciary. Government had called for a commission of inquiry which the judicial authority snubbed by withholding its members from testifying. The prime minister responded that as 'central authority', it is the cabinet that has the final say. Since then, he has continued to issue strong remarks against the judiciary, singling out the Land and Titles court, questioning the integrity of some of its personnel (Samoa Observer, Issue January 25, 2017). Presumably, the move to change the system alludes to this claim of the prevailing power of the Executive on and through all state apparatus.

By contrast, its relationship with parliament is mutual and complementary. This is very much understood in the light of its current status. With a commanding lead in the house, 47 against 3, the HRPP has dominated two of the three branches of governance, and under the leadership of Tuilaepa, it is not hard to tell which one exerts more political influence on the other.⁵⁴ Many times the editor of the Samoa Observer Newspaper wrote in reference to the influence of one person as enormous in the affairs of the state. The relationship between the three branches will be elaborated more on later.

⁵⁴Latest developments in the HRPP membership count, with three of its members leaving the party for good.

6.5 Political parties and power politics

Party politics was introduced via democracy and still young by world standards. While it can be argued that Samoa's transition from consensus to party politics has been voluntary, a number of factors stood out. First, that of the leadership and the role of the *tamaaiga*. Mentioned earlier, members of this group have been deferred to in terms of holding the highest offices of the modern state. For the prime minister's role, almost two decades of post-independence belonged to them; the first member took control of the prime ministership unopposed, until the 1970 elections, when his leadership was challenged for the first time. So'o (2008) talked about the decline of consensus politics with reference to the 1970-1972 parliament, when around this period the business of selecting Cabinet ministers became a contentious issue and factions began to be more visible than they were prior to 1970. Such factions have been drawn along the lines of collegiality, friendship, powerful kinship connections and policy convictions, which also included some political manoeuvring and influence on the part of most individuals involved. This would have been expected of a young parliament, in a juggling act to draw the two powerful forces of state law and traditional custom closer, to forge a working relationship (ibid.).

So'o traced the emergence of Samoa's political parties to the 1979 general election (2008). He remarked on the significance of having two non-*tamaaiga* titleholders to contest the office of prime minister, the implications of such shift on the future course of power relations between custom and democracy, and the overall impact on Samoa's political landscape thereafter. In the 1979 election, a contest for power revolved around two personalities, Tupuola Efi and Vaai Kolone. Tupuola, the sitting prime minister, was of *tamaaiga* by direct descent, entered parliament under the family title of Tupuola. He had clout in terms of political connections historically and culturally. His maternal grandfather was a patriot in Samoa's struggle to regain independence (O'Brien, 2017). His own father, the late Tupua Tamasese Meaole, was the first head of state with another *tamaaiga* in a corule arrangement. Vaai Kolone on the other hand, represented the common people, a self-made individual who proved his service to his own family and community. The outcome of the vote favoured Tupuola, a win by one vote, 24-23. (The winning vote was that of Vaai's own brother, who could not be won over for sake of family, by any means of persuasion (So'o, 2008, Tupua, 1987).

As So'o reported, Samoa tussled with the challenges of accommodating changes that come with the new environment. The 1979 election marked a new phase in Samoa's political development. First, the actual realization that the prime ministership can be contested freely, that the honour of leadership, which custom has reserved for *tamaaiga* only, has now been shared with the rest of the populace. Secondly, that consensus politics and family loyalty, basic elements of *faaSamoa*, can no longer be sustained; an irony that was aptly demonstrated in Va'ai's own brother's unfamiliar act. To contest freely is in the letter of the constitution; though in spirit deep reservations in favour of customary convention has been the norm; proved in the choice of the first prime minister and conjoined head of state (So'o, 2006, 2008). But change was deemed inevitable. Emerging signs of consensus politics disintegrating can be traced back to the 1970 election, when two *tamaaiga* contested the office of prime minister. The 1976 election was that between a titular *tamaaiga* and close kin, another signpost pointing in the same direction. The 1979 election was a vote between a *non-tamaaiga* and an untitled *tamaaiga*. The 1982 election saw the ushering in of a new *non-tamaaiga* holder for the first time (So'o, 2008).

A strong argument can be posed against the likely existence of the first political party, called Human Rights Protection Party (HRPP), would it have been Va'ai that came out as victor in the 1979 election. This could have been said of Tupuola also in the event of a defeat presumably. But the HRPP believed that it has a point to prove. This could only be done through group solidarity, cemented with the establishment of a new political party.

The HRPP was established in May 1979, founded on seven objectives. Its famous key slogans, what is good for Apia is also good for Savaii, is a reference to the need for equity in development and opportunities for all of Samoa. In part the appeal was clever politics no doubt. Reference to impoverished Savaii has brought out such powerful values to the fore for the first time. In essence, it is an appeal to the country to rally behind the new party. The HRPP had a six-year advantage before another political party emerged. Other new parties were to follow (So'o, 2008). Such development of parties can be viewed as an experiment in theory and practice. Some were short-lived. If anything, the effort has been to rally enough supporters to win power in the next round mainly. None had the organisational acumen and long-term vision of the HRPP.

Otherwise striving for power, whether by chance or by design, has been the most defining factor in the early years of forming parties or majority governments for that matter. The establishment of the HRPP marked a turning point in such electoral process development, from informal and loosely organised manoeuvring to formalised rituals (So'o, 2008). Once in government the HRPP passed three pieces of legislation which have contributed to the founding and consolidation of political party systems in Samoa. One of the legislations was aimed at countering the problem of 'party hopping', which has been the main threat to government stability in the eighties and nineties. Apparently, all these changes were meant to ensure that political parties become a mainstay.

The 1991 election was marked by the introduction of the suffrage vote for the first time. The HRPP won 27 of the 47 seats, the SNDP won 15, the Independents took 5. Political observers agreed that the balance of power took a turn when the HRPP government acted against internal checks and balances such as those vested in the office of the controller and chief auditor, later the independent Public Service Commission. Even then the staunch parliamentary opposition made up for the imbalance. Such effort was sustained, with the support of the independent media, until the 2006 election when the HRPP won by a landslide victory, 30 out of 49 seats; again in the 2011 elections, 36 out of 49 seats. And in the 2016 election, another, winning 35 seats out of 49. Later 12 Independents joined in, hence securing a majority of 47 out of 50 seats for government since (So'o, 2008).

No other party has done more for this aspect of political development than the HRPP. It continued to do so through legislation and in the process established new norms and rules. To this end, the formation of political parties resulted in new political behaviour and attitudes for all parties involved. As new institutions, still evolving and adapting within the confines of *faaSamoa* collectivist ideals and Western based individualistic ideology. Later, an attempt will be made to look closely into the question of how political parties have impacted on traditional power relations and Samoan values.

6.6 Political advocacy and mitigating power

Arguably the history of the development of modern political advocacy in Samoa is traced back to another development, that of political parties. The first political party, HRPP, was founded in 1979. Since then, it has been proactive in promoting itself to the

community in terms of policy and recruiting membership. Its appeal to the wider community in the early years was hinged upon a democratic principle of advocating on behalf of the ordinary people, whose rights need realization in terms of economic development and political participation. The rights of the workers in the public service to a fair pay was a noble cause to fight for, the HRPP shared part of the credit in ending the Public Service 1980's strike and helped paved the way for its ascendancy to power.

One may argue that it was the HRPP that has done more in terms of promoting democracy and creating political awareness among the people than any other interest group would have done since Independence. It introduced universal suffrage, upgraded the voting system, and encouraged the population to vote. The government has also used the power of the media effectively, including a newspaper in the people's first language to get in touch. The voters have become much more aware of their rights as citizens of a democracy at least. Such role has now been questioned given the partisan nature of Samoan politics with a one-party majority in parliament (Personal communication with P6). Meanwhile, political advocacy in terms of a balanced policy input, has become the official duty of the independent media and a few dissenting voices in parliament.

It is important to note also that in small communities as Samoa, in which cultural norms and standards are perceived as over and above any human activity, political advocacy or any activity relating to 'change' is highly nuanced from an insider's perspective. For a young adult to question the integrity of a leader or an elder is not cultural. It is not easy to talk about real contemporary issues in a culturally sensitive space. The prevailing view that matai are leaders and politics is their business would not help the cause of good quality advocacy by any means. It only thwarts any best effort from a purely democratic viewpoint. Indeed, there are NGOs in groups of similar interests and purposes, which development goals are social, emotional, and psychological, advocating mainly on behalf of disadvantaged groups that include women, children, disabled, transsexuals, victims of domestic violence and abused relationships. However, their influence is acknowledged and felt more in the courts of justice than in the corridors of power.

On the other hand, advocacy can be subtle, as Foucault alluded to in a modern state (1989); installing of institutions such as the ombudsman or empowering a team of mediators in the judicial system, using the cultural approach of *soalaupule*, are acknowledgements of local strategies, or the complex nature of advocacy that are practical and relevant, in certain democracies. The establishment of the Ministry of Women was meant to advocate for the needs of women and the female population. It has been instrumental in the push for their representation in parliament; now at least 10 percent of parliamentarians are allotted to women in any incoming assembly (Samoa Observer, Issue February 4, 2021).

6.7 Counterpower: the opposition in parliament

The idea of having political parties as part of the electoral system came about rather abruptly. Borne out of the 1980s constitutional crisis the first party emerged; the HRPP became the first noted opposition party, then the SNDP (So'o, 2008). From then on the concept of Opposition Party has become part of Samoa's political narrative.⁵⁵

The development of a viable opposition depended largely on the whim of power politics or in other words the political fortunes of one party, the HRPP. Since its tenure, political parties have come to be recognized as official players in Samoa's power distribution. Even then the formation of other parties, according to Toleafoa (2013), have been fraught with "overly restrictive measures" meted out by the HRPP government (2013, p. 73). Leaders of other parties complained that they've been hard done by.⁵⁶

Toleafoa (2013) in his assessment of the situation, related rather candidly to the motive of the HRPP, to 'accumulate to itself absolute power at the expense of parliament and other democratic institutions' (2013, p. 71).

⁵⁵It can be argued that the idea of countering or checking is very much part of Samoa's traditional discourse, in the *soalaupule* (*soa le pule*). The word *soa* means to pair up with another, to complement the other in the process of decision-making. The Samoan term 'agai' means to face towards the other, implying respect. Two people in the act of respectful and meaningful deliberation. As in the example of Lau village, the two high chiefs are countered (graced) by the Aiga representatives on the opposite side of the fono house. The orators cohort in the front faces the leading lady and leading male of the tautua groups or their representatives at the back. While the orators deliberate and form own consensus, the *tapa'au* and *aiga* are free to counter by means of own input. This can be in the form of advice or wise counsel. *Moe le toa* is a way of countering that is insightful because it defers to the importance of time in forming quality decisions. Compared with modern discourses, *soalaupule* counters with a touch of chiefly grace, dissimilar to the argumentative approach of modern parliaments; a style now adopted by many non-Western democracies.

⁵⁶ Two former leaders of opposition accused the government of hypocrisy. While preaching the message that a viable opposition is part of good governance, it seemed bent on discouraging the same by its own actions (*ibid.*).

In total, the demise of the Opposition in parliament is partly blamed on a number of things. Firstly, by the success of the HRPP itself. On the one hand, the weight of its political machinery and how it has entrenched deeply in local politics at village level. As reaffirmed in this study, the HRPP has had the foresight to mobilize the rural vote and leadership right from the start. On the other hand, it has the power to apply resistance against opposing parties, as any other governing authority could do within the parameters of power, a situation similar to what Foucault (1991) alluded to.

Secondly, by the shortcomings of the Opposition (office) itself. There never was a time when the Opposition, the HRPP aside, enjoyed the pleasure of a popular leader, though the closest to this were former leaders, Asiata Vaai, and Tupuola Efi. Asiata Dr Saleimoa Va'ai died prematurely. Tupuola Efi may have been a popular prime minister in his first administration, but his misjudgement of a critical situation in power relations in the 1981 industrial strike, no doubt had worked against his acuity as an able opposition leader (So'o, 2008, 2009). In sum, the lack of unity among the opposition parties and internal squabbles over the leadership could not stand against the 'one leader one band' strategy of the Human Rights Protection Party.

6.8 Conclusion

The purpose of any democratic government is to protect the sovereignty of a state and that is premised on the principles of accountability and transparency first and foremost (Held, 1983; Fukuyama, 2014). The Samoan people's choice to continue forward by indigenizing a foreign model and with own traditional customs to fill the gaps have proven to be testing at certain twists and turns of its journey. As proven in the discussion, Samoa's democratic machinery revolves more around the political state by the day; the Executive authority takes almost full control of power. Being assertive in the relations, the HRPP government has impacted all of the state's democratic institutions one way or another. Judged by Fukuyama's criteria of a balanced democracy, Samoa has demonstrated traits of a strong state, an average compliance under the rule of law and a weak system of democratic accountability (2014). As argued throughout the chapter, Samoa's option for a strong state has ensured the survival of its democratic institutions and a bureaucracy at least. However an average compliance under the rule of law is blamed on the ambiguous relations between the two forces – traditional culture and democracy. Thirdly, the weak system of democratic accountability is the consequence of opting for strong government. This is due to the assertion of the political will on behalf of the state. In sum, Samoa's democracy is sustained at the price of checks and balances (Iati, 2017; Soo, 2016, Toleafoa, 2013).

The demand by the HRPP government for the perpetuity of strong government has been the party's top priority. Democratic instruments such as political parties, the electoral system, the majority rule, have been utilized effectively toward this goal; so as the manoeuvring of cultural institutions politically via its multiple power relations and *tapu* (control mechanisms). Judged on the basis of such manoeuvring, the HRPP government has made its intentions clear, the retention of as much power in the Executive branch as possible (Toleafoa, 2013). This has been facilitated by the predominant influence of a culture and a successful normalization programme. Thus from a democratic viewpoint, the future direction of Samoa's democracy is hung in the balance; even though a change in political fortunes in favour of the 'opposition' in the upcoming elections may help change this power anomaly. Other than that, another term in power will help secure the HRPP's vision of how they want Samoa's democracy to be.

In the following chapter, the reader will be introduced to the political party in government. It is a story about power strategizing and the evolution of a political party to take centre stage in Samoan politics.