

# Samoa's Supreme Court ends bitter parliamentary standoff

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Samoa's Supreme Court on September 16 ruled in favour of an appeal by the opposition Human Rights Protection Party (HRPP) and ordered the Speaker of the House to swear in the party's members.

The ruling was an attempt to resolve a prolonged political and constitutional crisis in the tiny Pacific island state that followed the April 9 election. The HRPP had been defeated by the newly formed Faatuatua i le Atua Samoa ua Tasi—Faith in the One True God Party (FAST) but had refused to accept the result.

A protracted series of court cases eventually resulted in FAST's Fiame Naomi Mata'afa being installed as prime minister. However, when the parliament first met on September 14, the Speaker refused to allow the HRPP members to be sworn in, claiming the party still refused to accept the election result.

Outside, members-elect of the HRPP, as well as party supporters, staged a march near parliament. Police had erected a barricade to prevent people from approaching the building and were under orders to remove protesters by force if necessary. Former prime minister Tuilaepa Sailele Malielegaoi called the ban a "sad day for Samoa" and accused FAST of dictatorial behaviour.

The courts were also closed on police advice, due to threats made on social media. The courts had suspended operations in July following HRPP protests and its criticism of court decisions validating the FAST government. Tuilaepa is still facing contempt charges after initially refusing to quit office and claiming that the actions of the judiciary had shattered the constitution and imposed the "law of the jungle."

Two days later, in the September 16 ruling, Chief Justice Satiu Simativa Perese declared that the Speaker had to administer the oath of allegiance to the HRPP's 18 parliamentarians in order to fulfil the requirements of Article 61 of the Constitution.

The following day as the HRPP members were sworn

in, Fiame Naomi Mata'afa and her predecessor, Tuilaepa Sailele Malielegaoi, embraced to cheers in parliament. Radio NZ reported that there was considerable relief inside the chamber "to see the leaders of the country finally meeting halfway, smiling and hugging."

With the opposition taking a "reconciliatory" stance, the parliament last Thursday passed a budget totalling 983 million t?i? (\$US381.4 million), including a deficit of \$US41 million.

April's election was a historic defeat for the ruling HRPP. Despite having only been formed in June last year, 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, who subsequently declared his support for FAST.

Tuilaepa, who held office unchallenged for 23 years, flatly refused to stand aside. He told the *Samoa Observer* on May 12 he was "appointed by God" and the judiciary had no authority over him. FAST held a ceremony on May 23 to swear in its own members, with Mata'afa as prime minister. Tuilaepa denounced the swearing in as "treason and the highest form of illegal conduct."

The courts finally confirmed the FAST party's victory and a number of HRPP politicians were found guilty of bribery and cheating. Tuileapa only formally conceded after the remaining election petitions were decided in favour of FAST, confirming it had won 26 seats with the HRPP reduced to 18 seats. Seven by-elections are now required.

FAST's victory was a major shift in Samoan politics which was ruled as a virtual one-party state since formal independence in 1962. The result reflects growing political instability and social crises across the Pacific under the combined impact of the coronavirus pandemic, popular opposition and the rising geo-political tensions.

FAST was established last year as a breakaway from the

HRPP, led by Mata'afa, who was then the deputy prime minister. It undoubtedly benefited from opposition to growing inequality, poverty and the government's authoritarian measures. The HRPP was 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. Moreover, while border closures have kept COVID-19 cases low, the tourism industry collapsed.

The subsequent crisis, however, involved a dispute between two competing factions of the ruling elite. The vast majority of the 250,000 population has no say in the undemocratic political structure. Matais, the country's clan chiefs who wield immense power over family welfare, land, property, religion and politics, are the only people allowed to occupy seats in the Legislative Assembly.

Neither party contested the election with a program to 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 "relief" expressed in parliament as the FAST and HRPP leaders embraced reflected fears in the ruling elite that the protracted political crisis could open the door for the eruption of popular opposition by working people.

The intense geo-political rivalry in the region as the US ramps up its confrontation and war preparations against China was a central factor in the election outcome. Tuilaepa was regarded as a long-time ally of Beijing. Mata'afa's first act in office was to abandon a Chinese-backed port development, signalling a realignment towards Washington. She said the \$US100 million project would have significantly added to the country's exposure to China, which accounts for 40 percent of external debt.

The regional imperialist powers, Australia and New Zealand, promptly recognised the new government. In August NZ Foreign Minister Nanaia Mahuta said recognition of Samoa's new government was "swift and unequivocal," and that New Zealand had faith in the country's judicial and law enforcement systems.

Tuila'epa hit back, attacking Mahuta and NZ's Labour government for interfering in Samoa's political affairs. He accused Prime Minister Ardern of being "blinded by an obsession to ensure a female prime minister" to lead

the Pacific nation. He further claimed there had been an "unprecedented and immediate grant of aid funding" of \$NZ14 million from Wellington, as soon as the courts had confirmed the appointment of the FAST government.

Whatever the truth in these accusations, Australia and New Zealand doubtless had an agenda to establish a government in Samoa more in line with their interests and those of Washington. Underscoring the considerable influence wielded by New Zealand, the Samoan Judicial Commission last month appointed five NZ High Court judges to provide "external oversight" for upcoming contempt cases, including the one against Tuila'epa.

Mata'afa is regarded as a "safe" pair of hands. She is a member of the Samoan elite, a matai and the daughter of Mata'afa Faumuina Mulinu'u II, the country's first prime minister at independence. Elected to the Assembly as a member of the HRPP in 1985, Mata'afa was the first woman to hold the offices of cabinet minister and deputy prime minister. Educated in New Zealand, she has extensive international contacts.

Canberra and Wellington have no concern for the formalities of 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 and the rapid build up to a US-led war with China.



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