The Samoan Fa'amatai System: Social Protection and Governance Issues

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ABSTRACT

This paper explores the fa'amatai in the light of social protection in Samoa. Fa'amatai is a way of life, a social political structure and the basis of traditional village governance that cuts into the modern democratic system of government. Samoans revel in their fa'amatai, which is flagged as a core element in the political stability of the island state. Samoa celebrated 50 years of political independence, the fa'amatai as a pre-modern system of government and way of life continues to thrive alongside the modern democratic Samoa which is in itself a fact that is to be admired and any Samoan both local and abroad seem to agree that the fa'amatai is well and truly alive amidst the forces of change, globalization, migration and political instability to name a few. However, dissecting the fa'amatai can reveal some grey areas that seriously undermine efforts at strengthening social protection to those directly governed by the fa'amatai system. The hierarchical structure of the fa'amatai that is rooted in the culture makes it less sensitive to efforts at improving governance of this antiquated system of local government.

Key words: fa'amatai, social protection, governance, culture
INTRODUCTION

The paper is a contribution to the contemporary discussion on the Samoan fa'amatali system. Fa'amatali is a social-political system of government that is based on the rule of Samoan customs and tradition. It is a system that remains intact despite the onslaught of changes as a result of Samoa's increasing integration into the outside world primarily through migration, trade, advanced technology, tourism and aid flows to name a few.

The paper is in three parts. Part one provides an overview of the fa'amatali system of local government and the legislations in place to accommodate the fa'amatali within modern forms of government. The second part seeks an explanation of the role of the fa'amatali in providing social protection within the context of traditional social relations and practices. The final part of the paper places women in the fa'amatali to engage readers in the discourse about the status of women in Samoan society particularly in relation to the rights of women to participate in politics, employment, and taking up matai titles.

WHAT IS THE FA'AMATAI?

The fa'amatali is a system of political administration that is custom and village based as opposed to democratic central government (Toleafoa 2006). Meleisea alludes to the fa'amatali as 'the system of chiefly authority based on the idea that title holders would represent the interests of the extended families who gave them their titles' (Meleisea 2000:191). It is a system that evolved out of the blending of aiga (family) and a hierarchical network of matai (chief) titles where kinship relationships and social-political interactions are played out (Vaai 1999:29, Toleafoa 2005). The fa'amatali is a grouping of males and females who are descendants and heirs to family titles and lands (Le Tagaloa 1992:117). Fa'amatali is the essence of custom law. And custom is best described as ancestral law in contrast to modern state laws (New Zealand Amatatai Ministry Study Paper 17, 2006:41). The institution of fa'amatali (pre-modern and contemporary Samoa) is governed/conceptualized in a hierarchical system of fa'alupega (honorific/traditional salutations). The village fa'alupega is both a formal greeting of the principal matais and a demonstration of village autonomy (Davidson 1967:17). It is a sign post that points to the who's who in the village saoafaiga (social-political hierarchy). Fa'alupega is an oral history of village origin, kinship, ties to pagan gods, ancient warriors, animal world and our natural environment encompassing the land, sky, ocean and the spirit world. Other author's refer to the fa'alupega as the village constitution (lati n.d.). One only has to hear the fa'alupega of a village being recited to be able to deduce immediately which matai (s) and title(s) make up the core authority (pule) in the village.

Central to the fa'amatali is the pule (authority) that governs the use, distribution, and protection of village customary land resources. The linkages between the fa'amatali and land is best expressed by lati in the form of the nu'u (village) founded on land that is attached to matai titles (suafa), which are owned and controlled by aiga (family) (lati n.d.). Vaai 1999 identified four types of authority over land as, constitutive authority (pulefaavae), distributive authority (pulefaasoa), exploitative authority (pulefaaaoa) and protective authority (pulefaamalaumal). The overarching authority (pule) in the village therefore rests with the village fono that consists of the village council of matai and the women's council titled the olo tai na fa'amatali. Women have traditionally held titles as status symbols of the women and are expected to be the ones to lead the women of the village in the organization of the village. The fa'alupega is the title of the matai whose right to the lands of the aiga (family) is recognized.

Land, (80% of all land in four categories) is owned in yards (tunui) irrespective of who the plantation may be. The matai's distinction is the fa'alupega for each aiga. The exploitation of aiga. The matai’s authority which enables the efficient use of land.

Under this model, the village is a self governing unit and all resources are within the purview of the matai. Arguably, the past and current Samoan and village model of land use and the financial development of the era have caused a division of the gains, as a result of new work and practice and is an obstacle to work and investment.

In the same way the Samoan kinship ties and matai is a resource. It is a major way towards land use, and a potential driving force for development of the banks reliance...
of the village matai and all other forms of social organization are subsumed under the village council of matai (see Figure 1). The sa’oao and aualuma grouping/social organization is made up of the women (young and old) of the village who trace their descent and birth to the village matai titles as stipulated in the village fa’alupega. The untitled men are the sons of matai and those males who are connected to the village through marriage. The young men who have left school are expected to join in the untitled men’s group. The faletua & tauasi (wives of matai) comprise the women from outside who are married into the village, and their status in the saofaiga (social organization and hierarchy) is defined by their spouses’ position in the matai hierarchy and fa’alupega (Vaai 1999: 40). Finally, children and young people attending school, are a group whose rights and responsibilities are nonetheless important and recognized particularly within the aiga (family) structure.

Land, (80 % held in customary) is an important village resource that can be divided into four categories as follows: a) forest (vaomatau) b) plantation lands (fa’atoaga) c) residential yards (tuamaota) d) residential sites (tulaga maota /laoa) (Vaai 1999: 42). All customary land irrespective of category fall under the village constitutive and protective authority, whereas plantation land becomes the constitutive authority of the aiga / family, exercised by the family matai’s distributive authority to allocate/distribute the family lands among his extended family/aiga for cultivation. Family members who cultivate the plantation lands are exercising their exploitative authority that is subsumed under the protective authority of the extended family/aiga. The multiplicity of authorities over land provide checks and balances against any one authority taking over/controlling village lands but at the same time it has become an obstacle to the efficient and productive use of village lands in a modern cash based economy.

Under this subsistence and custom based form of land allocation, every family (aiga) in the village therefore have no problems of accessing land for subsistence production and individuals are within their rights to exercise their exploitative authority to cultivate their family lands. Arguably, this form of land allocation serves to ensure the subsistence food needs of all family and village members are looked after. However, there are numerous cases where individuals with the financial resources to extend beyond subsistence production into semi-commercial farming have caused friction between the matai of the extended family and individual(s). The problem arises, as a result of matai expectations to receive a sizable portion of any profits/financial gains that may have been generated from such semi-commercial ventures. Such expectations and practices in a village and custom based context are counter productive to the essence of hard work and individual achievement.

In the same vein, having multiple rights and ownership claims to land based on matai title and ownership (res) in such a check against individual ownership and control over this very important resource. Recent efforts by government to negotiate long term lease of customary lands geared towards large scale foreign investment in response to an IMF report to explore the productive potential of customary lands (IMF 2012) has been met with some mixed reactions from the Opposition Party and the public. The Opposition would much prefer the leasing of customary land for development to local investors only (PACNEWS 2013). The problem rests with commercial banks reluctance to lend capital guaranteed on customary land leases (Lesa Keni, Samoa Observer...
2013, September 17). Evidently, the nature of land ownership under the fa’amatai system is both a blessing and curse for villages and families. A productive use of customary lands can be negotiated through kin, matai and the fa’amatai system, a lengthy process of consultation and trying to get a consensus among matai and their families (aiga) but a process that needs to happen if the government is serious about the IMF recommendation.

**FIGURE 1: Village Structural Organization**

![Diagram of Village Structural Organization](Image)

Source: Author’s Diagrammatic Representation of village hierarchy

**FA’AMATAI AND LOCAL GOVERNMENT**

All forms of social and economic development in the village, be it internally or externally instigated, are channeled through the matai council. In other words, the matai council is the point of contact for implementing and delivering government policies at the village level (Toleafa’oa 2006). Toleafa’oa argues that prior to independence, through independence and up until the present, the matai and fa’amatai system of local government and the modern democratic system of central government have co-existed, with no real effort (political reluctance?) to change the scheme of things other than the Fono Act in 1990 that more or less defined the social responsibilities of the matai council. As a result, we have in Samoa an archaic system of local government that exists along a modern democratic form of government. So, what seems to be the problem with having two different systems operating side by side? Is there a need to reform a custom-based form of local government in sync with the modern democratic systems of government? And how does a custom-based (fa’amatai) system impact on social protection in village communities?
Toleafoa (2006) gives a brief history and extensive analysis of fa'amatai based local government. Two aspects of his analysis are particularly significant to this paper: 1) Samoan villages and their village leaders before independence were autonomous units and continue to maintain this independence to date 2) There is a need to align the fa'amatai with the modern systems of government. Leading up to independence, a special commission comprised of senior matai at that time, was established to look into the types of local government institutions and structures suitable for a newly independent state. The end result was the formation of a District and Village government board to advise the central government on local government matters (Toleafoa 2006). In other words, the board served as a mediator-advisor between the modern central government and independent fa'amatai based village governments. One of the key advice given by the board was to recognize the existing custom based village structures as a basis for modern local government which was considered incongruous with the modern system of government and was not given much thought due to the intractable nature of dealing with two different systems of government. Actually, there is no provision for local government in the Constitution. Part IX of the Constitution deals with lands and titles without any reference to village government (CLGF Pacific 2011:1). The Fono Act and the Internal Affairs Act are the two key legislation that address village government issues. The Fono Act of 1990 validates and gives the matai council power and authority to govern their villages in accordance with the custom and usage of their villages. Other critical aspects of the Fono Act are as follows:

- The Registrar of the Land and Titles Court shall compile and keep up to date a register of village fono in which shall be recorded the name of every village in which a village fono is functioning.
- Every village fono in the exercise of any power or authority shall exercise the same in accordance with the custom and usage in that village.
- The past and future exercise of power and authority by every village fono with respect to the affairs of its village in accordance with the custom and usage of that village is hereby validated and empowered.
- In addition to the power and authority granted under this Act, every village fono shall have other powers, authorities and functions as may be provided in any other Act.
- Written records not required – no written record of any enquiry by a village fono into any allegation of village misconduct, or of any punishment imposed, need be kept and no person found by any village fono to have been guilty of village misconduct shall by reason only of that fact be guilty of a crime or offence under any other enactment, nor except with the consent of that person shall evidence be given in any court of the decision of the village fono or of any punishment imposed by it.
- Powers of village fono relating to hygiene and economic development – to make rules for the maintenance of hygiene and the development and use of village land for the betterment of the village. The power to direct any person or persons to do any work required to be done.
- Every person is guilty of village misconduct and may be punished by his village fono who
fails to obey any rule or direction made or given in accordance with the powers granted or preserved by this section.

- Punishments – without limiting the powers of village fono preserved by this Act to impose punishments for village misconduct the powers of every village fono to impose punishment in accordance with the custom and usage of its village shall be deemed to include the power to impose a fine in money, fine mats, animals or food and the power to order the offender to undertake any work on village land.

- Power of delegation – a village fono may delegate to a committee of its members all or any of its powers.

- Courts to take account of penalty imposed by Village Fono – where punishment has been imposed by a village fono in respect of village misconduct by any person and that person is convicted by a court of a crime or offence in respect of the same matter the court shall take into account in mitigation of sentence the punishment imposed by that village fono.

- Limitation of jurisdiction – the jurisdiction of any village fono shall not extend to include: any person who does not reside in its village, any person who not being a matai of its village ordinarily resides in its village on Government, freehold or leasehold land and is not liable in accordance with the custom and usage of that village to render tautua to a matai of that village.

- Exemption from income tax – the income of every village fono shall be wholly exempted from income tax.

- Right of Appeal – Every person adversely affected by a decision of a fono, (including a decision as to punishment) shall have a right of appeal to the Court against such decision and the Court shall have jurisdiction to hear and determine the matter.

*Source: Village Fono Act 1990.*

The Village Fono Act has undergone some revisions in 2011. Three key questions were asked of the public and interested stakeholders as part of the Samoa Law Reform Commission consultation for the review. The questions were as follows:

1. Is the Village Fono Act good law?
2. If not, in what ways can the Village Fono Act be improved?
3. How can the Village Fono Act be amended to harmonize article 11 (freedom of religion) with customs and traditions?
The outcome of the consultation and review are summed up in twenty three (23) recommendations as follows:

1. The use of the words ‘power’ and ‘authority’ in the long title of the Village Fono Act should be revisited to consider more neutral words such as ‘role’ and ‘function’

2. The words ‘role’ and ‘function’ should replace all references to power and authority in the Village Fono Act 1990.

3. The Village Fono Act 1990 should incorporate a Preamble clause establishing its historical significance, to give context to the subsequent legal provision for its role and functions and should include; a) the historical significance of the village fono in Samoan society and why it needs protection and recognition, b) the organizational structure of the village fono and composition, c) recognition of international standards for the protection of human rights and fundamental freedoms (Constitution 1960), d) the underlying philosophy of the Village Fono Act as deliberated in Parliamentary Debates 1990.

4. the difference between village land and free hold land in the Village Fono Act should be clearly defined to clarify the extent of jurisdiction of village fono

5. The definition of village misconduct should be expanded to consider a registration system to keep record of village misconduct and traditional punishment available to a village fono.

6. The registration process in 5 should also require the classification of ‘village misconduct’ into two categories ‘minor misconduct’ and ‘major misconduct’ with a corresponding range of punishment for each category.

7. To oblige village fono to register assembly of Alii and Faipule and the name of the respective village.

8. Overriding constitutional provisions and that past power and authority of the village fono on certain terms and conditions shall be consistent with the Constitution and Samoa’s obligations

9. The words ‘past exercise of power and authority’ of the Village Fono Act 1990 shall be replaced with the words ‘past actions’

10. Written Records of an enquiry into any allegation of village misconduct shall be kept or of any punishments imposed by the village fono for future references.

11. There should be a formal registration system set up by the Registrar of Land and Titles Court to register village rules and bylaws...

12. To simplify Section 4 of the Village Fono Act 1990 for easier reading

13. Additional functions of the village fono to complement the existing roles relating to hygiene and economic development (see page 19 of full report)

14. Periodic review of village rules and by-laws
15. Raise awareness amongst those living on free hold land in the villages about village rules and protocols, while still maintaining the individualistic status of free hold land.

16. Clarify the meaning of fa’asamo’a in relation to free hold land.

17. In cases where peace and harmony of the village is disrupted by actions of people living on free hold land/government land, there should be some form of remedy available to the village fono (see full report page 23).

18. There needs to be uniform scale to ensure the same punishment applies across each village for the same case of village misconduct.


20. Role and composition of a committee with delegated powers should be clarified.

21. To maintain the status quo of section 8 of the Village Fono Act 1990.


23. Apply the principal of general applicable laws and neutrality to harmonize the powers of the village fono in relation to setting up of new churches with Article 11 of the Constitution.


So what is the significance of these amendments? Firstly, the review is a major effort by government to bring in village government under modern state control to improve on the good governance agenda and human rights protection as advocated by Samoa’s development partners. Given that ninety five percent (95) of parliamentary seats are village based and contested by matai holders only, it is critical for Samoa to address the inherent weaknesses of the fa’amatai to better cope with the more complex business of modern day government that includes and not limited to political, economic and social decision making that impact on people’s livelihood. Thirdly, the amendments are strategically crafted and phrased to gradually remove the power and authority that once characterized the fa’amatai. On the other hand, it is a much needed change to check against the authoritarian and dictatorial (afioga tutasi) rule that define some of the faiga nu’u. As stated earlier, the fa’amatai and faiga nu’u based on the personality of key or senior matai has often led to factionalism, division and eventual split of some villages (latest case is Fasitoa tai village in January 2014), where there are now two villages or faiga nu’u that share the same fa’aalupega but contest the Pulenu’u and sui o le malo candidature. In such cases (and there is quite a few) the Registrar of the Land and Titles Court is required to arbitrate. This is an area the Samoa Law Reform Commission need to consider in the future. While the freedom of religion is guaranteed in the Constitution, the majority of villages with well established mainstream churches (Congregational Christian Church of Samoa, Catholic, Methodist) have an unwritten covenant between the village(s) and church through the pastor/minister (fa’afeagaiga). As such, the pastor is protected and elevated to the apex of the village hierarchy to the detriment of new emerging churches that have already gained some traction and aspect of the community.

Likewise, the review points to central issues of ...

- Consolidation of roles and counted of Fagamaso’a.
- Properly defined and described of the roles.
- Reforming the existing Village Fono Act to effective governance.
- Fono’s role compatible with the Constitution.
- Matualii and the Village Fono Act.
- Organizational change and confusion.
- Roles of the Fono or the development of the Village.
- Adapt to the new.
- Prefer the laws to have...

Source: Introduction.

One aspect of this that is not which local government should be done. Some proposed amendments for example the new clause of churches/fono need to be discussed in the light of the ‘new’ role of fa’aalupega role/authority that has been implemented. These include the need for changing the law for the sake of human rights protection, the role of the fono or the village government under the modern state.
of new evangelical movements desiring to set up in villages where mainstream churches have already put down roots. The Village Fono Act review needs to be more clear on this particular aspect of the freedom of religion.

Likewise the Internal affairs Act 1995 was yet another endeavor to align local village government to central government via the establishment of the Division of Internal Affairs to:

- Consider proposals, formulate policies and make recommendation to Minister for the recognition and organisation of village authority in each village based on the Alii ma Faipule Samoan custom and tradition
- Provide such guidance and advice as the Alii ma Faipule may request in the preparation, development and implementation of local government
- Review from time to time the needs, functions and efficiency of local government institutions and recommend courses of action to the Minister in regard to such needs and efficiency
- Formulate policies and guidelines for social and economic development in the villages
- Provide technical services as may be required for the administration of the Act in accordance with local government and village authority standards
- Make recommendations to the minister regarding the appointment of Pulenu'u and sui ole Malo
- Organize and promote competitions among the villages for the purpose of encouraging and stimulating increases in productivity
- Receive, manage and allocate funds as may be appropriated from time to time by Parliament or received in the form of grants or otherwise from any source for the purposes of village development.
- Advice the Minister on matters pertaining to the conduct, finance, business and control of any local government activity
- Prepare for recommendation to the Minister by laws proposed by the Alii and Faipule to have effect in local government

**Source:** Internal Affairs Act 1995

One aspect is clear from the 1995 Act; the central government recognizes the need to bring in local government under central government administration which seemingly easier said than done. Some elements pertaining to the functions of the division are inimical to village government for example putting in place village by laws. Some villages prohibit the establishment of new churches/faith in their villages other than the existing churches and have done so through public notices on National television and outlawing families or person(s) responsible for introducing 'new' religion into the village.
Another long standing issue with the establishment of the Internal Affairs Division relates to the organizational structure of the division, where it is subsumed under the Ministry of Women Community & Social Development. Arguably, if the government is serious about strengthening village government through good governance practices, then they need to practice what they are preaching by setting up a ministry entirely dedicated to internal affairs and local government rather than having the Alii and Faipule or the village council attached as a division under Women and Community.

Village fa'amatai and democratic parliamentary forms of government coexist in contemporary Samoa and the need to synchronize the two is becoming more urgent as the forces of globalization are making a significant impact on the social, economic and political landscape of the island state. After 50 years of independence, the need for a concordant fa'amatai and democratic system of government is becoming more pressing with Samoa's integration into the rest of the modern world through trade, tourism, seasonal labor schemes, remittance, telecommunication, and international migration. Currently, village government is guided by its own fa'amatai ideology with links to central government through the pulenu'u (male/village representative to central government) and sui o le malo (female representative to central government). The pulenu'u and sui o le malo are the vehicle in which central government communicates national social and economic development initiatives such as primary health care (Samoa Health Sector Plan 2007:60) and other government social-economic development programmes. There have been incidents in the recent past (2011) in which government terminated the employment of two pulenu'u (Satapuala & Maagiagi) for failure to deliver government policies to their respective villages (Autagavaia 2012). The sacking of the two pulenu'u was triggered by a difference of opinion between government and the two villages over the ownership of land and water resources. Villages have no say over the termination of pulenu'u employment by the government given the position of pulenu'u and sui-o-le-malo are public service posts paid by public monies and subject to Public Service Commission employment regulations.

In relation to social control and protection, matai under the fa'amatai system administer justice and punishment in accordance with personalities of the matai council which is appropriately described as arbitrary and spur of the moment decision making. According to So'o, the 'matai procedures and values are cultural yardsticks by which Samoans judge what is right and what is wrong, what is acceptable and what is not acceptable' (So'o 2000:134). There is documented evidence of grievances in the Lands and Titles court where families and individuals have taken the village fono to court over the unjust and biased administration of justice in the village. These are essential fa'amatai governance issues that need to be addressed to strengthen social protection in the villages. In the daily village social administration and operations, villagers who commit offences such as theft, adultery, fighting, spreading malicious gossip, stealing and drunken behavior, are penalized or fined. Traditionally, fines consisted of 100 plus sows and taro given in to the village fono or council by evening otherwise the individual(s) will be banished from the village. The current practice, however, has seen the replacement of pigs and taro with cartons of tinned fish or cash. More serious crimes such as murder are handled by the police. But, before the law steps in, there are cultural mitigation actions such as a formal apology (ifoga) performed by the family of the offender towards the victim's family. By the same token, the offended party processes the payment of compensation to the victim's family and peace is restored.

SOCIAL

The community understanding of their position in the social order is as beneficial in the poor of the village as it is for the rich and the upper echelons of the village. Settling a conflict in the village setting, for instance, is performed with the understanding of how the community feels the situation and how they may be impacted by the decision. The village community is not as large as the city and the laws are as flexible as adaptability in the decision making process. Where the government has no influence in the decision making process in the community, the community's understanding of how for they are impacted is central to the decision making process.

SOCIAL ECONOMY

Where the village community is engaged in social economy, it is less critical for the village government to provide services to their people. Community is a key concern for the community. Firstly, social economy is intertwined with the idea of community in the village. Secondly, social economy brings communities together for and by the community.

Secondly, social economy is a community driven approach. It is important in the structural change of the social economy since the community is the key element in the social economy.
Another long standing issue with the establishment of the Internal Affairs Division relates to the organizational structure of the division, where it is subsumed under the Ministry of Women Community & Social Development. Arguably, if the government is serious about strengthening village government through good governance practices, then they need to practice what they are preaching by setting up a ministry entirely dedicated to internal affairs and local government rather than having the Alii and Faipule or the village council attached as a division under Women and Community.

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Societal cohesion relates to the position of the Ministry of Women in the government. It is strengthening the institution by empowering what they are doing. ‘Matai’ as a governmental system is rooted in the betterment of the socio-economic development in the community; for example, the construction of fa'amatai (representative or elected leadership). The matai system creates national unity, is part of the Health Sector Development Plan. There have been advancements in the employment of two women in each of their respective positions to reflect the difference of gender in the village. The government given the rights of women and subject to the laws of the land.

The minister justice referring to the appropriateness of the ‘Tao’o, the ‘matai system’ is the right and what is deemed to be fair. This has documented the role of chiefs having taken the lead and the sociopolitical system in the village. This system strengthens social cohesion and ensures, villagers unite and work together, swearing and assisting one another; sows and taro with raiding will be banished by the police. This, in essence, is how the government (fa'oga) intolerance to ensure order. In this system, the entity of the offender is also expected to present food and money to appease the village fono. Essentially, the practice of fa'oga is considered a form of restorative justice and it serves the purpose of ensuring peace and harmony in the village and between families of the offender and victim.

SOCIAL PROTECTION AS DEFINED IN THE LITERATURE

The concept of social protection is best explained in development theory particularly in understanding the variables that impede people’s access to economic opportunities to alleviate their poverty and vulnerability (Barrientos & Hulme 2008). The ILO proposes social protection as benefits provided by society to individuals and households as a form of protection against poor or declining living standards (ILO 2001). Similarly, Conway, de Haan and Norton define it in terms of public actions adopted to address socially unacceptable levels of vulnerability, risk and deprivation in society. Others define it as the physical, social, political, legal and economic settings in which households live and operate (Hoddinott & Quisumbing 2003: 2). The physical setting comprises the natural environment of the land, soil, water availability and temperature that dictate the type of food crop the household and/or community will cultivate. The social element captures the cultural values, norms and behavior of the household and community particularly in the village/rural setting. The legal and political settings are closely intertwined and refer to the laws and regulations as set by the authority to guide and govern social and economic relations in the community. The economic setting on the other hand, considers the variables that dictate the levels of income for the household/community. Such variables include and not limited to how food and non-food items from aid relief, bestowal of matai titles (saofai) and funerals, are distributed in the village.

SOCIAL PROTECTION IN ACCORDANCE WITH FA’AMATAI

Where does the fa’amatai fit in with the many nuances of social protection as presented in the literature? The system and practise of fa’amatai can be viewed both as an obstacle to social-economic development on one hand, or a support mechanism for the vulnerable members of the village community. These two facets of the fa’amatai are discussed in the light of illustrations from case studies as reported in the print media and as they occur in the daily operations (faiga nu’u) of the village and the author’s experience as a matai in the faiga nu’u.

Firstly, the fa’amatai, and the village council of matai can be described as both judge and jury. Village matai in the ‘fono’ or council make the laws, implement and uphold village laws in the interest of peace, respect and the achievement of common goals. Decisions are made by the village council and passed down to the sa’oao, aumaga and faletua (see figure 1) for implementation. In this traditional setting, there is no separation of powers. Essentially, there is no check and balance against the village council as in democratic systems of government. This power of the matai and fa’amatai system has at times transcended individual rights to worship, who to vote for and even what to wear.

Secondly, the fa’amatai system of local government and the village economy in general is not immune to forces of globalization given the increasing openness and vulnerability of Samoa’s economy to changes in global markets that impact on tourism and remittances. Tourism in
The concept of social protection is best explained in development theory particularly in understanding the variables that impede people's access to economic opportunities to alleviate their poverty and vulnerability (Barrientos & Hulme 2008). The ILO proposes social protection as benefits provided by society to individuals and households as a form of protection against poor or declining living standards (ILO 2001). Similarly, Conway, de Haan and Norton define it in terms of public actions adopted to address socially unacceptable levels of vulnerability, risk and deprivation in society. Others define it as the physical, social, political, legal and economic settings in which households live and operate (Hoddinott & Quisumbing 2003: 2). The physical setting comprise the natural environment of the land, soil, water availability and temperature that dictate the type of food crop the household and/or community will cultivate. The social element captures the cultural values, norms and behavior of the household and community particularly in the village/rural setting. The legal and political settings are closely intertwined and refer to the laws and regulations as set by the authority to guide and govern social and economic relations in the community. The economic setting on the other hand, considers the variables that dictate the levels of income for the household/community. Such variables include and not limited to how food and non-food items from aid relief, bestowal of matai titles (saofai) and funerals, are distributed in the village.

SOCIAL PROTECTION AS DEFINED IN THE LITERATURE

Where does the fa'amatai fit in with the many nuances of social protection as presented in the literature? The system and practise of fa’amatai can be viewed both as an obstacle to socioeconomic development on one hand, or a support mechanism for the vulnerable members of the village community. These two facets of the fa’amatai are discussed in the light of illustrations from case studies as reported in the print media and as they occur in the daily operations (faiga nu’u) of the village and the author’s experience as a matai in the faiga nu’u.

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Samoa is 70 percent village based with beach fale tourism together with the major Resort and Spa hotels situated in rural Samoa (Aggies, Sinaiei, Aga Reef, Return to Paradise, Sea Breeze, LeUaina, Le La Goto, Savaiian). As such, there is a national expectation and understanding of the role of fa’amatasi in accepting, accommodating and protecting the economic interests of the tourism industry after all it provides employment and markets for food crops, vegetables, fish, and hand crafts. It is therefore in the best interests of the villages, matai council and the fa’amatasi system to ensure security, privacy and tranquility of the village environment that is conducive to tourism development and attraction.

Thirdly, remittances from immediate and extended families continue to connect villages with the outside world. Remittances fund the village, church and family obligations. A slow down in the global job markets particularly in Australia and New Zealand, can have an adverse impact on village income. Anecdotal evidence suggest numerous village fund raising travels (Malaga) to New Zealand after cyclone Heta (2008) and Evans (2012) for various village projects ranging from new church buildings to schools and long boat (faatuasi) for the Teuila and Independence boat race. At the same time, the large Samoan diaspora overseas has contributed significant changes to people’s consumption patterns, social expectations and taste for modern goods (ILO 2006:88).

Protecting family lands attached to the title (suafa) is the prerogative of the matai particularly the senior matai (sa’o). This right has become critically important now given the push from outside to free up customary lands for foreign investment. There have been recent incidents where the senior matai who resides overseas has consented to leasing the land without consulting the rest of the extended family. As a result, heirs and descendents have lodged an official complaint - grievance with the President of the Land and Titles Court to nullify any agreement the sa’o may have signed with investors without the knowledge of all heirs both local and overseas. The process of consulting all heirs and descendents is time consuming and there is no guarantee of a consensus among all heirs and descendents, is in itself a check against dictatorial behaviors by matai.

Bestowal of matai titles to expatriate heirs and descendents is a common practice that is expected particularly during the Christmas and New Year holidays. Two aspects of this practice are relevant to this paper. Firstly, bestowal of matai titles is a rite of passage to participate in the village council. Only those with matai titles can take part in the fono and decision making process. Equally important is the ritual of bestowing (saofa’i) the title on heirs and descendents, since the act marks the potential matai’s claim to his or her social and cultural heritage, particularly the title (suafa) and land. Secondly, it is an instant boost to the finances of the village particularly matais, where the modern and much preferred practice for bestowal of titles is the giving and receiving of money in place of cartons of canned fish, boxes of chicken and other food items. Given expatriate Samoans have inter married (second generation of New Zealand and Australian born Samoans), a growing number of title holders are of mixed ethnic backgrounds. A case in point was the latest bestowal of matai titles in the author’s family, where three of the title holders were of Dutch and English descent. Essentially, heirs or descendents (suli) extend and include all Samoans irrespective of marital associations and ethnicity. As such, heirs to the matai title can be all male, ranked and fa’amatasi standing as a unique tool in the culture while ensuring matai titles are not deemed unimportant regardless of lineage.

The ILO (1996) systems in Samoa, or any other would have substantial burden, is not only a drain on local money, funds or other bestowal systems but also enriching. The title holders are governed to be added to the extended families.

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The stresses of extended family lineages and matai title is why Samoans often call for the matai title to be passed down to major villages with immediate descendents in order to maintain reciprocity and matai title. Samoans state that ‘e leai se ‘a leiga ma e leiga se regardless of how many matai is deemed.

The ILO systems in Samoa that bestowal of matai titles on expatriate families or an obligation, is an important burden, is a source of pride, and of money, funds and goodwill. The bestowal is an enriching experience for both the family and the village, and are governed by the matai title which must be added to the ‘aloa family.

Essentially, matai title bestowal is a means to explain the past and present and inequity in thinking that is some form of fa’alavelva and matai council and ‘aloa practices. It is a better way of making the matai title in Samoa.
can be all the sons, daughters or descendants of the title holder because it is assumed that all are ranked and no one is a commoner (ILO 2006:84). It is arguable, that one of the strengths of the fa’amatata rests with uniting Samoan people and providing them with a sense of identity, social standing and prestige in Samoa and abroad. Bestowing matai titles to expatriate Samoans is a tool in the fa’amatata system to connect and bind descendants and kin to the title, land, and village while ensuring the flow of remittance and ‘tauta’ (service) from abroad.

The strength of the fa’amatai rests with social protection provided to immediate kin and the extended family. This is possible in the context of the village social organization where the village is synonymous with family (aiga), identity (fa’asina/comunity) and loyalty. Expatriate Samoans demonstrate this sense of loyalty to their village whenever there is a village fund raising call for the building and dedication of a new church, church hall, and pastor’s residence or any major village project. Pride and loyalty to family and village are played out in our social relations with immediate and extended kin. These relationships are cultivated through caring, giving, reciprocating and participating in every social-cultural obligation such as funerals, bestowal of matai titles, weddings, dedication of church buildings, and fund raising activities. The concept ‘elai se isi e tu fa’amau’ translated to mean ‘no one stands like a mountain’ implies equality regardless of wealth and prestige where wealth ought to be shared equally and self accumulation is deemed a social liability (ILO 2006: 87).

The ILO (2006) published a comprehensive document describing traditional social protection systems incumbent in the fa’amatai system. Fa’alavelave (literally means something that bothers or an obstacle) is in fact an obligation, viewed by many family members as a social-economic burden, is in fact a means of reinforcing family bonds, social exchange, redistribution of wealth (money, fine mats, tara, food) from funerals, weddings, dedication of new church buildings, and bestowal of matai titles. At times, matai have been accused of using fa’alavelave as a means of enriching themselves (su’a ai tupe ma mea a le matai) (ILO 2006: 86). As stated earlier, these are governance issues both at the village level and within the extended aiga (families) that need to be addressed in the interest of protecting the weak and vulnerable members of the village and families.

Essentially, the five settings as proposed by Hoddinott and Quisumbing are significant factors to explain why some communities or groups (local,) have become more vulnerable to poverty and inequality while others such as the matai appear better off. Inherent in the fa’amatai system is some form of social protection mechanism through social exchange and reciprocity in times of fa’alavelave, gift giving to strengthen family bonds and spiritual security (giving to the church and church pastor/minister). There is also the more common ‘personal generosity’ (ILO 2006:87) and ‘aofa’ (love) that explains why Samoan people give generously and without hesitation. Such practices are often have been blamed for economic hardship many families encounter in modern Samoa. Arguably improving the governance aspects of the fa’amatai is a positive step towards making this antiquated institution more relevant to the needs of a small, vulnerable and modern Samoa.
WOMEN IN THE FA’AMATAI SYSTEM

Where do women fit in with the fa’amatai? Figure 1 shows two defined and contrasting statuses of women. As daughters, sisters (feagaiga) and descendents they make up the sa‘oao and atualuma/tamaitai social grouping. This group enjoys an independent status and rank, but as wives, their status is determined by that of their husbands. A sister is a brother’s feagaiga (covenant) (Aiono 1986:103; Fairbairn-Dunlop 1998). A woman in her own village is held in high regard, but marriage relegates her to the status of ‘nofo tane’ (woman married into the family/village). The faletua & tausi social grouping are nofo tane. While this may appear like married women are devalued or discriminated against, the same could be said for a married man (faiava) in his wife’s village, or for a brother without a matai title (Stewart-Withers 2007:170).

As the feagaiga, she is given the utmost respect, privilege and honor particularly evident when the extended family gathers on occasions of fa’alavelave. As female heirs to matai titles, they have equal rights with male heirs to lands held in trust by the matai (Aiono 1986:104). According to Aiono, as the tama’itai Samoa, she knows she has this right as an heir but she rarely claims land for herself since the tiling and cultivation of land is not regarded as the responsibility of the daughters of the matai. But, this changes upon marriage and residence with the husband’s village or family. Essentially, if a woman desires to be pampered, she can opt to reside with her family in her village upon marriage. Otherwise, residence outside one’s village as a nofo tane can be quite a challenging experience.

The 2011 Census reported 1,766 females who hold matai titles compared to 15,021 males (Samoa Bureau of Statistics 2011:19). This is a huge imbalance that any person unfamiliar with the culture and the Samoan ethos would describe as inequality between the sexes. But the explanations are quite simple and sensible. Firstly, females are heirs (suli), and as such, their right to the titles is a birthright. No one can deny women this particular right. Apart from ten (10) villages where females are not permitted to hold matai titles, the majority of the three hundred (300) villages enjoy the contribution of the few females who have decided to take up matai titles and the responsibility that comes with being a matai. Where women are not permitted to take up matai titles, this has not stopped them from assuming matai titles in other villages of their lineage (Samoa Country Report to CEDAW 2012). Secondly, within some extended families, there are more females than males. And in such cases some females find themselves obligated to take up the title (suafa). Still in other known cases where there is a shortage of capable males in the family (aiga), the females (if they are reluctant to take up the title) and the family would decide to give the title to their husbands to acknowledge the latter’s tautua (service) to the family. Hence, there are numerous cases where faiava (in laws) are matai in their spouse’s aiga (family). Thirdly, an emerging trend where females are taking up matai titles, relate to women’s employment and profession. Given that a growing number of Samoan women hold Chief Executive and Assistant Chief Executive Positions in the public and private sector, the majority of them have matai titles. It is not a pre requisite for the job, but it is an indicator of her status (heir) in the Samoan social organization.

Fourthly, within the village setting (faiga nu’u) the roles and responsibilities of the three main social groupings are very clear. Females are generally responsible for the health and social well
being of their immediate families including the nurturing of children. Males engage in subsistence agriculture and farming supplemented by remittances that is shared by the rest of the family. The general administration of village affairs occurs at the village council (fono) level with organized weekly meetings. Female matai are known to participate in village meetings for important discussions related to major village projects and gatherings such as hosting government official visits, overseas guests, and bestowal of matai titles. Otherwise attending the regular fono where mostly trivial matters dominate the agenda are best left to the menfolk.

Another reason why very few women take up matai titles was due to the lack of interest in becoming matai (Samoa Country Report to CEDAW 2012). To contest parliamentary elections, require all candidates to hold matai titles. As stated earlier, there is nothing to stop women from taking up matai titles, but given the push from CEDAW to mandate 30 percent of Parliamentary seats for women, Samoa instead has proposed 10 percent for reasons peculiar to the context of fa’amatai and the Samoan traditional social organization in which women operate. For many well educated Samoan women, there is a tendency to contest the national elections like every one else and win or lose fair and square, rather than entering Parliament through special privileges and allowances. But, given Samoa has ratified the Convention on the Elimination of Discrimination Against Women, it is in our best interests to tow the line and follow what the rest of the world see as trendy and good for us.
CONCLUSION

The fa’amatiai system has survived through modern times because it is a system founded on customs and traditions that are village based and tied to customary lands and titles. It begins and ends in the village, it cannot be exported and replicated elsewhere as a model system of social-economic-political administration (Toleafoa 2005). It is a hierarchical system of minority rule that poses a serious challenge to individual rights which the government is slowly addressing in the form of legislation. The faamatai stronghold is in maintaining social control and order within the confines of village settings, where tradition and culture are lived and practiced on a daily basis. In short, the fa’amatai will be around for quite some time because it is a system that has proven to operate and work well within village parameters. Its values and principles fit well within village social structures and organization. How to merge the fa’amatiai with the modern systems of government is a question that has confounded many political and economic commentators, but a valid question nonetheless.
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