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Summary of the final report of the Commission set up to inquire into and report upon the organization of district and village government in Western Samoa

Note by the New Zealand Delegation: This summary is a comparatively brief condensation of a long and interesting report. When printed copies of the full report are available they will be circulated to the Members of the Trusteeship Council.

/INTRODUCTION  
T/L.121

## INTRODUCTION

The Commission was set up by the High Commissioner in March 1950 to inquire into and report upon the organization of District and Village Government in Western Samoa. The Commission eventually comprised Dr. J. W. Davidson as Chairman and six Samoan members, with eleven associate members, while the Fautua and the Secretary of Samoan Affairs were designated as special consultants.

Four and a half months were spent on malaga, taking evidence in every village in Western Samoa, on the basis of a questionnaire and at meetings of village and district fonos. A complete survey was thus made of existing organs of Village and District Government, including an appraisal of the functions of officials such as Pulemu, Samoan Medical Practitioners (S.M.P.s), District Judges and Plantation Inspectors. The information and opinions of these village representatives and officials, were necessary before the Commission was in a position to frame recommendations.

An important recommendation of the Commission is for the establishment of a District and Village Government Board. This was contained in its first report which has been approved in principle by the Legislative Assembly after two days debate.

## HISTORICAL SURVEY

Several pages of the report are devoted to an historical survey of the development of links between the Central Government and the Ali'i and the Faipule. From this it is clear that the strength of Samoan tradition is such that without the support of Samoan leaders, no Government has been able to extend its control beyond the outskirts of Apia. An attempt was made in 1925 by the Native Regulations (Samoa) Order to provide for a system of district government by the setting up of District Councils and Village Committees with regulation-making powers, but the system did not function, partly because it represented too sudden a break with tradition and partly because of the growth of the Mau in 1927 and the following years. The present inquiry was first proposed in 1947 by the New Zealand Government.

The historical survey reveals the following important principles:

- (1) A Samoan Government in which real responsibility resides in Samoan hands must be firmly based upon Samoan tradition if it is to be

strong and stable. It must also be responsive to Samoan opinion and firmly linked with district and village authorities.

- (ii) The need for full Samoan participation in the working out of policy is imperative. The paternalism in Samoan affairs, by which until recently Samoan interests have been represented by European officers, has become wholly unsuited to the political position of the territory.

#### RECOMMENDATIONS

##### (a) General

The Commission, in deciding upon its recommendations, had two over-riding objects in mind:

- (i) to preserve and make full use of the traditional structure of District and Village Government which can still satisfy present needs,  
(ii) to lay down policy which will meet the changing needs of the future.

Healthy political development must be founded upon Samoan political tradition at the heart of which is the authority of the Matai over his family and the Alii and Faupule over the affairs of villages and districts. The differences in practice by which this authority is exercised should also be recognized. In addition, account must be taken of the economic, social and political changes which are taking place in Western Samoa.

##### (b) The District and Village Government Board

###### I. Introduction

The subject of the Commission's enquiry has been one of deep public interest in Western Samoa for many years. The Commission is convinced that it would be undesirable to try to impose a uniform system of district and village authorities, in view of the very substantial local differences in the various parts of Samoa which, though gradually breaking down, do still exist.

###### II. The District and Village Government Board

To provide a link between the central Government and the authorities controlling district and village affairs, the Commission recommends the establishment of a District and Village Government Board.

(i) The case for establishing a Board

The Board is needed as a bridge between the central Government and local authorities; to interpret the requirements of modern administration and of the law to the Ali'i and Faipule and to explain the requirements of the Ali'i and Faipule to the Government. It is also needed to work out the fields of activity and forms of co-operation of the Government and Ali'i.

This is a matter central to the whole problem of developing real self-government in Western Samoa. This must be based upon the traditions of the country. The basic problem of Samoan politics is to find a way to satisfy new needs without acting in opposition to tradition.

A task of this character cannot be satisfactorily entrusted to a Government Department. It requires a close touch with currents of political opinion and a constructive attitude of mind.

(ii) The Members of the Board

The Board should be composed of the members of the Council of State and six other members nominated by the Fonu of Faipule; there should also be a Secretary. The members of the Council of State should be on the Board because this would be the most effective way of ensuring the co-ordination of the Board's work with Government policy as a whole. They need attend only the relatively small number of important meetings.

The other members should hold office for the same term as the Faipule except in the case of a casual vacancy. There should be the fewest possible restrictions placed upon the field of choice of the Fonu, as the primary consideration in the choice of members should be their personal qualifications. The success, too, of the Board would depend to a large extent on the calibre of the Secretary who should be a Samoan appointed by the High Commissioner, rather than by the Public Service Commission. He should be sent abroad to study local government and during the first three years he should be assisted by a European adviser with a broad knowledge of local government matters.

(iii) The work of the Board

The Board should not regard itself as a policy-making body or a body directly representative of the people. Its functions would be:

- (1) During its first few years it would be largely concerned with consideration of proposals brought forward by districts and villages for the recognition of various types of district and village local authorities. This function will become relatively less important as the structure of local government is settled.
- (2) The Board would also examine district and village regulations and confirm them unless they conflicted with the law or with justice.
- (3) The Board would advise the Government on requests for financial or other assistance from district and village authorities.
- (4) The Board would give advice to district and village authorities on the best methods of controlling their finances, keeping records and so on.
- (5) The Board would also arrange courses of instruction for various district and village officials.

(iv) The need for early action

The Commission's recommendations could be brought into operation only in a series of stages. The first stage would necessarily be the establishment of the Board. Prompt action will meet with the co-operation and sympathy of the Samoans; delay will mean disappointment and a feeling that the Government is not in earnest.

(c) The Preparation of District and Village Government Proposals

Districts and Villages should obtain legal recognition of their authority by the presentation of proposals to the Board. When accepted by the Board, proposals will be the subject of recommendation to the High Commissioner who will, if he agrees, issue a proclamation giving legal recognition to the particular

local authority and defining its powers. The general form which such proposals should take will require to be defined by ordinance. All matters depending on custom and traditional practice of particular villages will be determined in each case by proclamation.

(d) The Constitution of Fonos and Committees

The constitution of the various Fonos and Committees should be set out in the proclamation. Particular difficulties, such as the inclusion of Matais (heads of families) residing outside their own districts should be decided upon the basis of Samoan custom and referred to in the ordinance.

(e) The Making of Regulations

There is at present some conflict between the law of the territory and the local regulations of the Ali'i and Faipule. A clear division will have to be made between the subjects upon which local authorities should legislate and those which the Legislative Assembly reserves to itself.

The limits of regulation-making powers to be given to local authorities should be defined by ordinance and every regulation should be recorded by the local authority with a statement of the penalty to be imposed for breach of it. A copy of this written record should be forwarded to the Board which would confirm the regulation if it was in accordance with the law and with justice. After confirmation had been given, the regulation would have the full force of law.

(f) The Carrying Out of Decisions

(i) General - Village Committees

Most of the executive action necessary to give effect to regulations and decisions of Fonos will fall on the Pulenu'u, who will act in the dual capacity of Government representative and local authority executive officer. He will be required to keep records of regulations in force, accounts of village funds, records of cases involving breaches of law, to furnish returns required by the Government, to act as the registrar of births and deaths and should normally be the leader of all committees charged with executive or supervisory functions such as plantation committees, school committees or committees generally concerned with village welfare.

It is recommended that the Pulenu'u should receive adequate salaries and be provided with a salaried clerk. The improvement in the status and salary of the Pulenu'u and the appointment and training of educated clerks will be the foundation for an efficient system of village administration. It is becoming clear that under modern conditions a single village committee has difficulty in dealing with all the different matters of village administration except in very small villages. The practice has accordingly grown up of having small separate committees in each village to perform specific functions. Untitled men and women are often included on these committees.

The Commission commends the growth of village committees to deal with specific subjects and to assist the Pulenu'u, and every encouragement should be given to untitled men to serve on these committees.

(ii) District Committees

Executive activities of District authorities are at present on a relatively restricted scale, but are likely to grow in importance and should be encouraged. At the present level, provision for the taking of executive action exists but to a large extent the carrying out of the decisions of a district Fonos are left to individual villages. Executive action of districts of the kind with which the Commission is concerned, relate to the raising of money for hospitals, schools, water supplies, local roads or other works, and the construction and maintenance of these works or services.

It is likely that certain districts may ask for legal recognition of their district committees and such requests should be sympathetically considered by the Board. Where such committees are recognized, consideration should be given to the provision of salaried secretaries. It is recommended that the present Water Supply Ordinance of 1934, which made provision for the appointment of water supply inspection committees, should be wholly repealed and replaced by new legislation. Outside the town area of Apia, water supply control and inspection should be handed over to local authorities.

(111) Control of Finance

All legislation to implement the recommendations of the Commission should require that all proposals for the recognition of local authorities contain proper provision for the care of funds. In villages the Pulenu'u will normally act as village treasurer, and the law should define clearly the responsibilities of local treasurers and provide penalties for misappropriation of funds, the limits of funds which should be kept in cash in villages and should provide for the proper investment of money, for example in the Post Office Savings Bank. An audit system would be needed in dealing with the regular inspection of the accounts and books by the Treasury Audit Office. This would be a final safeguard against the misuse of funds of local authorities.

(g) The Trial of Offenses

The judicial duties in the settlement of disputes have always been among the major functions of the Ali'i and Faipule except within Apia and its environs and this system continues to be the present mainstay of law and order in the territory. Since tradition plays such an important part in the maintenance of justice, it should be legally recognized in the local authorities. The offenses which continue to be dealt with by local authorities are: (a) those representing a threat to the structure of authority in Samoan society - at present dealt with by the village Fono, which is representative of the dignity of the community, (b) those petty offenses which are at present dealt with by the Pulenu'u or village committees. This trend of development should be encouraged by the Board and the present system of fines, for petty offenses in cash but for more serious offenses in food, should be recognized.

A proclamation vesting authority in village and district committees should clearly state the offenses to be tried by the Fono and by the Pulenu'u or committees respectively. In the general legislation to implement the committees' recommendations, general principles of justice should be laid down, e.g. the right of accused to be heard in his own defense, the keeping of written records of cases heard and of the decision in each case. With such guarantees of satisfactory procedure, the Commission is of the opinion that



village and district authorities will be able to continue to deal with customary and minor offenses in future with the support and respect of the people.

(h) The Maintenance of Law and Order in Vaimauga and Faleata

The traditional authority of the Ali'i and Faipule of these two districts bordering upon Apia has largely broken down owing to the mixed population, the patchwork of European and Samoan lands in the area and the large number of Samoans from outside districts working for wages. As a consequence, most of the recommendations of the report are not fully applicable to these two districts.

It is suggested that a special conference be called by the High Commissioner, and attended by representatives of European and Samoan communities, Government officers, missions, Ali'i and Faipule. This conference would discuss the problem of maintenance of law and order in Vaimauga and Faleata and may well decide that an increase in Government control is necessary, and that offenders against local regulations should be tried in the law courts.

(i) Co-ordination of Policy in Departmental Districts

Government Departments all have their headquarters in Apia, but part of their work is carried out in the outer districts. The Medical Department has S.M.P.s and Nurses in the outer districts; it maintains comprehensive medical, dental and public health services for the whole territory. Similarly, the Education Department, the Radio Department, the Agricultural Department, Post Office, have their representatives in the outer districts. At present each Department, for the purposes of administration, makes an arbitrary division of the territory into districts. These departmental districts do not correspond with political divisions in the territory. To achieve satisfactory co-operation and meet administrative needs of Government Departments, it will be necessary for the people of the whole or parts of several political districts to meet together and work out common plans for the development of departmental services. Although there is a common belief that great difficulty will be encountered in organizing such meetings, the Commission does not share this opinion.

Three considerations of primary importance should be kept in mind:

- (1) The functions of district meetings must be limited to matters of administration and politics must be excluded.
- (2) The best use should be made of traditional political grouping in organizing combined meetings.
- (3) There must be full co-ordination between different Departments.

The Commission accordingly recommends that there should be seven departmental districts, three in Savai'i and four in Upolu. These districts should be based as closely as possible on political districts. The Departmental district would serve as a unit of administration for all departments whose work in each district would be under the supervision of Samoan officials.

In each departmental district, an Advisory Council should be established, composed of representatives of district or village authorities and attended by senior departmental officers in the district. The Advisory Councils would discuss education, medical, agricultural and other needs and submit recommendations to the Government and to their own local authorities. Minutes of meetings should be kept and forwarded to the departmental heads concerned and to the Board. The success of these Councils will depend on the extent to which they do not undermine the power, authority and tradition of the Ali'i and Faipulo.

(j) The Future Need for District Groups

The Commission believes that improvements are desirable in district judicial organization. The Samoan district judges, Fa'amasino Itumalo, hold their office for short periods only and generally have little knowledge of their powers or of proper court procedure. As a result few cases are brought before them because the Samoans realize that they do not possess the knowledge and experience needed for the effective administration of the law.

The Commission considers there is a need for the type of court between the High Court sitting under the Chief Judge or a Commissioner, and the District or Village Authorities, sitting in their judicial capacity. Such courts should sit under Samoan judges. A system of appeal from the decisions of local authorities is necessary. Many organs and Government regulations could

conveniently be administered by local courts. Two alternative recommendations, set out as A and B hereunder, are to be forwarded on the basis of the following considerations:

- (1) District judges should be men of talent, integrity and standing, to encourage such qualities they should be adequately paid.
- (2) Judges should remain longer in office than at present to gain experience.
- (3) Administrative assistance in the form of trained clerks should be provided to assist the judges.

A. A district court should be established in each departmental district presided over by a judge with the same standing and salary as an Associate Judge of the High Court. The judges should be appointed for six-year terms and should take turns in sitting with the Chief Judge on the High Court. Judges should be assisted by trained clerks.

B. The present number of Associate Judges on the High Court should be increased from 5 to 6 or 7. They would have jurisdiction in all matters that could be dealt with by the proposed district courts.

Parties of two Associate Judges, accompanied by a clerk and police officer, would go on circuit through each district once a quarter, thus less extensive reorganization would be required for this system and judges would have the benefit of more regular contact with the Chief Judge in the High Court. They should be enabled to reserve decisions which can be taken jointly by the Chief Judge and themselves.

Either proposal would require an amendment to the Samoan Act 1921.

(k) Government Action on the Report

A full opportunity should be given to the Samoan people, including the Fono of Faipule and the Legislative Assembly to study the report. The report will be printed in Samoan and English and widely distributed in the territory.

The Director of Broadcasting should arrange for questions on the recommendations to be answered over the local radio station.

A thorough analysis should be carried out by the Government of the evidence collected by the Commission. This analysis would give the Board the necessary basis from which to consider the proposals for the recognition of powers of local authorities. Consideration should immediately be given to the legal changes necessary to give effect to these regulations.

#### CONCLUSIONS

The implementation of the Commission's recommendations will involve changes in the administrative structure of the Central Government, e.g. the existence of the Department of Samoan Affairs will become unnecessary, the Secretary of the District and Village Government Board will, it is assumed, be given an office in the Secretariat, and will use the services of clerical and other staff of the Secretariat. No other course would produce that linkage between Central Government and local authorities for which the establishment of the Board is recommended. When such a step is taken, a Secretary with Samoan staff will be in a position to administer policy with fuller understanding of the real wishes and intentions of the people than any Government Department has possessed before.

The Commission had certain general observations to make on future economic and political development in Samoa. It draws attention to the interest which has recently arisen in co-operative organization among the Samoans. Co-operative organization is, of course, closely in line with traditional Samoan methods and the establishment of co-operative trading would be the natural complement in the economic field to the adoption of the Commission's recommendations in the political and administrative field.

It is recommended that the Government should attempt to provide the desired advice and to pass necessary legislation to permit co-operative societies to enjoy the protection of the law as they do already in Fiji and other countries.

Throughout Samoa a keen desire for knowledge was found on political and economic matters and a number of people were anxious to pursue their studies such as agriculture or co-operative organization by means of books.

With regard to broadcasting, there is considered to be a need for a greater variety of news and information and in some cases for fuller preparation of programmes than appears at present to be possible.

The Commission believes that the Government should press on boldly with the plan of purchasing inexpensive receivers for sale at cost to individuals.

The need for a public library system is no less real. A similar system to the country library service is needed in Samoa.

Greater co-operation between Central and Local Government and greater contact between the Government and the people is necessary if the changes recommended by the Commission are to be effective.

Finally, the Commission reported "we would return once again to a subject which we have touched earlier - the relation of our proposals to the progressive attainment of self-government. This is the deepest wish to the people of Samoa, that they should be able to have complete responsibility for the management of the country's affairs. Our recommendations will finally be judged by the contribution which they make towards the attainment of that objective ... We believe that the development of local government on a firm basis of Samoan tradition must provide the ground work of any effective form of self-government".

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