

Joshua Cooper

Elections and conflict over transfer of power

2021 saw elections and a non-violent transfer of power, despite challenges had to be resolved through the nation's Supreme Court. General elections were held in Samoa on 9 April 2021. Preliminary results showed a tie between the ruling Human Rights Protection Party (HRPP) and Fa'atuatua i le Atua Samoa ua Tasi (FAST), each winning 25 seats in the Legislative Assembly.⁶ However, the Samoan Electoral Commission subsequently determined that, with women comprising 9.8% of elected members, the results did not meet the constitutional provision that required at least 10% of seats be held by women.⁷ As a result, an additional female candidate was declared elected, increasing the parliament's membership to 52 and the HRPP's seat total to 26. This ruling and the procedure were contested in Samoa's courts, ending in the Supreme Court where a decision was issued on 23 July that confirmed FAST as the winning party. The HRPP then conceded the election. This resulted in Samoa's election of its first female prime minister, Hon Fiame Naomi Mata'afa,⁸ who has represented Samoa with a focus on the Samoan Constitution and Samoa's responsibilities to the Pacific.

Mata'afa became the 7th Prime Minister of Samoa and the first woman to serve as Samoa's O le Ao o le Malo (Head of State), second in the Pacific after the Marshall Islands. Mata'afa also holds the traditional *matai* title, Fiame, after her father's passing when she agreed to be successor to one of his chiefly titles in Lotofaga village. She has held numerous leadership positions in previous cabinets as Minister of Education, of Women and of Justice, as well as acting as the first female deputy prime minister.

Mata'afa's victory ended the HRPP's 39-year rule. The defeated Prime Minister, who had served for 22 years as Head of State, declined to recognize the will of the people in the vote, creating a Samoan constitutional crisis.

The HRPP government refused to convene parliament and enable a peaceful transfer of power. While the HRPP refused to concede power and created a coup environment in Apia by locking the doors of parliament, Mata'afa and her elected parliamentarians were not able to enter Fono

(Samoa's parliament) and had to be sworn in in a tent in the garden. The HRPP leader declared the swearing-in "treason and the highest form of illegal conduct", creating tense conditions and perpetuating a constitutional crisis in one of the first nations to declare independence in the Pacific.

On 23 July, The Court of Appeal ruled the swearing-in ceremony constitutional and binding, and the months-long constitutional crisis was averted three days later when the former Prime Minister conceded.

Laaulialemalietoa Polataivao Schmidt, founder of FAST and an MP, declared: "*The road we have walked has been lled with obstacles... Despite the obstacles in our pathway, this is our moment, let us move forward from here.*"⁹

3rd Cycle of Universal Periodic Review (UPR)

Samoa continued its participation and input into the third cycle of the UN Human Rights Council UPR process in 2021. Across Samoa, this process has been one of the global highlights for human rights promotion and protection, opening up channels through to document and transmit key challenges for Indigenous Peoples in the national political space. Further, the UPR process has enabled dialogues between Indigenous Peoples and the highest national government of ces. Despite the ongoing challenges,¹⁰ the national governance structures that respect and acknowledge Indigenous Peoples' rights have remained resilient.

Samoa appeared before the UN Human Rights Council UPR Working Group at the Palais des Nations, in the Alliance of Civilizations Room XX, in Geneva on 2 November.¹¹

To prepare for the global review, Samoa hosted a mock session the week prior on the ground in Apia, Samoa. The Office of the Ombudsman, Samoa's National Human Rights Institution, hosted a series of capacity-building workshops for NGOs in the months prior.¹² Civil society was also mobilized, ensuring its voice was represented in the submissions to the third cycle. As a result, the submission of stakeholder reports on a broad range of key issues was ensured. Of particular note were those focusing on LGBTQIA rights and a continued call for action and review of violence against women.

Samoa illustrated the importance of the UPR with the Prime Minister heading the national delegation. Brazil, Uzbekistan and Denmark served as the troika rapporteurs during the UPR. H.E. Fiamē Naomi Ma-ta'afa opened

the 3.5-hour review of the human rights record. Samoa saw an increase in recommendations from its second and third cycle from 129 to 143 recommendations. Samoa supported 119 of these recommendations in 2021 and noted 33 more.

Samoa increased its follow-up efforts following the recommendations from the UN human rights processes, creating a National Mechanism for Implementation, Reporting and Follow-Up (NMIRF) chaired by the Ministry of Foreign Affairs and Trade. The web-based human rights tracking tool, SADATA, is also an important instrument for implementing the recommendations of all the global human rights machinery. SADATA is Samoa's Implementation Plan for Human Rights & Development. SADATA was launched between the two UPR cycles and is available for all Samoans to gain access to the recommendations and state of implementation regarding their Indigenous rights.¹³

Samoa at COP26

Samoa representatives brought their expertise, experience and knowledge, centred around Moananuieka (the Pacific Ocean), to their engagement at the international level. Samoa representatives actively participated in the UNFCCC COP26 in Glasgow, including through the submission of a High-level segment statement¹⁴ and direct presentations and calls to action to address the impact of climate change from the newly-elected Prime Minister.¹⁵

The Pacific protecting the Paris Agreement's commitments

Samoa served as chair of the Pacific Islands Small Islands Developing States at COP26 in Glasgow, sending H.E Fatumanava Pa'o Luteru, Ambassador and Permanent Representative of the Independent State of Samoa to the United Nations, New York to represent Samoa at the global gathering.¹⁶

Brianna Fruean, a climate youth activist with 350.org in the Pacific, presented at COP26. Her intervention highlighted the potential loss of sovereignty and way of life for Samoa and the people of the Pacific if the climate crisis is not addressed. Fruean, now a University of Auckland student and environmental advocate for Samoa, declared on behalf of all people of the Pacific: "*We are not drowning - we are ghting.*"¹⁷

Fruean took on the responsibility as an ambassador for Samoan women and the Pacific region:

*It felt great to be heard. The words I shared didn't just belong to me - they belong to my community, they belong to every single Pacific island. [...] I think that was really important for me to tell the world leaders that they don't need my tears and my pain - and quite frankly, they don't deserve it.*¹⁸

Samoa's Prime Minister Mata'afa addressed COP26 via a video statement.¹⁹ The Prime Minister cited priorities for the self-determination of Indigenous Peoples in the Pacific: *"We must ensure that we continue to uphold the principle of environmental integrity and keep the Paris Agreement promise. This is critical when finalizing COP26 outcomes."*

In her statements, and joining with Indigenous representatives from around the globe, the Prime Minister also highlighted Paris Agreement Article 6 noting: *"Loss and Damage needs dedicated funding. COP26 must address the long-term and permanent consequences of insufficient climate action."*

Notes and références (PK : Ne pas traduire)

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