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Civil Society and Political Accountability in Samoa

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1994 was a particularly interesting year in Samoan politics. Samoan politics is never short on controversy; corruption, allegations of corruption, inefficient government spending, and the odd challenge to a fistfight between MPs are not uncommon. However, 1994 seemed an even more special year in so far as these kinds of activities are concerned. It was the year that the Samoan Controller and Chief Auditor General, in short Auditor General, tabled a report in parliament that documented widespread corruption in the public sector. It implicated members of the government that were as highly ranked as Cabinet ministers. It was also the year that a nation-wide protest, led by a traditional group known as *Tumua* and *Pule*, was launched against the government. The protest had as two of its objectives the official recognition of the Auditor General's report, and for the government to hold those indicted by the report accountable.

This paper looks at these events in the context of what is becoming an increasingly pertinent discussion topic in Pacific island politics, the relationship between civil society and political accountability. Civil society is central to current discussions about good governance, and in particular how to achieve political accountability. Indeed, multilateral development organizations have drawn a very close relationship between the two, which could be put as follows: a strong civil society is critical to the achievement of political accountability.¹ This paper considers this proposition in the case of Samoa by looking at the relationship between the *Tumua* and *Pule* led protest movement, the Government's handling of the Auditor General's report, and the way it responded to the protests.

Civil Society and Political Accountability: Some Theoretical Considerations

Political accountability may be defined as holding political representatives and public servants accountable for their conduct. It does not refer to their conduct as private individuals, so long as it is not relevant to their public roles. It involves political transparency, which refers to making information about the actions and conduct of political representatives and public servants known to the public. This is important in order for the public to make judgments about public policies, possible government corruption, and the extent to which government effectively manages public resources. They can then act on this as they see fit.

Civil society can be conceptualized both broadly and narrowly. According to Joseph Camilleri, civil society refers to "the whole gamut of voluntary

¹ World Bank. 2004. *State-Society for Accountability: Lessons for the World Bank – World Bank Working Paper No.30*. Washington D.C., U.S.: The International Bank for Reconstruction and Development, The World Bank.

associations formed to advance particular interests and objectives.”² This definition captures the essence of civil society, but is, perhaps too broad for a political enquiry such as this. It does not specify, for example, the reason why these associations need to form in order to advance their interests and objectives. Given this, it could include a chess club, whose members have come together in order to promote the game. This may satisfy those with a general interest in civil society, but it certainly does not satisfy those who engage with civil society within a political framework.

The demand of a conceptualization of civil society in this context would, arguably, require some political justification for, or at least political implication in the formation of civil society. Ernest Gellner’s definition addresses this concern. According to Gellner,

Civil society is that set of diverse non-governmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent it from dominating and atomizing the rest of society.”³

Gellner’s definition identifies a number of political objectives that are important in defining civil society. First, it is distinct from the state and may be formed in opposition to it. Second, the purpose of civil society is not to usurp the authority and power of the state, or its position in the political framework. Instead, it is intended to protect society from excessive state interference. These are reminiscent of the notion that civil society is a parallel polis to the state, an idea developed by Vaclav Benda. Benda contended that rather than try to supplant corrupt and authoritarian political institutions, it was better to develop institutions that could counter the abuse of their authority and power.

It is within this relationship between civil society and the state that the relationship between civil society and political accountability can be located. Civil society is intended as a mechanism to help achieve political accountability. A recent World Bank study, *State-Society Synergy for Accountability*,⁴ is quite instructive on how this can occur. The study argues that mechanisms designed to achieve accountability can either work vertically or horizontally. Vertical accountability involves mechanisms, like elections, that “require government officials to appeal “downwards” to the people” and allow people to dismiss representatives that they do not want.⁵ Horizontal accountability involves “mechanisms that require public officials and agencies to report “sideways” to other officials and agencies within the state itself.”⁶ In a Westminster style of parliamentary democracy, like Samoa’s, horizontal mechanisms would include the Legislative Assembly, and the Auditor General.

² Camilleri, Joseph A. 1995. “State, Civil Society and Economy”, in Camilleri, Joseph A. & Jarvis, Anthony P. & Paolini, Albert J., (Eds.). *The State in Transition: Reimagining Political Space*. Colorado, U.S.: Lynne Rienner Publishers., p.216.

³ Gellner, Ernest. 1994. *Conditions of Liberty: Civil society and its rivals*. New York, U.S.: Allen Lane/Penguin Press., p.5.

⁴ The World Bank. 2004. *State-Society Synergy for Accountability: Lessons for the World Bank*. Washington, D.C., U.S: The International Bank for Reconstruction and Development/The World Bank.

⁵ *Ibid.*, p.9.

⁶ *Ibid.*

According to the study, civil society can help strengthen vertical mechanisms by increasing the frequency and clarity of signals that the public send their representatives. Furthermore, they can promote transparency by monitoring government policies and making information regarding them available to the public.⁷ The report also notes that civil society can strengthen horizontal mechanisms by “pressuring existing agencies to do their jobs effectively.”⁸ To this, it might be added that they can also counter the actions of government institutions, political representatives, and public servants that hinder the effectiveness of horizontal mechanisms. The report also suggests that civil society can strengthen accountability by directly participating within the structures of government as a horizontal mechanism.⁹ It refers to this type of accountability as “diagonal accountability”, and gives as an example, “citizenry advisory boards that fulfill public functions like auditing government expenditures, supervising procurement, or monitoring elections.”¹⁰ The first two ways are particularly relevant to this study.

Foundations of Political Accountability: The Auditor, the Legislative Assembly, and the People

In 1962, Western Samoa gained independence. It adopted a constitution that attempted to combine Samoan customs and traditions with a Western system of government. As a result, Samoa has two political domains: the *nu‘u* (village/polity) and the nation-state, and each has its own institution of organized political authority: the *fono a le nu‘u* (village council) and the national government respectively. Each institution commands considerable authority over their respective domain, and an intrusion by one into the other often incites considerable tension¹¹ and at times overt conflict.¹² Each institution is constituted by political representatives, along with a set of principles, rules, and regulations pertaining to the proper relationship between them and those they serve. Within these, we find the terms of political accountability, in particular the rights and responsibilities of both sides. In addition, each institution incorporates mechanisms for accountability, which serve to enforce these terms. The position of Auditor General is an institution that is part of the national government and is relevant to the national domain.

The Auditor General plays an integral role in achieving political accountability at the national level. The purpose of the Auditor General is to ensure that the national government uses public finances properly. It does so by auditing government accounts and highlighting any irregularities. According to Article 99, Section 1 of the Constitution of Samoa,

The Controller and Chief Auditor shall audit the Treasury Fund, such other public funds or accounts as may be

⁷ Ibid.

⁸ Ibid., p.10.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Va‘a, Unasa L.F. 2000. “Local Government in Samoa and the Search for Balance”, in Huffer, Elise. & So‘o, Asofou. *Governance in Samoa: Pulega I Samoa*. Canberra, Australia; Suva, Fiji: The Asia Pacific Press at the Australian National University, and Institute of Pacific Studies, University of the South Pacific.

¹² There have been incidents, for example, when the national government has asserted its control over lands that some villages claim as theirs, and this led to small armed conflicts between villagers and the police.

established, the accounts of all Departments and offices of executive government and the accounts of such other public, statutory or local authorities and bodies as may be provided by Act.¹³

If done properly, the auditing of government accounts reveals the extent to which the government legally and effectively uses public finances

The Auditor General works in conjunction with the Legislative Assembly in the pursuit of political accountability. There are forty nine seats in the Assembly, and forty seven are reserved for Members who hold *matai* titles. The other two are open to non-*matai*. Article 99, Section 2 of the Constitution states,

The Controller and Chief Auditor shall report at least once annually to the Legislative Assembly on the performance of his functions under this Article and shall in his report draw attention to any irregularities in the accounts audited by him.¹⁴

The Assembly is integral to the political accountability process because no bill can pass into law without its support. Bills are brought before the assembly where they are debated and discussed, and then either passed as law, returned to the policy design stage, or rejected.

In principle, the Legislative Assembly can block bad policies from being passed as law. However, in practice there are factors that can mitigate its effectiveness in this regard. Members must have full access to information required to judge government decisions and policies.¹⁵ Failure to obtain this can inhibit their ability to effectively scrutinize and highlight any deficiencies in the government's decisions and actions. The extent to which members have full access to information concerning government policies and actions is questionable in Samoa's case. Opposition members have complained of being given information about proposed policies only after these have been discussed by parliamentary committees and have reached the voting stage, or of not receiving information about these at all.¹⁶ In addition, Samoa's current ruling party, the Human Rights Protection Party (HRPP) has held a majority in the legislative assembly for over twenty years, and has used this to pass what might be considered very controversial bills.¹⁷ This calls into question the extent to which the government can be held accountable for its actions, and the ability of the

¹³ *The Constitution of the Independent State of Samoa*, Article 99 (I). Reprinted on 2 March, 2001.

¹⁴ *Ibid.*; The Auditor General's report also brings out this point: "The Controller and Chief Auditors report is an accountability report which tends, as require by the Constitution, to highlight irregularities in the administration of Government so that, in my view, Parliaments attention is focused on such irregularities for Government to remedy." See "Chief Auditor Hailed as Hero", *Samoa Observer*, July 13 1994, pp.1-2.

¹⁵ "Congratulations Chief Auditor (Editorial)", *Samoa Observer*, July 13 1994, pp.1-3.

¹⁶ Personal interviews with Members of Parliament and current and former public servants, Apia, Samoa, November, 2003.

¹⁷ One example is when it extended the period between elections from between three years to five years. It introduced and implemented this law while it was still in power. Effectively, it meant that it extended its own parliamentary life. It might be argued that the proper course of action was for it to have passed the law but not bring it into effect until after a new set of elections was held. Another example is when it changed the terms of the Auditor General's position so as to bring it under its control. This contravened the constitutional intent of keeping the Auditor General free of political interference. This matter is discussed later in this paper.

HRPP to pass extremely controversial bills and yet remain in power for effectively over twenty years¹⁸ seems to justify this concern.

The legislative assembly can also help to foster greater political accountability by enhancing political transparency. The assembly's debates and discussions are recorded in Hansard reports, which are freely available to the public. There are copies stored at the legislative offices and at Samoa's national public library. This gives the public the opportunity to become more informed about government policies and decisions. Again, there are factors that can mitigate the extent to which this will strengthen political accountability. Strengthening political accountability is dependent, for example, on the extent to which Hansard and other reports of the assembly's discussions are accessible to the public, both in terms of obtaining them and understanding their content. It is not always guaranteed that the public will have this.

The effectiveness of the Legislative Assembly also depends on the political will of the people and the extent to which they desire and are willing to engage in the political process. Obtaining and understanding information about the actions and conduct of the government and individual representatives and public servants is unlikely to help achieve political accountability unless the people are willing to act on this. Knowing that political representatives are corrupt will not strengthen political accountability unless people are determined to reprimand them. Elections present the most obvious opportunities for people to exercise their authority over their representatives, and hold them accountable for their actions. This opportunity has its limitations in that they are held periodically and in Samoa, this means every five years. However, there are other avenues that people can pursue such as holding demonstrations and protests in order to convey their perspectives and feelings on particular issues. Although these may not be as effective as going to the ballot box, they are alternatives that an informed and determined citizenry can pursue.

The Tumua and Pule Protest Movement

In the early 1990s, the Samoan economy deteriorated significantly and there was considerable hardship experienced throughout the country. Samoa had suffered three hurricanes in the space of four years, and these had caused significant damage to the country's agriculture. Agriculture was the primary source of people's livelihood, not only because most people grew their own food but also because many sold agricultural produce both locally and abroad. In fact, it was the country's main export crop at the time.¹⁹ Agriculture was further devastated by a taro disease that spread during this period. The disease, which became known as the taro blight, eventually destroyed nearly all taro crops in Samoa.²⁰ In addition to these problems, remittances, which were the country's second largest source of revenue at the time, were declining.²¹

¹⁸ Parties must have a minimum of eight members in order to qualify as a political party under Samoan parliamentary rules. Since the beginning of 2007, no party apart from the ruling party has satisfied this requirement. Therefore, there is no longer an official political opposition in the legislative assembly.

¹⁹ "Tumua and Pule and the 10% VAGST", *Samoa Observer*, 5 January 1995., p.13.

²⁰ Ibid.

²¹ One of the main reasons for the drop was that remittance levels had been extraordinarily high during the previous years and they were simply reverting back to their usual levels. The unusually high levels resulted from high remittance levels as Samoans living abroad tried to help their families back home recover from one of the cyclones, Cyclone Val. ("External Trade", *Samoa*

Also during this time, the Government of Samoa sought to increase public revenue. In June 1993, during the Government's main budget speech, it announced that its three main objectives were to achieve a GDP growth rate of 4-5 percent, a reduction of annual average inflation to 2-3 percent, and a limitation of the overall deficit in the balance of payments to a sustainable level.²² One of the ways it proposed to do this was to increase public revenue through the introduction of a new tax. On the 1 January 1994, a new government tax called the Value Added Goods and Services Tax (VAGST) was implemented. The tax increased the prices of goods and services by 10 percent. At the same time that the VAGST was introduced, the government also increased the prices of goods and services. It is likely to have been another means for the government to increase its revenue.

The combined increases had a dramatic effect on the prices of goods; in total, prices rose by at least 25 percent and in some cases as much as 30 percent. Raw sugar, for example, had a pre-VAGST price of \$0.50 per pound. The price as of 4 January 1994 was \$0.63 per pound. Mutton flaps had a pre-VAGST price of \$1.40 per pound. On 4 January, they were selling at \$1.75 per pound.²³ In some cases, the VAGST was being added twice to the same product, once by the wholesaler, and then again by the retailer.²⁴ Not surprisingly, it was met with considerable concern.

Naturally, there was public discontentment about the increases; after all, they caused a considerable rise in the cost of living in what was a very short period of time. However, this reason was intertwined with a number of others, which further fuelled public discontentment. First, these policies were implemented during a period when people were experiencing considerable hardship.²⁵ Second, these measures were implemented within a political environment marked by mismanagement of funds, poor government investment of public funds, and widespread corruption. Many of these problems were later outlined in detail in the 1994 Auditor General's report. Third, there was the disorganized way that the price order was implemented and handled. There was considerable confusion surrounding the Price Order. The Price Order that was implemented on 1 January was reversed on 4 January and a new Price Order was released. The second Price Order was later revised and a third price order was brought into effect on 4 February.²⁶ Fourth, there was the realization that the price increases were going to affect those on low incomes the most, particularly since the price rises affected mainly basic food items.

The impact of the increases was made much more dramatic because of the lack of forewarning about them; they came as a shock to both consumers and retailers. Shortly before the introduction of the VAGST, the public had only been warned that a VAGST would take effect on 1 January. None had been told about the price increases and how much they would affect the individual prices of

Observer, 9 February 1994, p.6,8.) Although the levels were simply reverting back to what might be considered normal, they were taking place during a period when economic hardship was still very significant. ("Tumua and Pule and the 10% VAGST")

²² "VAGST Taxes "Life's Essentials"", *Samoa Observer*, 26 January 1994.

²³ "VAGST and Price Increase Confuse New Year Shopping", *Samoa Observer*, 4 January 1994, p.1,2.

²⁴ "VAGST Poked Fun At as "boat full of hole"", *Samoa Observer*, 6 January 1994, pp.1,2.

²⁵ "Tumua and Pule and the 10% VAGST".

²⁶ "Third Price Order Today", *Samoa Observer*, 4 February 1994, p.1.

goods.²⁷ There was a feeling among many that the Government had misled the public.²⁸

There was a reaction from what would be considered civil society. A number of organizations publicly opposed the VAGST. The Public Service Association (PSA) wrote letters to the government, criticizing its policies and asking for some to be modified.²⁹ The Council of Churches opposed it on the grounds that it produced an unfair allocation of costs and benefits, and it was wrong to impose it on a community that was already significantly overburdened. The combined Women's Groups opposed VAGST for similar reasons. The Chamber of Commerce had been prepared to support the VAGST if there was to be no additional tax burden placed on people at the time the VAGST came into effect.

These organizations tend to fit one conceptualization of civil society, as non-government organizations. It is a conceptualization that is particularly popular among multilateral development organizations, who view these as ideal manifestations because they tend to be formed on contractual relations as opposed to those of kin and community.³⁰ It is also one that is favored by theorists who prefer a liberal conceptualization of civil society.³¹ Despite their initial show of opposition to the Government, they failed to provide anything more substantive.

The strongest opposition came from a group whose foundations were rooted in traditional, kinship, and community ties: *Tumua* and *Pule*. *Tumua* and *Pule* was a group of *matai* who had held the reins of power over national politics prior to the German colonial administration of Samoa. The names *Tumua* and *Pule* refer to the *nu'u* that are considered to be the capitals of political districts of Samoa, as these had been demarcated in periods prior to colonization.³² In the pre-European period, these *nu'u* are considered to have been the political centers of the twelve districts. They were the places where important political decisions were made that affected the entire district.³³ Each capital was represented by a group of *matai* who, together, spoke and acted on behalf of all the eleven districts.

The influence of *Tumua* and *Pule* was significantly diminished by both the German and New Zealand administrations, which had attempted to restrict and eventually abolish their power. The two administrations' had established alternative institutions: the *Fono* of *Faipule*, and the Lands and Titles Commission, which were designed to serve as the focal points for traditional political action at the national level. The *Fono* of *Faipule* was designated by the German administration as the national body of representatives for Samoans. It

²⁷ "Fenuimiai Le VAGST Ma Le Siitaga O Tau O Oloa", *Samoa Observer*, 4 January 1994, p.20.

²⁸ Ibid.; "VAGST Poked Fun At as "boat full of hole".

²⁹ "Govt. Remains Mum on PSA Requests", *Samoa Observer*, 23 February 1994, p.1,2.; "PSA Attacks Govt.'s "Negative" Policies", *Samoa Observer*, 2 October 1994, p.1,2.

³⁰ Williams, David. & Young, Tom. 1994. "Governance, the World Bank and Liberal Theory", *Political Studies*, Vol. 42, No.1, p.84-100.

³¹ Two that exemplify this position are Ernest Gellner and John Hall. See, Gellner 1994; Hall, John A. 1995. "In Search of Civil Society", in Hall, John A. (Ed.). *Civil Society: Theory, History, Comparison*. Cambridge, U.K.: Polity Press.

³² Before the colonial division of Western Samoa and American Samoa, the two countries were part of what was considered Samoa. There are twelve districts altogether, and eleven are in what is now Samoa (formerly Western Samoa), and the other district is in Manu'a, which is now part of American Samoa.

³³ "*Tumua and Pule* and the 10% VAGST".

diminished the governance role of *Tumua* and *Pule* because it was an alternative national representative body, and also because its members were not restricted to those from the *Tumua* and *Pule*. The Land and Titles commission further undermined the *Tumua* and *Pule* because it was made the principle judicial authority on issues of Samoan customs and traditions.³⁴ By the end of the colonial period, the authority and influence of *Tumua* and *Pule* had waned considerably, and the focal point of national politics was the national government. However, during 1994, *Tumua* and *Pule* took up the cause of the people's discontentment, provided leadership for their dissent, and signaled their return to the political scene.

To be sure, the wheels for the protest movement had been set in motion prior to 1994. The impending price rises in the midst of considerable economic hardship had motivated *Tumua* and *Pule* to initiate a response. In the latter part of December 1993, one of the capitals of *Tumua*, Lufilufi, a *nu'u* on the eastern side of the island of Upolu, took the lead role in organizing the *Tumua* and *Pule* protest. It held meetings to discuss problems stemming from the rising cost of living and what appeared to be the unbridled use of political power by the national government. These meetings concluded with the resolution that it was imperative for *Tumua* and *Pule* to intervene and take action.³⁵ One of the factors that compelled them to act was the feeling among those that attended the meeting that this was *Tumua* and *Pule's* responsibility. It was *Tumua* and *Pule's* role to lead Samoa, and the impending events presented an ideal opportunity for them to exercise this role.³⁶

Traditional ties played an integral role in galvanizing and consolidating support for *Tumua* and *Pule*. Lufilufi consulted widely with other *nu'u* in the combined districts of the political division known as Atua, and was assured support from the majority of them. Those *nu'u* that abstained from supporting Lufilufi's initiative were those from which the Deputy Prime Minister, Tuilaepa Malielegaoi, and the Minister of Education, Fiame Naomi were from: Lepa and Lotofaga respectively. Among the *nu'u* that constitute *Tumua*, it was strongly supported by two *nu'u*: Leulumoega and Tuisamau.³⁷ The *nu'u* that constituted the combined districts within a division known as A'ana also discussed the matter and unanimously decided to support a protest march that would demand that the government remove the VAGST and the 1994 Price Order.³⁸

The representatives from the *Tumua* consulted their counterparts in the *Pule*, which are all located on the island of Savaii. During the first round of meetings these representatives were assured of the support of three *nu'u*: Palauli, Sataupa'itea and Asau, and were initially given tentative support by another *nu'u*, Safotulafai. The *Tumua* representatives did not meet with the other two *Pule*

³⁴ Ibid.

³⁵ It should be noted that the then Deputy Prime, Tuilaepa Sailele Malielegaoi, argued that this decision was Lufilufi's alone and not representative of the entire Atua district. He contended that Lufilufi acted alone and that the district had not been consulted as was the custom. It is uncertain whether Tuilaepa's claim is valid because there were no known objections from other villages in the district at the time about being excluded.

³⁶ "Faleata is Waiting for Tumua", *Samoa Observer*, 6 February 1994., p.1.; "Democracy Movement Supports Protest Rally", *Samoa Observer*, 20 February 1994., p.1,2.

³⁷ "Traditional Protest Against Cost-of-Living "crisis" appears imminent", *Samoa Observer*, 11 February 1994., p.1, 2.

³⁸ "Protest March Against VAGST for 4 March", *Samoa Observer*, 16 February 1994, p.1,2.; "A'ana United On Crisis", *Samoa Observer*, 16 February 1994., p.4.

centers, Safotu and Sale‘ula, leaving it to Asau to inform and discuss with them the resolutions that had been agreed to.³⁹ After the meetings were held and the other *Pule* centers were informed about them, five of the *Pule* centers supported the protest march. Safotulafai took a neutral stand. However, Safotulafai eventually ended up giving their full support one week before the protest march was to begin.⁴⁰ The Prime Minister, Tofilau Eti had important traditional connections with Safotulafai, which is likely to have led to their initial lack of commitment.⁴¹ Those that met reached an agreement to organize a march protesting the VAGST. According to TuiAtua, each capital consulted with their constituencies and their decisions were based on these discussions.⁴² Another confederation of *nu‘u*, known as *Va‘a o Fonoti* also committed their support to the protest.⁴³ Together, these areas covered most of Samoa. It would be fair to say, therefore, that the protest march had nationwide support.

Despite having being formed well before the establishment of a national legal and political framework, the leaders of the protest were extremely careful to observe the law and ensure that their actions were justifiable under the constitution. During the planning stages of the strike, a *Tumua* and *Pule* spokesman stipulated that the protest would culminate with submissions being made to the Head of State regarding the VAGST and the Price Orders. He believed that subsequently, the matter would follow the process laid out in the constitution, which he believed would eventually bring about some kind of resolution that they could be satisfied with.⁴⁴ Leaders made it known publicly that people would not be coerced into participating in the protest. Instead, they left it up to each *aiga potopoto* (family) and their members to decide whether they would take part or not.⁴⁵

The movement demonstrated considerable capacity to effectively organize societal opposition against the government, and again, kinship ties played a very important part. Those who participated in the marches assembled the week before the march was scheduled. The march was to take place on the island of Upolu, and many people travelled there from the island of Savaii. Many *nu‘u* sent large delegations, indicating their support and commitment to the movement. The *nu‘u* of Asau, on Savaii, was estimated to have brought a group of approximately 400.⁴⁶ Many of the delegations from Savaii and rural areas in Upolu were accommodated by *nu‘u* that were located closer to where the strikes were going to be held. Although many delegations brought their own supplies of food, the host villages and villages near the village of Apia also provided them with food supplies.⁴⁷ It is likely that in addition to *Tumua* and *Pule’s* influence, the widespread support was also due to a public desire to express their discontentment and dissent.

³⁹ “Traditional Protest Against Cost-of-Living “crisis” appears imminent”.

⁴⁰ “No Government is Above the Will of the People who Own the Government – Says Fao Avau”, *Samoa Observer*, 27 February 1994., p.1,2.

⁴¹ “National Protest March Gathers Momentum”, *Samoa Observer*, 25 February 1994, p.1,4.

⁴² “*Tumua and Pule* and the 10% VAGST”.

⁴³ “National Protest March Gathers Momentum”.

⁴⁴ *Ibid.*

⁴⁵ “Fagaloa District Rallies Behind National Protest”, *Samoa Observer*, 2 March 1994., p.1,2,; “Amiatu Sio Touched by Voter Support”, *Samoa Observer*, 16 March 1994., p.6.

⁴⁶ “No Government is Above the Will of the People who Own the Government – Says Fao Avau”.

⁴⁷ *Ibid.*; “Fagaloa District Rallies Behind National Protest”.

Nevertheless, it was Tumua and Pule's leadership that galvanized this into what became a significant organized societal force. *Tumua* and *Pule* led their first protest march on Wednesday, 2 March 1994, and it was a very notable public demonstration of discontentment and dissent. Estimates of the number of people involved ranged from five thousand,⁴⁸ to fifteen thousand,⁴⁹ to close to twenty thousand⁵⁰. According to a spokesperson for the protest, Leota Leulua'ialii Itu'au Ale, the objectives were to make the government abolish the VAGST and the Price Order implemented that year.⁵¹ *Tumua* and *Pule* argued that the VAGST was an indication of a lack of compassion by the Government for the people,⁵² and asked the government to abolish it as a sign of its goodwill and consideration for the welfare of the people. An indication of the commitment of people to the protest was that protesters encamped in front of the Government building from between two to four weeks in what at times was described as inhuman conditions.⁵³

Religion was an important factor in the protests. Protest leaders and sympathizers invoked it in order to justify and galvanize support for the protests. One leader, Ulualofoaiga Talamaivao Niko said in a newspaper interview that the VAGST was "not based on Christ's principals".⁵⁴ In one letter to the Editor printed in the *Samoa Observer*, the writer stipulated that the right to "assemble, to protest, to march, and to demand social and economic change" was "God given". The writer also stipulated that God demanded that people use these rights to "speak up and act up until all our Human Dignity, freedom and rights are restored."⁵⁵ The invocation of religious elements was not peculiar to this protest, to protest movements, or civil society in general.

Religion or supernatural elements have been and continue to be an integral part of Samoa life. Prior to the introduction of Christianity, Samoans believed in the presence of supernatural forces in their daily lives. Indeed, the presence of these forces was integral in determining the structure and function of their social and political systems. The differentiation of matai (chiefs) between ali'i (sacred chief) and tulafale (talking chief), for example, was significantly determined by the connection of these titles to spiritual forces.⁵⁶ The introduction of Christianity displaced traditional Gods with the Christian God, but did not diminish the importance of spiritual elements to the Samoans. The Constitution, adopted at independence, makes significant references to the importance of religion to the country's political system, none more so than the statement, "...Samoa should be an Independent State based on Christian principles and Samoan custom and

⁴⁸ "Tumua and Pule Opt for Action On Auditor's Report", *Samoa Observer*, 31 August 1994., p.1.

⁴⁹ "Tumua and Pule and the 10% VAGST".

⁵⁰ "Daunting Sight Human Dignity and Elusive Justice", *Samoa Observer*, 4 March 1994., p.5.

⁵¹ "We Will not Accept a 5% VAGST", *Samoa Observer*, 4 March 1994., p.1,2.

⁵² "Austasi Tumua and Pule e Momoli Lana I'ugafono I le Ao o le Malo", *Samoa Observer*, 31 August 1994.

⁵³ According to one description of the living arrangements for the protesters, people slept on cardboard boxes. When it rained these became soaked. People also had to ward off "hordes of mosquito". Many of the protesters were elderly people. "We Will not Accept a 5% VAGST". Another observer described how old men were sleeping on stones and using rocks as pillows, with not shelter. During the daytime, many sat in the sun because of the lack of shelter. "Daunting Sight Human Dignity and Elusive Justice", *Samoa Observer*, 4 March 1994, p.5.

⁵⁴ "VAGST is un-Christian Says Ullualofaiga", *Samoa Observer*, 6 March 1994, p.3.

⁵⁵ "A Call for Social Justice Now", *Samoa Observer*, 4 March 1994, p.4.

⁵⁶ Meleisea, Malama. 1992. *Change and Adaptations in Western Samoa*. Christchurch, New Zealand: Macmillan Brown Centre for Pacific Studies, University of Canterbury., p. 18.

tradition.”⁵⁷ During special ceremonies, *lauga* (traditional speeches) often incorporate biblical passages as means to legitimate and add weight to what is being said. In a recent report by the United States Department of State, it is estimated that 98.9 percent of the Samoan population is Christian.⁵⁸

The invocation of religious elements was in part done to legitimate and add force to the protest, but it was also done in order to counteract the legitimacy that the national government drew from the same sources. In one newspaper article, the author questioned the Government’s failure to accept the protesters requests given that Jesus Christ had “taught that when your “neighbor” is in need of compassion, stand him up and give enough of it to him”.⁵⁹ His sentiments were expressed directly in response to the Government’s constant reference to God, and their apparent adherence to Christian principles, exemplified by the fact that a prayer always preceded Parliamentary meetings.⁶⁰ The sentiments exemplified the feeling among many people that the Government was failing to live up to the Christian principles that the country and the government was supposed to founded on.

Although religious elements are not peculiar to civil society, they are likely to have had an important effect on the nature of it, and in particular how it functions. Of considerable importance is the view that God will, ultimately, deal with bad political leaders. The logical outcome of this type of thinking is that the responsibility of doing something about the abuse of political power does not need to be completely assumed by the people, because God will ultimately intervene to ensure justice. This has very important implications for civil society and opposition movements because it is likely to affect how much effort they put into ensuring that political leaders and decision makers are held accountable. People that place their trust in spiritual intervention to address political injustices are unlikely to invest the kind of commitment into ensuring political accountability that one would expect from those who take this mantle upon themselves or who believe that they are the means through which spiritual intervention takes place.

On 5 March 1994, the Prime Minister announced that the VAGST would not be abolished, but that duties on all basic commodities and some of the prices in the most recent Price Order would be reduced. However, he noted that this would not be formally acted on until 15 March, the date of the next Parliamentary meeting.⁶¹ At this stage of the protest, the resolve of the protesters remained fairly strong. The paramount chief of the district of Fagaloa, for example, declared that the protest would not accept anything less than the removal of the VAGST and the Price Order.⁶² Another protest leader, and minister of Parliament for the constituency of Anoama‘a stated, “We will die for our cause”.⁶³ A similar sentiment was expressed by the Fao Avau, a high chief from Asau. He stated, “We will be buried here on the reclaimed area if necessary.”⁶⁴

⁵⁷ *The Constitution of the Independent State of Samoa*, Preamble.

⁵⁸ Bureau of East Asian and Pacific Affairs. 2007. *Background Note: Samoa*. U.S. Department of State, <http://www.state.gov/r/pa/ei/bgn/1842.htm>

⁵⁹ “Daunting Sight Human Dignity and Elusive Justice”.

⁶⁰ Ibid.

⁶¹ “VAGST Stays, Says PM. Protesters Unmoved”, *Samoa Observer*, 6 March 1994, p.2.

⁶² “His Highness Calls Early Meeting of Parliament”.

⁶³ Ibid.

⁶⁴ Ibid.

The protest continued to gain widespread support. The Catholic Church, which had initially advised its members not to participate, donated \$5,000. The Methodist church donated \$1,000 and both churches invited protesters to attend their Sunday services. Restaurants in town donated food, and entertainers from different *nu'u* attended the protest and provided entertainment for the strikers.⁶⁵ As the protest continued, more people participated. Many came from *nu'u* in rural areas that were located far from Apia, such as Lefaga, Falese'ela, Siumu and Safata.⁶⁶ This demonstrated not only the widespread support for the protest, but the depth of the support in that it taken considerable resources, both time and money, and effort to make the trip from these areas to Apia.⁶⁷

The media was also a factor worth considering, although its importance was indicated more by what it was not allowed to do in relation to the strike rather than what it did. The government's control of certain media outlets had significant implications for the strike. Government media did not provide any significant coverage of the protest. This, perhaps, was not surprising since the Government would probably have wanted to minimize the attention given to the protests. The Government was accused of biased reporting, but this did not seem to affect its position on how much coverage the strike would get. According to one report, Samoa TV, owned by the government, provided little if any coverage of the strike. One would have thought that the magnitude of the event would have warranted more. Instead, viewers who tuned in hoping to watch news about the strike were treated to local news about refuse management and problems in the flea market in central Apia.⁶⁸ The government's actions indicate that they are likely to have been concerned that media coverage could have galvanized support behind the strike.

The significance of the strike could perhaps be ascertained from how the government finally decided to address the issues at the center of it. It was not until 15 August that the Government made any real adjustments to the price rises. On that date, the Prime Minister announced in Parliament that the 10 percent VAGST would not be abolished, but that it would take other measures to reduce the prices of certain commodities. The relief package included a reduction of import duties on thirty two essential goods, most of which were food items, the removal of the 20 percent duty on medicines, and the 50 percent duty on exercise books was reduced to 30 percent. In addition, the government announced that it would not impose VAGST on electricity, water, inter-island travel, school fees, bus and taxi fares, agricultural produce and fish sales, and text books.⁶⁹ The relief, overall, was minimal, and mainly involved minor reductions on tariffs placed on food items. According to TuiAtua, some foodstuffs were only reduced by approximately 1.01 percent.⁷⁰ It is fair to say that this civil society movement had influenced government policy.

However, it was not to a great extent, and certainly not to the extent that its leaders had wanted. *Tumua* and *Pule* accepted the government's offer, despite

⁶⁵ Ibid.

⁶⁶ "Protesters' Concern and People Support".

⁶⁷ At that time, many of the roads from these areas to Apia were not well developed. Moreover, many people did not own cars and would have had to travel by bus. This was not an easy experience, given the infrequency and unpredictability of bus services (buses are privately owned and there were and are no timetables for their services).

⁶⁸ "Manipulation of the News", *Samoa Observer*, 9 March 1994, p.6.

⁶⁹ "Govt. Delivers Relief Package", *Samoa Observer*, 16 March 1994, p.1,2.

⁷⁰ "Tumua and Pule and the 10% VAGST".

the fact that it was minimal. It is likely that their decision was based on the belief that this might be the first step towards a general reduction for food prices. In accepting the Government's concession, they warned that they would take up the issue again if there was no real relief.⁷¹ The decision to accept the Government's very minimal concessions was understandable, given that the entire movement had been in motion since the end of 1993. It is likely that the concession by the government would have been welcome after such a prolonged period of protest. Moreover, people had invested significant resources into the movement, and these eventually would have made the hardships already experienced as a result of the price rises even more acute. However, just as the protest against the price rises began to subside, the movement was given another impetus: the release of the Auditor General's very controversial report, and the way that the Government responded to it.

The 1994 Auditor General's Report

In 1994, the Auditor General, Su'a Rimoni Ah Chong, tabled a report in Parliament that exposed widespread corruption and irregularities in government operations. At the Public Works Department, for example, the Auditor General found numerous instances of corrupt activities and poor management. The list of charges against this Department included the misappropriation of public resources, the violation of guidelines established by the Treasury department concerning the handling of public monies and resources, the establishment of "unlawful and "secret" accounts without the knowledge and approval of Government and Treasury", and overriding, circumventing, and violating official Government procedures.⁷² In addition, the report also noted that there were incidents of negligence and mishandling property.

The Auditor General's report also highlighted corruption, misappropriation of funds, and the misuse of public resources in a number of other departments. At the Customs Department, there were "identified outstanding duties" to the value of \$4.1 million.⁷³ The Department of Lands, Survey and Environment was implicated for a number of irregularities, including that the Land Board wrote off rent debts without having the consent of Parliament, which it was supposed to obtain for such transactions. At the Public Trust Office it was alleged that there had been an advancement of "significant Trust funds" to Public Trust Office staff on unsecured terms, and that repayment rates were set below what could have been earned through other investment alternatives. The Minister for the Office and the Public Trustee also forgave loans even though neither of them had any legal authority to do so, only Parliament had the authority to do this.⁷⁴ Other departments that had allegations of inappropriate behavior made against them included the Inland Revenue,⁷⁵ the Treasury,⁷⁶ and the Department of Agriculture, Forestry, Fisheries and Meteorology.⁷⁷

⁷¹ Ibid.

⁷² "Report Tells Grim Story at PWD", *Samoa Observer*, July 15, pp.1,5,6,7,8.

⁷³ "Report Finds \$4.1 Million Unpaid Duties at Customs", *Samoa Observer*, 15 July 1994., p.3. According to the Auditor's report, the figure was probably higher, because there were missing records and therefore some periods were not accounted for.

⁷⁴ "Report Reveals No Trust in Public Office", *Samoa Observer*, 17 July 1994, p.1,6,7.

⁷⁵ "Taxing Practices Questioned", *Samoa Observer*, 17 July 1994., p.1,5,6

⁷⁶ "Bonus Scheme in Shambles: Treasury Share Blame", *Samoa Observer*, 20 July 1994, p.1,5,6

⁷⁷ Ibid.

In addition to exposing these problems, the report also expressed considerable concern at the lack of political accountability. This was exemplified by the fact that political representatives and public servants were acting without any apparent regard for the rules and regulations pertaining to their positions and the extent of their authority. At times, officials used public resources for their own purposes. In addition, it was alleged that some Ministers and senior management officials had used public servants to carry out private work during working hours. At the Public Works department, the report noted that public servants, including the Director and the Minister disregarded, circumvented and overrode instructions from the Treasury department, which they were obligated to take into account, as well as other government control procedures.⁷⁸ It seemed as if perpetrators were simply operating as if there were no rules or legal consequences for their actions. The report notes,

...some people have acquired almost an “impunity syndrome” driving them to do all sorts of actions which are clearly a breach of their lawful duties and responsibilities.⁷⁹

The Government, or more precisely the ruling party, took a very pessimistic view of the report. It appeared quite reluctant to debate the Auditor General’s report in Parliament.⁸⁰ In fact, it took quite extraordinary measures to ensure that the report would not receive the parliamentary and public attention that it warranted. It decided to carry out its own investigation of the report’s findings. Within a week of the report being tabled in Parliament, the Prime Minister moved to appoint a Commission of Enquiry to investigate the allegations made in it. It was a peculiar move, because this was the first time that an Auditor General’s report was handled in this manner.

The move was also quite problematic in so far as political accountability was concerned. It deviated from the procedure laid out in the Constitution concerning how an Auditor General’s report should be handled. The procedure required the report to be tabled and discussed in Parliament and further enquiries made by a parliamentary review committee, and possibly the Attorney General and the Police. The government was fully aware of the constitutional procedure. In a radio interview, the Prime Minister, Tofilau Eti, admitted that the normal procedure was for the Auditor General’s report to be tabled in Parliament, submitted to the Public Accounts Committee on Parliament’s approval, and then returned to Parliament when their investigations were completed. However, he argued that he changed the procedure because he knew beforehand of serious allegations in the report against government ministers and high ranking government officials, and did not want the report to be stalled and get lost in the Public Accounts Committee. He claimed that this had happened before to other reports that had been submitted to this Committee.⁸¹

⁷⁸ “Report Tells Grim Story at PWD”, *Samoa Observer*, July 15 1994, pp.1,5,6,7,8.

⁷⁹ “Report Tells Grim Story at PWD”, *Samoa Observer*, July 15 1994, pp.1,5,6,7,8.

⁸⁰ “ ‘Accused’ Ministers Front Paged in NZ Herald”, *Samoa Observer*, 29 July 1994., p.1.; In fact, there was debate, but it mainly concerned the procedural steps for having the Commission of Enquiry investigate the report, rather than about the report itself. According to one reporter in Samoa, if there was a discussion about the Auditor’s report, it was not recorded in the Parliamentary records. See, “Commission of Inquiry Dictates... Follow up Action by Government”, *Samoa Observer*, 29 July 1994, p.1,2.

⁸¹ “Commission Findings Head Straight To Parliament”, *Samoa Observer*, 21 August 1994, p.1,3.

The Government's logic for the procedural change was at best very weak and at worst, nonsensical. The Prime Minister stipulated that the main reason he had for changing it was that he could not trust the Public Accounts Committee to properly address the issues contained in the report. If this was the problem, one would have thought that the proper course of action would have been to do something about the Public Accounts Committee, particularly since the Prime Minister was obviously aware of its past record. By 1994, the Government had effectively been in power for over ten years. It is highly surprising that a government which had been in power for that length of time had not addressed the problems at the Public Accounts Committee, problems that it readily admitted it knew about. The only sense that could, perhaps, be made of the Government's actions and the logic it gave for these is that it could not dispute the report's allegations, and that its actions both past and present were not completely forthright.

The selection procedure for the Commission of Enquiry was also problematic. The Commission members were selected by Cabinet even though seven of the thirteen Cabinet Ministers were implicated in the Auditor General's report.⁸² Moreover, it would have been the logical choice for Parliament to make the selection because the Auditor General reported to Parliament, and it was Parliament that was ultimately in control of the Auditor General's report. These concerns had been raised at the time by the leader of the opposition,⁸³ but appear to have been ignored since they were not acted on. The selection procedure raised serious doubt about the commitment of the Prime Minister and his Cabinet to ensuring a fair enquiry into the report.

In so far as political accountability is concerned, the change of a constitutional procedure and the apparent ease with which it was done indicates how susceptible the mechanisms of accountability are to being compromised. In this case, the principle that the Cabinet is ultimately accountable to Parliament was compromised, and the process that was meant to ensure this was circumvented. The Auditor General's report pertained to the way that the government, and in particular Cabinet used public finances. It was the Auditor General's responsibility to convey his findings to Parliament, so that they could determine the legitimacy of the Cabinet's actions. The Prime Minister's move to change the process indicated that he did not want Parliament to carry out this part of its responsibilities. Although the Prime Minister stipulated that the Commission of Enquiry's report would be presented to Parliament, the Commission was, ultimately, responsible to Cabinet. This is because Cabinet, rather than Parliament, was going to be in control of what would happen after the Commission's enquiry was completed and their report was submitted.

If accountability was in question at this time, there was, at least, an indication that there was some measure of political transparency. The public was informed about the report and the ordeal surrounding it. The public's reaction was considerably in favor of the Auditor General and the report, and there was a notable public expression of suspicion and confusion as to why a Commission of

⁸² "PM Vows Out if Inquiry Verifies Corruption Charges", *Samoa Observer*, 5 August 1994, p.1,2. The Ministers were Jack Netzler, Minister of Civil Aviation; Le'afa Vitale, Minister of Public Works; Toi Aukuso, Minister of Post Office and Telecom; Vui Viliamu Wallwork, Minister of Public Labor; Fa'aSo'otauloa Pati, Minister of Lands and Survey; Tuila'epa Sa'ilele Malielegaoi, Finance Minister;

⁸³ "Tuiatua Responds to PMs Assertions", *Samoa Observer*, 15 July 1994.

Enquiry was formed. Much of public opinion was expressed through newspapers. Several letters to the editor conveyed feelings of concern and disappointment over the establishment of a Commission, and contended that the government should have shown more support for the Auditor General.⁸⁴ One letter sarcastically praised the government's decision to form a Commission, suggesting that it was a good tactic to delay, postpone, and cover up the report's findings. Another writer cynically praised the Prime Minister for being honest, stipulating that the Prime Minister does not lie, but simply changes his mind. The writer hoped that in this case the Prime Minister would follow through with his promises to ensure accountability and not simply change his mind during the process. Like others, the writer argued that if the Government should proceed with a Commission, then it needed to be led by someone from abroad who had no family ties in Samoa, which might prejudice the enquiry.⁸⁵ Another letter was more direct, accusing the Prime Minister of trying to cover up for his ministers.⁸⁶ Interestingly, one letter predicted that after the Commission's enquiry, the Government would change the constitution so as to remove the Auditor General.⁸⁷ This was, in fact, what the Government ultimately did.

There were widespread calls for overseas people to staff the Commission of Enquiry. Despite these, it was selected from local professionals.⁸⁸ The Government argued that there were competent local people who could do the job.⁸⁹ It was a response that was, perhaps, a little misdirected. The competence of local people was never in question; it was the propensity for local ties to create conflicts of interests that was the issue. The nature of the conflicts of interests emerged quite clearly after the Commission members were selected. The Samoan Ombudsman, Maiava Iulai Toma, was appointed as the Chair of the Commission. This position is politically appointed and herein was one conflict; the person selected by the government to be the Ombudsman was heading the investigation of the government. Tainting the integrity of this selection even further was the fact that Maiava was appointed as the Ombudsman about a month before he was appointed the Chair of the Commission. It was done before the Auditor General's report was tabled in parliament, but around the time when the Prime Minister is said to have known about the allegations contained therein. The secretary for the Commission had the same *matai* title as the Director of Works, who was implicated in the report. Therefore, there was a considerable chance that they were related. The accountant, Pala Lima, was employed by a company, Retzlaff,

⁸⁴ Manumea. "No Cover Ups", *Samoa Observer*, 20 July 1994, p.4. ; Tielu, Apelu. "Chief Auditor's Report Requires No Enquiry", 22 July 1994, p.4.

⁸⁵ Ibid.

⁸⁶ "Of the Chief Auditor's report", *Samoa Observer*, 22 July 1994.

⁸⁷ Ale, Leota Ituau. "Controller and Chief Auditor Report is Final and Need Inquiry", *Samoa Observer*, 7 August 1994, p.5.

⁸⁸ The Chairman of the Commission was the Ombudsman, Maiava Iulai Toma. The other members were Reverend Faafouina Iofi, a teacher at Malua Theological College; Oloipoloo Terence Betham, and accountant and principle partner of the accounting firm Coopers and Lybrand; Pala Lima, an accountant attached to a group of companies called Retzlaff; Agnes Stewart, a principal of Apia Primary School; Papalii John Ryan, president of the Chamber of Commerce and manager of Pacific Forum Line Apia Office; Dr Lei'ataua Kirifoti Eteuati, secretary to the government, and Tupa'i Seapa, the Attorney General. ("Commission Chairman Promises His Best Shot", *Samoa Observer*, 22 July 1994, p.1,2.) The Attorney General later resigned, before the inquiry began. ("AG Resigning From Enquiry Confirmed", *Samoa Observer*, 12 August 1994, p.1.)

⁸⁹ Ibid.; "Public Supports Chiefs Auditor's Report", *Samoa Observer*, 22 July 1994., p.4.

owned by one of the Cabinet ministers, Misa Telefoni.⁹⁰ During the inquiry, it was discovered that Oloipoloa Terence Betham's accounting firm, Coopers and Lybrand, were auditors for a number of government corporations, some of which were implicated in the report.⁹¹ The Commission tried to resolve Betham's conflict of interest by minimizing his involvement; he was excused from specific parts of the Commission's work.⁹² Betham's case indicates that the Commission itself found that the issue concerning conflicts of interest was problematic.

The Commission of Enquiry tabled its report in the Legislative Assembly on 20 October 1994. As many had feared, the overall thrust of the report was to condemn the Auditor General and vindicate the government, and in particular the Cabinet ministers that the report implicated in corrupt activities and mismanagement. Although it concluded that the Auditor General's report was, in general, accurate, it disagreed with the report on a number of points.⁹³ Notably, it questioned whether the Auditor General had remained within the boundaries of his authority in the process of researching and writing up his report. In order to do this it gave its own definition of these boundaries, and not surprisingly they were defined quite narrowly. The Commission chastised the Auditor General for going beyond what it deemed to be his "jurisdiction and legitimate sphere of concern."⁹⁴ The Commission adopted the view that the Auditor General should have limited its judgments to the financial activities of the government, and not indulged in a political analysis and discussion. It was quite critical of the Auditor General for disregarding "mechanisms laid down by law to determine the correctness or legality of certain actions by government officials."⁹⁵ Moreover, it argued that the Auditor General had improperly taken unto himself the function of declaring such actions as wrong or unlawful in his Report.⁹⁶ In total, the Commission's report significantly undermined the ability of the Auditor General to hold the Government accountable.

In addition, it gave the Government an ideal platform to consolidate its authority and power in relation to the Auditor General. It was one that the Government made full use of, and shortly after the release of the Commission's report, it set about redefining the terms of the Auditor General's position. Within months of the Commission's report being tabled in Parliament, the Government announced that it would examine audit office regulations and propose changes. Amongst other things, this was intended to define what matters the Auditor General should first refer to Cabinet before making his or her report public.⁹⁷ More importantly, it was intended as a review of the functions of the Auditor

⁹⁰ Tielu, Apelu. "Will We or Will We Not – Letter to the Editor?", *Samoa Observer*, 27 July 1994, p.4.; Malifa, Savea Sano. "Commission of Enquiry or Cover Up? Prove This Piece Wrong", *Samoa Observer*, 29 July 1994., p.4.

⁹¹ "A Question of Ethics", *Samoa Observer*, 15 July 1994, p.4. Coopers and Lybrand were auditors for the government-owned Western Samoa Trust Estates Corporation (WSTEC), the Electric Power Corporation (EPC), and the Inland Revenue Department (IRD). It was also the "legal" auditor for Polynesian Airlines although at the time of the Inquiry, it had not audited the company since 30 June 1992.

⁹² "Commission Chairman Announces Open Sessions", *Samoa Observer*, 14 August 1994, p.1.

⁹³ The Commission's report was reprinted verbatim in the *Samoa Observer*. This is where I cite the references for this report. "Commission of Enquiry's findings into Chief Auditor's Report", *Samoa Observer*, 25 November 1994., p.6.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ "Auditor's job on the line?", *Samoa Observer*, 25 January 1995, p.1,2.

General.⁹⁸ These initiatives were done despite the fact that the Constitution was extremely clear on what the Auditor General's functions were. Indeed, if anything made his functions seem vague it was the interpretations of these by the Commission of Enquiry.

Later, the Government suspended the Auditor General on salary. Then, using its majority in Parliament, it amended the country's constitution so as to allow for the dismissal of the Auditor General.⁹⁹ The constitutional convention that the Government overturned had stipulated that the holder of the office could only be removed by a two-thirds majority of Parliament or when he/she reached the age of sixty-five.¹⁰⁰ It was meant to ensure that the Auditor General's position provided an effective check and balance against the Government. It was changed so that the Auditor General would be appointed by the Government for a three year term. As a mechanism for accountability, the effectiveness of the position of Auditor General has been significantly reduced. According to So'o et al,

...the reduction of the CCA's (Controller and Chief Auditor) terms has effectively meant that the CCA is now dependent on the Executive for the security of his position rather than the Legislature, as the founding fathers of the Sāmoan Constitution had envisaged. Such a change could inhibit criticism of government operations by the CCA.¹⁰¹

Its ability to effectively hold the Government accountable was further weakened in 1997 when the Government changed the period between elections from three to five years.

A Resurgent Tumua and Pule

In late August, *Tumua* and *Pule* again decided to take action against the government. It held a meeting at Satupa'itea, a *nu'u* that is a capital within the *Pule* districts on the island of Savaii. It was concluded that *Tumua* and *Pule* would not hold a protest march immediately. Instead, they would first try to meet with the Head of State and the Prime Minister to discuss their grievances.¹⁰² *Tumua* and *Pule* were able to meet with the Head of State on 2 September; the Prime Minister was not available to hold a meeting with them. The Head of State advised *Tumua* and *Pule* to present their grievances in the form of a petition, which should also show how much public support they had.¹⁰³ The occupation-type protests that had marked the earlier part of the movement had proven to be time and resource consuming, and this is likely to have led to the different tactic that was employed by what was a resurgent movement. Based on the advice of the Head of State, *Tumua* and *Pule* planned for a petition to be taken around Samoa and to Samoans living overseas. *Tumua* and *Pule* again held protest

⁹⁸ "Keeping Chief Auditor in Line", *Samoa Observer*, 22 January 1995, p.4.

⁹⁹ Hilderbrand, Sophie. F. 1998. "The Hand That Rocks the Cradle". *Pacific Islands Monthly*, April 1, Vol. 68, No. 4., p.12.

¹⁰⁰ Polu 1996.; Economist Intelligence Unit. (1997). *Country Report. Pacific Islands - Fiji, New Caledonia, Samoa, Solomon Islands, Tonga, Vanuatu. Quarters: 1, 2, 3, 4.* London, U.K: Economist Intelligence Unit.

¹⁰¹ So'o, Asofou., et al. 2004. *Samoa 2004: National Integrity Systems – Transparency International Country Study Report.* Canberra, Australia: Asia Pacific School of Economics and Government, Australian National University., p.19. Words in brackets are mine.

¹⁰² "Tumua and Pule Opt for Action On Auditor's Report".

¹⁰³ "His Highness Supports Tumua and Pule Petition", *Samoa Observer*, 4 September 1994, p.1.

marches, but this time they only marched and did not do a sit in protest for more than a day.

The *Tumua* and *Pule* petition was not confined to complaints about the VAGST, but was broadened to include the Government's handling of the Auditor's report and sought to have the report accepted by Parliament.¹⁰⁴ In so far as the Government's handling of the Auditor General's report was concerned, *Tumua* and *Pule* wanted the ministers, heads of departments, and other government workers implicated in the report to resign, or at least step down while their cases were investigated. The two issues were closely intertwined, because the VAGST was implemented by the government based on the need for more public revenue, while at the same time, the Auditor's report clearly revealed that huge amounts of public revenue were being wasted in inefficient government ventures and widespread government corruption. TuiAtua summed up the situation at the time in the following way:

The issue is now more than an additional tax burden on a community which by and large is finding it difficult to afford basic necessities. The issue has become the bearing of an unaffordable burden to pay for reckless spending in Polynesian Airlines and to redeem losses deriving from corruption, inefficient management and maladministration.¹⁰⁵

At this stage of their protest, the *Tumua* and *Pule* again clarified their non-partisan stance. In doing so, they demonstrate strong similarities to the core functions and key characteristics of civil society. They specifically refused to have any of the Members of Parliament be actively involved in their work. This parallels that feature of civil society that identifies it as being a separate institution from the state. *Tumua* and *Pule* reiterated their position as being to safeguard the interests of all Samoans, in accordance with their traditional mandate, and this did not require them to seek a change of government. The leadership committee of *Tumua* and *Pule* stated,

Tumua and Pule is independent of both the (opposition) SNDP and the (governing) HRPP, and it is working independently for the benefit of every citizen of this country as it has been in the past.¹⁰⁶

Instead, it required them to represent these interests to the government, believing that if the government could see that they had the support of the majority of Samoans, they would bring about a policy change.¹⁰⁷ Again, this parallels a defining feature of feature of civil society: it did not seek to usurp political power for itself, by simply have those in political power be cognizant of and respond to the petitions from within society.

The petition gained widespread support. Within a month, *Tumua* and *Pule* reportedly gained 40,000 signatures for their petition.¹⁰⁸ On 10 March 1995, the

¹⁰⁴ "Tumua and Pule Makes Final Decision", *Samoa Observer*, 13 January 1995, p.1,2.

¹⁰⁵ Tamasese, TuiAtua Tupua.1995, "Tumua and Pule and the VAGST", *Samoa Observer*, 6 January, p.12.

¹⁰⁶ Ibid.

¹⁰⁷ "40,000 Oppose 10% VAGST", *Samoa Observer*, 25 September 1994, p.1,2.

¹⁰⁸ Ibid.

Tumua and *Pule* presented their petition to the Head of State. It contained 133,354 names; 122,954 were names of those living in Samoa, and 10,400 were names of Samoans living in New Zealand.¹⁰⁹ The population of Samoa at the time was estimated to be 164,000, so the number of names contained in the petition indicated that an overwhelming majority of Samoans supported it. Approximately 6000 people marched with the *Tumua* and *Pule* to present the petition to the Head of State. The importance of the media in so far as civil society is concerned was once again highlighted, and for similar reasons. Media people also accompanied them, but when the procession arrived at the residence of the Head of State, police notified them that they were under instructions from the Commission of Police not to allow them entry.¹¹⁰ Only the supporters were allowed inside, where speeches regarding the petition were to be made. This again raises the issue of what the government was concerned about in limiting media coverable of a public protest.

The level of support for the petition from Samoans living abroad was not surprising, given that many maintained close connections with their families in Samoa. Many people overseas provide considerable financial assistance to their relatives in Samoa in the form of remittances. When the petition was taken to New Zealand it was reported that Samoans living there were being “bombarded” with requests for financial assistance because their relatives in Samoa were in financial difficulties because of the VAGST.¹¹¹ The implications for this in terms of Samoan civil society are quite important. It highlights its capacity to transcend national boundaries. The strength of ties between migrant communities and their kin in Samoa are constantly being reinforced through remittances and the bestowal of titles on those living abroad. The interests of Samoans abroad are intertwined with their relatives back in Samoa and a protest movement is likely to also attract their involvement as this case illustrates. The extent of the strength of this involvement, however, is uncertain.

The Government tried to dismiss the petition. However, in its efforts to do this, one gets the impression that the petition was more valid than the government was making it out to be. Speaking in response to the petition, the then Deputy Prime Minister, Tuilaepa Malielegaoi called it “garbage”.¹¹² The police then charged two of the leaders of the *Tumua* and *Pule* with sedition, for their roles in organizing the protests a year earlier. According to the Tuilaepa, the police were merely following the law because the two leaders had called for the overthrow of the government.¹¹³ Tuilaepa’s claims appeared quite puzzling: why did the police wait for a year before initiating their case? Moreover, if these two leaders did in fact make these statements, which they denied, why did the *Tumua* and *Pule* consistently maintain a non-partisan approach, going so far as to make it publicly known that they did not want a change of government?¹¹⁴

One can only speculate that because these moves were initiated around the time of the petition that it was meant to discourage or at least distract the *Tumua* and *Pule* from pursuing the petition. On this issue, one commentator’s statement concerning the police charges may be quite enlightening: “It all reeked of a set-up

¹⁰⁹ “Executive Council to Meet on VAGST”, *Samoa Observer*, 12 March 1995, p.1,2.

¹¹⁰ Ibid.

¹¹¹ “Samoans in New Zealand Object to VAGST”, *Samoa Observer*, 8 January 1995, p.1,2.

¹¹² “Sedition and Freedom”, *Samoa Observer*, 17 March 1995, p.4.

¹¹³ “Government Denies Abuse of Human Rights”, *Samoa Observer*, 17 March 1995, p.1.

¹¹⁴ Ibid.; “Tumua and Pule Denies Political Party”, *Samoa Observer*, 20 September 1995, p.1.

engineered by angry men with power who did not want to let two mere mortals away with criticizing the government.”¹¹⁵ Ironically, the police charges helped to give the protest movement international exposure, in particular from a prominent international organization. Amnesty International protested the police actions as being a denial of the human right to freedom of expression and association. Eventually, a court date was set, but the prosecution failed to prepare a case against the two leaders, and the charges were thrown out of court.¹¹⁶ The Government’s failure to back up its charges with any kind of court case suggests that they were futile in the first place. In particular, it suggests that the petition had much more validity than they made it out to be.

What happened next demonstrates the power of the Government to undermine the ability of civil society to help achieve political accountability. Not for the first time, the Government appointed a Commission to address the matter. The Commission was to investigate whether the names on the petition were legitimate. The decision was made by Cabinet and was publicly presented as “a logical step to take.”¹¹⁷ Eventually, the Government concluded that out of the 133,354 names on the petition only eleven were valid. Cabinet, perhaps not surprisingly, was quick to endorse the Commission’s findings. This conclusion invalidated 133,343 names, and in effect implied that the Government did not accept that more than eleven people supported the petition and *Tumua* and *Pule* on the issues contained in the petition. The government obviously ignored that fact that in the previous year, there were thousands of people that protested in support of *Tumua* and *Pule* and that thousands again marched with *Tumua* and *Pule* to present the petition to the Head of State. One would have thought that at least most of these protestors would have had their names on petition. After all, participating in the marches and the sit-in protests would have taken much more effort and been much more strenuous than simply putting down information on a piece of paper. This line of reasoning either escaped the government, or they consciously chose to ignore it.

This attitude and approach by the government was, perhaps, not that surprising. It tends to follow a trend within the national government to appoint Commission’s to investigate contentious public issues that have a high likelihood of tarnishing the government’s reputation and performance. Commission members can be politically biased, like those that comprised the Commission of Enquiry into the Auditor General’s report. These commissions have a significant influence on the outcome of the investigations. Combined with the power of Cabinet, politically biased commissions can underscore the decision of the government, no matter how wrong these may seem to be. Moreover, they can be an effective mechanism to quell opposing views and actions, including those from the political opposition and civil society.

This case indicates that the ability of civil society to strengthen vertical accountability is very questionable. This was highlighted by *Tumua* and *Pule*’s sheer inability to have a significant impact on two crucial issues: the price rises and the Government’s handling of the Auditor General’s report. However, it was perhaps exemplified even more by the fact that the government was reelected in the 1996 elections with what has been described as a “very comfortable

¹¹⁵ “More Bad News for Government”, *Samoa Observer*, 4 August 1995, p.4.

¹¹⁶ “Tumua and Pule to Sue Government”, *Samoa Observer*, 4 August 1995, p.1.

¹¹⁷ “Govt. Investigating VAGST Petition”, *The Samoa Times*, 10 May 1995, p.1,2.

majority.”¹¹⁸ This was the despite the apparent level of political transparency that the movement acted on and created, as well as the many signals that this movement relayed to the government concerning societal views about its politics. By 1998, the Governments accounts were still not audited. Because the 1994 Auditor General's Report had been dismissed, the Government's accounts effectively were not audited between 1990 and 1998.

Conclusion

The extent to which civil society in Samoa is likely to influence political accountability, in so far as it is embodied in a protest movement, is, by itself, questionable. The *Tumua* and *Pule* protest movement was of considerable magnitude both in terms of the number of people involved, the position of these people within Samoa's social and political system, and the time period over which it took place. The petition in particular, which arguably had more legitimacy than the Government made it out to have, indicated the considerable support that the movement had galvanized, both domestically and internationally. Despite this, in the end the Government dissipated its challenge; the VAGST remained in place, the price orders were reduced by quite insignificant margins, and the Auditor General's report was not given official recognition. Moreover, after the entire ordeal, the Government was re-elected.

Even when civil society, as it was manifest in this case, operates in support of other mechanisms, such as the Auditor General, its impact on the Government's actions appears to have significant limitations. The most significant is the power of the Government itself. In this case, the Government demonstrated a fantastic ability to overcome the force of mechanisms designed to hold it accountable. Through its use of Commissions of Enquiry, its majority in the Legislative Assembly, and its ability to manipulate political processes and institutions in an apparently legal manner, such as the selection of Commission members, it can turn Samoa's political system very much in its favor. More importantly, it can also turn this system against the mechanisms designed to hold it accountable so that the effectiveness of the latter is dramatically reduced.

This begs the question: is there hope for greater political accountability and for civil society to help achieve it in Samoa? I would argue that there is. In that the Auditor General was able to uncover and unveil widespread corruption and government mismanagement suggests that this position can achieve some measure of success in this regard. Admittedly, the terms for the Auditor General's position have been dramatically altered, and the position's independence of political interference has been greatly undermined. Nevertheless, it can still contribute to political transparency by revealing what the Government is doing with public resources. Moreover, parliament still has the ability to draw public attention to irregularities highlighted by the Auditor through its debates and discussions.

This, of course, depends on the extent that these are made available to the public through official government documents, such as Hansard, and the media. Much of this paper was written from media reports on the Auditor's report, some of which contained the full transcript as well as the entire transcript of the Commission of Enquiry report. This shows that this information is available to the public to access. Whether they do so and can fully comprehend and

¹¹⁸ Hooper 1998, p.37.

understand this information is another question. It also depends on the public will to act on this information.

This case suggests that the Samoan public is willing to engage the government within the framework of civil society. Furthermore, it demonstrates the capacity for people to organize themselves into a cohesive and organized movement that can articulate and pursue their interests in a manner that is consistent with the legal framework. It is important to note that the role of traditional and kinship ties emerged as a pivotal factor in galvanizing and consolidating societal forces in this case. Their value cannot be overlooked in any present and future endeavors to nurture civil society in Samoa.¹¹⁹ However, there is a suggestion in this case that people may not invest themselves fully in protesting and holding the government accountable; they may prefer to leave some of the work to supernatural intervention. Regardless, the potential for action is there, and as mentioned earlier, this is merely one form of civil society that is present in Samoa. There are others, most prominently, non-government organizations. Although they did not take any significant action in this case, it does not rule out the fact that they may do that in the future. Although the results of civil society action in this case were not as significant as those involved had hoped, one wonders what a more united civil society in conjunction with mechanisms designed to achieve political accountability can achieve.

¹¹⁹ Given the importance of traditional and kinship ties within many Pacific island societies, this point might also be relevant to other Pacific island countries.