

# Constitutional crisis grips Samoa

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The parliament in the Pacific island state of Samoa was shut down on Monday as the country plunged into a constitutional crisis following a disputed April 9 election. The former speaker of the house ordered the legislature closed, prompting the Faatuatua i le Atua Samoa ua Tasi—Faith in the One True God Party (FAST)—which won a narrow electoral majority, to declare the action tantamount to a coup.

FAST set up camp in front of the parliament amid a heavy police presence. After the chief justice visited parliament, accompanied by the police commissioner, and unsuccessfully tried to open the locked door, prime minister elect Fiame Naomi Mata’afa told the crowd, “What we have just seen is the judiciary witnessing their ruling has not been upheld.”

FAST held an outdoor ceremony to swear in its own members, with Fiame as prime minister. The opposing Human Rights Protection Party (HRPP) was not there, nor was the judiciary, the speaker, or the head of state. The HRPP’s caretaker Prime Minister Tuilaepa Sailele Malielegaoi accused FAST of “treason.”

The parliamentary sitting, which had been ordered by the Supreme Court, was meant to convene to swear in MPs and form a new government. Under the constitution, parliament must sit within 45 days of an election and May 24 was the last day for this to be possible.

Tuilaepa, who has held office unchallenged for 23 years, is refusing to stand aside. He told the *Samoa Observer* on May 12 he was “appointed by God” and the judiciary had no authority over him. On Monday, he declared parliament house was owned by the government and “since there is no new government, all public servants listen to that government,” a message aimed at the police and other officials.

The election was a historic defeat for the ruling HRPP. Despite having only been formed last June, and running 50 candidates against HRPP’s 100, FAST held

the HRPP to a dead heat in the poll. Each party won 25 seats in the 51-seat parliament, with one seat going to the sole independent Tuala Iosefo Ponifasio.

The government-appointed head of state, Afioga Tuimalealiifano Vaaletoa Sualauvi II, declared the creation of an extra seat on the pretext of meeting a requirement that women make up at least 10 percent of MPs. This put the HRPP ahead until the independent MP announced he would support FAST, leaving the two parties tied on 26 seats each.

Tuimalealiifano announced a new election to break the deadlock. Following a legal appeal by FAST, the Supreme Court overruled this and annulled the extra seat, handing FAST a 26–25 seat majority, and ordered parliament to resume.

Initially, Tuimalealiifano declared that parliament should convene as required by law. However, just before midnight on Saturday he abruptly announced parliament would not resume “until such a time as to be announced and for reasons that I will make known in due course.”

The Supreme Court, in an emergency hearing Sunday, ordered Monday’s parliamentary session to go ahead. Tuilaepa, in turn, accused the Supreme Court of “dirtying the name the Office of the Head of State.” At 8 p.m. on Sunday night, the HRPP’s house speaker said he took his orders from the head of state, not the Supreme Court, and postponed the session.

The impasse has continued this week with Tuilaepa refusing to stand aside and reiterating his call for a second election. In a press conference Wednesday Fiame denounced “the lawbreaking caretaker [Tuilaepa] and his weak and complicit officials” for assaulting the constitution. FAST has lodged another legal challenge in the Supreme Court. The HRPP-appointed attorney-general demanded the present justices who would preside over election challenges be disqualified.

The broad population has not intervened in the crisis. It is a dispute between two competing factions of the ruling elite, driven initially by the escalating social and health crisis intensified by the COVID-19 pandemic. The *Samoa Observer*, the country's major newspaper, backed the FAST Party, declaring, "The actions of Tuilaepa Dr. Sailele Malielegaoi and those who aided and abetted him brought dishonour upon this nation."

The vast majority of the 250,000 population has no say in the undemocratic political structure. Matais, the country's clan chiefs, wield immense power over family welfare, land, property, religion and politics. Until 1990, only matais could vote and stand as electoral candidates. Candidates for the Legislative Assembly must still hold a matai title.

FAST was set up last year as a breakaway from the ruling HRPP, led by Fiame, who was the deputy prime minister. It undoubtedly benefited from opposition to growing inequality, poverty and authoritarian measures by the ruling hierarchy. The HRPP remains deeply unpopular over its disastrous handling of the 2019 measles epidemic when 83 people, mainly children, died. The government suffered further controversy over legislation changing the way land disputes are resolved. Meanwhile, while border closures have kept COVID-19 cases low, the tourism industry is in a state of collapse.

Neither party contested the election with a program that would address the deepening social, economic and health emergency. FAST's manifesto contained vague references to "equitable development" and "a sustainable economy to benefit all people," while promising more support for businesses. FAST declared its aim was to "ensure our people live in social harmony," through the promotion of "culture and Christian practices."

The issue of China's position in the region, amid US-led preparations for war against Beijing, is central to the unfolding crisis. Samoa's relationship with China dates back to 1976, when it began diplomatic relations at a time many Pacific islands still recognised Taiwan. Throughout his terms in office, Tuilaepa has been regarded as a close ally of Beijing,

FAST has signalled it wants to shift Samoa's foreign policy into line with Washington and its regional allies. Independent MP Tuala decided to support FAST because of his "concern" about Chinese influence in

Samoa.

Fiame has pledged to shelve a \$US100 million Chinese-backed port development, telling Radio New Zealand the project was "excessive" for the small island. Fiame said she wants to maintain "good relations" with Beijing but claimed the level of government indebtedness to China was "a pressing issue for voters." China is the single largest creditor of Samoa, accounting for about 40 percent, or \$US160 million, of external debts.

The crisis underlines the growing instability across the Pacific under the combined impacts of the coronavirus pandemic, popular resistance and the global threat of war. Amid an escalating health disaster from rampant COVID-19 infections, Papua New Guinea's prime minister, James Marape, recently adjourned the parliament for four months in order to avoid a vote of no confidence and his likely removal from office.

The local imperialist powers, Australia and New Zealand, have responded to the Samoa situation with hypocritical expressions of concern that "democracy" should prevail. Australia's Foreign Minister Marise Payne said on Twitter that "it is important that all parties respect the rule of law and democratic processes." New Zealand Prime Minister Jacinda Ardern called on "all parties and political leaders" to uphold the election outcome and the decisions of institutions including the judiciary.

Canberra and Wellington, however, have no interest in democracy in the impoverished former colonies of the southwest Pacific, which they regard as their own "backyard." Their overriding calculations are to protect their own geo-political interests amid the rapidly sharpening tensions across the region.



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