

POLITICAL REPRESENTATION AND WOMEN'S EMPOWERMENT IN SAMOA

Volume 1: Findings and Recommendations

July, 2015

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Faafetai mo galuega lelei uma.



Leasiolagi Professor Malama Meleisea
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EXECUTIVE SUMMARY

This report provides the findings, analysis and policy significance of research aimed to better understand the barriers to women's political participation in Samoa. The paradoxical situation is that Samoan women have achieved approximate equality to men in most modern spheres of government and the economy, yet have never, since Samoa's independence in 1962, succeeded in winning more than five seats in the 49 seat parliament. In most parliaments, women have held only one or two seats, usually for a single term. In 2015 Samoa was among the countries ranked lowest in the world for women's representation in parliament, at 128 out of 140 countries.

The research was conducted with assistance from, and in collaboration with, the Ministry of Education, Sports and Culture (MESCS) and the Ministry of Women, Community and Social Development (MWCSO) over the period April 2013 to July 2015. It consisted of (i) a nationwide survey of women's participation in political and economic village-based organizations, covering all villages and sub-villages in Samoa; (ii) a qualitative study of village organisation in a sample of 30 villages with and without formal obstacles to women's participation in village government, and (iii) interviews of women candidates who have stood for past elections.

Villages are the backbone of the electoral system in Samoa and comprise the majority of the voting population in all but two of Samoa's 41 parliamentary constituencies. Any person holding a registered *matai* title may stand for parliament. *Matai* are persons chosen by the senior male and female members of extended family or lineage (*'aiga*) to hold a family title, with the endorsement of the village with which the title is historically associated. To legally register a title, a representative of the village must sign the title registration form. Until 1991 only *matai* could vote in elections. Following a referendum in that year, the franchise was extended to all persons over 21 years of age.

The research found that the system of traditional village government in Samoa presents significant barriers that limit women's access to and participation in decision-making forums in local government councils, church leadership, school management and community-based organisations. Without significant participation in leadership decision-making at the village level, it is difficult for women to become – or to be seen as – national leaders.

Obstacles to women standing for or being elected to parliament include many cultural factors. Traditional villages have long been organised around separate statuses and roles of men and women in which executive authority is vested in men. The trend of social and economic change has tended to undermine the traditionally high status of women as 'daughters' of the village, and the important roles of village women's committees in the 20th century.

Samoa culture, ever flexible, resilient and accommodating, has responded to a number of social and religious changes over the past 200 years. New ways have been found to honour women in new circumstances. Since the 1960s, increasing numbers of Samoan women have become *matai*, often in recognition of their educational and career achievements; however of all village-based *matai*, only about 5% are women.

The process of cultural accommodation is still unfolding. Although most villages do recognise women *matai*, 21 villages do not, on the grounds of tradition. This means that even if a woman is given a

title by her lineage, she cannot legally hold it if it is not recognised by the village. This is a very obvious impediment to women wishing to stand for parliamentary elections because village councils are highly influential in elections, especially villages with large populations of eligible voters. When village councils back a candidate, that candidate has a strong chance of winning the seat.

The most common obstacle to women's voice in local government is that among the very few female *matai* living in villages, even fewer sit in the village councils. This form of exclusion is very difficult to quantify because it may not be formally articulated, but is more of an unspoken norm. A common justification is that when men jest together women cannot be present because of the customary concept of '*o le va tapuia* (sacred space), an aspect of the covenant of respect between sisters and brothers. Leaving aside the question of whether such jesting is appropriate or dignified in village council meetings, it is evident that many believe that women *matai* would not feel comfortable participating in meetings in most villages. Their absence reinforces public perceptions – even religious beliefs – that decision-making is a male prerogative, not only in the village councils, but also in village school committees, and by extension, in national parliament.

Article 15 of the *Constitution of Samoa* forbids discrimination on the grounds of sex, but Article 100 provides that a *matai* title shall be held in accordance with Samoan custom and uses and with the 'law according to Samoan custom and usage'. This law is not defined in the constitution or any legal act. However, a Bill to amend the *Village Fono Act of 1990* may give village councils legal authority to protect Samoan customs and traditions, and to safeguard village traditions, norms and protocols, and may empower them to define village customs and traditions. Such authority is already invoked by some villages as grounds for refusing recognition to women *matai*.

While the research team acknowledges that much of Samoa's social stability rests on the continued effectiveness of village councils and churches in village government, the exclusion or marginalisation of women's voices in the governing of Samoa's villages, as well as at the national level, is likely to be counterproductive in relation to some of Samoa's development issues. These issues have been well documented in government reports and include high rates of teenage pregnancy and prevalence of sexually transmitted infections, poor management of village and district schools, prevalence of family violence and gender-based violence, lack of attention to the needs of girls in village youth organisations, inadequate vaccination coverage in infants and children, problematic use of alcohol and drugs, pockets of rural poverty and disadvantage, and prevalence of preventable non-communicable diseases. Women as well as men need to take leadership in addressing these issues and women need and deserve more voice in setting local priorities.

RECOMMENDATIONS

1. The Village Fono Act

The current proposed provision to amend the *Village Fono Act 1990* will extend the powers of the village council to define village council policy (*faiga fa'avae*) and establish procedures to be followed in making village council decisions (*i'ugafono*). The proposed provisions of the bill will give legal recognition to the authority of the village council to protect Samoan customs and traditions, and to safeguard village traditions, norms and protocols. On the basis of the research findings we recommend that the Government of Samoa give further consideration to gender equity in the

proposed amendments to the *Village Fono Act 1990*, and hold further consultations to include the following:

- In keeping with constitutional provisions (Article 15) for the equality of citizens, and the rights of Samoan families to bestow their *matai* titles (Article 100), the *Village Fono Act 1990* should be amended to include provisions that disallow village councils to discriminate on the basis of sex with regard to the recognition of *matai* titles or the right of a *matai* to participate in the village council.
- The amendment of the *Village Fono Act 1990* should include provisions requiring village councils to formally consult with the *Nu'u o Tama'ita'i* and the *Faletua ma Tausi* on the formulation and provisions of village council policy (*faiga fa'avae*) and on the establishment of procedures to be followed in making village council decisions (*i'ugafono*).
- The amendment of the *Village Fono Act 1990* should include provisions that village council policy (*faiga fa'avae*) and procedures be followed in making village council decisions (*i'ugafono*), and include the provision that the president of the village women's committee and/or the village women's representative (*Sui o Tama'ita'i o Nu'u*) may directly represent issues and concerns of the village women's committee to the village council at its meetings, rather than indirectly through the village representative (*Sui o Nu'u*).

2. The Samoa Council of Churches

The survey found that justifications for the exclusion of women from decision-making roles in villages were more frequently based on religious grounds than on customary grounds. Furthermore, about half of those consulted in the survey considered that the churches are of equal importance to the village councils in local leadership.

The church is an important arena for demonstrating leadership ability and generosity, and leadership in a church community is important, even essential, for those aspiring to stand for parliamentary election. Most village-based churches are Congregational, Catholic or Methodist. The LDS (Mormon) church has both village- and district-based parishes.

In most other countries the Methodist and Congregational churches have ordained women for many years past, but in Samoa, where these churches are self-governing, the trend has been resisted. The Catholic Church and the Mormon Church are governed in accordance with the centralised organisational rules of their faiths and are not fully self-governing. The Catholic Church does not ordain women as priests. In most parishes in Samoa, leadership and religious education is provided by catechist ministers (*fesoasoani*) and although there is no doctrinal bar to women holding these positions, in Samoa they are all held by men. The LDS Church allocates separate roles and statuses to male and female leaders in the church.

On the basis of the research findings, we recommend that the Churches of Samoa, through the Samoa Council of Churches, and within the respective established processes and procedures of each Church, consider ways and means to:

- Formally remove leadership barriers in the Church based on sex.
- Give women more voice in the government and leadership of the Church at village level.
- Increase Church leadership towards ending family violence.

POLITICAL REPRESENTATION AND WOMEN'S EMPOWERMENT IN SAMOA

1. INTRODUCTION

Background

This report presents the findings of a research project on political representation and women's economic empowerment in Samoa that was supported by the Australian Development Research Awards Scheme (ADRAS) and initiated and implemented by the National University of Samoa through its Centre for Samoan Studies.

The research aimed to better understand the paradoxical situation in Samoa in which women have achieved approximate equality to men in most modern spheres of government and the economy, yet have never, since Samoa's independence, succeeded in winning more than five seats in the 49 seat parliament, and in most parliaments have held only one or two seats.

The 2011 Census indicates that women in Samoa are as well educated, if not better educated overall, than men; 47% of women have secondary education compared to 44.1% of men, and 11.5% of women have tertiary qualifications compared to 10.5% of men. Compared to men, a much smaller proportion of women of working age are counted as economically active (27%) or engaged in remunerated employment (22%) according census definitions (Samoa Bureau of Statistics [SBS] 2012), but this inequity reflects not only the number of women who stay at home with a family but also the very low female share of unskilled labour, and it disguises women's 23% share of skilled and professional employment compared to the 10% share of men (MWCSD, 2015).

Despite these impressive achievements, very few Samoan women have been elected to parliament since independence in 1962. The low political representation of women has diminished Samoa's standing in international comparisons of women's status and has hindered Samoa's progress in implementing its commitment to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to Goal 3 of the Millennium Development Goals (MDGs): Promote Gender Equality and Empower Women.

Samoa is among the countries that are ranked the lowest in the world for women's representation in parliament, at 128 out of 140 countries in 2015 (Inter-Parliamentary Union, 2015). In the 53 years since Independence in 1962, a total of 17 women have been elected to parliament, of whom three had their victories overturned by electoral petitions so that only 14 women have actually taken their seat in parliament, most for a single term.

Samoa ratified CEDAW in 1985 and has submitted five reports. In its most recent comments on the most recent response, the CEDAW Committee noted the absence of recent data disaggregated by sex, and observed:

" ... harmful norms, practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, in addition to the State party's limited efforts to tackle such discriminatory practices. These include, in particular, women's limited access to family chiefly titles (*matai*), discrimination against women married to untitled men and the practice of banishing families from the village by village councils. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls and that they are reflected in women's disadvantaged and unequal status in many areas, including education, public life and decision-making, and in the persistence of violence against women, and that, to date, the State party has not taken sustained measures to modify or eliminate stereotypes and negative traditional values and practices." (Committee on the Elimination of Discrimination against Women, 2012).

The research

In designing this research, our hypothesis was that the system of traditional village government in Samoa presents significant barriers that limit women's access to and participation in decision-making forums in local government councils, church leadership, school management and community-based organisations. Without significant participation in leadership decision-making at the village level, it is difficult for women to become – or to be seen as – national leaders. The focus of the research was therefore on local government in villages.

The objective of the research was to identify the extent of women's participation in local village government and village-based organisations, to build a better understanding of the current barriers which lead to women's low representation in the national parliament. The research aimed to collect empirical evidence that will assist the national government to develop policies that take account of these aspects of local village government, to improve progress towards the Millennium Development Goals and achieve its commitments to CEDAW.

The research was conducted with assistance from, and in collaboration with, the Ministry of Education, Sports and Culture (MESC) and the Ministry of Women, Community and Social Development (MWCSD). The duration of the project was two years over the period April 2013 to July 2015, and consisted of (i) a survey of women's participation in political and economic village-based organizations, in all villages and sub-villages in Samoa; (ii) a qualitative study of village organisation in a sample of 30 villages with and without formal obstacles to women's participation in village government, and (iii) interviews of women candidates who stood for past elections.

The survey instruments used in this research along with details of methodology and a summary of data collected is described in Volume II of this report. The findings of separate, parallel research that was conducted by the Ministry of Women Community and Social Development (The Women Matai and Leadership Survey, 2014) largely confirm the findings of this research project. The difference in the methodologies and approaches and the slight variation in statistical findings are explained in Volume II.

2. NATIONAL GOVERNMENT

The electoral system

Samoa gained political independence in 1962 as a modern state with a Westminster-style democratic constitution in which the prime minister is elected by the parliament and appoints the cabinet. Until the late 1970s, leadership was mainly based on traditional rank and village consensus, but the emergence of political factions that cut across traditional political boundaries eventually led to the formation of political parties. The first political parties were established in 1982. The Human Rights Protection Party (HRPP) won office in 1988 and has been in power since then. Political authority and decision-making is tightly centralised upon the cabinet, which makes all senior appointments in the government bureaucracy.

The backbone of the electoral system in Samoa is the village. The nation has 192 ‘traditional’ villages¹ whose people comprise the majority of the voting population in all but two of Samoa’s 41 parliamentary constituencies.

Any person holding a registered *matai* title may stand for parliament. *Matai* are persons upon whom a title has been ritually bestowed by the senior male and female members of the extended family or lineage (*aiga*) to whom the title belongs, usually with the endorsement of the village with which the title is historically associated. A *matai* serves as head of that family. If resident in a village, a *matai* usually represents that family in the local village council, and often in church committees as well.

When Samoa became independent in 1962 the electoral system was designed as far as possible to accommodate the country’s traditional political districts so that territorial constituencies would be aligned with them (see Map 1). Until 1991 only registered *matai* could vote in or be candidates for elections. Following a referendum in that year, the franchise was extended to all persons over 21 years of age but there was no change to the provision that only *matai* are eligible to stand as candidates for election to parliament.

Of the 41 parliamentary constituencies, 35 constitute single-member constituencies using the first-past-the-post voting system; six are multi-member constituencies (two seats) that employ a block vote system. Amendments to the Electoral Act to divide some two-seat constituencies into one-seat constituencies are currently being considered by parliament. The remaining multi-member constituency has two seats reserved for ‘individual’ voters. Amendments to the *Electoral Act* will replace the individual voters roll with two urban constituencies.² The individual voters roll was established at independence to provide for part-Samoan citizens or naturalised citizens who did not have a family *matai* or a village connection. Nowadays part-Samoans are as likely to have *matai* titles as people who regard themselves as full-blooded Samoans, so the distinction is no longer relevant.

The electoral rolls are linked to villages. When a citizen registers as a voter he or she must specify the village they belong to and the parliamentary constituency in which that village is located. Each

¹ We define a ‘traditional’ village as having one set of honorifics (*fa’alupega*) pertaining to the whole village, including its sub-villages (*pitonu’u*).

² Electoral Amendment Bill, (2014) Samoa Electoral Commission.

parliamentary constituency comprises several villages. Untitled citizens (i.e. non-*matai*) over the age of 21 may choose which territorial constituency they will register in, depending on their family and village connections. Citizens holding a registered *matai* title are expected to register to vote in the electoral district associated with the village to which their title belongs. This is the case even if they are not recognised by the village because they have not provided service (*monotaga*), or, in some cases, because they are female.

In the case of a *matai* registering to stand for parliamentary election, the registration form must include signed validation from the representative of the village council (*Sui o Nu'u*) stating that the intending candidate has rendered service to and is recognised by the village.³

³ A *matai* with several titles from different villages may choose the parliamentary constituency associated with the village for which he or she intends to stand.

In the early years of Samoa's independence, the villages in each parliamentary constituency would agree on a candidate, so many seats were not contested. Candidates from the village with the largest population would usually gain the majority of votes in an election. In those early years, to give smaller villages a share the village councils of a parliamentary constituency would take turns to provide a candidate. This system of consensus is no longer viable, but many, if not most, village councils still nominate the candidate of their choice and most members of parliament (MPs) are from the bigger villages in the parliamentary constituency. Aspiring candidates may improve their electoral opportunity by obtaining a *matai* title from a large village in a parliamentary constituency where they wish to stand for parliament. The choice of the village council is not binding on voters, who may vote as they wish, but when a village council backs a candidate this strongly influences electoral outcomes.

Campaigning for election can be very expensive. Until recently, candidates usually provided a large customary presentation (*o'o*) of food and money to the council of their village, or to all the village councils in the parliamentary constituency. This has now been made illegal; the presentations may now only be made after the election. Vote-buying is illegal but the practice is sometimes confused by customary expectations that a person aspiring to leadership will reward his or her supporters. Gifts from candidates are still anticipated by voters in most parliamentary constituencies. Following elections there are usually a number of petitions alleging 'bribing and treating' against successful candidates by their unsuccessful rivals. If such allegations are proved in court, a by-election is called and a person found to have breached the electoral law is not allowed to be a candidate.

Measures to increase the number of women in parliament

Samoa is a party to CEDAW without reservations. When the government presented its latest report to the CEDAW Committee in August 2012, the Committee pointed out that electoral laws in Samoa restricted woman from participating in elections, which is contrary to the Convention. The restriction they referred to is that only *matai* are eligible to contest parliamentary elections, but very few *matai* are women. The Government of Samoa informed the Committee that customary norms are the main impediment to women's participation in political and public life. The government noted that Article 100 of the Constitution of Samoa provides that: *A Matai title shall be held in accordance with Samoan custom and uses and with the law relating to Samoan custom and usage.* Thus, the State does not intervene in matters of custom and usage unless these contravene other constitutional provisions.

Samoa has also made a commitment to the MDGs; Goal 3 is to 'to promote gender equality and women's empowerment' for which one of the indicators is the number of parliamentary seats held by women.

In 2013 the government passed legislation to allow special measures to increase the number of women in parliament. The change will allow for a minimum number of parliamentary seats to be filled by women. The arrangement is that if fewer than five women are elected to parliament, up to five additional seats will be established to be filled by those initially unsuccessful women candidates who nonetheless scored the highest number of votes. This legislation is likely to increase women's participation from the current proportion of 6.1% to 10.0% following the next elections in 2016, but it will not address what this research found to be the core issue: the barriers to women's equal participation in local government. Our findings, discussed in more detail below, show that women

have very little voice in the governance of villages, which are the foundation stones of the national political system.

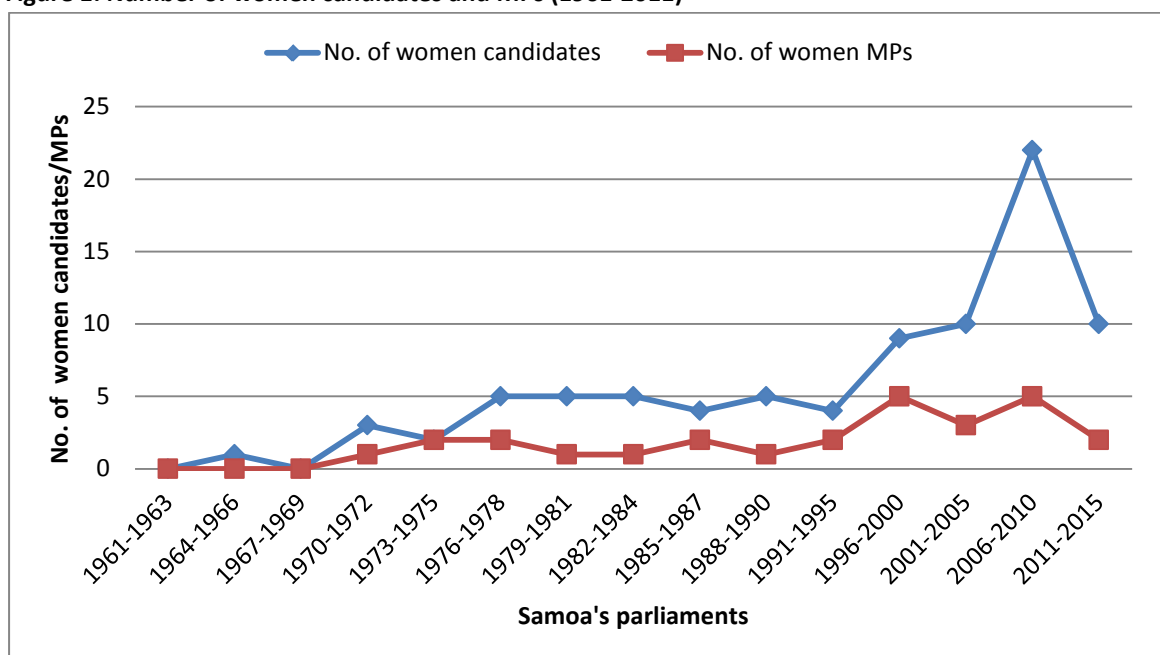
Most forms of affirmative action to increase the number of women in parliaments have been through some form of gender parity law (as in France, Timor-Leste, Senegal and Rwanda, for example). Parity laws usually depend on a political party system in which candidates are preselected to contest an election. Such a law is not an option for Samoa, as the political parties do not pre-select candidates prior to elections, although they may give exclusive endorsement to a sitting candidate. Political parties in Samoa also do not normally provide much in the way of funding for individual candidates. However, candidates are expected to declare their party affiliation before an election, or affirm that they are standing as independents. It is common for candidates who have declared themselves supporters of the same party to compete for votes in a parliamentary constituency. Once elected with a commitment to a particular party, a member of parliament may not switch allegiance to another party without endorsement from his or her parliamentary constituency, which means a by-election would be required.

Advocacy initiatives

For many years, efforts to support increased political participation among women have focused on women themselves and there have been many workshops and seminars sponsored by Samoa's development partners to educate women on the opportunities and responsibilities of political life and to encourage them to stand for elections.

In the lead-up to the 2006 elections, for example, the Inailau Women's Leadership Network, led by the Samoa National Council of Women, encouraged unprecedented numbers of women to contest the elections. However these efforts failed to translate to a significant increase, with only five out of the 22 women candidates being elected (see Figure 1), which was no more than in 1996 when five were also elected. In the 2010 election the number of women candidates dropped to the level of the 2001 election.

Figure 1: Number of women candidates and MPs (1961-2011)



Women and parliamentary elections

Three women *matai*: Hon. Fiame Naomi Mataafa, Hon. Gatoloaifa’ana Amataga Alesana Gidlow and Hon. Faimalotoa Kika Stowers Ah Kau currently hold seats in parliament. Fiame and Galotoaifa’ana have won successive elections. Fiame is a cabinet minister and Gatoloaifa’ana is an associate minister (who held a full ministerial post in the previous parliament). Faimalotoa won a by-election in 2014 after the incumbent passed away, and is serving her first term.

As part of our research we conducted in-depth interviews with seven of the 14 women *matai* who have held seats in parliament since 1962, and 13 women *matai* who stood for elections but did not win the seats.

Membership of the council of the village to which the title belongs at the time of the election appears to have been important for election success. Of the 13 women who stood for parliament but did not win seats, 11 were members of village councils and two were not members. Of the seven who won seats, four were members, two were not and one did not provide that information. The two women who have been re-elected to parliament in successive elections were members.

Membership of one of the mainstream churches (Congregational, Catholic or Methodist) in the parliamentary constituency was also an important factor; almost all of the elected women are members or deacons of a church in the parliamentary constituency (see Table 1).

Table 1: Recent women MPs and candidates for elections, by selected characteristics

Women who have held seats in parliament	Village of <i>matai</i> title	Marital status	Lived in village at time of election	Member of village council	Member/deacon of a church in the parliamentary constituency
Fagafagamanualii Theresa McCarthy	Satapuala	Married	Yes	Unknown	Unknown
Maiava Visekota Peteru	Faleasiu	Married	No	No	Yes
Fiame Naomi Mataafa	Lotofaga	Single	Yes	Yes	Yes
Gatoloaifaana Amataga Alesana Gidlow	Lalomalava	Married to non-Samoan	Yes	Yes	Yes
Safuneituuga Paaga Neri	Fatuvalu (Safune)	Married	Yes	Yes	Yes
Faimalotoa Kika Stowers Ah Kau	Safotu	Married	No	No	Yes
Letoa Rita Pau Chang	Motootua	Married	No	Yes	Yes
Women who stood for election to parliament	Village of <i>matai</i> title	Marital status	Lived in Village at time of election	Member of village council	Member/deacon of a church in the parliamentary constituency
Alaiasa Elena	Falefa	Widow	Yes	Yes	Yes
Alaifea Laititi Belford	Salesatele (Falealili)	Married	Yes	Yes	Yes
Laulu Ianeta Chang Tung	Faala (Palauli)	Married	No	Yes	Yes

Sua Julia Wallwork	Gagaifolevao (Lefaga)	Married	No	Yes	No
Taulapapa Elaine Meleane	Manono	Married	No	No	Yes
Tupuanai Imoasina Peseta Soonalo	Vailele	Married	Yes	No	Yes
Fepuleai Naifoua Salu Asiata	Puleia	Married	Yes	Yes	Yes
Falaila Vaiula Sialaoa	Matavai (Falealili)	Widow	No	Yes	Yes
Mamea Minnie Matalavea	Safune	Married	No	Yes	Yes
Galumalemana Netina	Fogapoa	Widowed	No	Yes	Yes
Leilua Faimailei	Satuiatua	Married	Yes	Yes	Yes
Manu Taialofa Naseri	Fasitoo	Single	Yes	Yes	No
Vaasiliifiti Moelagi Jackson	Lalomalava	Widow	Yes	Yes	Yes

Education is an important factor affecting whether women stand for election. Most of the women *matai* (both those who won seats and those that did not) had attained post-secondary levels of education and had a background in government or business. The majority held *ali'i* rather than *tulafale* titles.⁵ All were of a 'mature' age (over 40).

The three currently-serving women MPs had, in effect, originally 'inherited' their electoral base from close family members who held the seats before them. Hon. Fiame Naomi Mata'afa has held her seat for many years. She was the first woman Cabinet Minister and has held ministerial posts in successive governments since 1985. The seat she holds was held by her late mother before her, and before that by her late father, Mata'afa Fiame Faumuina Mulinu'u II, who was Samoa's first prime minister. Hon. Gatolaifa'ana Amataga Alesana-Gidlow has held her seat for nearly 10 years; it was previously held by her late father who was Prime Minister of Samoa from 1982 to 1997. Hon. Faimalotoa Kika Stowers Ah Kau holds a seat that was previously held by her late uncle.

It can be considered that the sex of these three MPs was of minor relevance to their electoral success, since they were evidently chosen on the basis of electoral recognition of their important connections, personal and family standing, and record of service. Indeed most of the women interviewed emphasised how important family connections are in obtaining electoral support, and the three women MPs all made the point that although it is necessary to have sufficient funds for a solid campaign, what matters in the longer term is a record of service to the village and the electoral district in terms of contributions to its development and religious activities.

Historically, women who were unmarried, widowed or married to part-Samoans or non-Samoans had an advantage in winning seats. Samoa's first female member of Parliament, the late Taulapapa Le'aupepe Faima'ala, who served two terms, representing a different constituency each time (1970-1972, 1973-1975), was married to a part-European businessman (who was also an MP), as was the late Sina Annandale, elected from the Individual Voters roll in 1976. The late Matatumua Maimoaga, a New Zealand trained nurse, was elected to parliament in 1982 and again in 1991, and was married to a non-Samoan, as is Gatolaifa'ana Amataga Alesana-Gidlow. The late I'iga Suafole, a New Zealand educated teacher elected in 1976, was single. Fiame Naomi Mata'afa, referred to previously, is also single. The late La'ulu Fetauimalemau was a widow when she was elected to Parliament 1976-1978 after the death of her husband, Samoa's first Prime Minister.

⁵ See Chapter 3 for an explanation of the types of titles.

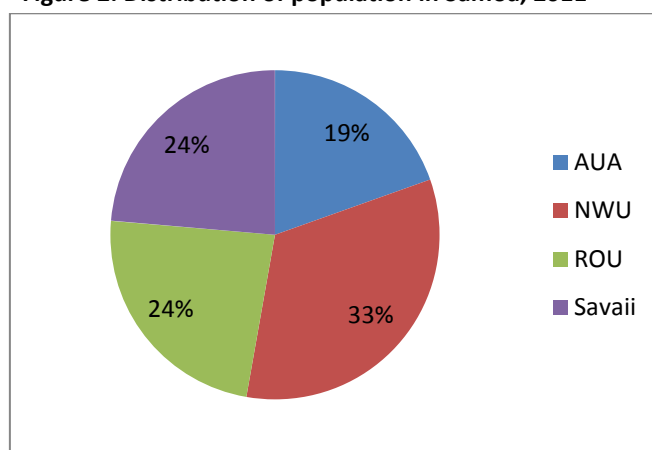
3. LOCAL GOVERNMENT

Village government

The vast majority (80%) of the population of Samoa lives in rural areas; 69% of households live on customary land, 25% live on freehold land and the remainder live on government or church-owned land (SBS, 2011:87).

The most densely populated region of the country is North West Upolu (NWU), followed by the Rest of Upolu Island (ROU) and Savai'i Island. The Apia urban area (AUA) is located on Upolu. A very small township on Savaii, within the boundaries of the village of Salelologa, is not yet designated 'urban' but provides many of the island's core services and facilities (SBS, 2011). Figure 2 illustrates the population distribution.

Figure 2: Distribution of population in Samoa, 2011



Traditional local government in Samoa is based on village councils (*fono*) made up of *matai* who represent the families of the village. In traditional villages local government is also based on village women's committees (*komiti*) and associations of untitled men (*aumaga*). This is often referred to as '*fa'amatai*' and was seen by all those whom we interviewed as the foundation (*fa'avae*) of Samoan custom and tradition.

Samoa has over 275 local government areas of which 192 are traditional villages, 48 are sub-villages of traditional villages, and 35 are non-traditional villages. Non-traditional villages include new settlements, large residential compounds and suburban areas.

Each recognised local government area has an elected or appointed village representative (*Sui o Nu'u*) who acts as a liaison between the local community and the central government.

Table 2, based on the latest government listing of traditional villages (*Tusi Fa'alupega o Samoa Aoa*, 2013), shows the number of villages in each category.

Table 2: Number of villages in Samoa, by category and location

Island	Non-traditional villages	Traditional villages	Sub-villages of traditional villages	Total	Proportion (%)
Upolu	35	116	30	181	66%
Savaii	0	71	14	85	31%
Manono	0	3	3	6	2%
Apolima	0	2	1	3	1%
Total	35 (12.73%)	192 (69.82%)	48 (17.45%)	275	100%

There is no municipal council for Apia. The Planning and Urban Management Agency [PUMA], under the Act of 2004 (amended 2005), administers the urban area. Apia comprises traditional villages, central business district and suburbs. The government treats suburbs as though they were villages in terms of the provision of government services, even though they do not have traditional governance structures.

The status of a village (i.e. whether it was a traditional village, sub-village of a traditional village, or a non-traditional village) was not always clear when we did our survey in 2014 but in 2015 further analysis of the data allowed us to distinguish between them. This was necessary because only traditional villages and sub-villages are organised according to Samoan custom and traditions, which affect the status of women.

Our survey covered 240 villages, including non-traditional villages, traditional villages and some sub-villages, because they are all recognised entities under the MWCS division of Internal Affairs with village representatives appointed to them.

Because the focus of our research is the interface between governance based on modern democracy and that based on traditional institutions, this report deals only with the situation in traditional villages and some of their sub-villages, and does not refer to non-traditional villages (where such considerations do not apply).

Traditional villages

A traditional village (*nu'u*) is a traditional polity governing a group of extended families within a territory, which typically extends from the top of the central ridge of mountains to the coast. Village councils are based on a traditional system of authority which has existed for at least the past 200 years and likely for longer. Each council comprises *matai* who represent the families of the village. They have assigned seating places, ranked according to traditional criteria.

Matai make decisions for the village in council, based on consensus and following discussions in which all *matai* have the right to express opinions. Traditional villages are governed by one village council of *matai*, with one village representative (*Sui o Nu'u*⁶) elected by the village council, with a traditional honorific salutation (*fa'alupega*) that specifies the rank and history of the *matai* titles of the village, and usually with traditional associations of untitled men and 'daughters' of the village, and a women's committee.

⁶ Formerly termed *pulenu'u*.

All villages have at least one named sub-village (*pitonu'u*). Some villages, particularly in densely populated north-west Upolu, are gradually being divided into separate villages as the population grows. In some large traditional villages, sub-villages operate as separate villages, even though they are not formally recognised as such. In some instances, such for the villages of Saleimoa and Salelaloga, some of the sub-villages are highly organised and apply traditional governance

Traditional villages have influence in the selection of candidates for parliamentary elections and usually influence electoral outcomes.

structures, with a sub-village council and a sub-village representative who make decisions at the sub-village level. One of the issues in designing this research and interpreting the data was this unfolding situation.

Some sub-villages have become formally recognised as villages in official publications that list the villages and their honorific salutations (*fa'alupega*). When this is the case, the old set of honorific salutations that define the rank and status of the village *matai* titles are divided to reflect the new order. For example, early publications describing the district of Falealili refer to the village of Saga as having four sub-villages, but in current publications the sub-villages of Saga are listed as four separate villages (i.e. Poutasi, Vaovai, Salailua and Matautu), each with their own honorific salutation divided off from the original honorific salutation of Saga.

Our interviews with village representatives indicate that there can be significant disagreement between villages concerning these divisions and the recognition of sub-villages, and the question of village boundaries is a frequent source of local disagreements. These matters are left to be decided at the local government level; the state does not intervene unless an issue comes before the courts.

Village governments have considerable power and authority in setting priorities for the provision of health and education services, water supply, agricultural development, business operations, land use, customary observances and maintenance of law and order. Thus, they exercise considerable influence over land, fisheries and other important resources.

The Village Fono Act

Samoa's constitution recognizes Samoan customs along with the body of formal laws passed by the parliament and subject to the courts. There is no provision for local government within the constitution, nor are customs and usages defined. Legislation for village government comprises the *Village Fono Act 1990* and the *Internal Affairs Act 1995*.

The *Internal Affairs Act 1995* provides for the Internal Affairs Division of the Ministry of Women, Community and Social Development to oversee the well-being of villages, village authority, and to provide for 'other matters relating to the culture and traditions of Samoa'.

The *Village Fono Act 1990* permits the exercise of power and authority by the village councils of traditional villages in accordance with ‘custom and usage of their villages’. The structure of village government is based on the customs, usage and history of each village as interpreted by its legislative body, the village council. These councils appoint sub-committees for local services such as schools and water supply as they see fit.

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The *Village Fono Act 1990* empowers the village council to make rules for the maintenance of hygiene in the village; to make rules governing the development and use of village land for the economic betterment of the village; to direct any person or persons to do any work (as defined under the Act) required for the village, and to impose punishments in accordance with the custom and usage of its village for village misconduct (as defined under the Act). However, the legislative powers of the village council are limited because everyone in Samoa is bound by national criminal and civil laws. Disputes over matters of customary law are normally taken to the Samoa Land and Titles Court.

Village powers of punishment include the imposition of fines in money, ‘fine mats’ (finely-woven ceremonial mats), animals or food, and imposition of orders for an offender to undertake work on village land. In practice, fines and penalties are levied against the *matai* of the family of an offender, who is held responsible for the conduct of his ‘*aiga*’ (extended family) in the village. The fine is then paid from collective family resources. It is also common practice to exclude from participation in

village governance a *matai* who does not abide by village rules. In extreme cases, village councils may order an offender to leave the village, but if taken to court the civil courts will usually over-rule such orders on the grounds of individual or human rights under the constitution.

In 2011, consultations on the Amendment of the Village Fono Act of 1990 were carried out by the working/advisory committee of the Justice and Law Sector to seek the views of the villagers and community members throughout the country about ways to stop the alarming increase in the involvement of young people in criminal activities. In particular, the participant’s views were sought about the importance of customary and Christian principles in making decisions. One issue raised by communities was freedom of religion. With many new Christian sects becoming established in Samoa, some villages are concerned about religious division in their communities. Another

important issue was the decision-making processes in the village councils, especially decisions to banish *matai* and their families from their villages and properties as a punishment for an offence.

The issue of women's exclusion from village government was not raised. However, concerns were raised about the extent of authority provided to village councils under the Act. The report of the review of the *Village Fono Act 1990* (Samoa Law Reform Commission, 2012) recommended that village councils register their members and document their decisions within a formal process for the registration of village by-laws. The registrar for the by-laws would have the authority to accept or reject the by-laws based on compliance with best practice guidelines provided. Only the sections of the by-laws which are compliant with the constitution would have the full power of the law.

Village by-laws are being prepared under the Good Governance Project of the Internal Affairs Division of the MWCSO. Villages may voluntarily request the assistance of the MWCSO to harmonise their draft by-laws in keeping with the principles of good governance (they should be participatory, consensus oriented, accountable and transparent, responsive and effective and efficient). It is expected that village by-laws will be reviewed two years from the date of registration (none had yet been registered as of June 2015).

As of April 2015, the Internal Affairs Division had worked with 20 villages towards writing their village by-laws. Support included a talk by a lawyer on the Samoan legal framework and constitutional rights. They worked with four village groups: the *matai*, divided into chief and orator groups; the women (village women's committees); and the youth (untitled men and young women). The finalized by-laws must be approved, with signatures, by the four groups.

During these consultations, practices by villages were discussed, for example the practice of reporting offences to the village council before the police, and villages were advised that such practices are contrary to the law. In some villages where there was a ban on women *matai*, the villages agreed to remove the ban. Village councils preparing by-laws have also discussed procedural matters, and have been advised that villagers who are being fined or otherwise punished should be allowed to present their side of the story to the council. However, this was considered unacceptable and some villages consider it to be contrary to custom (Boodoosingh, 2015).

A draft bill is currently in preparation to amend the *Village Fono Act 1990* in accordance with the results of the consultations. The proposed provisions will strengthen the definitions of village authority in relation to defining village council policy (*faiga fa'avae*) and procedures to be followed in making village council decisions (*i'ugafono*). Among the defined powers of the village council proposed in the bill are the authority to protect Samoan customs and traditions and to safeguard village traditions, norms and protocols. If the bill receives ministerial approval it will be debated in parliament.

Matai

Most leadership roles in Samoa are held by middle-aged or elderly men. Our survey found almost all village-based *matai* are older men, with 92.5% over 40. In terms of profession, the largest proportion (36%) of *matai* are farmers, with the next largest proportion (21%) having 'no occupation', indicating they are elderly. Close to 80% of *matai* reside in the village to which their title belongs. Almost three-quarters had completed secondary or higher education.

The 2011 census recorded that 16,787 persons in Samoa were *matai*. In 2014 our survey recorded 13,423 *matai* living in traditional and non-traditional villages; therefore we assume that approximately 3,000 *matai* live in non-traditional villages in Apia. In addition, thousands of *matai* live overseas in New Zealand, Australia and the USA.

Matai titles are names which commemorate an ancestor or an historical genealogical event and are historically associated with a particular village. There are two orders of *matai*: *ali'i* and *tulafale*. The distinction between the two orders is not as important in modern Samoa as it was in the past. *Tulafale* have a traditional role as orators, and each village appoints one of its senior *tulafale* as the village *tu'ua*. He (and it is almost always a 'he') serves as the spokesman for the village on formal occasions. Holders of high ranking *ali'i* titles are considered to have the traditional right to express a final decision on a matter before a village council, after all its members have had a chance to speak.

Matai titles are the common property of a lineage comprising all those who are ancestrally connected to the title. Titles are conferred by a consensus decision among the male and female elders of the lineage.

Matai titles are the common property of a lineage comprising all those who are ancestrally connected to the title. Titles are conferred by a consensus decision among the male and female elders of the lineage. The Samoan kinship system is flexible and allows an individual to trace

ancestry through both maternal and paternal connections. The primary affiliation by an individual – which section of his or her family he or she has the strongest attachment to – is usually determined by residence. Thus, if a person lives with his or her father's family, he or she mainly contributes to that family and serves its *matai*, while if a person lives with his or her mother's family, it is that family that he or she will contribute to.

Matai titles are unique to the villages they belong. Each *matai* represents his or (rarely) her family in the village council. The ritual bestowal of *matai* titles usually requires acknowledgement of the village to which they belong before the title can be legally registered. The normal procedure is for the title bestowal ceremony to be held in the village to which the title belongs.

Matai are leaders in two equally important spheres of authority, both of which depend on consultation and consensus. The first level is authority within the family and lineage; the second is the authority of the village council in which every participating matai has a voice in reaching a consensus decision.

Matai are leaders in two equally important spheres of authority, both of which depend on consultation and consensus. The first level is authority within the family, which is given to the *matai* in the expectation that he or she will consult with family elders in making decisions; the second is the

authority of the village council in which, despite inequalities in the rank of its constituent *matai*, every *matai* has a voice in reaching a consensus decision.

Since the early 20th century it has become increasingly common for *matai* titles to be split among two or often many more holders. It is no longer unusual for closely related people, brothers or first

cousins for example, to hold the same title. Only a few of Samoa's highest ranking titles remain undivided. Nowadays many *matai* live outside the village to which their titles belong, some live overseas and others live in town or in other villages. It is now common for families to confer *matai* titles on people who do not live in the village to recognise their achievements, to elicit their contributions to family activities, or to link overseas, urban and village branches. In relation to the village, *matai* who do not live there or actively participate in its affairs hold their titles in what is, in effect, an honorary capacity, without playing the local leadership roles of a *matai* who resides in the village.

The *matai* represents the family's dignity and honour, and is responsible for calling family meetings, arbitrating disputes in the family, and leading discussions about the organisation of funerals, weddings and events in the church to which the family belongs and other family projects and concerns. *Matai* often serve as deacons in the church of the village to which their title belongs. Practices vary between families, but the customary mode of showing respect in formal family meetings is for the *matai* of the family to sit on a chair, or on a mat at the front of the house, while the other family members sit on the floor in the back part of the room or meeting house. At formal meals the *matai* sits in front, or at the head of the table, and is served first. Church ministers are shown the same respect.

Village representatives

Village representatives used to be referred to as '*pulenu'u*' which literally means 'village authority' and was sometimes referred to in English as 'village mayor'. This designation goes back to the colonial period and was established by the German administration in the early 20th century. Recently they have been re-designated '*Sui o Nu'u*' which means 'village representative'. The holder of this office is nominated by the village council, is paid an allowance, and provides liaison between the

All the representatives of traditional villages and sub-villages are male.

village council and the government, and reports to the Internal Affairs Division of the MWCSO. All of the representatives of traditional villages and sub-villages are male.⁷

We interviewed 28 out of a sample of 30 village representatives,⁸ 15 from villages with no formally expressed obstacles to women's participation in the village council, and 13 in villages where women were not allowed to hold titles or were not allowed to sit in the village council. We found no significant differences between the institutional structures of these villages.

The majority of the interviewed village representatives were of the opinion that the village councils have the strongest leadership role, but a slightly smaller proportion considered that both churches and village councils are equally strong in their leadership roles.

⁷ Note, 'women's village representatives', which will be discussed later, are not the same as 'village representatives'.

⁸ Two were unavailable for interview.

School committees

Government primary schools are managed by village councils, and therefore mainly by male *matai*. The schools belong to the village, but the government provides the teachers and teaching materials and the village is expected to fund and maintain the school building and its grounds. Most villages in Samoa have at least one primary school. Primary school committees are usually appointed by the village council.

Village school committees are appointed by village councils. Most are headed by male matai and most of the committee members are male matai.

Our survey found that village councils, being largely composed of male *matai*, appoint male *matai* to serve on and head school committees. Among all the school committees, there are 167 female members and 904 male members. Only 16 school

committees, mainly in non-traditional villages, have a female president. The great majority (over 90%) of primary school teachers are women but only 62% of the primary schools have female principals, while 79% have female deputy principals. The committees of district secondary colleges are also appointed by village councils in the district and comprise mainly male *matai*. Members of school and college committees usually expect remuneration, to be paid from school funds, for attending meetings.

A capitation allowance to cover school fees for each child enrolled is paid by the Ministry of Education Sport and Culture School (MESCS), funded by Australian and New Zealand Aid. School committees determine, collect and disburse school registration fees. School committees are expected to raise additional funds for the schools as required. A study of district secondary schools and selected peri-urban primary schools found that most were poorly managed and maintained (Asian Development Bank, 2012).

4. WOMEN IN LOCAL GOVERNMENT

Women matai

According to official statistics, women comprise 9% of *matai* in Samoa (SBS, 2012). This figure refers to *matai* in the total population of Samoa, including the urban population and the populations of traditional and non-traditional villages. Our survey, which covered all of the traditional villages and sub-villages in the country, found that of their 13,423 *matai*, only 735 (5.5%) were women. This indicates that about half of all women *matai* do not live in traditional villages.

There is no consensus among Samoans about women’s right to hold *matai* titles; some regard it as a traditional right from time immemorial, noting that the most famous genealogies of Samoa were founded by female chiefs. Others believe that bestowing titles on women is acceptable modern custom, while others hold that according to Samoa custom *matai* titles should be held only by men. For example, in the 28 interviews with village representatives, 10 said women should be allowed to hold *matai* titles and sit in village councils while seven said women should not hold *matai* titles at all. The remaining 11 respondents did not offer their personal opinion, indicating ambivalence on the subject.

Table 3: Findings on village rules regarding woman *matai*

Village findings on women <i>matai</i> status	MWCSD survey	CSS survey: traditional villages /sub villages	CSS survey: all villages
Number of villages that ban women <i>matai</i>	16	21	45
Number of villages that exclude women <i>matai</i> from village councils	36	15	42
Sample size	167	190	275

Before Samoa became independent in 1962, almost all Samoans lived in traditional villages and very few women, if any, held *matai* titles. But as opportunities were opened up to Samoans in the 1960s, women began to hold titles in increasing numbers.

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Others say that bestowing titles on women is acceptable modern custom, while others believe that according to Samoan customs, matai titles should be held only by men.

Few Samoans had access to higher education until the late 1950s, when selective government secondary schools were first established. Before that, intermediate-level schooling was mainly only available to the children of mixed-race families in Apia. Before the new selective national

colleges established their senior secondary levels, the top-performing students were sent to senior secondary schools in New Zealand, and later to teachers’ colleges, schools of nursing and universities. Girls were well represented among those gaining admission to secondary colleges in

Samoa and New Zealand and since that time there has been little gender disparity in educational participation or attainments at any level.

Families evidently considered investment in girl's education to be as useful as investing in the education of boys, and in this respect Samoan custom worked in favour of girls. Farming and fishing is considered men's work and most routine household chores such as collecting food from the family plantation, feeding livestock, making a ground oven and cutting grass are done by boys, while girls are expected to keep out of the sun and do indoor tasks. Sending girls to school did not make a hole in the household labour supply and most primary schools were close to villages so there were few obstacles to educating girls. Educational opportunity has enabled women to succeed in increasing numbers in the modern sectors of the economy: in the public service, in business and in the professions.

A woman is most likely to be given a title in recognition of high educational and career attainments. It does not necessarily mean that she is expected to become a village leader. In effect, many women matai hold their titles on an honorary basis.

By the 1970s, increasing numbers of women were being given *matai* titles and among the first of them were women who had obtained degrees or diplomas overseas. Among the women we interviewed who had stood for parliament; one said she thought

she may have been the first woman to have held a *matai* title (implying that, in her opinion, there were previously no female *matai*). She received her title from her father in the 1960s after graduating from a college in New Zealand. She noted that in her generation there were numerous women who had achieved education qualifications overseas and who had returned to Samoa to hold senior government appointments. All of them, she told us, had been given *matai* titles, but she thinks she was the first. In her opinion, the equal numbers of women and men graduates coming home to serve their country in the immediate post-colonial environment created an acceptance that women could be leaders in the modern sphere of national government.

Most of the village representatives and women's representatives we interviewed said that they believed Samoan custom has accommodated many changes while still retaining its foundations: '*e sui faiga ae tumau fa'avae*'. Although it seems that *matai* titles were rarely bestowed on women before the modern era, there is extensive evidence about the authority held by women of the highest ranks in earlier times (Kramer 1999 [1902]:9-19). As Tcherkezoff has documented (2000:151-

The modern matai system of Samoa has evolved gradually over the past two hundred years from a very different system.

190), the modern *matai* system of Samoa has evolved gradually over the past 200 years and differs considerably today from the way it was when described by 19th century observers.

Women are most likely to be given a title in recognition of high educational or career attainments or because they had rendered particular service to the family with generous financial support. Bestowing a title upon women honours her, but it does not necessarily carry the expectation that she will become a leader in her ancestral village. In effect, many women *matai* hold their titles on an honorary basis; they may or

may not have authority in the extended family, but typically have limited opportunity to exercise authority in the village. There are many exceptions of course, such as Fiame Naomi Mata'afa. Fiame is a leader in her village and has represented her district in parliament for the past 20 years. She is the sole holder of one of Samoa's highest ranking titles and is a direct descendant of past holders of Samoa's paramount titles. Her father was Samoa's first prime minister (1962-1967) and her mother, La'ulu Fetauimalemau, was one of Samoa's first women parliamentarians.

Village women's committees

In our interviews with village representatives, many pointed out that women have authority in the female sphere, referred to as '*o le nu'u o tama'ita'i* (the village of the ladies), so are therefore not excluded from village decision-making.

Until the 1920s, the 'village of the ladies' and its association of daughters of the village (*auluma o tama'ita'i*) was only open to women belonging to the *matai* lineages of the village, and not to women from other villages who came to live in the village as the wives of village men. Under the New Zealand administration (1921-1962), a new form of village women's association was introduced. With the aim of promoting community health and hygiene, leadership authority was given to the wives (rather than to the sisters) of village *matai*. The new associations, *Komiti Tumama* (women's health and hygiene committees) were initially introduced in villages around Apia town, and in the 1930s were established in villages throughout Samoa under the direction of the Department of Public Health. Since the 1930s, *komiti* (village women's committees) have been part of the governance structure in most traditional villages.

The *komiti* were organised, following the Samoan customs of the time, into three sections. Following the principle by which a woman has the status of her husband, the wives of chiefs and orators comprised the executive section, and in most *komiti* the wife of the highest-ranking chief was president and the wife of the highest-ranking orator was the secretary. The daughters of the village had their own section of the *komiti*, but in most villages they had no formal role. The 'service' section of the *komiti* comprised the wives of the untitled men of the village.

Until the 1990s, in addition to traditional roles, such as weaving groups, the modern *komiti* had other roles in village government. These included conducting regular inspections to make sure that there were no breeding places for mosquitoes and other disease vectors in the village, and to ensure that every household had hygienic standards of living; supervising the village bathing pool and drinking water sources. They organised monthly clinics for mothers of babies and young children, led by visiting public health nurses, and in many villages they also provided first aid services for minor illnesses and injuries. *Komiti* also had authority in local governance matters related to community health, which was delegated to them by the village council. For example, the *komiti* could fine women who disobeyed village rules or failed to bring their children for monthly health checks or to immunisation clinics. Many *komiti* also managed community water and sanitation projects related to public health improvement (Schoeffel, 1985).

Since the 1990s, the role of the *komiti* has declined in status and importance because roads and communications have been improved and rural clinics, curative health services and health inspection services have been extended, along with modern piped water supplies. Accordingly, the old system of community-based public health began to decline and with it the responsibilities of the *komiti*.

Our interviews confirmed that today's *komiti*, even those that are active in the community; do not have any formal authority in village matters unless this is delegated to them by the village council.

Komiti do not have any formal authority in village matters unless this is delegated to it by the village council; women may be leaders among women but they have little direct voice in village government.

Women may be leaders among women but they have little direct voice in village government. Our survey found that most traditional villages still have one village-wide women's committee, and that its primary responsibility is to oversee village cleanliness

and beautification. Of the 240 traditional villages and sub-villages surveyed, 167 had one village-wide *komiti* and 66 villages had more than one *komiti*, with each *komiti* representing a different religious denomination or, in the case of very big villages, a different sub-village (*pitonu'u*). Only seven of the traditional villages had no active women's committee.

Women's representatives

In 2004, for the first time, village women's representatives (*Sui o Tama'ita'i o Nu'u*) were appointed by the government, on the basis of nominations by their *komiti*. They receive only half as much payment from the government as the village representative. Our survey found that 182 of the 240 traditional villages and sub-villages surveyed (76%) had a village women's representative.

Village women's representatives are paid half as much as the village representative and rarely take part in meetings of village councils.

In order to understand the status of village women's representatives in the community, we interviewed 28 of them. The majority were married to *matai* who were members of the village council. Seventeen of them, more than half of the sample, were born in the village they

represented, while the remaining 11 had married into the village. This is significant, because according to traditional criteria, women born into a village have higher status, as 'daughter of the village', than women from elsewhere who have married into the village. The majority were over 50 years of age, which is again significant as older women have more authority than younger women, and most of the women had held their position for between one and five years. Most had secondary education and almost half had post-secondary qualifications.

The women's representative has several official duties, including the recording of births and deaths in the village. Her main role is to provide liaison between the *komiti* and the government; she is a contact point for all government agencies wishing to communicate with village-based women. She may call also meetings of the *komiti*, in consultation with its executive members. She reports to the Women's Division in the Ministry of Women, Community and Social Development and organises its village-level programmes for women.

Women's participation in village government is important of itself, as well as in relation to women's access to seats in parliament. Most rural women have completed primary and junior secondary school (at slightly higher rates than rural men) and are as equally equipped as men to contribute to local government decision-making. It is important that women have the opportunity and

encouragement to contribute their perspectives on current social issues of concern such as poverty, management of village and district schools, health services, food security, the socialisation of children and adolescents, high rates of teen pregnancy, high prevalence of sexually transmitted infections, family violence, and drug and alcohol abuse.

Among the village women's representatives we interviewed, most said they did not participate in village council meetings unless they were summoned to provide information on a particular matter. If a *komiti* wishes to raise a matter with the village council, the usual procedure is that the president of the *komiti* takes it to the village representative, who raises it on her behalf when the village council meets. This means that the *komiti* and its leaders have no voice in the village council at the time when matters they have raised are discussed. There was no consensus about whether women needed more voice in village government; about half of the women representatives interviewed thought they did and half thought they did not.

Youth groups

Traditional villages have associations of untitled men (*aumaga*) who serve the council of *matai*. Usually, the son of the highest ranking chief or orator is its leader (*sao aumaga*). Most of the village representatives we interviewed said that their villages still have an *aumaga* and appoint a *sao aumaga*. Most also mentioned that when the village council meets, the *aumaga* gathers as well, to serve the *'ava* (ceremonial beverage) and to help prepare the food.

The members of the *aumaga* are not necessarily 'youths' because the group includes all men and teenage boys who are not *matai*, and can therefore encompass a wide range of ages. The modern sense of the word 'youth' (*autalavou*) refers to the unmarried men and women and teenage boys and girls of the village belonging to a church community, but who are also part of the village-wide 'youth'.

All of the traditional villages surveyed had youth groups. According to the interview data, the village-wide youth groups are strongly oriented towards occupying male youth. A typical arrangement is for the youth groups to work periodically for families in the village that need extra labour. Such work is compensated with payments in cash and food, and usually involves tasks such as weeding or spraying plantations and cutting grass. On the recreational side, the youth play rugby.

According to the responses we received from the village representatives and women's representatives, girls are included as 'youth' but are regarded as being somewhat peripheral to the core masculine labour and sporting activities of the youth. It was explained that girls and young women played volleyball with the boys and young men, and provided 'help' to the youth group,

Girls are included as 'youth' but are regarded as being somewhat peripheral to the core masculine labour and sporting activities of the youth.

especially when it was raising money by selling cooked Samoan-style foods. Although cooking such foods in the *umu* (ground oven) is done by male youths, girls help with preparation tasks and cook dishes that are not prepared in the *umu*.

The situation of youth is an important development issue. The median age in Samoa is 20.7 and the number of people aged between 15 and 29 is 47,414, accounting for a quarter of the total population. As most young people in Samoa have at least 10 years of schooling, there is an expectation in both rural and urban areas that school leavers will obtain paid work, but only 32% of people of working age are classified as 'economically active', and available data suggests that semi-subsistence farming continues to engage a large proportion of the population (International Labour Organisation, 2015). The 2012 Labour Force Survey reported the youth (15-29) unemployment rate at 16.8% – double the unemployment rate in the total population. Approximately 20% of females in the 15-29 age group are unemployed compared with 14% of young men.

Village councils and churches play a major role in organising and engaging youth, particularly young men, because there is more concern about their behaviour. When referring to village issues, village representatives most frequently mentioned the need to control the behaviour of young men in relation to their use of drugs (cannabis) and alcohol. Concerns about young women are mainly about pregnancy outside marriage. When this occurs the woman's family may be fined by the village council.

5. THE CHURCH IN VILLAGE GOVERNANCE

The church plays a major role in the lives of Samoan people, particularly among those living in villages. According to 2011 census data, the mainly village-based Congregational Christian Church of Samoa (EFKS) accounts for 31.8% per cent of the population, while the Methodist church, also mainly village-based, has 13.7%. The Roman Catholic Church has many village as well as urban parishes and has 19.4% of the population. The Mormon (Latter Days Saints [LDS]) church is the third largest with 15.1% and has both urban, village and district-based parishes. Other smaller Christian denominations are rarely village-based but usually draw their congregations from several villages in a district or sub-district. The Assembly of God churches have 8% and the Adventist church (SDA) has close to 3.9%. The many other small Christian denominations have a collective 8.6% of the population (SBS, 2011).

Most village-based churches are Congregational, Catholic or Methodist. Of the 240 traditional villages we surveyed, most had at least one church and many had more than one, typically the mainstream majority Congregational, Catholic and Methodist churches.

In most other countries the Methodist and Congregational churches have ordained women for many years past, but in Samoa, where these churches are self-governing, the trend has been resisted. The Catholic Church and the LDS Church are governed in accordance with the centralised organisational rules of their faiths and are not fully self-governing. The Catholic Church does not ordain women as priests, but in most parishes in Samoa leadership and religious education are provided by catechist ministers (*Fesoasoani*) and although there is no doctrinal bar to women holding these positions, in Samoa they are all held by men. The LDS Church allocates separate roles and statuses to male and female leaders in the church.

Mainstream churches tend to follow the principles and structures established by missionaries in the 19th century. Their teachings tend to emphasise that in a Christian family a man's role is to lead while a women's role is to be a helper, and that male authority should always prevail in the family, the village and the church.

The church is an important arena for demonstrating leadership ability and generosity, and leadership in a church community is important, even essential, for those aspiring to stand for election. The three mainstream churches do not ordain women as clergy, but all allow women to be deacons whether they are *matai* or not (although most deacons are male *matai*). The survey found that most

Most churches do not ordain women as clergy, and most deacons are male matai.

Methodist and EFKS village churches had at least one female deacon (as well as male deacons).

Our interviews with *Sui o Nu'u* and *Sui o Tama'ita'i o Nu'u* found that some women are active in church leadership roles as deacons, but that most women play their part in the church's work through the church's women's group. These groups are led by the wives of the deacons and are responsible for cleaning and decorating the church, and organising fundraising and hospitality events connected with the church.

Slightly fewer than half of the village women’s representatives interviewed considered that the church and village councils were equally strong in their village leadership roles. This is likely to be because in many if not most villages, the leading *matai* in the village council are likely to be deacons in the village churches.

6. ECONOMIC CONTEXT

Land tenure

This research has not identified specific factors that economically empower or disempower women in village contexts. A national survey of private sector employment (Ministry of Commerce, Industry and Labour, 2010) found that 6% of the total private sector workforce were working proprietors and of these, almost half were women (380 female compared to 415 male working proprietors). Our survey found that 33% of village-based businesses were owned by women, but to contextualise this finding, it should be kept in mind that nearly all businesses in Samoa are family businesses, typically run jointly by a husband and wife or family team. When our enumerators in the village survey identified ‘women-owned businesses’ they were likely referring to the most visible person running the business, because they would not have known what the private ownership arrangements of these businesses were.

Women are usually considered to have the same right to inherit and share use-rights to family land as men.

There is a general recognition in Samoa that women have property rights, but most people in Samoa do not have individual rights to property. These are usually shared by a family.

Women are usually considered to have the same right to inherit use-rights to family land as men. The 2011 Census reported that of the total private households (26,205) enumerated, almost 69% are living on customary land. Land tenure no longer complies with the traditional customs of the past, but no new laws have been established that define property rights for land classified as ‘customary’. Therefore, land and questions of authority over it are very common sources of disputes in most extended families, and of conflicts within most villages. In the past, land was in the custody of the highest ranking *matai* (chiefs) of large traditional clans, who allocated or redistributed land according to the needs of their kinsfolk, who, in return, rendered service to their chiefs. This system has been changed over time by various modern economic influences, including the decline in the authority of high chiefs over land, the proliferation and splitting of chiefly titles, and the competing interests of people living in the village and those living elsewhere (including the large numbers living abroad).

Today, small family units regard the portions of customary land that they live on and cultivate as being their own family property. Legislation allows customary land to be leased; the *matai* responsible for such land are expected to obtain the consent of all those who have rights to it, which is often difficult to achieve. The Land and Titles Court (which adjudicates disputes over customary matters, but has no power to enforce its own decisions) has a substantial back-log of unresolved land disputes.

Village businesses

As noted above, our survey found that men own the majority of village businesses. Our survey recorded 1,353 business owners in traditional villages, of whom 33% were women. These businesses are typically family-operated enterprises such as shops, taxis, buses, guest houses or beach *fales*. The survey did not include farming, fishing or market gardening, which are predominantly, although

not exclusively, male activities. Nor did the survey include small-scale home-based commercial activities such as making handicrafts or cooked food for sale in the village or in town markets, which is a predominantly female activity.

Of village-based businesses, 33% were owned by women.

Village households typically engage in a number of agricultural activities, which include growing crops for home consumption and for sale in roadside stalls, town markets or, less commonly, to commercial buyers. Many households in coastal villages engage in fishing for home consumption, with a smaller number of households fishing on a small-scale commercial basis. Production for the ceremonial economy is also an important component of household production. Most households keep pigs and chickens and smaller proportion keeps cattle, which are usually sold or given away for ceremonies, and slaughtered on farm. The ceremonial economy also creates a modest demand for traditionally valued items such as 'ava and fine mats, and many households produce these for gifts or for sale.

According to a study of women's financial inclusion, men and women in village households are likely to have control over their own income streams but unmarried working children, both male and female, are expected to give a portion or all of their earnings to their parents. Both men and women are expected to contribute to household needs as well as to other family or community obligations. Household money is pooled for church donations and other community and ceremonial obligations. It is common for the head of the household, usually the eldest man, to make most of the financial decisions, yet women often control and manage household expenditure. More women than men are likely to engage in micro-enterprises that produce small daily earnings. "Women reported that having daily earnings creates pressure and expectations for them to share these earnings on a regular basis to support their family's daily needs. This makes it particularly difficult for women to access or accumulate a lump sum. They reported that while there is significant pressure on men's lump sum earnings, it is easier for men to retain a portion of those earnings for themselves." (Banthia et.al. 2012:47).

Women's personal expenditure priorities are likely to be different to those of men; men are more likely to spend money on alcohol, while women are more likely to spend money on playing Bingo. Although families and communities do cooperate for the most part, there are underlying sources of tension over money management, commonly surrounding the issue of prioritizing individual needs over family or community needs, and resentment between family members who are earning and those who are not. Violence against women with regard to financial matters is not uncommon.

In general, women's lack of voice in village government could be considered somewhat economically disempowering for women, but disempowerment is most likely to occur within families, when men assert rights to discretionary spending for themselves but not for their wives. The previously cited financial inclusion study of Samoa found differences in earnings patterns amongst women and men in Samoa due to the types of income-generating activities available to them. More men than women had wage jobs in Samoa, particularly in rural areas, which pay fortnightly, and men are more likely to work overseas on long-term contracts.

7. POLITICAL OBSTACLES FOR WOMEN

Village structures disempower women

Traditional villages and sub-villages have long been organised around separate gender statuses and roles. The village council and the association of untitled men (*aumaga*) comprise the *nu'u o le ali'i* (the village of gentlemen), while the village of the ladies (*nu'u o le taima'ita'i*) has the *komiti*, with its three status sections of wives of matai (*faletua ma tausii*), daughters of the village (*auluma*) and wives of untitled men (*ava taulealea*).

The traditional roles of men and women were once very distinct; men and boys went out to the forest, the plantation and the sea to work and provide and prepare most of the food. Women and girls remained in the village and made mats, blinds, thatch and many other household goods.

Old religious ideas and practices that upheld the sacred status of women as sisters were swept away last century and today village women's committees have lost much of their old authority as the backbone of the public health system.

However in modern Samoa there is increasing ambiguity. Not only are the traditional economic roles disappearing as families take up more specialised economic activities, the high status of the 'daughters of the village' is no longer as clear as in the past. There is partly due to

an increasing trend towards marriage within the village, which was frowned upon in the past. Young men and women were expected to find spouses from other villages and the ideal was to have family connections in as many villages as possible. The high status of 'daughter of the village' is eroded when a woman is daughter to one family in a village and daughter-in-law to another. As a daughter she is privileged, but as a daughter-in-law she is subservient. When, added to these two roles, the family of her birth and her family of marriage are of unequal traditional rank, the ambiguity of her status increases.

Samoa has experienced two periods of major cultural change over the past 150 years. The first was the gradual reorganisation of traditional religious and political systems in the period 1830-1880 in response to conversion to Christianity and other external influences. The second was the modernising impact of mass emigration to the USA, New Zealand and, more recently, to Australia in the period 1960-1980, which created a remittance economy. There has been a spatial reorganisation of villages from nucleated to dispersed settlements in response to modern housing styles and land tenure considerations, and as a result of increasing dependence on cash incomes. In the first cultural transformation old religious ideas and practices that upheld the sacred status of women as sisters were largely swept away, while in the second period of modernising transformation, village women's committees lost much of the authority they had acquired in the late colonial period and the early decades of independence as the major focus of the public health system.

Few village-based matai are women

Our survey found only 5.5% of village-based *matai* are women. A significant impediment to women taking *matai* titles and assuming leadership roles is the cultural expectation that a married woman should take her status from her husband. The term for the wife of an *ali'i* or a clergyman, and a polite term for any married woman, is *faletua* (house at the back). The term connotes domesticity; the house at the back is where food is prepared, where work is done and where family life is conducted, in contrast to the meeting house at the front. In village life there is a defined role for a married woman, particularly if she is the wife of a *matai*. She serves his family and if his title is one of local importance, she becomes a leader in the *komiti* and in the women's group in the church. Married women are expected to join their husband's church if they had belonged to a different

There is a cultural expectation that a married woman should take her status from her husband.

church before they were married. Women deacons in mainstream churches are more likely to be widows or single women.

Traditional values expect a married woman living in her husband's village to render service to her husband's parents and his adult sisters and brothers. In effect, this means going to the back of the house and preparing food and doing other chores. When a man chooses to live with his wife's family his status is also somewhat subordinate; he is expected to serve his wife's relatives. His wife, as a daughter of the family and the village, already has higher status than she would if she was living with his family in their village. Under these circumstances it is not unusual for a woman to ask her family to bestow a title on her husband to raise his status in the community, rather than hold it herself. In such cases, her husband has the status of the title, but not the authority commonly associated with it. That resides with the wife by virtue of her blood relationship to the family (Olsen, 2000:36).

When both husband and wife are *matai* there can be conflicts of interest in relation to the allocation of resources. One of the main responsibilities of a *matai* is to represent his or her family at funerals and other ceremonies to acknowledge extended family connections. The *matai* must organise the *'aiga* to pool money and fine mats to be presented at these ceremonies, and later redistribute the gifts received in exchange. When both husband and wife have these obligations to different extended families it can put them under a lot of economic and social pressure.

Many women believe their brothers have a superior claim to hold a family matai title.

Many capable, well educated women live in villages but, as our findings indicate, they rarely hold *matai* titles. Findings from a survey by the Women's Division of the Ministry of Women,

Community and Social Development found that women prefer to give this honour to their brothers, even when their brother is less educated. Respecting the traditional covenant between brothers and sister to honour one another, many women believe their brothers have a superior claim to hold a family *matai* title.

Women candidates are disadvantaged in 16 out of 41 parliamentary constituencies

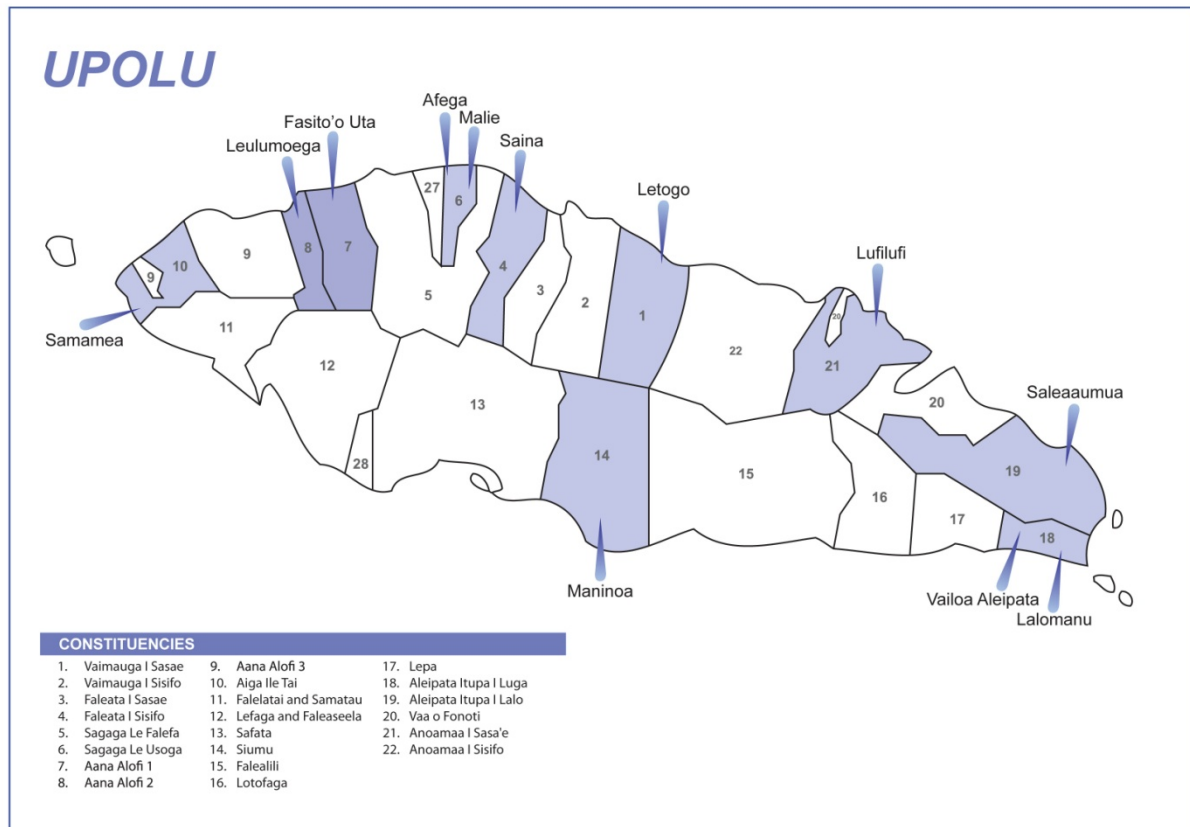
In 21 villages or sub-villages their council of *matai* have asserted that cultural rules from time immemorial do not allow women to hold *matai* titles of the village. The ban on women *matai* is particularly disadvantageous for women standing in parliamentary constituencies of Sagaga Le Usoga where the large populous villages of Afega and Malie villages are located, as well as in A'ana Alofi I and A'ana Alofi II with the big villages of Fasito'o Uta and Leulumoega (see Table 4, Maps 2 and 3).

Table 4: Traditional villages and sub-villages where women *matai* are not recognised

Villages of Upolu	Village Population (2011)	Parliamentary constituencies	Villages of Savaii	Village population (2011)	Parliamentary constituencies
Malie	2,330	Sagaga Le Usoga	Safune (Fatuvalu)	213	Gagaifomauga II
Maninoa	432	Siumu	Vaega (Satupaitea)	572	Satupaitea
Saleaamua	513	Aleipata Itupa I Lalo	Lalomalava (Vaisaulu)	120	Faasaleleaga I
Lufilufi	950	Anoamaa East	Salailua (Siutu)	739	Palauli West
Leulumoega	1,294	Aana Alofi II	Samata i Uta	633	Salega
Samamea (Mulifanua)	142	Aiga ile Tai	Vaisala	450	Vaisigano No.1
Saina	173	Faleata West	Salailua	703	Palauli West
Lalomanu	742	Aleipata Itupa I Luga	Pitonuu	349	Satupaitea
Letogo	532	Vaimauga East	Moasula	431	Satupaitea
Afega	2,024	Sagaga Le Usoga			
Fasito'o Uta	2,063	Aana Alofi I			
Vailoa Aleipata	381	Aleipata Itupa I Luga			

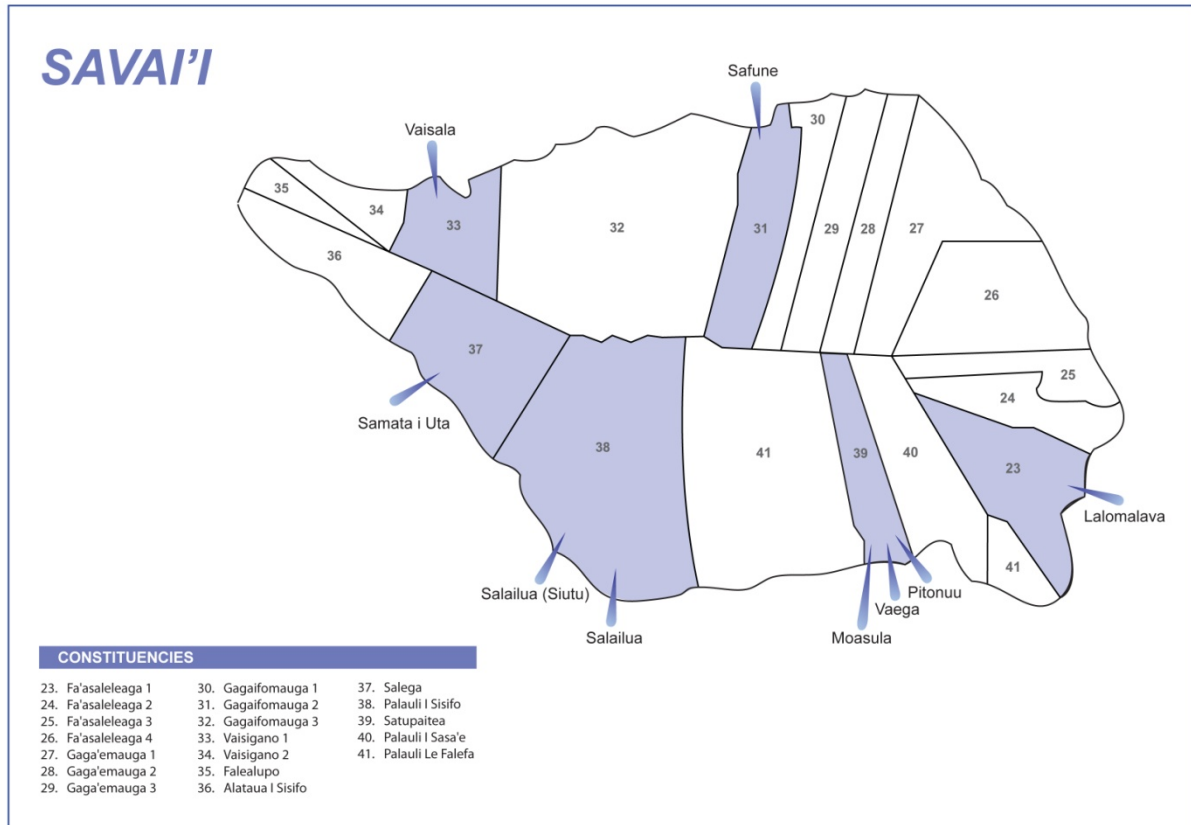
Those villages rule that title-conferring ceremonies may not be held in the village if the person to be conferred is female. These data are somewhat confusing, because in some cases the survey recorded that the sub-village made the rule and not necessarily the main village or other sub-village. As noted previously, some large villages have big sub-villages with their own councils and village representatives, but are not yet officially or formally recognised as separate villages.

Map 2: Parliamentary constituencies in Upolu with villages that do not allow women to hold *matai* titles



Paradoxically, as we found in our interviews, representatives of some of these villages made reference to the teaching of St Paul and the book of Genesis in the Bible (See G.S Percival, 2013) more than to any ancient Samoan narratives or genealogical traditions. The right to bestow a title belongs to the extended family or lineage to which the title belongs. The decision is usually made by the senior members of the family, which is likely to include many who do not live in the village but in other villages, in town or overseas. The role of the village is to recognise the title. The bestowal ceremony is normally held in the village to which the title belongs and attendance at the ceremony by the *matai* of the village signifies recognition. To legally register a title, the conferral must be recognised by the village, so the village representative must sign the title registration form. Furthermore, a three month appeal process is allowed before the registration of the title is legalised. Only those with legally registered titles may stand for parliament.

Map 3: Parliamentary constituencies in Savaii with villages that do not allow women to hold matai titles



When this recognition is denied by a village, it means that even if a woman is given a title by her lineage, she cannot legally hold it if it is not recognised by the village. This is a very obvious impediment to women wishing to stand for parliamentary elections because village councils are highly influential in elections, especially villages with the large populations of eligible voters. When villages back a candidate, they have a strong chance of winning the seat.

Few women matai participate in village government

The most common obstacle to women's participation in local government is that few female *matai* sit in the village councils, even when their titles are recognised by the village. In theory, every *matai* has the right to take the place assigned to the title she or she holds in the council of the village to which it belongs. In practice, however, there are many exceptions to this rule. This form of exclusion is very difficult to quantify because it may not be formally articulated, but is more of an unspoken norm. In 35.4% of the traditional villages and sub-villages surveyed, the enumerator recorded that women *matai* 'chose' not to participate in meetings of village council.

Most villages have no formal barriers to women's participation in the councils, but those villages nevertheless have no women on their councils, or only one or two. In many villages, the women *matai* follow local conventions and therefore do not attend village council meetings even when they are not forbidden from attending. We conclude, therefore, that in the majority of villages in Samoa women *matai* are formally or informally discouraged from membership in the village council.

There is no national consensus on Samoan custom

In village or sub-village councils that refuse to recognise women *matai*, it is asserted that there are unchanging customary rules from time immemorial that only men can be *matai*. Some of these villages are historically important traditional district centres that see their rules as defence of Samoan culture and protocols from intrusions by state authority and foreign concepts about natural or human rights. It is significant that among these are the villages of Leulumoega, Lufilufi and Afega. They were the capitals of the pre-colonial traditional historical districts of Upolu, A'ana, Atua and

Some historically important traditional villages see their rules against women matai as a defence of Samoan culture and protocols from intrusions by state authority and foreign concepts of rights.

Tuamasaga in the 18th and 19th centuries and perhaps long before. Lufilufi and Leulumoega were the centres of Tumua, a powerful group of orators who bestowed some of Samoa's royal titles. The founding holders of two of those royal titles were women.

In our interviews with village representatives in the villages where women were either not allowed to hold *matai* titles or not allowed to sit in the village council, the reason given was that the custom and tradition of that village is that women may not be recognised as *matai*. While most conceded that families could bestow titles as they saw fit, it was explained that the village had the right to recognise or to refuse recognition.

In the case of one village, for example, a number of women hold senior titles belonging to the village that had been bestowed by their highest ranking chief at his home outside the village. In this instance, the village representative said that the chief in question had the right to bestow titles as he pleased, but the village retained its right to refuse to recognise a title if it was held by a woman. This example underscores the fact that the collective decision of the village *matai* made in the council may overrule a decision taken by its highest ranking *matai*. In our interview with the Minister for Justice, Hon. Fiame Naomi Mata'afa, she made the point that it is up to the families that comprise the village to make decisions concerning recognition. If families want to bestow titles on women, they must work through their representation in the village council for the recognition of the person they have appointed.

The research by MWCSO (2015:8) refers to a village 'taboo' or family rule by ancestors in some villages that prohibits women from becoming *matai*. Since Samoa became a Christian country over a century ago, many old ancestral customs have been discarded, so if there was such a 'taboo' in the past, there is no reason why it cannot be changed. Some village councils still believe their customary right to banish a *matai* and his or her family from a village includes the right to destroy the *matai's* house and property. While this was certainly the custom in pre-colonial Samoa, it is no longer permitted by law. Our research has not been able to discover any oral traditions or other historical evidence to support the prohibition of women *matai*.

The cultural concept of ‘sacred space’ may be misapplied

As noted in a survey by MWCSD (2014) another explanation for the exclusion of women from village council meetings is the Samoan customary concept of ‘*o le va tapuia*’ – the sacred space – a gulf of respect between men and women. This report also makes reference to the covenant of respect between sisters and brothers (*feagaiga*). While this was not mentioned specifically in our interviews with village representatives and *komiti* representatives, it was alluded to indirectly. It was explained by many that men like to jest with one another in meetings, in ways that are not befitting for women to hear. This opinion was also documented in a recent film on gender and leadership in Samoa (Percival, 2014).

The ‘sacred space’ is an aspect of the covenant of respect between sisters and brothers. It forbids any aspect of sexuality to be mentioned between them.

The ‘sacred space’ is an aspect of the covenant of respect between sisters and brothers. It forbids any aspect of sexuality to be mentioned between them. This convention extends to people who are related by marriage to a brother or sister pair. For

example, if man A is married to man B’s sister, these two men should not joke together about sexual matters. Similarly, if woman A is married to woman B’s brother, there should be no joking or reference to sexual matters between them. This convention is no longer as strictly observed as it was in the past. There is no convention that an unrelated male and female may not discuss or joke about sexual matters, but it is still a polite convention that men and women should be circumspect about sexual joking in each other’s company lest the sacred space of the brother-sister covenant be transgressed.

Leaving aside the question of whether such jesting is appropriate or dignified in village council meetings, it is evident that it contributes to the idea women *matai* would not feel comfortable participating in meetings in most villages, and that their absence reinforces public perceptions – even religious beliefs – that decision-making is a male prerogative, not only in the village councils, but also in village school committees and, by extension, in national parliament.

According to a number of our informants, another aspect of the apparent reluctance by women *matai* to attend meetings of village councils is that they may not receive a courteous hearing if they wish to speak, and may be discouraged from speaking.

8. CONCLUSIONS AND RECOMMENDATIONS

Participation in national parliament

Samoa culture, ever flexible, resilient and accommodating, has found new ways to honour women in new circumstances. It has become increasingly common in recent decades to give women *matai* titles; however that process of cultural accommodation is still unfolding.

Only about 5.5% of village-based *matai* are women. Most villages have accepted that, in principle, a *matai* is entitled to a seat in the village council, irrespective of sex, and most have no rule against it. Only 14 villages refuse to admit women *matai* to the village council. Although in 21 villages they refuse to recognise the rights of families to appoint their (female) *matai*.

CONSTITUTIONAL PROVISIONS FOR EQUALITY

15(2): Except as expressly authorised under the provisions of this Constitution, no law and no executive or administrative action of the State shall, either expressly or in its practical application, subject any person or persons to any disability or restriction or confer on any person or persons any privilege or advantage on grounds of descent, sex, language, religion, political or other opinion, social origin, place of birth, family status, or any of them.

15(3b): Nothing in this article shall prevent the making of any provision for the protection or advancement of women or children or of any socially or educationally retarded class of person.

Constitution of the Independent State of Samoa

But most villages in Samoa do not formally discriminate against women *matai*, which implies that there is no real customary basis for such discrimination. We found that the majority of villages in Samoa accept that a woman has the right to hold a *matai* title if she is chosen by her family, and villages that reject this right are out of step with the opinion of most Samoans.

Our findings suggest that if there were no barriers of Samoan ‘custom and usage’ to women’s participation in village government, more women would be likely to succeed in winning seats than is presently the case.

A strong political base in the parliamentary constituency is the key to winning a significant proportion of the votes or winning a seat in parliament. By a ‘base’ we mean a loyal, active and influential parliamentary constituency committee, and a strong supportive family network in the parliamentary constituency.

Other important factors are personal qualities such as maturity, a good education, a solid career background and a dignified public presence. Membership of one of the mainstream churches in the parliamentary constituency also adds to the recognition of a candidate. It is also of considerable importance that a prospective candidate has the ability to raise substantial funds to support the electoral work of the committee.

The 21 villages that do not recognise women *matai* draw on article 100 of the constitution, which provides that: *A Matai title shall be held in accordance with Samoan custom and uses and with the law relating to Samoan custom and usage.* The ‘law according to Samoan custom and usage’ is not defined in the constitution or any legal act, but in the case of disputes over custom and usage, a case may be taken to the Samoa Land and Titles court for arbitration. The current proposed bill for amendment of the *Village Fono Act* may give village councils legal authority to protect Samoan customs and traditions, and to safeguard village traditions, norms and protocols. Such authority is already invoked by some villages to refuse recognition to women *matai*.

The Constitution of Samoa does not allow discrimination on the grounds of a person’s sex. The law provides that all persons over the age of 21 are entitled to vote in an election, and that all persons who hold registered *matai* titles are entitled to offer themselves as candidates for parliamentary elections. Thus, villages that do not allow women to hold *matai* titles disadvantage a woman wishing to stand in that parliamentary constituency in a manner that could be considered contrary to the spirit and the provisions of the constitution.

The issue of gender discrimination in village and church governance is politically very sensitive. Samoa is proud of its customs and traditions and the government does not want to be seen to be interfering with them. Furthermore, much of Samoa’s social stability rests on the continued effectiveness of village councils and churches in village government. However, modern Samoa is globalised, with its large diaspora in New Zealand, Australia and the USA, to say nothing of the influence of television, radio, the internet and social media. The expectation of gender equality and equity is an increasingly globalised norm. Continuation of the valued stability will likely require that social changes are harmoniously accommodated in the present, as they were in the past.

Participation in village governance

The exclusion or marginalisation of women’s voice in the governing of Samoa’s villages is likely to be counterproductive in relation to some of Samoa’s social and health issues. These include high rates of teenage pregnancy and prevalence of sexually transmitted infections, prevalence of family violence and gender-based violence, inadequate vaccination coverage in infants and children, poor management of village and district schools, problematic use of alcohol and drugs, pockets of rural poverty and disadvantage, and prevalence of non-communicable diseases. Women who are as well educated, if not better educated, than men need to take leadership in addressing these issues. Women need more voice in setting local priorities.

To take the issue of family violence as an example: In some villages, possibly in many, the village council requires anyone who wishes to take a matter to the police to first take the matter to the village council. This requirement may delay the laying of complaints to the police and, if the complaint concerned a member of the village council, it could very likely deter the laying of legitimate complaints.

The severity of the punishments imposed by the village *Fono* is often inconsistent with modern principles, endorsed by the government of Samoa, on the rights of women and children. For example, in 2013, a thirteen year old girl who was sexually abused by two young males in her village

was banished from her village after the case was heard in the village council. The weight of blame fell on the girl and her family, even though the police arrested the boys. (Boodoosingh, 2015)

According to our research, there is a rising incidence of family and other gender-based violence in Samoa but there are few deterrents or social mechanisms to reduce the problem. The opinions of *matai* on domestic violence influence the decisions made by the village council. Family violence is an accepted norm; it is widely considered acceptable for a man to beat his wife, and for children to be punished by beatings by parents and elders, as long as no serious injury results (Boodoosingh, 2015). In a film exploring the issue of violence against women and girls in Samoa several *matai* expressed the view that that a man may 'educate' his wife by beating her, and that this was only 'violence' if a man inflicted physical damage upon a woman or child "by heavy abuse such as being beaten ... with a basket carrying pole, or thrashed with a bushknife blade when he reaches a point of great anger in his heart" (Percival, 2014, 2015).

As Samoa's Ombudsman has pointed out (Samoa Observer, 10 July 2014) the most appropriate agencies to take action for prevention of family violence are village councils and churches. UNDP has prepared a plan and a Samoan language curriculum for a programme to initiate village-level 'community conversations' toward social action against family violence, to be implemented with leadership from the Ministry of Women, Community and Social Development.

Women's role in village-level economic activity in Samoa is constrained by their limited public or leadership role in Samoan society. Women's empowerment implies control over resources (physical, human, intellectual, financial), ideology (values, beliefs, and attitudes), agency (that women themselves have a right to make choices and should be involved in determining which choices make the most sense for them and their families) and also outcomes (such as improvement in education, health, and economic and political participation). Women's empowerment is about women's ability – in an absolute sense – to exercise control, power, and choice over practical and strategic decisions.

RECOMMENDATIONS

1. The Village Fono Act

A Bill that proposes to amend the *Village Fono Act, 1990* will extend the powers of the village council to define village council policy (*faiga fa'avae*) and establish procedures to be followed in making village council decisions (*i'ugafono*). The proposed provisions of the Bill will give legal recognition to the authority of the village council to protect Samoan customs and traditions, and to safeguard village traditions, norms and protocols.

On the basis of these research findings we recommend that the Government of Samoa give further consideration to including considerations of gender equity in the proposed amendments to the *Village Fono Act, 1990*, and to include the following:

- 1.1. In keeping with constitutional provisions (Article 15) for the equality of citizens, and the rights of Samoan families to bestow their *matai* titles (Article 100), the *Village Fono Act 1990* should be amended to include provisions that disallow village councils to discriminate on the basis of sex with regard to the recognition of *matai* titles or the right of a *matai* to participate in the village council.

1.2. The amendment of the *Village Fono Act 1990* should include provisions requiring village councils to formally consult with the *Nu'u o Tama'ita'i* and the *Faletua ma Tausi* on the formulation and provisions of village council policy (*faiga fa'avae*) and on the establishment of procedures to be followed in making village council decisions (*i'ugafono*).

1.3. The amendment of the *Village Fono Act 1990* should include provisions that village council policy (*faiga fa'avae*) and procedures be followed in making village council decisions (*i'ugafono*), and include the provision that the president of the village women's committee and/or the village women's representative may directly represent issues and concerns of the village women's committee to the village council at its meetings, rather than indirectly through the village representative (*Sui o Nu'u*).

2. The Samoa Council of Churches

The survey found that justifications for the exclusion of women from decision-making roles in villages were more frequently based on religious grounds than on customary grounds. Furthermore, about half of those consulted in the survey considered that the churches are of equal importance to the village councils in local leadership.

The church is an important arena for demonstrating leadership ability and leadership in a church community is important, even essential, for those aspiring to stand for parliamentary election. Most village-based churches are Congregational, Catholic or Methodist. The LDS (Mormon) has both village and district-based parishes. In most other countries the Methodist and Congregational churches have ordained women for many years past, but in Samoa, where these churches are self-governing, the trend has been resisted. The Catholic Church and the Mormon Church are governed in accordance with the centralised organisational rules of their faiths and are not fully self-governing. The Catholic Church does not ordain women as priests, but in most parishes in Samoa leadership and religious education is provided by catechist ministers (*fesoasoani*) and although there is no doctrinal bar to women holding these positions, in Samoa they are all held by men. The LDS Church allocates separate roles and statuses to male and female leaders in the church.

On the basis of the research findings, we recommend that the Churches of Samoa, through the Samoa Council of Churches, and within the respective established processes and procedures of each Church, consider ways and means to:

- Formally remove leadership barriers in the Church based on sex.
- Give women more voice in the government and leadership of the Church at village level.
- Increase Church leadership towards ending family violence.

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