Samoa’s chiefly system: The de-registration of chiefly titles and its implications

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Introduction

- Samoa’s chiefly (matai) system still governs lives of at least 80 per cent of Samoans today, on a daily basis.
- Matai system implies ownership of land and chiefly titles
- Regardless of where Samoans live, they are still passionate about matai system
- Overseas residents maintain links with families in Samoa
Introduction cont.

• Disputes over titles and land see Samoans fill the land and titles court in Apia everyday throughout the year.

• Titleholders administer family affairs and represent families in the village council of chiefs, the supreme authority in village governments.

• Only titleholders could vote and be candidates in parliamentary elections, until 1991 elections when universal suffrage was introduced.
Election of Titleholders

- Family deliberate until agreement on a candidate or candidates.
- Candidate is presented to village council who accepts or rejects.
- If accepted, title is registered at land and titles court.
- If no petition after 3 months from date of publication in Savali, title is confirmed.
- Title is then held for life.
Proposed amendment

• That the sa’o (main titleholder) and suli (heirs) be given the right to remove a matai title from its holder for their failure to act in accordance with their status and responsibilities.

• Recommendation of a legislative review report carried out by a local law consultancy firm.

• Members of local firm are all Samoans and include a former Registrar of the Land and Titles Court.
Implications of recommendation

- Sa’o has power to remove title (Qs – sa’o titles with multiple holders if they disagree; single sa’o but could be biased)
- Suli has power to remove title (Qs – might have to determine in court who sulis are; suli scattered all over the world; which suli? – tautua (for service), toto (biological), tamafai (adopted).
Implications cont.

• Reasons for removal of title – (i) criminal offences – those not reported to court?
• (2) embarrassing personal behaviour (need to be defined)
• (3) failing to perform proper duties and obligations.
• flaunting their title without respecting or acknowledging its inherent status or sacredness
Implications cont.

• Possibility of several more disputes the land and titles court might deal with such as:
  • Determining sulis, other sa’o contesting decisions of other sa’o.
  • Destabilise the matai system
  • Might end up degrading matai system more.
Advantages of Change

- Maintain integrity of matai system
- Keep titleholders in check, thereby making them more accountable to their electors, the family.
- Caution to electors to think twice about whom they choose to be their matai.
- New criteria for electing matai? Such as honesty, good manners, integrity, etc.
Conclusions

- Mixed feeling about recommendation: some positives and some negatives as well.
- Might be good to give it a try and in the process refine some of the controversial issues.
- One of the good things about it is it makes difficult matai more accountable to their electors.
- Moreover, provide opportunity for family to elect another leader, rather than waiting for the incumbent to die.