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THE POLITICAL DEVELOPMENT OF WESTERN SAMOA
FROM MANDATE TO INDEPENDENCE

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THE POLITICAL DEVELOPMENT OF WESTERN SAMOA
FROM MANDATE TO INDEPENDENCE

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THE POLITICAL DEVELOPMENT OF WESTERN SAMOA
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CHAPTER I

INTRODUCTION TO WESTERN SAMOA

On January 1, 1962, Western Samoa cast off the fetters of more than one hundred years of foreign domination or control and thus became the first independent Polynesian state¹ in the South Pacific. In the post World War II period, the world has become fully accustomed to "far away places with strange sounding names" attaining independent statehood, and so it is not surprising that the independence of a place so far away with such a strange name--and one might add so small and relatively insignificant--as Western Samoa should provoke little attention throughout the rest of the world. Indeed, most of the few Americans and Europeans who are aware of Samoa's existence usually know it only as the place where ironically a violent hurricane once helped calm the stormy diplomatic waters of the time² or perhaps as the "Pearl of the

¹Australia and New Zealand have of course been sovereign states for many years.

²The hurricane of 1889 which prevented a possible outbreak of violence between the warships of England, Germany and the United States.

Pacific" where Robert Louis Stevenson retreated for his final years.

However because Western Samoa's independence caused little excitement or interest on a world-wide basis does not mean that it did not excite and interest a considerable number of people. Naturally the joy of the people most directly concerned, the Western Samoans, knew almost no bounds. This happiness did not mean that Western Samoans were impervious to the new problems which independence would bring, for as the Prime Minister of Western Samoa, Flame Mata'afa Faumuina Mulinu'u had commented to the United Nations some months earlier:

I would not like to say that Western Samoa is perfectly ready for independence but then what country is? What country, any more than any man, is ready for the responsibilities of statehood? We must enter on the road to learn the difficulties and dangers of the journey.³

Rather it was a nationalistic-inspired happiness which had been developing over many years. Most New Zealanders, whose country had been in control of Western Samoa since 1914 felt relieved. This relief did not stem so much from having gotten rid of something they did not want as from the knowledge that they "could be grateful that" their "responsibility ended in such peaceful and happy circumstances."⁴ In addition to

³The Evening Post (Wellington, New Zealand), Oct. 13, 1961, p. 11.

⁴New Zealand, External Affairs Review, XII (January, 1962), p. 13.

Samoans and New Zealanders other peoples such as Australians and non-Samoan Polynesians were directly concerned because of political or cultural factors. Obviously Western Samoa's independence was important to many people for a variety of reasons.

In general Samoa has not received the attention from scholars that might be expected. I say "might be expected" because it seems strange that Western Samoa representing as it does a compact cultural and racial native society which has been successively governed as a kingdom, semi-protectorate, colony, League of Nations Mandate, United Nations Trust Territory and now as an independent nation has not invoked more attention from historians and political scientists. Instead the field has been left largely to anthropologists.

This work is an attempt to describe and analyze the political development of Western Samoa. The approach while, eclectic in some respects, reflects the author's firm belief, originally instilled and nurtured by Frederick Schuman, that political and international affairs are best approached from a historical method. Specifically the study is most concerned with Western Samoa's political development during the mandate and trusteeship periods. These periods lend themselves to a focused analysis primarily because from 1914, actually five years before the establishment of the mandate system, until independence in 1962 Western Samoa was administered by the same country, New Zealand. Also, during the mandate and

trusteeship periods, ultimate responsibility for Western Samoa rested in theory if not always in fact with an international organization, either the League of Nations or the United Nations. However, political problems and questions can never be divorced from their geographic, ethnic, economic, social, and historic background. The need for such background information is particularly acute when dealing with Western Samoa because of the general dearth of scholarly work on the South Pacific region with the resulting lack of familiarity with Western Samoa's environment and also because of the critical influence such factors have had on Western Samoa's political development. Therefore this first chapter will concentrate on Western Samoa's geography, population and peoples, economy, social and cultural milieu, and history prior to 1914 when New Zealand assumed control.

Geography

Western Samoa lies between latitudes 13° and 15° south and longitudes 171° and 173° west and with American or Eastern Samoa makes up the Samoan archipelago. This location places it about 4,000 nautical miles southwest of San Francisco and about 1,500 miles northeast of New Zealand. Western Samoa comprises the two large islands of Upolu and Savai'i, and the islets of Apolima, Manono, Fanuatapu, Namu'a, Nu'utele, Nu'ulua and Nu'usafe'e. The total land area is just more than 1090 square miles and Savai'i's 660 square miles and Upolu's 430 square miles account for almost

all the area. Only Apolima and Manono of the smaller islets are inhabited while the remainder are within or near the fringe reef surrounding Upolu.⁵

Upolu and Savai'i are rugged volcanic mountainous islands with Savai'i's highest point reaching over 6,000 feet and Upolu's highest point being over 3,600 feet. The last volcanic eruption was in Savai'i in 1911, but both islands rest on a succession of great flows of basaltic lava.⁶ The mountains, which form a center ridge for the islands, cause settlement to be mostly coastal with cultivation extending only a few miles inland. Thus the interior of the islands impedes cross-island traffic.⁷

The climate is tropical with a rainy and a dry season, but by most United States standards rainfall is heavy and frequent with a yearly average of more than 110 inches while over the last sixty years the temperature shows a mean daily maximum of about 85° and a mean daily minimum of about 75°.⁸ Although the humidity is relatively high year round, there is ample proof that such often repeated opinions as:

⁵ New Zealand, Official Yearbook, (Wellington, New Zealand: R. E. Owen, 1960), p. 1, 136.

⁶ Kenneth B. Cumberland, Southwest Pacific (London: Methuen and Co. Ltd., 1956), pp. 279-280.

⁷ Leslie Curry, "The Physical Geography of Western Samoa," New Zealand Geographer, XI (April, 1955), 28.

⁸ New Zealand, Official Yearbook, Op. Cit., p. 1, 136.

Clearly the islands, small, mountainous, tropical, are unsuited for extensive European settlement. Certain it is that the climate forbids to Europeans for more than a few years the continued exercise and enjoyment of mental and physical vigour.⁹

are made in ignorance and prejudice.

Population and Racial Composition

The present population of Western Samoa is slightly more than 120,000 which means that the number of people has more than doubled within the last three decades. Upolu is the more densely populated of the two main islands as almost 75 per cent of the people live there. Apia, the capital and main commercial center, has about 25,000 people and there has been a definite urban drift in recent years. The 1961 census placed the population at 114,427 which means that between 1958-61 Western Samoa's annual average growth rate was 3.7 per cent.¹⁰ Samoa's population is estimated to have been 47,000 in 1839 at the beginning of the period of continuous European contact. As was the case with the Maoris in New Zealand, Samoa's population declined when brought into contact with the papalagi¹¹ reaching an estimated low of 28,000 in 1881.¹² However since then Samoa's population

⁹Robert MacKenzie Watson, History of Samoa (Christchurch, New Zealand: Whitcombe and Tombs Limited, 1918), p. 13.

¹⁰United Nations, Demographic Yearbook (New York, 1962, 14th issue), p. 120.

¹¹Samoan word for European. Literal meaning is "sky-burster."

¹²United Nations, Report on the Population of Western Samoa (Lake Success, New York, 1948), p. 44.

has been on a constant upswing. This increase has reached alarming rates in the post World War II period as the annual growth rate from 1951-1956 averaged 2.8 per cent and from 1956-1961 jumped to 3.3 per cent¹³ which was among the highest in the world, and as previously mentioned the figure for the more compact 1958-61 period was even higher.

This amazing population growth, which can be primarily attributed to better health services resulting in lower death rates and decreased infant deaths, poses serious problems for Samoa. For example, young people outnumber their elders to such a degree that over the next ten years there will be nine times as many males looking for jobs as will be retiring.¹⁴ Other aspects of the population problem will be touched on when dealing with Western Samoa's economy.

The great majority of the population are indigenous Polynesians and only a very small percentage are Europeans. Due to techniques of classification it is very difficult to obtain accurate figures as to how many people are "Europeans" and how many are "Samoans." According to a 1960 estimate (which indicated a population of 108,403) only about 6,000 persons were Europeans.¹⁵ But in fact almost all of these

¹³"One Million Samoans in 100 Years?" Pacific Islands Monthly, December, 1962, p. 36.

¹⁴Ibid.

¹⁵New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1960, p. 120.

6,000 "Europeans" were actually Euroneseans, Melanesians, Chinese, or persons of Samoan-Melanesian-Chinese extraction, because the 1956 census had classified only 662 persons as pure Europeans¹⁶ and this figure has probably dropped even lower in the interim years. Regardless of the exact figures, the Samoans are the largest branch of the Polynesian race with the exception of the New Zealand Maoris. Equally important is that the Euronesean or part Samoan element of the total population is steadily increasing,¹⁷ and this amorphous contingent constitutes one of Samoa's most serious problems.

The Economy

The economy of Western Samoa is almost entirely based on agriculture, the main exports being copra, cocoa, and bananas. New Zealand and the United Kingdom act as the principle buyers. Copra and cocoa together earn approximately 70 per cent of Western Samoa's export income.¹⁸ Luckily the prices for these commodities have been high in most post World War II years with the result that Western Samoa has enjoyed favorable trade balances almost every year.¹⁹ Copra

¹⁶New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1957, p. 119.

¹⁷United Nations, Report on the Population of Western Samoa, Op. Cit., p. 45.

¹⁸New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1950, p. 41.

¹⁹New Zealand, Official Yearbook, Op. Cit., p. 1,140.

is the most firmly established export commodity as commercial coconut production is more than a century old. But the emphasis has shifted from the copra industry to cocoa and banana growing, and at present the copra industry is virtually static and does not generate much enthusiasm among Samoan producers.²⁰ Extremely high prices in recent years have greatly boosted cocoa production. Relatively little physical effort is required for cocoa growing, and prospects are better for greater yields per acre and for increased village production of cocoa than for either copra or bananas.²¹ Unfortunately, the potential of the banana industry is limited by a lack of accessible markets. New Zealand is the only South Pacific country which needs to import perishable tropical fruit, and once the New Zealand demand is satisfied the banana industry will probably level off²² although there is a possibility that a market can be developed in Japan.

Such a narrow export base means that Western Samoa's economy is acutely vulnerable to the vagaries of the world market and to the vicissitudes of weather. Within the limitations imposed by size and lack of natural resources, Samoa is attempting to develop other export commodities. Coffee

²⁰Ward Barnett and Peter Pirie, "Western Samoa: Population, Production and Wealth," Pacific Viewpoint, III(March, 1962), 84-86.

²¹Ibid., 86-87.

²²Ibid., 88.

which is beginning to be exported in small quantities offers the best hope. Possibly a more feasible method of increasing Samoa's trade surplus and thus obtaining more funds for needed development lies in producing locally more of the products which at present are imported. An increase in the number of livestock, particularly cattle, and an increase in the use of locally grown and cut timber is encouraging in this respect.

Even more pressing is that population is increasing faster than agricultural production and so per capita output has fallen.²³ It seems certain that the present rate of population increase in Western Samoa will, if unchecked, "lead to extremely grim conditions of population density and falling standards of living throughout Western Samoa within three or four decades, and to local hardships much earlier than this."²⁴ V. D. Stace, a New Zealand economist, studied this specific problem in a report prepared for the South Pacific Commission. Stace concluded that the agricultural potential of Western Samoa was sufficient to support a much larger population but that existing land and resources were not being used adequately.²⁵ A 1962 report by the Economic

²³W. B. Johnston, "Developments in Western Samoa," The Geographic Review, XXXXVIII(April, 1958), 276.

²⁴Barnett and Pirie, Op. Cit., 95.

²⁵V. D. Stace, An Economic Survey of Western Samoa, A Report to the South Pacific Commission (Noumea, New Caledonia: 1956), p. 63.

Development Committee on Economic planning (an eighteen man committee of local politicians, public servants, and businessmen) agreed with Stace and stated:

It is clear beyond any doubt that unless vigorous steps are taken to increase the national income, at least as fast as the population increases, the standard of living will decline, because an increasing proportion of the limited land resources will be required for food production and will not be available for export crops.²⁶

Furthermore, although it is still true that, "No one lives below a comfortable subsistence level" and "All have sufficient food and clothing and shelter",²⁷ Stace maintains that a majority of Samoans should nevertheless be classified as "poor" because the impact of new social services and increased imports have created desires incompatible with the standards of the old society and consequently beyond Samoans' financial means.²⁸ He further suggests that this poverty is partially self-inflicted because of a propensity for luxuries and celebrations which add nothing to the general standard of living,²⁹ but he feels it is more directly due "to institutional and physical restraints on productive

²⁶"Samoan Economic Report is Not Impressive," Pacific Islands Monthly, February, 1962, p. 71.

²⁷Margaret Mead, Social Organization of Manua, (Honolulu, Hawaii: Bernice P. Bishop Museum, Bulletin 76, 1930), pp. 52, 65.

²⁸Stace, Op. Cit., pp. 54-55.

²⁹Stace gives one example of a district which in 1952 spent almost 20,000 dollars--14,000 of which was obtained on credit from local merchants--on the wedding of one of its chiefs.

effort inherent in the traditional Samoan way of life."³⁰

Other observers³¹ agree that "the traditional Samoan way of life" impedes increased agricultural productivity, and obviously if Western Samoa's economy is to meet the needs of its rapidly expanding population, agricultural productivity must be increased. Thus although Samoan culture and social organization are examined in more detail elsewhere, attention needs to be devoted at this point to those features of Samoan life which hinder greater agricultural productivity.

Samoan custom decrees that the unit of Samoan social and economic life is the aiga (popularly translated as family). "Such a family is not merely a biological group as Europeans understand the term, consisting of parents and children, but a wider family group of blood and marriage or even adopted connections".³² Each aiga elects its own leader or matai who assumes the family title and whose particular function is the leadership and care of the family under his control. The matai's duties include looking after the welfare of the family, upholding its honor in the village, representing it

³⁰Ibid., p. 54.

³¹G. Gordon Brown, "Some Problems of Culture Contact with Illustrations from East Africa and Samoa," Human Organization, XVI(Fall, 1957), 11; M. Mortimer, "Sovereign Samoa," Contemporary Review, CC(July, 1961), 383; Johnston, Op. Cit., 275; Barrett and Pirie, Op. Cit., 94.

³²F. J. H. Grattan, An Introduction to Samoan Custom, (Apia, Western Samoa: Samoa Printing and Publishing Co. Ltd. 1948), p. 10.

at the village council or fono, and most pertinent to our current discussion administering its land³³ and other property.³⁴ This power or authority over the administration of land is known as pule and must be used in such a way as to benefit all members of the aiga.³⁵ This power of pule combined with the obedience owed the matai by the members of his agia means that the matai can not only divide and parcel out his aiga's land but also he can require the cultivators of such land to turn over to him a portion or even the whole of the produce from the land.³⁶ Thus the matai administers the land of the aiga and also commands the labor of all its members.

The main problem relating to increased productivity resulting from the matai system of land tenure is that this traditional Samoan concept of land ownership makes no provision for individual use and development of the land. The non-matai cultivator has no security because if he works hard and develops his land there is no guarantee that the matai will not re-claim the land.³⁷ Other resulting hinderances to

³³According to Stace's economic report only 5 per cent of the land in Western Samoa is owned and administered by non-Samoans.

³⁴R. R. Nayacakalow, "Land Tenure and Social Organization in Western Samoa," The Journal of the Polynesian Society, LXIX(June, 1960), 106.

³⁵Ibid., pp. 113-115.

³⁶Stace, Op. Cit., p. 58.

³⁷Ibid., p. 59.

individual effort are that the taulele'a (untitled men) have no control after their death over land they may have cultivated, instead it reverts back to the matai and also that the present land tenure system makes it difficult to get mortgage loans for development. The Maoris in New Zealand faced this latter problem and solved it through the Maori Land Development Scheme which saw mutual land-owning families agree to grant certain individuals title to land for development purposes.³⁸ It is of course true that these impediments to individual effort have always existed, but their seriousness has been accentuated as Western Samoa's need for increased production becomes more urgent and as more Samoans become accustomed to and dependent upon money.

As more and more Samoans are integrated into the money economy, strains in the traditional matai-taulele'a land tenure relationship become more evident. These strains are manifest in cases brought before the Western Samoa Land and Titles Court dealing with the conflicting claims of matai and taulele'a to crops produced on land over which the matai has the pule but which the taule'ale'a (the singular spelling) has cleared and cultivated for himself. These cases now tend to be decided on the basis that the pule of the land justly belongs to the matai but that the taule'ale'a should be allowed to enjoy the fruits of his own labor.³⁹

³⁸Ibid.

³⁹Nayacakalow, Op. Cit., 117.

The impression should not be left that present matai land tenure system is in danger of imminent decay. It is firmly rooted in Samoan society and its full significance and permanence will be elaborated elsewhere. All that has been attempted here is to illustrate its influence on Western Samoa's economy.

Cultural Background and Social Organization

An incident taken from a work of the famed Maori scholar, Te Rangi Hiroa (Dr. Peter H. Buck), illustrates something of the Samoan character and the way in which Samoans view themselves vis a vis the rest of the world. The story as related by Dr. Buck is that once when he was in Samoa he had occasion to address a group of Samoans and in the course of his lecture he mentioned that in all probability the Polynesians had originally migrated from the mainland of Asia to the Pacific. Afterwards the spokesman for the group said to Dr. Buck: "We thank you for your address. The rest of the Polynesians may have come from Asia, but the Samoans ----- No. The Samoans originated in Samoa."⁴⁰ This story helps illustrate why the Samoans are considered the most conservative branch of the Polynesian race, and why their culture has proven more resistant to change than the cultures of the other Polynesian sub-groups. Margaret Mead noted this quality and characterized Samoan

⁴⁰Te Rangi Hiroa (Peter H. Buck), Samoan Material Culture (Honolulu: Bernice P. Bishop Museum, 1930), 5.

culture as possessing "All the strength of the tough willows, which bend and swing to every passing breeze but never break."⁴¹ Although, inevitably the traditional way of life has had to be modified, its primary forms and values remain unchanged and must be, at least superficially, understood to be able to intelligently describe and analyze political development in Western Samoa.

The Samoans are a gregarious ceremonial people who love to gather together and to perform then the traditional ritual reserved for that particular meeting. Weddings, births, and deaths furnish, what from the Western viewpoint are the more understandable, occasions to have such meetings. But the Westerner must remember that Samoa's extended family system means that individuals will be expected to attend and will expect to attend far more such events than in Western society. From a Western bias these ceremonies seem wasteful and unnecessary, but the Samoan takes quite a different view as great stress is placed on performing the rituals in the correct manner with the proper amount of paraphernalia. As with other Polynesians, speech-making is a highly developed art. "Prestige and recognition are accorded as much and more by the arts of speech than by any material ritual or display of wealth."⁴² Long, flowery, beautifully phrased speeches

⁴¹Margaret Mead, "The Role of the Individual in Samoan Culture," The Journal of the Royal Anthropological Institute of Great Britain and Ireland, LVIII(1928), 495.

⁴²C. G. R. McKay, "An Introduction to Samoan Custom," The Journal of the Polynesian Society, LXVIII(March, 1957), 38.

often interlaced with Biblical quotations are the order of the day at all ceremonies or public meetings. Indeed the general propensity for loquacity has impaired the effectiveness of Western patterned Samoan legislative bodies. A related characteristic of speech noted by Professor F. W. Davidson, Pacific Islands historian and constitutional advisor to Samoa, is that Samoans dislike to directly oppose an idea advanced by someone. Thus, in the Samoan legislative bodies a Samoan may praise with extravagance a speaker with whom he disagrees but then pile on, with finesse and skill, qualification after qualification until it becomes politely plain that there is a disagreement.⁴³

Samoans' preference and reverence for fa'aSamoa (according to Samoan custom) living has meant that most Samoans, particularly those outside of Apia, continue to lead their accustomed lives which center around the church, fishing, gardening, visiting, and sporting. Thus, "Samoa presents a radically different picture from the usual South Seas spectacle of native peoples cheerfully and unknowingly losing their identity and their heritage---".⁴⁴

Before moving to an examination of Samoan social organization, a few words are needed concerning religion in

⁴³The Evening Post (Wellington, New Zealand), Sept. 3, 1952, p. 14.

⁴⁴Douglas L. Oliver, The Pacific Islands (Cambridge: Harvard University Press, 1951), p. 151.

Samoa. Christianity was introduced in Samoa about 1830 and was eagerly embraced by the Samoans. Today, practically all Samoans are at least nominal Christians.⁴⁵ Before the introduction of Christianity, the religion of Samoa had been similar to other Polynesian areas in that there was a traditional lore which preached a hierarchy of gods and demons. But significantly there was not a powerful priesthood or an institutionalized religion in Samoa as in the rest of Polynesia. This did not mean that the Samoans were less religious than other Polynesians but rather that their religion was almost completely integrated with their elaborate political and social organization. This meant that as Christianity was accepted the matais merely dropped the old set of interpretation and functions and substituted the new ones without having to disrupt the fundamentals of the existing system. To illustrate, the matai simply switched from being the family mediator with the gods to being a deacon in the church.⁴⁶ So Christianity was adopted without

⁴⁵The most recent figures available, based on a population of about 100,000 estimated the size of the various denominations as follows:

| | |
|---------------------------|--------|
| London Missionary Society | 50,000 |
| (Congregational) | |
| Roman Catholic | 20,000 |
| Methodist | 15,000 |
| Mormon | 5,000 |
| Seventh Day Adventist | 1,200 |

New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1960, p. 73.

⁴⁶Felix M. Keesing, Modern Samoa (London: George Allen and Unwin Ltd., 1934), pp. 399-400. (Keesing's masterful study is the most comprehensive work available on Samoa and is invaluable to anyone interested in Western or American Samoa.)

causing far-reaching changes in the whole cultural life as for example happened in Hawaii.

Ostensibly, the Samoans are very devout Christians: almost everyone goes to church on Sunday; all stores and places of business close for the Sabbath; meals as well as all social events begin with a prayer; and no expense is spared when building churches. Indeed the ministry is considered the highest calling in Samoa, and no one including a matai is revered and respected more than the village pastor. The pastor is always seated in the most honorific spot at any ceremony and even drinks kava⁴⁷ before the most highly ranked chiefs.⁴⁸ Beneath this reverent facade, however, there is still strong sentiment for the old religion. Death and sickness are often ascribed to be the work of evil spirits, and certain specialists attempt to deal with these spirits. Spells and charms are still used, and concurrent with belief in a Christian heaven is belief in Pulotu, a mythical final resting place which is somewhere in the sea around Savai'i.⁴⁹

In summary, the words spoken by a missionary to Keesing in 1934 still remain essentially true:

⁴⁷A ceremonial beverage prepared from the roots of the kava plant.

⁴⁸Lowell D. Holmes, "Ta'u. Stability and Change in a Samoan Village," The Journal of the Polynesian Society, LXVI (September, 1957), 335-336.

⁴⁹Ibid., pp. 333-335.

I am afraid that from the Christian viewpoint the missions have been rather a failure in Samoa. Instead of accepting Christianity and allowing it to remould their lives to its form the Samoans have taken the religious practices taught to them and fitted them inside Samoan custom, making them a part of the native culture. Christianity has changed Samoan theology a little, that is all. Otherwise the people are mentally arrested; there is no religious questioning or conflict--everything is easy going. Christianity, instead of bursting the bonds of the old life, has been eaten up by it.⁵⁰

As has been previously mentioned, the extended family (aiga) is the key unit of Samoan social and economic life. Within the aiga individuals are classified according to age, sex, and marital status. Each person has duties and obligations which he or she is expected to carry out in a certain way. Too much individualism or deviation from the accepted norm is likely to be frowned upon. In a very real way the individual is relegated to a position of secondary importance in comparison to the family. The aiga furnishes food, shelter, and assistance to its members. It serves as a "from the cradle to the grave" welfare state as the needs of the young, old, sick, and disabled are all provided by the aiga. Also the aiga system means that there is little emphasis on or acceptance of the principle of private property.

At the head of each aiga is a matai who has control over the members of his aiga and who is responsible for each member's well-being. Each matai is directly responsible for the good name of his family and for the performance of

⁵⁰Keesing, Op. Cit., p. 410.

obligations and necessary ceremonies. Although the members of an aiga may not all live in the same house or even in the same village, general meetings are held to discuss family affairs or problems. These family meetings are very important for as Grattan notes:

Such an assembly to discuss family affairs is not merely a duty on the part of members of the family, but is a right which is jealously guarded, and the matai risks the dissatisfaction and displeasure and the possibility of a subsequent complaint to the Department of Native Affairs on the part of anyone to whom he does not extend the opportunity of attending such a meeting or of being represented.⁵¹

Each matai holds a family name or title which passes from one holder to the next, and hence matais are often referred to as "titleholders." Matais are divided into two main classes: "chiefs" (ali'i) and "talking chiefs" or "orators" (tulafale). Generally, although exceptions must be made for certain areas and kinship groups, the chiefs are the ultimate leaders and decision-makers while the orators play more the role of legal advisers or executive officers. Orators speak on behalf of chiefs at important functions and act as intermediaries between the people and the chief. Matais, both chiefs and orators, are arranged in hierarchies which range from minor titleholders with little influence beyond their immediate households to royal titleholders with district or even nation wide influence and power. Every male hopes to become a matai and most achieve a minor title by the

⁵¹Grattan, Op. Cit., pp. 10-11.

age of forty-five.⁵² All respect and prestige which is due to the family center in the matai, and the matai's importance derives from his place in the hierarchy rather than from his personality although personal qualities do of course play a part in the selection of a matai.

Family titles are awarded to matais by a general meeting of all those in the aiga, and this meeting is the vital step in the selective process because no person is entitled by right to succeed a matai as the head of a family on the latter's death or retirement. Theoretically, all members of the aiga, including even women, are eligible for the family title. Such factors as service to the group, general qualities of leadership and ability, as well as blood connections and the wishes of the last matai are considered. Nevertheless, direct kinship is the single most influential asset which a would-be matai can have in his favor. For example, if the former matai has a surviving brother, the brother has a very strong claim to the title.⁵³ Sometimes, if the concerned group is unable to agree on a single individual, a title will be split or shared thus leading to a proliferation of titles. This splitting or sharing of titles seems to have become more commonplace in recent years as the

⁵²Felix M. Keesing and Marie M. Keesing, Elite Communication in Samoa A Study of Leadership (Stanford, California: Stanford University Press, 1956), pp. 39-43.

⁵³Grattan, Op. Cit., pp. 12-13.

conflict between the traditional system and the demands of modern life has resulted in legitimate differences of opinion as to which qualities should be accorded the most important when selecting a matai. On the whole the most capable people tend to be rewarded with the most exalted titles. As Keesing remarks:

The Samoans with higher titles are usually outstanding personalities, and the matais as a class tend to be an elite in psychological as well as status terms.---The title system, in sum, tends to channel into itself the dominant and energetic individuals.⁵⁴

The matai as the titular head of his aiga represents the family at the village fono (council) where all the matais of the village meet and discuss village affairs. These meetings, which are usually held weekly, make decisions on matters affecting the entire village. No decision is made on any question until all the matais are in agreement.

"Majority voting or decision in the strict European sense has no place in Samoan custom, which prefers a show of unanimity even if a minority yield a point only as a respectful gesture."⁵⁵ When meetings are held at a higher level, senior or highly ranked matais represent the village. This system is in operation all the way to the national governmental bodies which will be described elsewhere.

⁵⁴Keesing and Keesing, Op. Cit., p. 45.

⁵⁵Grattan, Op. Cit., p. 17.

History

Considering Samoa's size and isolation, it has had a most colorful and intriguing history. Polynesians settled Samoa, European explorers discovered it, missionaries evangelized and converted its people, adventurers tried to exploit its resources, many such as Stevenson were mesmerized and captured by its beauty, and great powers on the other side of the world schemed to control it and almost came to blows in the course of their maneuverings. No attempt is made to chronicle and describe these events in any comprehensive manner, rather the purpose of this section is to provide a summary of Samoan history prior to World War I which will furnish background information necessary to an understanding of Western Samoa's post World War I development.

Most anthropologists agree that the original Polynesian settlers came to Samoa from southeastern Asia although the Kon-Tiki voyage of Thor Heyerdahl has challenged this theory.⁵⁶ The first European to visit the Samoan Islands was a Dutchman, Jacob Roggeveen, who in 1722 sighted the group but who apparently did not go ashore.⁵⁷ Roggeveen's discovery stirred little interest, and no other European followed him until 1768 when the French navigator, Louis de Bougainville, passed through the island group in the course

⁵⁶J. A. A. Gray, Amerika Samoa (Annapolis, Maryland: United States Naval Institute, 1960), p. 13.

⁵⁷Andrew Sharp, The Discovery of the Pacific Islands (Oxford: At the Clarendon Press, 1960), p.100.

of his famous voyage around the world.⁵⁸ Bougainville referred to the group as the "Navigator Islands", a term in usage until the 1870's. The next European contact was with another Frenchman, Jean de La Perouse who visited the islands in 1787. La Perouse's visit was marred by tragedy as for unexplained reasons he was attacked by the Samoans and lost ten men. This prompted him to enter in his journal, "I willingly abandon to others the task of writing the uninteresting history of these barbarous people; a stay of twenty-four hours---has sufficed to show their atrocious manners."⁵⁹ La Perouse's unfortunate experience gave the Samoans an undeserved reputation for ferocity, but nevertheless white men began to arrive in the islands in the early 1800's. These men were mostly escapees from the Australian penal colonies and represented the worst sort of riff-raff. Some found the food, women, and easy life of Samoa to their liking and settled. Thus Samoans received a most unfortunate impression of white men.⁶⁰

The age of European influence did not dawn, however, until the coming of the missionaries in the 1830's. The London Missionary Society (Congregational) had been established in Tahiti as early as 1800, and in 1830 one of its

⁵⁸Ibid., pp. 114-120.

⁵⁹Watson, Op. Cit., pp. 24-25.

⁶⁰Ibid., pp. 26-28.

missionaries, John Williams, a most remarkable man whose fame is still legendary in the South Pacific reached Samoa. Actually the Samoans had received their initial contact with Christianity a few years before Williams' arrival, when a few Tongans, who had been converted by Methodist missionaries and had married Samoans, settled in south Savai'i.⁶¹ But only with Williams' arrival did Christianity take roots and flourish. Williams apparently was blessed with a genuine stroke of luck because with him was a Samoan he had met in Tonga. Upon dropping anchor this Samoan conversed with the Samoan chiefs and represented Williams in the same manner as a tulafale (talking chief) did for the chiefs in Samoan society. This had a most favorable effect upon the Samoans and Williams was welcomed.⁶²

On this first visit Williams stayed only a short time but succeeded in gaining the confidence if not the conversion of Malietoa Vainupo, at that time the most influential leader in Samoa. In addition Williams left eight Tahitian missionary teachers under Malietoa's protection and promised to return in the near future. He kept this promise in 1832, converted Malietoa, and firmly established Christianity and the London Missionary Society in Samoa.⁶³ The

⁶¹Keesing, Modern Samoa, pp. 396-397.

⁶²W. P. Morrell, Britain in the Pacific Islands (London: Oxford University Press, 1960), pp. 53-54.

⁶³Ibid., pp. 54-56.

London Missionary Society won converts in large numbers and soon made Samoa the base for their Pacific Missionary effort. Other denominations copied the example of the London Missionary Society, and in 1854 a Roman Catholic Mission was established and a Methodist Mission followed in 1857⁶⁴ with the result that by 1860 practically all Samoans were professing Christians. More has been said concerning Christianity and its effect elsewhere, but the words of a Samoan chief spoken at the time of Williams' landing give a clue as to Christianity's amazing success in Samoa:

It is my wish that the Christian religion should become universal amongst us. I look . . . at the wisdom of these worshippers of Jehovah, and see how superior they are in every respect. Their ships . . . can traverse the tempest-driven ocean for months with perfect safety----Their persons also are covered from head to foot in beautiful clothes. . . . Their axes are so hard and sharp Now I conclude that the God who has given to His white worshippers these valuable things must be wiser than our gods, for they have not given the like to us. We all want these articles; and my proposition is, that the God who gave them should be our God.⁶⁵

Beginning in the mid-1850's and continuing until the partition of Samoa between Germany and the United States in 1899, Samoa was a vortex of international controversy whose swirling waters engulfed Germany, the United States, and the United Kingdom. The United States interest was almost entirely strategic as Samoa was primarily viewed as a much

⁶⁴Keesing, Modern Samoa, pp. 397-398.

⁶⁵Ibid., p. 396.

needed coaling station in that area whereas the United Kingdom and Germany's interests were both commercial and strategic.⁶⁶ Germany, in particular, had lucrative commercial interests in Samoa, while Great Britain's other possessions in the area such as Tonga, Fiji, as well as Australia and New Zealand, further ensured her interest.

Although the United States had temporarily had a consul in Samoa as early as 1839 and the British a permanent consul since 1847, the real commercial development of the islands can be said to have begun in 1857 with the establishment in Apia of a trading house by the powerful German firm of J. C. Godeffroy and Sons.⁶⁷ At this time Samoa's economic potential was centered in copra from which both candles and soap could be made. Due to efficient management and aggressive methods, the House of Godeffroy soon became by far the most prosperous trading firm in the South Pacific.⁶⁸ For

⁶⁶ Jeannette Keim, Forty Years of German-American Political Relations (Philadelphia: William J. Dornan, 1919), p. 113.

⁶⁷ Morrell, Op. Cit., p. 209.

⁶⁸ Some reasons for Godeffroy's success can be garnered from its pre-requisites for employment and its instructions to employees. Men of all nationalities were employed to act as agents. Three questions were asked of them: "Can you speak the language? Can you keep your mouth shut? Can you live among the natives without quarrelling with them?" Additional instructions included "Give no assistance to missionaries by word or deed beyond what is demanded by common humanity." And, "Have a woman of your own, no matter what island you take her from, for a trader without a wife is in continual hot water." From Appendix to Journal of House of Representatives, New Zealand, 1874, as quoted in Sylvia Masterman, The Origins of International Rivalry in Samoa 1845-1884 (Stanford University, California: Stanford University Press, 1934), p. 69.

Godeffroy was only a short step from trader to plantation operator and land owner. This position of economic pre-eminence resulted in many political and diplomatic advantages accruing to Germany and continued even after Godeffroy's bankruptcy--brought on by unsuccessful investments in Europe--in 1880.⁶⁹

The United Kingdom had been involved, indirectly at least, in Samoan affairs since the 1830's because of the missionaries, practically all of whom were British. Indeed, in 1843 the missionaries prepared a petition and the Samoans signed it praying for the protection of the British flag. Great Britain was not willing to accept this petition as gospel from God and so refused but promised not to let any other power usurp the islands.⁷⁰ This original missionary interest was broadened by trade particularly with Sydney and Auckland, landholding by some of her citizens, the problems of communication between the Southwest Pacific and Canada, and an increasing realization of the natural relationship of Samoa to Tonga and Fiji.⁷¹ But the United Kingdom's interest in Samoa never approached the fevered pitch of her colonials in Australia and New Zealand.⁷² By comparison Great Britain was

⁶⁹Ibid., pp. 210-224.

⁷⁰James Cowan, Samoa and its Story (Christchurch, New Zealand: Whitcombe and Tombs, Ltd., 1914), p. 47.

⁷¹C. Hartley Grattan, The Southwest Pacific to 1900 (Ann Arbor: The University of Michigan Press, 1963), p. 483.

⁷²New Zealand's attitudes and ambitions vis a vis Samoa are examined in a separate section of this paper.

phlegmatic to the point of lethargy.

The first Americans to be interested in Samoa were whalers. These whalers were followed by Charles Wilkes, commander of the United States Exploring Expedition of 1838-42, who reported that Pago Pago harbor on the eastern island of Tutuila was probably the best in all the South Pacific. This observation still holds true today. Although United States merchants were fairly active in Samoa, no official United States ships even visited the area between 1856 and 1869. It was only as steam replaced sail, thereby making more urgent the need for a coaling station, that the United States became seriously interested in Samoa. Eventually in 1872 a treaty--which was to go unratified by the Senate--was concluded by Commander Richard W. Meade of the United States Navy with a local chief granting the United States "the exclusive privilege of establishing in the said harbor of Pago Pago, island of Tutuila, a naval station."⁷³ Although this treaty died in the Senate, henceforth the United States was to be involved in the international maneuverings over the Samoan Islands.

Following the Senate's inaction, intrigue inspired intrigue for the next decade and a half, to form a story, which however fascinating, if related in detail, would take

⁷³C. Hartley Grattan, The United States and the Southwest Pacific (Cambridge, Massachusetts: Harvard University Press, 1961), pp. 119-121.

us beyond the scope of this paper. In essence what happened was as follows. At about the time the Senate was letting the proposed Pago Pago treaty die, Washington received a petition from the Samoans requesting that the United States annex the islands. Washington reacted to the request by sending an agent, Colonel A. B. Steinberger, to Samoa in order to get a first hand report on the situation. Steinberger soon ascertained that the chief problem lay in the lack of a stable native government as several pretenders were vying for the throne. These contending factions alternatively were used by and tried to use the three Western powers to further selfish ambitions. Steinberger's modest suggestion was to set up a stable native government with himself as the Prime Minister. When Washington turned a cold shoulder to his proposal, he appealed to Germany who agreed to support him in return for economic favors. Finally, in 1875, he did set up a government, but because of United States and British pressure it lasted only a few months.⁷⁴

The next attempt at a solution to the "Samoan problem" came in the late 1870's when the three involved powers individually negotiated treaties with the Samoans. These treaties merely solidified each of the signing country's rights in Samoa. Obviously these treaties were no solution to the "Samoan problem." In September, 1879, at the

⁷⁴Masterman, Op. Cit., pp. 113-129, Keim, Op. Cit. pp. 116-122.

initiative of the British Consul, Sir Arthur Gordon, a convention between the three powers and the Samoans was concluded. Under this agreement the Samoans gave up all jurisdiction over the town, harbor, and neighborhood of Apia. Instead a Municipal Board, created and controlled by the three powers, was to serve as the local government of Apia.⁷⁵ In effect Apia was neutralized.

The Samoan factions in competition for the kingship narrowed to two in the early 1880's, but the three powers were still deeply involved in native politics. In 1886 in an effort to straighten out the situation the three powers agreed to send an investigation commission composed of one commissioner from each country to Samoa. This action was followed by a conference at Washington in June, 1887. Germany and the United Kingdom felt Samoa should be controlled by only one power--almost certain to be Germany--while the United States held out for a continuation of the tripartite control. The conference adjourned in July, 1887, after having accomplished almost nothing. The incendiary situation was finally ignited in August, 1888, when warfare broke out between the German supported forces of Tamasese and the United States supported forces of Mata'afa. The seriousness of the situation was exacerbated when German sailors became involved in the actual fighting, but still Tamasese was routed. When

⁷⁵Morrell, Op. Cit., p. 223.

reports of the most recent disorders were received, the respective governments dispatched warships to Samoa. By March of 1889 the United States had the Nipsic, the Vandalin and the Trenton at Apia while Germany had the Eber, the Olga, and the Adler and Great Britain had the Calliope. International conflict if not imminent was certainly a possibility. Almost providentially a devastating hurricane which lasted twenty nine hours struck Apia. Thanks to an exceptional exhibition of navigational skill the Calliope was able to stay afloat, but the remaining ships were lost. The hull of the Adler still rests on the reef where it was driven.⁷⁶

The adjourned Washington Conference of 1887 resumed in Berlin in April of 1889. What resulted from the Conference was the Berlin Act of 1889 which set up a condominium over the islands. The terms of the agreement provided that each power was to be allowed only one warship in Apia, that a municipal government elected by local citizens was to govern Apia, that the sale of arms and liquor to the Samoans was to be prohibited, that a land commission was to be established to investigate all land claims, and that a supreme court whose chief justice was to be appointed by the King of Sweden was to be established with civil and criminal jurisdiction. In addition the neutrality and independence of Samoa was recognized and Malietoa Laupepa, a Samoan leader who had been in exile, was accorded temporary recognition as king with the

⁷⁶Grattan, The Southwest Pacific to 1900, pp. 503-504.

understanding that his successor would be elected according to Samoan law and custom. The president of the Apia Municipality who was to be an outlander rather than a local man was also to act as chief adviser to the king.⁷⁷ Although this agreement represented a sincere effort by the involved powers to settle the Samoan question, its ultimate success obviously depended upon the willingness of the Samoans to forget their differences and support Malietoa. This, the Samoans were not willing to do.

Understandably, Mata'afa was reluctant to yield his newly won position as leader to Malietoa, and he had many supporters. Friction developed and Mata'afa was defeated in battle in 1893 and subsequently exiled to Jaluit in the Marshalls where ironically Malietoa had been before him. Malietoa proved to be a weak king, and European officials dominated Samoan affairs throughout the 1890's. Upon Malietoa's death in 1898 his son, Malietoa Tanu, was elected King but Mata'afa, back from exile, challenged him and again civil war seemed inevitable as Germany was supporting Mata'afa while the United States and the United Kingdom were backing Malietoa. However, the powers intervened in June of 1899 and abolished the Samoan kingship. Although this action did not resolve the "Samoa problem," it spurred the powers to a more serious attempt at settlement. The result was the

⁷⁷Watson, Op. Cit., pp. 94-97.

partition of Samoa between Germany and the United States.⁷⁸ First, the United Kingdom and Germany concluded a pact on November 14, 1899, whereby England withdrew from the Samoan Islands and received as compensation some minor islands in the Solomon group, full sovereignty over Tonga, and concessions as to territories in Africa.⁷⁹ Thus Great Britain extracted herself from the muddled waters of Samoa. The United Kingdom's action greatly upset Australia and New Zealand but Mother England--always conscious of her own best interest--was occupied by the Boer war in Africa and wanted no trouble with Germany which might affect Germany's neutrality. As a writer in the Edinburgh Magazine commented: "We have affairs on our hands in a part of the world remote from the Pacific wherein the goodwill of Germany, paid for by two insignificant islands and L35,000 worth of trade, may well be cheap at that price."⁸⁰

The second agreement, signed on December 2, 1899, was between Germany and the United States and saw the United States obtain the smaller Eastern islands of Manua and Tutuila with Pago Pago harbor. Germany assumed control over

⁷⁸The diplomacy of the partition is analyzed in detail in: John Waldo Ellison, "The Partition of Samoa: A Study in Imperialism and Diplomacy," The Pacific Historical Review VIII(September, 1939), 259-289.

⁷⁹Grattan, The Southwest Pacific to 1900, pp. 505-506.

⁸⁰Basil Thomson, "The Samoan Agreement in Plain English," Edinburgh Magazine, LLXVI(December, 1899), 851.

the remaining islands including Savai'i and Upolu. This treaty was ratified by the Senate on February 16, 1900,⁸¹ and was well received in both countries.

On March 1, 1900, the German flag, was officially raised over Western Samoa marking the beginning of fourteen years of German control. Dr. Wilhelm Solf, the German consul at Apia and at the time president of the municipality, was appointed governor. Solf's appointment proved to be a wise selection for he was a "capable and careful administrator."⁸² The period of German administration can best be approached by first analyzing its relationship with the cosmopolitan white population and then devoting attention to its policy toward the Samoans.

With regard to the white community, legislative and executive power was exclusively the prerogative of the governor and his staff. A Government Council comprising the highest officials and six or eight private citizens nominated by the Governor was only an advisory body. The non-German residents expected to encounter strong discrimination while those of the group engaged in commerce expected favors to be extended to their German competitors. The British, French, and American missions, all of whom had vocally opposed German annexation,

⁸¹Grattan, The Southwest Pacific to 1900, p. 506.

⁸²Watson, Op. Cit., p. 123. This is a particularly significant quote because the writer was very pro-British and the book was published in 1918, a time when anti-German sentiment was predominant.

naturally suspected the worst. But instead policies were originated and administered without prejudice. Although Solf recognized the importance of a firm economic base and encouraged entrepreneurs accordingly, he refused to subjugate either his administration or the Samoans to their interests. The soundness of this policy was reflected in the fact that by 1908 Samoa was self-supporting and was contributing money to the German colonial office. In the first few years of German administration, relations with the white element of the population were quite amicable but gradually resentment began to develop. The primary criticisms voiced by the local whites against the German authorities were that they had no political rights, that the government was extravagant and wasteful while overtaxing them, that the Samoans were being curried to entirely too much, and that the administration was not interested in the local whites. These criticisms culminated in a 1910 petition which demanded more local self-determination. The administration's position was that the local whites had never had it so good and in no way did Germany pretend to heed their demands although by 1914 there were some indications that if the war had not interceded a greater measure of self-determination might have been in the offing.⁸³

In its policy towards the Samoans, as with the white population, the German administration demonstrated firmness

⁸³Keesing, Modern Samoa, pp. 74-82.

and domination. The title of King which had been abolished just prior to Germany's takeover was further circumvented by giving it to Kaiser Wilhelm who thus added to this already impressive array of honors the title of der tupo Sili von Samoa. To replace the King the title of Ali'i Sili, paramount chief, was created and extended to Mata'afa. An elaborate scheme of local government consisting of eleven district governors, (ta'ita'itu) a slightly larger number of native judges (fa'amasino), secretaries (failautusi), and policemen-messengers (leoleo) was devised. These district officials were supplemented by village mayors (pulenu'u) as altogether a total of over two hundred positions in local government were created by the administration and filled by administration-appointed Samoans in government pay. At the national level the traditional upper and lower houses, Ta'imua and Faipule, were perpetuated and served as advisory bodies to the governor. Initially, the Samoans seemed satisfied with this arrangement, but by 1904 they were discontent and disobedient. Solf's reaction was to abolish Ta'imua and Faipule. Soon after a Fono a Faipule, (council of deputies) was created as a national advisory body, but its twenty-seven members were directly appointed by the Governor and their term of office was only for "as long as they behave properly." After the dissolution of Ta'imua and Faipule, the administration completely dominated Samoan affairs. In 1908-09 a minor crisis occurred as an anti-administration movement

developed on Savi'i. This movement, called the Mau a Pule (opinion of Savi'i) wanted to return to the old kingship system but was quickly put down by the administration and its leaders exiled. In many ways this 1908-09 Mau resembled the much more serious Mau of the 1920's and 1930's. The final significant action by the administration came in 1913 after Mata'afa's death when the title of Ali'i Sili was abolished because it had become as highly coveted and hence as likely to cause internal discord as had been the earlier kingship. Instead two new positions in the framework of native administration, Fautua or High Advisers to the Governor, were created and awarded to the two principle aspirants to the title of Paramount Chief.⁸⁴

In summary, Germany's administration of Western Samoa was thorough but mixed with compassion. Germany not only reshaped and in some instances replaced the old political institutions of Samoa but also successfully drafted on to traditional Samoan life a western political structure which provided firm control at the national level but which also allowed local village autonomy to continue mainly undisturbed. Thus New Zealand in 1914 inherited a system of administration which had proven efficient in dealing with Samoan affairs and which had also instituted fundamental changes in Samoan political organization. Although future events were to show

⁸⁴Ibid., pp. 82-93.

that serious troubles lay smouldering just beneath the surface, almost all observers agree that Germany in Samoa, in contrast to certain of her other colonial territories, did a good job.⁸⁵

⁸⁵C. Hartley Grattan, The Southwest Pacific Since 1900 (Ann Arbor: The University of Michigan Press, 1963), p. 745.

CHAPTER II

WESTERN SAMOA AND THE MANDATE SYSTEM

On August 29, 1914, less than one month after the beginning of World War I, a New Zealand Expeditionary Force landed at Apia and assumed control from the German authorities.¹ By this simple bloodless action Western Samoa, long coveted and desired by New Zealand, was brought under her embracing mantle. One era had ended and another had begun.

New Zealand's Interest in Western Samoa

New Zealand's interest in Samoa was born in the 1840's when Bishop Selwyn and Sir George Grey—the former prompted by missionary zeal and the latter by imperialistic fever—dreamed "of a federation of the Pacific islands under New Zealand leadership as an integral part of the British Empire."² Grey's expansionist ideas soon became a cornerstone of New Zealand's foreign policy. Later 19th century leaders such as Stout, Vogel, and Seddon all drank from the same heady wine and succumbed to the same ambitious dream. Both

¹"New Zealand: The Expeditionary Force," The Round Table, December, 1914, p. 255.

²J. B. Condliffe, New Zealand in the Making (Chicago: The University of Chicago Press, 1930), p. 400.

New Zealand and Australia viewed with alarm and distaste all non-British economic, missionary, and political ventures in the South Pacific and from 1870 to about 1885 New Zealand, spurred by Vogel and Grey, desperately tried to persuade Great Britain to assume or to assume for New Zealand hegemony over the South Pacific area.³ Vogel urged the annexation of Samoa and Fiji as well as other Pacific islands. He sedulously encouraged New Zealand investment and trade in the area and planned to use Samoa as a coaling station for a new Pacific steamship line which he was backing. Operating in the best imperialistic tradition, he cloaked his economic ambitions in words of Christian concern for the souls of the native Polynesians of the area. Although Britain annexed Fiji in 1874, the Colonial Office never encouraged or sanctioned New Zealand's hopes of an island empire.⁴ France had general interests in the area and of course Germany and the United States were specifically interested in Samoa, and Great Britain simply did not feel that the real or potential value of Samoa and other South Pacific islands warranted the risks that a policy of annexation would have meant.

In 1883 Grey, then a private member of Parliament, encouraged by a letter from a Samoan chief, pushed a bill

³F. H. Corner, "New Zealand and the South Pacific," New Zealand's External Relations, ed. T. C. Larkin (Christchurch, New Zealand: Pegasus Limited, 1962), p. 133.

⁴Ibid., p. 134.

through Parliament which would have enabled New Zealand to establish federal relations with any island race that asked for such a union. This bill needed Great Britain's approval and the Royal Assent was not forthcoming.⁵ In the same year New Zealand and Australia jointly issued a kind of Monroe Doctrine for the South Pacific in which they said that any further acquisitions by foreign powers in the Southwest Pacific "would be highly detrimental to the . . . British possessions in Australasia."⁶ Much to New Zealand's dismay and chagrin, Great Britain continued to ignore New Zealand's imperialistic annexation demands and finally ended her hopes by withdrawing from Samoa in 1899. "King Dick" Seddon was Prime Minister of New Zealand at the time and despite the fact that in 1901 New Zealand was given the Cook Islands as a bone, "Seddon never ceased to regret that Britain had not annexed Samoa."⁷ The effect of England's adamant refusal to annex Samoa spelt the end of New Zealand's dream to be the center of a South Pacific empire. Corner maintains that when this star on which New Zealand had pinned its hopes for almost sixty years was shattered, that New Zealand's foreign policy "lost its rudder" and that foreign affairs began to be seen through the eyes of Great Britain. According to Corner this

⁵Condliffe, Op. Cit., pp. 401-402.

⁶Corner, Op. Cit., p. 135.

⁷Constance Clyde, New Zealand, Country and People (London: Whitcomb and Tombs, Ltd., 1925), p. 17.

meant that New Zealand's interests shifted from the Pacific to Europe and to New Zealand's detriment have never fully returned to the Pacific.⁸

The New Zealand Expeditionary Force, which occupied Western Samoa in August, 1914, established a military administration which lasted until May 1, 1920. The main administrative controls established by Germany were left undisturbed and the military administration "carried on the essential administrative affairs of the country under laws left by the Germans."⁹ As far as the Samoans were concerned, the change in government made little difference as the title of king merely passed from the Kaiser to the King of England.¹⁰ The British Lion had simply replaced the German Eagle. Initially, at least, the white element of the population was also relatively indifferent to the change in administration. The British, French, and most other nationalities were pleased, while the Germans settled down and contented themselves with fiery arguments on the war in Europe. They felt that Britain had entered the war in order to obtain German colonies—a not unreasonable contention considering their situation.¹¹

⁸Corner, Op. Cit., pp. 131-133.

⁹New Zealand, First Report on the Mandated Territory of Western Samoa, 1922, p. 2.

¹⁰Keesing, Modern Samoa, p. 95.

¹¹L. P. Leary, New Zealanders in Samoa (London: William Heinemann, 1918), p. 245.

The Establishment of the Mandate System

Understandably, New Zealand, at last having obtained control of Western Samoa, was not anxious to relinquish this control to any other country or to any international body. Rather New Zealand hoped that Samoa as well as the other overseas possessions of Germany which had been occupied by Empire forces during the war would be incorporated into the Empire.¹² However, between 1914 and 1918, there developed a strong feeling that the former German colonies and the territories of the Ottoman Empire should not simply be considered as the spoils of conquest to be divided among the victors. Instead there was a crystalization of an old concept, the idea that such areas should be considered as trusteeships or mandates to be governed by humanitarian principles.¹³ Sentiment for some system which would consider the peoples concerned was generated by the fifth of President Woodrow Wilson's famous Fourteen Points which demanded:

A free open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the population concerned

¹²W. H. Crocker, "The Mandate For Samoa," New Zealand Affairs, Institute of Pacific Relations (Christchurch, New Zealand: L. M. Isitt, Ltd., 1929), p. 180.

¹³It is impossible to locate the fountainhead of the mandate concept. Quincy Wright traces its values back to 1495 and notes that a crude form was created by the Congress of Vienna which in 1815 authorized Great Britain to protect the Ionian Islands. Quincy Wright, Mandates Under the League of Nations (Chicago: The University of Chicago Press, 1930), pp. 9-18.

must have equal weight with the equitable claims of the government whose title is to be determined.¹⁴

Wilson's Fourteen Points did not, however, mention a mandate system or any other form of administration. But in December, 1918, on the eve of the Peace Conference, General Jan Smuts of South Africa advanced a plan in which for the first time the general outline of an international mandates system was described.¹⁵ Smuts plan envisaged the as yet unborn League of Nations being the "revisionary in the most general sense" of the "peoples and territories formerly belonging to Russia, Austria-Hungary and Turkey" and as having "the right of ultimate disposal in accordance with certain fundamental principles." In addition, "reversion to the League of Nations should be substituted for any policy of national annexation."¹⁶ A fuller discussion of the features of Smut's proposal are beyond the scope of this paper, but it must be noted that Smuts did not intend to carry his plan to its logical conclusion for

the German colonies in the Pacific and Africa are inhabited by barbarians, who not only cannot possibly govern themselves but to whom it would be impractical to apply any idea of political self-determination in

¹⁴Henry Steele Commager, (ed.), Documents of American History, Vol. II, (New York: Appleton-Century-Crofts, Inc., 1958), p. 318.

¹⁵League of Nations, The Mandates System (Geneva, 1945), p. 18.

¹⁶Jan Smuts, The League of Nations, A Practical Suggestion (London, 1918) quoted in Wright, Op. Cit., p. 30.

the European sense.¹⁷

In other words, Smuts' plan would have allowed Western Samoa's annexation by New Zealand or Great Britain. Thus, when the Peace Conference convened in Paris in January, 1919, the fate of the former German colonies was far from settled.

New Zealand was represented at the Peace Conference by Prime Minister W. F. Massey who favored Western Samoa's annexation by New Zealand.¹⁸ As Massey said, "Samoa was of great strategic importance, and the key to the Pacific," and should be controlled absolutely by New Zealand.¹⁹ Massey's annexation hopes were shared by General Smuts of South Africa and Prime Minister W. M. Hughes of Australia with regard to Southwest Africa and New Guinea respectively.²⁰ The three Dominion Prime Ministers were all openly for annexation, and their arguments were basically the same: first, they pointed to the cost and losses of the Dominions in the war and to the fact that British Empire troops controlled the areas in question; secondly, they stressed the strategic and military importance to the Dominions of the areas; and lastly, they

¹⁷Ibid.

¹⁸F. L. W. Wood, The New Zealand People At War (Wellington, New Zealand: Department of External Affairs, 1958), p. 329.

¹⁹Ray Stannard Baker, Woodrow Wilson and World Settlement Vol. I. (Garden City, New York: Doubleday, Page and Company, 1922), p. 258.

²⁰Arthur Berriedale Keith, War Government of the British Dominions (London: Oxford at the Clarendon Press, 1921), pp. 151-152.

argued that the interests of the natives would best be served by a policy of direct annexation because the Dominions were democracies who would bring the benefits of English democracy to the natives in each of the areas.²¹ Most New Zealanders solidly supported Massey's stand at the Peace Conference and their sentiments were well expressed in a letter to the London Times from New Zealand's prominent Pacific historian, Guy H. Scholefield:

It was a species of mandatory government which gave to Samoa during the sad period from 1880 to 1899 nothing but wars and intrigues and consummate unhappiness for the native population. For mandatory government implies what that implied--an attempt by one or more powers to govern while agitators and natives alike always relied upon their right of appeal to some power behind.--I am quite confident that everybody who knows anything about the Pacific would rather see a straight out possession of and responsibility for every one of the Pacific Islands than the divided control which the British Government has insisted upon planting in the Pacific.

Mr. Massey and Mr. Hughes would be failing in their duty if they did fight to the utmost against the perpetuation of this system or anything resembling it.

We want the full ownership and full responsibility for whatever comes to us from the Peace Conference.²²

The pressure by the Dominions as well as France and Japan for direct and immediate annexation was very great, but Wilson was adamant in his refusal to back down from the mandate solution.²³ Such a defeat at the beginning of the Conference

²¹Baker, Op. Cit., pp. 257-258.

²²The Times (London), February 1, 1919, p. 9.

²³Luther Harris Evans, "Are 'C' Mandates Veiled Annexations?" The Southwestern Political and Social Science Quarterly, VII(March, 1927), 383.

would have undermined Wilson's whole position. Lloyd George, who earlier in more idealistic times, had supported the mandate principle initially took a somewhat different position at the Conference as at one of the early meetings on January 24, 1919, he said that he would like "the Conference to treat the territories as part of the Dominions which had captured them."²⁴ Finally, after several tense face-offs, Lloyd George became convinced that Wilson was ineluctable in his opposition to annexation, and on January 29th he met with the Dominion Prime Ministers and after heated discussion a compromise was worked out. This compromise saw the Dominions accept the mandate principles in all the German colonies and Turkish territories, but with the reservation that Southwest Africa and the Pacific Islands would be "administered under the laws of the mandatory state as integral portions thereof".²⁵ Wilson was agreeable to this compromise and out of it developed Article 22 of the League of Nations Covenant.²⁶ In effect, Wilson had universalized Smuts' earlier proposal.

The system established by Article 22 applied to the former colonies of Germany as well as to the former territories of the Ottoman Empire which were "inhabited by peoples not yet able to stand by themselves" and stated that such territories and peoples formed "a sacred trust of civilization."

²⁴Baker, Op. Cit., p. 257.

²⁵Ibid., p. 272.

²⁶See Appendix I.

The responsibility for such peoples was "entrusted to advanced nations" and three classifications of mandates, depending upon the stage of development, were established. Western Samoa owing to its sparseness of population, small size, and remoteness was considered among the least developed and was classified as a "C" Mandate. This "C" classification meant that Western Samoa and the other "C" Mandates were to be "administered under the laws of the Mandatory as integral portions of its territory" subject to certain safeguards.²⁷

Although Article 22 of the Covenant established the mandate system and provided the principles which were to govern the system, it did not specify which nations were to be mandatory powers or how the mandated territories were to be divided between them. It was left to the Supreme Council of the Allied Powers to fill out the details of the system outlined in Article 22.²⁸ Subsequently the Supreme Council on May 7, 1919, assigned the territory of Western Samoa to New Zealand as a "C" mandate.²⁹ In spite of its eagerness to

²⁷These safeguards included: guarantees of freedom of conscience and religion for the natives; prohibition of slave trade, arms traffic, and liquor traffic; and the prevention of the establishment of fortifications or military and naval bases and of military training to the natives for other than police purposes and the defense of the territory. Also it was understood that the mandatory was to promote the general well-being and development of the people in the territory entrusted to it.

²⁸League of Nations, The Mandates System, Op. Cit. p. 18.

²⁹Ibid., p. 19.

annex Western Samoa, New Zealand still very much saw the world through Imperial-colored glasses and wanted to accept the mandate on behalf of Great Britain. But New Zealand was persuaded by the more advanced views of South Africa and Australia to accept the mandate directly.³⁰ Western Samoa was now legally mandated to New Zealand, but the League of Nations did not officially come into being until January 10, 1920 and the mandate text³¹ for Western Samoa was not confirmed by the League Council until December 17, 1920.³² Before examining the governmental structure established by New Zealand in Samoa, it is necessary to summarize the powers and relationship of the League of Nations vis a vis the mandatories and the mandated territories.

The Organization of the Mandate System

The cornerstone for the League of Nations supervisory authority over the mandate system was found in paragraphs 7 and 9 of Article 22. These key paragraphs read:

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

9. A permanent commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to

³⁰Crocker, Op. Cit., p. 182.

³¹See Appendice II.

³²H. Duncan Hall, Mandates, Dependencies and Trusteeships (Washington: Carnegie Endowment for International Peace, 1948), p. 153.

the observance of the mandates.

Quincy Wright gives three specific League functions in respect to mandates after their confirmation and the organization of agencies for their supervision. These are:

discovering and verifying facts in regard to the mandated territories, assuring the continuous application of the mandate provisions, and to this end ascertaining and formulating standards, principles, and rules for governing the mandated areas.³³

In spite of Wright's resoluteness, the precise powers and limits of League authority were never agreed upon by all observers. In particular, as it applied to "C" mandates, the last of Wright's listed functions, the power to ascertain and formulate standards, principles, and rules for the mandated territory, stirred up a never-settled controversy. Some observers maintained that "C" mandates such as Western Samoa could in practice be regarded as annexed territory over which the League had little actual control. For example, Lord Balfour when speaking at the eighteenth session of the League Council in order to correct "errors as to the powers of the League," said:

Mandates are not our creation. The mandates are neither made by the League, nor can they in substance be altered by the League.--Remember that a mandate is a self-imposed limitation by the conquerors on the sovereignty which they obtained over conquered territories.--The League of Nations--duty--is to see in the first place that the terms of the mandate conform to the principles of the Covenant, and in the second place that these terms shall, in fact, regulate the policy of the mandatory powers in

³³Wright, Op. Cit., 105.

the mandated territories.³⁴

Obviously, such a view greatly restricted what action the League might take when dealing with a mandatory power and its mandated territory. But many League supporters strongly resented any suggestion that the League did not have full powers of control over all mandated territories.

In theory the Mandatory state is not a sovereign, nor even a protector. It is merely a tutor. It possesses only temporary authority delegated to it by the Council of the League of Nations. Theoretically, this authority is revocable.³⁵

The legal problem was never solved during the League's existence, because the League assiduously shied away from any showdown which would have forced the issue.

The League's power of supervision over the mandated territories officially rested with the Council.³⁶ It was the positive-law legal decision making body as the annual reports required from each mandatory power were rendered to it, and it in turn advised and made suggestions. The Assembly, of course, had the right to discuss mandate matters and usually availed itself of its privilege. Even the Secretariat was involved in administrative tasks relating to the mandate system.³⁷ But in fact the Permanent Mandates Commission was by far the most important organ in the League's supervisory

³⁴Quoted in Wright, Ibid., pp. 106-107.

³⁵Katherine J. Gallagher, "The Problems of the Former German Colonies," Current History, XXV (February, 1927), 663.

³⁶Hall, Op. Cit., p. 173.

³⁷Wright, Op. Cit., pp. 133-137.

system.

Although the League Covenant provided that the Permanent Mandates Commission was "to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandate", it did not organize the Permanent Mandates Commission and this task fell to the League Council. After considerable discussion as to size and membership, the Council on December 1, 1920, settled on a nine member commission³⁸ of whom the majority were to be nationals of non-mandatory powers.³⁹ All members were chosen by the Council because of personal qualifications rather than nationality and none could hold any position which made them directly dependent on their government.⁴⁰ Hence, members had no responsibility to their governments. Most of the individuals who served on the Permanent Mandates Commission had had prior experience with colonial administration, and nationals from the mandatory powers of Great Britain, France, Belgium, and Japan always served on the Commission as New Zealand, Australia, and South Africa were never represented.⁴¹ The Commission usually met twice a year and its decisions, recommendations, and observations

³⁸The figure was later increased to eleven including one extra-ordinary member.

³⁹H. R. G. Greaves, The League Committees and World Order (London: Oxford University Press, 1931), p. 173.

⁴⁰Hall, Op. Cit., p. 179.

⁴¹Ibid.

to the Council were made by majority vote of the members present.⁴²

The precise powers of the Permanent Mandates Commission were never clearly defined by the Council, and so differences of opinion existed as to its exact nature and authority. The Commission defined its role as follows:

The task of the Commission is one of supervision and of co-operation. It is its duty, when carefully examining the reports of the mandatory Powers, to determine how far the principles of the Covenant and of the Mandates have been truly applied in the administration of the different territories. But at the same time it is its duty to do the utmost that lies in its power to assist the mandatory Governments in carrying out the important and difficult tasks which they are accomplishing on behalf of the League of Nations, and on which they render reports to the Council.⁴³

Each mandatory power was required to submit to the League an annual report dealing with the territory entrusted to it. The Commission examined this report and through suggestion and a questionnaire unsuccessfully tried to pattern the form and content of the reports. The mandatories were also required to have an authorized representative available for questioning by the Commission in order to supplement the information provided by the report.⁴⁴ New Zealand was usually represented in Geneva by its High Commissioner in London, and on several occasions he was joined by administrators who had served in Samoa. The Commission was also

⁴²Ibid., p. 184.

⁴³League of Nations, Minutes of the Permanent Mandates Commission, 8th Session, 1926, p. 200.

⁴⁴Wright, Op. Cit., pp. 155-162.

authorized to receive petitions from the inhabitants of a mandated area if such petitions were channelled through the mandatory. In Samoa's case numerous petitions were received but almost all were summarily dismissed.

The Commission concluded its examination of a mandated area by passing along to the Council its comments and suggestions for official approval or change. (The Council's final action constituted only a suggestion, of course, as mandatories could not be forced to follow it.) In practice the Commission seldom attempted to formulate general principles and always couched its comments in the most cautious terms. If the Commission did intend criticism, its report to the Council was likely merely not to praise the mandatory and instead request more information on the matters which concerned it.⁴⁵ In fact, the League had to rely on publicity as its most potent sanction. No nation wanted to suffer the embarrassment of being criticized by the League, and so generally the very circumspect comments or suggestions offered to the mandatories were heeded.

The Mandate Administration in Western Samoa

As has been already mentioned, New Zealand occupied Western Samoa on August 29, 1914, and was assigned the territory as a "C" mandate on May 7, 1919, although the mandate text for Western Samoa was not confirmed by the League

⁴⁵Ibid., pp. 196-202.

Council until December 17, 1920. Under the terms of the mandate, New Zealand was vested with "full powers of administration and legislation" over Samoa and subject to the safeguards previously noted could govern Samoa "as an integral portion of the Dominion of New Zealand". The remainder of this chapter will describe the government instituted by New Zealand for the control and administration of Western Samoa during the mandate period. This description will be primarily legalistic in nature as the following chapter will be more analytical and also will trace political developments during the period.

After Australia and South Africa persuaded New Zealand to accept the mandate directly, the New Zealand Parliament passed in 1919 the Samoan Constitution Order which approved and authorized the acceptance of the mandate by the crown on behalf of New Zealand.⁴⁶ In order to calm a few worried doubters, New Zealand's legal position in Samoa was cemented on March 11, 1920, by an Imperial Order-in-Council which granted to the Parliament of New Zealand "full power to make laws for the peace, order and good government" of the territory, subject to the restrictions imposed by the Treaty of Peace and the mandate text. New Zealand then repassed the 1919 Constitution Order as "The Samoan Act, 1921," and this act although amended in later years established the administrative framework which operated in Western Samoa during the

⁴⁶Crocker, Op. Cit., p. 182.

mandate period.⁴⁷

New Zealand's military administration in Western Samoa ended on May 1, 1920, when a civil administration was instituted as provided in the 1919 Constitution Order and the March 11, 1920, Imperial Order-in-Council.⁴⁸ New Zealand viewed the task of this new civil administration as being "to institute a reasonable and effective Government based on the principles of the Mandate".⁴⁹ The governmental machinery in Western Samoa consisted of the Administrator, a Legislative Council, the Samoan Council of Deputies, or Fono of Faipules, and the Samoan Fautua. These institutions were supplemented by central and local agencies and officials and by a judicial system.

The Administrator who was appointed by New Zealand was very much the symbol of political authority for the whole population, both Samoan and European, as administrative and legislative powers centered in him.⁵⁰ He appointed native officials including the Faipules, had the final say concerning resolutions of the Faipules and of the district councils, had the right to remove titles or to compel persons to change residence when such action was deemed advisable, and in

⁴⁷ Ibid.

⁴⁸ New Zealand, First Report on the Mandated Territory of Western Samoa, 1922, pp. 1-2.

⁴⁹ Ibid., p. 2.

⁵⁰ Ibid., p. 4.

general exercised other executive functions.⁵¹ Legislatively, the "Administrator acting with the advice and consent of the Legislative Council"⁵² could formulate ordinances within the terms of the Samoan Act and the Orders in Council (decisions of the New Zealand Government). Still, the Administrator was not the sole or even the most important source of legislation for Samoa, as the Governor-General of New Zealand acting for the New Zealand Government could make "all such regulations as he thinks necessary for the peace, order, and good government of Samoa".⁵³ The Governor-General was also empowered to disallow in whole or in part within one year any ordinance passed by the Administrator and the Legislative Council.⁵⁴ The result of this arrangement meant that the New Zealand Parliament established the scope and limitations of legislation, while the Administrator filled in the details and controlled most legislation of a minor character. When the Administrator's powers are understood in conjunction with his role as chief policy adviser to New Zealand on Samoan affairs, it is obvious why Keesing should have referred to him as the "captain of the Samoan ship."⁵⁵

The Legislative Council was originally composed of

⁵¹Keesing, Modern Samoa, p. 166.

⁵²New Zealand, The Samoan Act, 1921, Sec. 46.

⁵³Ibid., Sec. 47.

⁵⁴Ibid. Sec. 57.

⁵⁵Keesing, Modern Samoa, p. 146.

not less than four (usually six) official members appointed by the Governor-General (actually the Administrator) and unofficial members "not more in number than the official members"⁵⁶ also appointed in fact by the Administrator. In 1923 the appointive power of the Administrator was somewhat reduced as European male property owners were allowed to elect three unofficial members to the Legislative Council although in 1929 this figure was reduced to two.⁵⁷ Also in 1929 two Samoan members were appointed to the Legislative Council and in 1936 this figure was increased to four.⁵⁸ The representative nature of the Council was further broadened in 1938 when any adult European⁵⁹ was allowed to vote for the two elected unofficial members.⁶⁰ But in spite of the elected members and the Samoan members, the official members who represented

⁵⁶ New Zealand, The Samoa Act, 1921, Sec. 48.

⁵⁷ New Zealand, Tenth Report on the Mandated Territory of Western Samoa, 1930, p. 2.

⁵⁸ R. W. Robson, "A Goodwill Mission in Samoa," Pacific Islands Monthly, VII(August 19, 1936), 3. As early as 1923 New Zealand had offered to appoint two Samoans to the Legislative Council, but the Samoans had declined the offer saying they did not want to get involved in European affairs. League of Nations, Minutes of Permanent Mandates Commission, 13th Session, 1928, p. 112.

⁵⁹ The term "European" applied to whites and a few non-indentured Chinese and to the legitimate part-Samoan descendants of such non-natives. The term "Samoan" applied to natives of Samoa and other polynesians and to illegitimate part-Samoans. New Zealand, Sixteenth Report on the Mandated Territory of Western Samoa, 1936, p. 2.

⁶⁰ "Samoan Legislative Council," Pacific Islands Monthly, November 15, 1938, p. 26.

the administration were always in the majority. Thus, as the Administrator appointed the official members, the requirement that the Administrator receive "the advice and consent of the Legislative Council" before he could formulate ordinances was not as impressive a check on the Administrator as superficially might have been imagined.

The Council whose members served for three year terms usually met three or four times a year for very brief sessions ordinarily lasting only a few days. Normally, the main task of the Council was to consider and approve the annual revenue estimates although considerable minor legislation was also passed.⁶¹ The records of the Council make most uninteresting reading and little insight into Samoan affairs during this period can be gained from reading them. It is significant although not surprising that the official and unofficial members tended to vote en bloc and often disagreed with one another. Some themes run persistently through the records—such as charges against the administration by the Samoan members of racial "discrimination" and "pressing the Samoans down"; and charges by the elected European members of "extravagance", "inefficiency", and "over-indulgence" of the Samoans.⁶² In summary, the Legislative Council was primarily a creature of the Administrator, and

⁶¹W. E. H. Stanner, The South Seas in Transition (Sydney: Australasian Publishing Company, 1953), p. 276.

⁶²Ibid., p. 277.

its chief value was as a channel of expression for the European and Samoan communities.

The Fono of Faipules which had been first established by Germany in 1905 was a Samoan advisory chamber which during the mandate period varied in size from thirty-one to forty-one members. New Zealand continued the Fono of Faipules and gave it statutory recognition in 1923.⁶³ Originally the delegates were appointed by the Administrator who was directed to appoint only such individuals as were "qualified in accordance with existing Samoan usage and custom, to occupy the position".⁶⁴ This meant that the delegates, who represented traditional Samoan political districts, were chosen by the matais in that district and then usually confirmed by the Administrator.⁶⁵ However, during the troubled late 1920's the Faipules were definitely not representative of Samoan sentiment. In 1938 the system was changed as the individual selected by each district automatically became the Faipule for that district.⁶⁶

The Faipules were empowered to

⁶³New Zealand, Fourth Report on the Mandated Territory of Western Samoa, 1924, p. 5.

⁶⁴New Zealand, Seventh Report on the Mandated Territory of Western Samoa, 1927, p. 9.

⁶⁵League of Nations, Minutes of Permanent Mandates Commission, 12th Session, 1927, p. 107.

⁶⁶League of Nations, Minutes of Permanent Mandates Commission, 35th Session, 1938, p. 155.

consider such matters relative to the welfare of the Samoan people as of their own initiative they think proper or as may be submitted by the Administrator, and to express their opinions and make their recommendations.⁶⁷

More important than this official language was the fact that after 1923 New Zealand considered the Fono of Faipules to be the accredited representative body of Samoa, and in line with New Zealand's policy of granting more self-government the Fono of Faipules assumed legislative, executive, and judicial functions.⁶⁸

For example, proposed laws and regulations dealing with Samoan affairs were brought before the Faipules for approval, and if approbation was forthcoming these proposals became laws providing the Administrator also agreed with the proposals. Faipules presided over official councils in their districts and frequently sat on boards of inquiry which had punitive powers.⁶⁹ But it should not be forgotten that during most of the mandate period the delegates to the Fono of Faipules were appointed by the Administrator, and that he always had the final say on any matter discussed by the Fono. The Fono of Faipules should not be considered ever to have been an authoritative decision making native legislative body. It was an institution which acted as a sounding board for

⁶⁷Quoted in Keesing, Modern Samoa, pp. 149-150.

⁶⁸Keesing, Modern Samoa, p. 150.

⁶⁹Ibid.

Samoaan sentiment and which sometimes on minor matters could obtain its will while also being able to act as a negative influence.⁷⁰

Unlike the Legislative Council the Fono of Faipules was almost entirely Samoaan in form and procedure. Its meetings were held in private and the Samoaan custom of talking until a common front had been arrived at was followed. This fa'aSamoaan custom meant that not all delegates had equal influence. Instead certain powerful matais appear to have usually gotten their way.⁷¹ Keesing says that decisions were made by no more than ten matais as the others remained silent or spoke timidly.⁷² Keesing has a quote from a high official in Samoa who was familiar with the workings of the Fono of Faipules which reveals a great deal of how it functioned and which is worth re-quoting at length:

This assembly serves to give the Samoans some field for the unlimited loquacity of which they are capable, and to give them cause to imagine they are taking part in the government of the country. A study of its meetings shows that their deliberations are futile, that only resolutions in the most general terms are ever made, and that no practical matters are ever dealt with except on rare occasions where the Administrator or other official has framed the resolution. A general distaste for the practical, and a lack of mental capacity for detail, prevent any Samoaan assembly from being of actual direct benefit to the administration. Meetings of the Fono are very wearisome after the first opening, on account of the vanity and futility of any discussions

⁷⁰Stanner, Op. Cit., p. 279.

⁷¹Ibid.

⁷²Keesing, Modern Samoa, p. 164.

even on matters which the Samoans might be expected to understand. But ~~the~~ Faipules are there to talk and cannot be hurried.⁷³

As was the case with the Fono of Faipules, New Zealand continued another institution, the office of Honorable Fautua or High Adviser, which had been originally established by the Germans. Germany had originated the post of Fautua in order to recognize the holders of certain "princely" titles without giving them any actual power. Its function was mainly symbolic as it was invested with no statutory executive authority and had little more than nominal advisory powers. The Fautua⁷⁴ were chosen from among the Malietoa, Tamasese (Tupua), and Mata'afa title-holding family groups, and the main value of the Fautua was to place the highest Samoan title-holders in an honorific administrative position, inferior in precedence and dignity only to the Administrator.⁷⁵

Originally, in 1913, Germany appointed two Fautua and this number was maintained during most of the mandate period. Unfortunately, New Zealand overlooked the fact that Germany had appointed two Fautua because in 1913 there were only two individuals⁷⁶ of sufficiently high rank to be pretenders to the office, but in later years important incumbents held the

⁷³Ibid.

⁷⁴An "s" is not added in the plural.

⁷⁵Stanner, Op. Cit., pp. 275-276.

⁷⁶Tanumafili of the Malietoa family and Tamasese of the rival Tupua family.

Mata'afa and Tuimaleali'ifano titles and the number of Fautua might profitably have been increased so that the office could have continued to perform its intended function, namely of preventing jealousies from arising among the family groups possessing the most important titles.⁷⁷ Instead the Fautua become a source of rivalry and contention.

According to official reports, the Administrator conferred with the two Fautua at monthly meetings as well as on other official occasions,⁷⁸ but the extent to which such conferences were held depended entirely upon the wishes of the Administrator. During the 1920's the Fautua had the de facto right to attend meetings of the Fono of Faipules but not meetings of the Legislative Council. In 1929 when New Zealand decided to appoint two Samoan members to the Legislative Council, the Fautua were chosen to represent the Samoans.⁷⁹ However, as the Fautua were appointed by the Administrator and were paid native officials, they could not be considered truly representative. The role they played in the deliberations of the Legislative Council was summarized by one of the elected European members in the following words:

Even though they have an interpreter they find it

⁷⁷Keesing, Modern Samoa, pp. 146-147.

⁷⁸New Zealand, Nineteenth Report on the Mandated Territory of Western Samoa, 1939, p. 5.

⁷⁹New Zealand, Tenth Report on the Mandated Territory of Western Samoa, 1930, p. 37.

difficult or impossible to follow the business. They do not understand the procedure of a European body or the things that are being dealt with. Where in Samoan meetings they are voluble, they sit and say nothing, or what they do say is not always relevant. On any division, instead of voting with the European elected members, they vote with the government--naturally, for they are government officials.⁸⁰

Obviously, the office of Fautua was viewed less as a practical help in administration than as a way to honor and satisfy the aspirations of the ceremonially paramount title holders.

Under the Administrator and ultimately responsible to him were various executive departments and numerous Samoan officials.⁸¹ Notable among the executive departments was the Office of Native Affairs which was responsible for purely Samoan matters and which also acted as a link between the other government departments and the Samoans and Samoan officials.⁸² The Office of Native Affairs acted as a clearing-house for all government dealings with the Samoan people, and the Secretary of Native Affairs was expected to be the executive expert on all Samoan affairs.⁸³

The most important local administrative officials were the village mayors or managers (pulenu'u), the district native judges (fa'amasino), and the native plantation inspectors (pulefa'atoaga). All these officials as well as other more

⁸⁰Keesing, Modern Samoa, p. 176.

⁸¹See Appendix II.

⁸²New Zealand, First Report on the Mandated Territory of Western Samoa, 1922, p. 5.

⁸³Keesing, Modern Samoa, p. 146.

minor ones were appointed by the Administrator with the exception of the pulenu'u who were chosen by the inhabitants of each village.⁸⁴ The pulenu'u, who ranged in number from 127 to 180 during the mandate period and who were regarded as "the essential link between village and Government", were in fact nominated by the local matais in whose hands most local power remained although they had no constitutional power.⁸⁵ Indeed, the pulenu'u's subservient position was recognized in the Annual Report for 1939 which commented that:

The chiefs and orators of each village acting as a group direct village activities of a nature not compulsory by law, such as village work on utilities and health measures, the planting of a sufficiency of food crops, inquiry into breaches of the social code, or the reception of visitors. In these councils the official is expected to take part in his own personal right, not claiming priority or asserting his Government office except in the rare event of the matter under discussion being in conflict with the law.--The actual function of the Pulenu'u is, by example and exhortation, to endeavor to maintain the observance of law in his village, and he performs some clerical duty in reporting births, deaths, and making similar returns.⁸⁶

The fa'amasino or district native judges handled violations of a minor character and could impose small fines. Their history stemmed back to 1877, but throughout most of the mandate period they were ineffectual as the Samoans tended to rely on fa'aSamoan methods of administering justice.

⁸⁴New Zealand, First Report on the Mandated Territory of Western Samoa, 1922, p. 4.

⁸⁵Stanner, Op. Cit., pp. 280-281.

⁸⁶New Zealand, Nineteenth Report on the Mandated Territory of Western Samoa, 1939, pp. 5-6.

Although the Fono of Faipule requested one judge for each Faipule district, there were never more than twenty-nine and only fourteen during the 1930's. The pulefa'atoaga or native plantation inspectors also proved ineffectual as they lacked the training necessary to perform their inspection duties.⁸⁷ Operating concurrently with these Samoan officials were district councils which consisted of the chiefs from each village in the district, all village mayors, plantation inspectors, and which were presided over by the district Faipule. On paper and ideally, these district councils which were envisaged as the basis of Samoan self-government had both legislative and executive functions in matters of local concern such as health, roads, water supplies, etc.—subject of course to approval by the Administrator. Each district was further broken down into various village committees which had specific functions.⁸⁸

The judiciary system of Western Samoa was established by the 1921 Samoa Act. The Act created a High Court presided over by a Chief Judge and such other Judges and Commissioners as might be necessary.⁸⁹ The High Court was vested with both civil and criminal jurisdiction, but the Supreme Court of New Zealand had concurrent jurisdiction except that its criminal

⁸⁷Stanner, Op. Cit., pp. 280-281.

⁸⁸Keesing, Modern Samoa, p. 151.

⁸⁹New Zealand, The Samoa Act, 1921, Sec. 64.

jurisdiction was limited to offenders found in New Zealand. The Supreme Court of New Zealand could also hear criminal cases on appeal from the High Court.⁹⁰ Thus the High Court was given wide jurisdiction over cases arising in Western Samoa, and its connections with the judicial system of New Zealand were very close.⁹¹ Two lower courts, one on Upolu and the other on Savai'i, had the authority to hear minor criminal and civil cases, but still the Chief Judge performed almost all the judicial functions of Western Samoa.⁹² In 1936 the High Court was strengthened by providing for the attachment to the court of three Samoan associate judges. These Samoan associates were used only in cases in which Samoans were involved or interested. They had no statutory power but acted as advisors to the presiding Judge or Commissioner, and although they had no legal training their knowledge of Samoan custom and thought proved of great assistance to the Chief Justice as the presiding judge was renamed in 1936.⁹³

The role of the district native judges has already been described but there remains for discussion the most

⁹⁰Ibid., Secs. 80-83.

⁹¹Evans, Op. Cit., p. 389.

⁹²New Zealand, Fourteenth Report on the Mandated Territory of Western Samoa, 1934, p. 10.

⁹³New Zealand, Nineteenth Report on the Mandated Territory of Western Samoa, 1939, p. 16.

interesting judicial body in Samoa during the mandate period; namely the Lands and Titles Commission.⁹⁴ The Land and Titles Commission was a special branch of the High Court and was the "only Court having jurisdiction to hear and adjudicate upon claims or disputes between Samoans relating to native customs."⁹⁵ It was headed by the Chief Justice who was assisted by European assessors and Samoan advisers, and it dealt with "claims and disputes arising between Samoans over land use and inheritance, the succession to names and titles, and the succession to property and associated rights."⁹⁶ This meant that the Commission was involved in settling disputes over property ownership and usage, and also that the Commission awarded family titles when conflicting claims could not be resolved in the fa'aSamoan custom. As much as possible the Commission operated in a Samoan manner and always tried to adhere to fa'aSamoan land and title custom. Thus one agency of New Zealand administration was helping perpetuate fa'a-Samoan, while at the same time it was generally conceded that those very Samoan practices were impairing economic development.⁹⁷

It must be remembered that Samoa had legal codes,

⁹⁴Renamed in 1937 as the Native Lands and Titles Court.

⁹⁵New Zealand, Fourteenth Report on the Mandated Territory of Western Samoa, p. 10.

⁹⁶Stanner, Op. Cit., p. 284.

⁹⁷See pages 13-14.

sanctions, and accepted modes of behavior long before contact with white men. It is not within the scope of this account to examine those traditional indigenous institutions and methods, but they did not simply disappear when Germany and then New Zealand instituted Western judicial structures and codes in Samoa. Instead the Western system was superimposed on the existing system with the result that the fa'aSamoa methods were still widely relied on by the Samoans. For example, matais retained many of their former judicial functions and village councils continued to mete out punishment for certain offenses. New Zealand wisely tried to utilize as much of the traditional system as was possible but also provided solutions such as the Land and Titles Commission in case the disagreement could not be solved in the accustomed manner.

In summary, New Zealand had been infatuated with the dream of controlling Western Samoa for three quarters of a century. Therefore, New Zealand opposed the establishment of any international system of control which would have seriously weakened her position in Western Samoa, and it was with reluctance and only then because she was allowed to govern Western Samoa "as an integral portion" of New Zealand that she was willing for Western Samoa to become a mandated territory within the mandate system. Considering this heritage, it naturally followed that New Zealand should establish in Western Samoa an administration which followed the German

example by concentrating power and authority in the Administrator. For the next two and one half decades Western Samoa was to be governed by this administration.

The previous description of the mandates administrative machinery lays the groundwork for our ensuing discussion of the mandate period.

CHAPTER III

WESTERN SAMOA DURING THE MANDATE PERIOD: AN EVALUATION

The mandate administration established in Western Samoa at the end of World War I lasted until the League of Nations was succeeded by the United Nations with its trusteeship system following World War II. Thus, for more than twenty-five years New Zealand administered Western Samoa as a League mandate. An analysis of New Zealand's administration as well as a discussion of certain political happenings during this period is essential to an understanding of Western Samoa's political development.

Non-Political Aspects of New Zealand's Administration

Even as early as 1914, when New Zealand assumed control in Samoa, she already had earned the reputation of being able to work with and improve native races due to her experience with the Maoris in New Zealand.¹ Certainly no one can find fault with the spirit in which New Zealand approached her task as administrator of Western Samoa. She was eager to

¹Many observers such as Professor Wood in The People at War and Professor Condliffe in New Zealand in the Making question whether New Zealand's treatment of the Maoris merited such a reputation.

fulfill her mandate obligation of promoting "to the utmost the material and moral well-being and the social progress" of the Samoans and so accordingly adopted a policy which considered the welfare of the Samoans to be the first and most important charge of her administration.² The result of this benevolent and oftentimes expensive policy was steady and sometimes spectacular improvement in the areas of health and education and steady progress in the economic realm.

Despite an epidemic of Spanish influenza in 1918 which resulted in the death of almost 8,000 Samoans, New Zealand's greatest success was in the improvement of general health standards and in the eradication of disease. The Health Department in Samoa was financed partly by a small medical tax levied on the Samoans, but New Zealand contributed most of the needed money through an annual medical subsidy of 20,000 pounds.³ This improvement in the health of the Samoans can be proven by statistics which show that in 1923 the mortality rate for children under one year of age was 200 per 1,000 while in 1940 it had dropped to about 70 and by figures which show the death rate per 1,000 inhabitants dropping from more than 40 to 13 during the same period.⁴

²W. T. G. Airey and W. S. Lowe, "New Zealand Dependencies and the Development of Autonomy," Pacific Affairs, XVIII(September, 1945), 254.

³Crocker, Op. Cit., p. 194.

⁴New Zealand, Twenty-First Report on the Mandated Territory of Western Samoa, 1941, p. 17.

Indeed, the success of the Health Department in Western Samoa prompted Dr. P. A. Buxton, Director of Medical Entomology at the London School of Hygiene and Tropical Medicine to comment:

It is perhaps not impertinent to state that New Zealand provides a health service which might serve as a model to any small tropical country, and that the administration of that Department⁵ seemed to be characterized by vision and forethought.⁵

In the field of education New Zealand, as Germany had done earlier, relied on the mission schools but also made available to all Samoans a free educational system. Generally, there were three classifications of schools, with the most advanced corresponding roughly to a United States junior high school. In addition there was a more advanced secondary school and a teachers' training school and also opportunity for further schooling in New Zealand. Although few students continued much past elementary school, 31 per cent of the population were enrolled in some kind of school in 1926.⁶ In spite of serious shortcomings and much disagreement as to organization, curriculum, and purpose, the education system established by New Zealand did, at least, ensure that almost all young Samoans received some formal academic training.

⁵New Zealand, Eighth Report on the Mandated Territory of Western Samoa, 1928, p. 6.

⁶New Zealand, Sixth Report on the Mandated Territory of Western Samoa, 1926, p. 5.

During most of the mandate period there was steady economic progress.⁷ New Zealand encouraged economic development by substantial grants for public works, particularly road building. Foreign commerce increased and a favorable trade balance was maintained as exports almost always exceeded imports. And as previously mentioned New Zealand made generous grants for health and also for education improvements. Also when Western Samoa ran a deficit in its public accounts, New Zealand made up the difference by direct grants. For example, between 1919 and 1932 New Zealand subsidized the mandate administration to the amount of 224,000 pounds. However, after 1932, such subsidies were unnecessary as Western Samoa managed to operate in the black.⁸

The Beginning of Discontent

Unfortunately, New Zealand's administration did not prove as successful in dealing with problems of a political and social nature. The hard fact is that in these areas the administration instituted by New Zealand in Western Samoa

⁷Stace, Op. Cit., p. 54.

⁸Grattan, The Southwest Pacific Since 1900, pp. 458-459. Obviously, there has been no attempt here to deal with health, education, or economic matters in a comprehensive manner. Rather developments in these important areas have been summarized in order to show that the mandate administration was quite capable of coping with problems relating to the health, education, and basic economy of Western Samoa.

was not capable of satisfactorily meeting the needs of all the inhabitants of Samoa. The result was an indigenous protest movement which lasted for about ten years. The protest movement disrupted and paralyzed the mandate government, and to the detriment of New Zealand's reputation, focused international attention on conditions in Western Samoa. The movement, which originally was incited and encouraged by discontented Europeans and part-Samoans, eventually embraced more than 90 per cent of the Samoans. The protest movement, whose slogan was "Samoa for the Samoans", was known as the Mau;⁹ and it represents the most significant political-social development of either the mandate or trusteeship periods. The Mau's importance is such that it must be thoroughly analyzed and evaluated in order to appreciate later developments.

Before moving directly to a discussion of the Mau and its importance, notice must be taken of one fact of political life in Samoa which New Zealand never fully recognized or understood but which contributed to the Mau's development: namely, that in Western Samoa non-natives and part-Samoans constituted a more politically aware and ambitious group than did similar white or part-white groups in almost any other dependent area.¹⁰ The average white man

⁹ The closest English equivalent for Mau is "opinion."

¹⁰ Felix M. Keesing, A Memorandum on the Mandated Territory of Western Samoa and American Samoa (Honolulu, Hawaii: Institute of Pacific Relations, 1931), p. 24.

living in Samoa was rather an unusual person whose interests and ambitions were likely to be centered entirely on Samoa. He was prone to regard New Zealand officials as interlopers with no permanent interests or little real knowledge of the needs of Samoa. Unfortunately for New Zealand's officials and policies, these resident whites and part-Samoans with their knowledge of the Samoan language and their marital, business, and social affiliations were in a position to influence and even dominate the Samoans. Germany recognized the power and potential danger of this group but managed to placate its members during her regime. New Zealand, however, with her clearly stated and often repeated policy of placing the interests of the natives first, went to no great lengths to enlist the support of this non-native community.¹¹ "Without doubt one of New Zealand's great mistakes" was "her lack of appreciation of the position and psychology of the local white and mixed blood community".¹² The results of this mistake became increasingly obvious during the mandate period.

Despite the general high respect in which the German administration is held, all was not as ideal during those years as might seem to have been the case. Radical political

¹¹Felix M. Keesing, "Samoa: Islands of Conflict," Foreign Policy Reports, IX(February 28, 1934), 303.

¹²Keesing, A Memorandum on the Mandated Territory of Western Samoa and American Samoa, p. 26.

changes had been forced and a new political organization instituted, and in fact Germany may well have been relieved of her colony at a most opportune time, for:

When in 1914 New Zealand took over this native organization it would appear that she also took over more or less unknowingly a heritage of submerged and frustrated ambition, undercurrents of intrigue, a certain dislocation of the political and social life, and mellowing memories of the good old days when Samoan chiefs and orators were all-powerful and life was dictated by strength of arm and not by the will of an authority.¹³

During the military administration there was no serious interference with the existing life on the islands and in fact the economic prosperity of the islands increased.¹⁴ But in 1918-1919 official negligence allowed the influenza epidemic to enter the islands and over 8,000 Samoans died. The seriousness of this incident was magnified by two factors: first, the epidemic extracted its highest toll among the older, more stable, leaders; and secondly, American Samoa, thanks to quick action by the United States Navy, successfully fought the epidemic. To worsen matters the American Navy offered its assistance in Western Samoa but was turned down.¹⁵ The result was a bitter memory which years of effective public health work could not efface.¹⁶

¹³Ibid., p. 14.

¹⁴George H. Blakeslee, "The Mandates of the Pacific," Foreign Affairs, I(September 15, 1922), 107.

¹⁵J. B. Condliffe, "New Zealand's Troubles in Western Samoa," Foreign Affairs XIII(April, 1930), 474.

¹⁶In May, 1962, at a public speech, the author heard Tufuga Efi Tamasese, a law student at Victoria University in Wellington, New Zealand, and son of a then Samoan Chief of State, mordantly castigate New Zealand for this blunder.

Resentment among the non-Samoan inhabitants began to crystalize during the last year of the military administration as New Zealand systematically tried to reduce the number of indentured Chinese laborers in Samoa. These Chinese workers had been introduced by the Germans to work the copra plantations when it was discovered that the Samoans did not make good workers. The local whites regarded the Chinese as essential for the profitable operation of the plantations and vigorously protested when by 1920 there remained only 832 indentured workers from a force of 2200 in 1914.¹⁷ Soon afterwards New Zealand relented and allowed more Chinese to be imported into Samoa, but spasmodically throughout the mandate period there were attempts to eliminate or reduce the indentured workers.

However the New Zealand action which provoked the grievance, which proved to be of longest standing and widest range among the European and half-caste population, was the total prohibition of the manufacture, importation, and sale of intoxicating liquor.¹⁸ This action was taken in 1919 in anticipation of the issuance of the mandate which did forbid the sale of liquor to the Samoans, but New Zealand's prohibition order applied to the whites and half-castes as well

¹⁷ New Zealand, First Report on the Mandated Territory of Western Samoa, 1922, p. 36.

¹⁸ Arnold J. Toynbee, Survey of International Affairs 1929, (London: Oxford University Press, 1930), p. 381.

as to the Samoans.¹⁹ The effect on an Englishman of prohibiting him from having his grog is easily imagined, but New Zealand maintained that if discrimination was shown that the Samoans would protest and further felt that "the only way to abolish the abuse of liquor among the natives was to make the prohibition absolute for all races."²⁰ This argument was of doubtful validity as the Germans had never had any trouble in protecting the Samoans from the evils of liquor but still had not found it necessary to impose prohibition on the white population.²¹ Certainly, considering the resentment resulting from the prohibition order, New Zealand would have done well to make different arrangements.

A closely related grievance of the whites and part-Samoans was the charge of excessive interference by the administration in the economic life of Samoa. The civil administration was, in fact, less liberal than the former military administration had been. It exported all Germans except those married to Samoans or part-Samoans and confiscated their plantations.²² The confiscated enemy estates were taken over by the administration and run as a state enterprise

¹⁹New Zealand, First Report on the Administration of Western Samoa, 1922, p. 2.

²⁰League of Nations, Minutes of the Permanent Mandates Commission, 2nd Session, 1922, p. 42.

²¹"Sly Grog in Samoa," Pacific Islands Monthly, April 17, 1935, p. 60.

²²Blakeslee, Op. Cit., p. 108.

referred to as the Reparation Estates. The white traders and merchants opposed this increased state activity and felt it was another example of how the administration was over-indulgent to the Samoans while neglecting them.²³

The situation was complicated in 1920 and 1921 as the conception of self-rule or independence as conceived in Western countries began to influence the thinking of Samoans. Previously self-rule had been thought of in terms of restoring the traditional political institutions, including the kingship.²⁴ In 1921 a petition reflecting this discontent was sent to the King of England:

At the present time the Government does not consult the Samoans as formerly . . . The Samoans are dissatisfied with the Constitution Order legislated by New Zealand because it has been enacted by them without the voice of the Samoans . . . We are much distressed in mind . . . We do not rejoice in the Government of New Zealand. This Government ignores us. We pay taxes, but have no voice in the legislation or the expenditure . . . We do not want the right to govern ourselves ignored by the New Zealanders.²⁵

New Zealand took some heed of this mounting discontent, giving statutory recognition in 1923 to the Fono of Faipules and also allowing the local Europeans to elect three unofficial members to the Legislative Council. Unfortunately, additional

²³J. B. Condliffe, The Welfare State in New Zealand (London: George Allen & Unwin Ltd. 1959), p. 340.

²⁴Keesing, "Samoa: Islands of Conflict," Foreign Policy Reports, 299.

²⁵Keesing, Modern Samoa, p. 148, as quoted from The New Zealand Samoan Guardian, October 10, 1929.

changes in the local administrative organization forced increased responsibilities, which frequently they were not ready to assume, on Samoan officials.²⁶

Nevertheless, in the early 1920's New Zealand was widely heralded as a model mandatory whose promotion of native welfare by public works, social services, and enlightened native administration was firmly laying the foundations for ultimate self-government.²⁷ Even the New Zealand administrators in Western Samoa seemed blissfully unaware that serious trouble was fermenting just beneath the surface. Sir George Richardson, retired Major-General²⁸ and Administrator of Western Samoa from 1923-1928, stated in the annual report for 1923 that: "The Europeans of various nationalities are very loyal, and most anxious to assist the Administration to promote the welfare of Samoa."; and he further demonstrated his ignorance by adding that the "Natives are loyal, happy, and contented; they are proud to be associated with the British Empire."²⁹ If such statements were made for anything

²⁶Keesing, "Samoa: Islands of Conflict," Foreign Policy Reports, 299-300.

²⁷Wood, Op. Cit., p. 331.

²⁸Richardson was only one in a line of former military men who were appointed as Administrator in Western Samoa. None was conspicuous for his knowledge of Samoa nor did any possess previous experience as a colonial administrator. Serious questions can be raised as to whether the typical career officer was psychologically and emotionally equipped to deal tactfully with a proud, sensitive, ceremonial people such as the Samoans.

²⁹New Zealand, Third Report on The Mandated Territory of Western Samoa, 1923, p. 2.

more than propaganda purposes, they indicate an alarming lack of contact with the realities of the Samoan situation.

The Mau and Political Developments

A decision by Richardson in February, 1926, which provided that the administration would assist the Samoans in the marketing of their copra was the jelling factor in the Mau movement. The white traders who had obtained a virtual monopoly in the buying of copra violently protested this move.³⁰ New Zealand defended her action, maintaining, that the merchants were exploiting the Samoans and that marketing assistance was necessary for their protection.³¹ It is almost impossible to obtain an unbiased factual report of the situation, but the details as to who was right are relatively unimportant. All the important causative factors for the Mau movement were already present in excess and were only waiting to be ignited.

Active opposition to New Zealand's administration can be dated from a public meeting held in Apia on October 15, 1926.³² This meeting was convened by the three elected European members of the Legislative Council led by Olaf F. Nelson, a Swedish-Samoan half-caste who was the wealthiest

³⁰Condliffe, New Zealand in the Making, p. 414.

³¹League of Nations, Minutes of the Permanent Mandates Commission, 1928, 13th Session, p. 101.

³²Condliffe, New Zealand in the Making, p. 408.

and most influential man on Samoa, for the purpose of demanding certain legislative and administrative changes.³³ Samoans as well as whites were present at this meeting, and for the first time cooperation between the two groups was firmly established. A "Citizens' Committee" consisting of Samoans and whites was appointed and a statement which protested against New Zealand's administration and which demanded greater self-government was formulated.³⁴ In reply, Richardson issued a statement in which he said:

. . . I consider a serious error has been made in asking the Samoans to discuss politics which affects only the Europeans . . . The effect of bringing the Natives into the European political arena is unwise and likely to cause trouble. It is a simple matter to upset a native race which is composed of many factions, like the Samoan race, and I ask Europeans not to do it . . . I cannot, nor can the New Zealand Government, receive complaints from the Natives save those coming through their own properly constituted channels, such as the District Councils and Fono of Faipules.³⁵

Such a response was not likely to satisfy the disturbed Samoans and whites.

Rapidly, the Mau, which originally had represented a reaction against the administration, developed into a genuinely indigenous movement which was based on Samoan social and political organization and which confronted the New Zealand

³³"New Zealand: The Trouble in Samoa," The Round Table, December, 1927, pp. 191-192.

³⁴Ibid., pp. 192-193. See Appendix IV for the complete statement of the Citizens' Committee.

³⁵New Zealand, Seventh Report on the Mandated Territory of Western Samoa, 1927, p. 41.

authorities with a systematic and disciplined non-cooperative but still non-violent protest movement.³⁶ At the Mau's height from 1927-1930 it had its own government with a capital in a village on the outskirts of Apia and its own laws, courts, taxes, and police.³⁷ Still, the Mau's most effective weapon was non-cooperation or passive resistance to the administration, and this technique was well described by New Zealand's Prime Minister's, J. C. Coates, in 1928 in the following words:

In Samoa to-day the native people are seriously disunited; a large section of them are in a state of passive resistance to constituted authority; so far as they are concerned the King's writ is not running; they are refusing to obey orders and summonses of the Court, even though serious indictable and criminal offences are involved; they are keeping their children from the Government schools, and, perhaps the most serious of all, they are rejecting medical help and neglecting similar precautions. It is impossible to ignore the serious position that exists to-day, and has existed for some months past, and it is not too much to say that sufficient mischief has already been done to prejudice the prosperity of Samoa and the Samoans for many years to come.³⁸

The Mau's main objective was summed up in its slogan of "Samoa for the Samoans", and as most nationalistic movements it never really defined well its specific goals and purposes.³⁹

³⁶Wood, Op. Cit., p. 331.

³⁷J. C. Furnas, Anatomy of Paradise (New York: William Sloane Associates, Inc., 1948), p. 402.

³⁸Condliffe, New Zealand in the Making, quoted from statement of Prime Minister on January 24, 1928.

³⁹This lack of definitiveness concerning the Mau's objectives tended to make New Zealand officials feel it had no real grievances and may have impaired attempts at conciliation.

The Mau which started in 1926 was to remain active for almost ten years. After the October, 1926, organizational meeting the Mau steadily increased in numbers and influence during the next several months, and on June 2, 1927, the New Zealand Minister for External Affairs, Mr. W. Nosworthy, arrived in Apia to investigate the situation.⁴⁰ Nosworthy met with Nelson, the Citizens' Committee, and other leaders of the Mau, but no understanding could be reached as Nosworthy simply insisted that the whites stop agitating the Samoans while Nelson continued to repeat the same Samoan and non-Samoan grievances. In July, 1928, Nelson visited New Zealand to press his charges there, but the only action New Zealand took was to pass a bill giving the Administrator, subject to approval by the Governor-General, the power to deport any resident European in Samoa for up to five years and also the power to remove a Samoan from one locality to another for as long as two years.⁴¹

In September, 1927, at the request of Richardson and also because New Zealand wished to remove the controversy from party politics a two man Royal Commission, composed of Sir Charles Skerrett, Chief Justice of the New Zealand Supreme Court, and Judge Charles MacCormick of the Dominion Land Court,

⁴⁰"New Zealand: The Trouble in Samoa," The Round Table, p. 197.

⁴¹Ibid., pp. 197-206.

was appointed to conduct a thorough investigation of the unrest in Samoa.⁴² The Commission spent almost one month in Western Samoa and heard over one hundred and fifty witnesses representing both sides of the conflict. The Royal Commission's report issued in late 1927 vindicated completely New Zealand's administration and General Richardson and soundly condemned Nelson, the Mau, and the Citizens' Committee.⁴³ This report was forwarded to the League of Nations where Richardson helped explain it to the Permanent Mandates Commission. Nelson also journeyed to Geneva, but the Permanent Mandates Commission refused to hear him.⁴⁴ Although one member noted that the Royal Commission had confined itself to the legal aspects of New Zealand's action in Western Samoa,⁴⁵ the Permanent Mandates Commission official statement on the Samoan situation was most clear:

It is the considered opinion of the Commission that none of the charges of any importance against the Administration which have been made in the various petitions has been substantiated and that none contains any evidence of policy or action contrary to the mandate.

The Commission cannot too strongly condemn the action of Mr. Nelson and those associated with him, who seem to have been inspired less by a desire for the public

⁴²"New Zealand: The Samoan Commission," The Round Table, June, 1928, p. 664.

⁴³New Zealand, Eighth Report on the Mandated Territory of Western Samoa, 1928, p. 3.

⁴⁴Condcliffe, New Zealand in the Making, p. 410.

⁴⁵League of Nations, Minutes of the Permanent Mandates Commission, 13th Session, 1928, p. 114.

welfare than by personal ambitions and interests.⁴⁶
Such was the extent of action by the League of Nations.

No attempt can be made to fully chronicle the events of the next ten years in Samoa, but some of the highlights must be telescoped. In January, 1928, following the publication of the Royal Commission's report with its condemnation of Nelson and the other non-Samoan leaders, Nelson was deported from Western Samoa for five years.⁴⁷ The wisdom of this action by New Zealand is open to critical discussion. To the Samoans, banishment is punishment second only to death,⁴⁸ and Nelson, who carried on an effective propaganda campaign against New Zealand while in exile in Auckland, became very much a martyr in Samoan eyes.⁴⁹ After Nelson's banishment, conditions continued to worsen as the boycott was stepped up and as the Mau "policemen" in their own Mau uniforms enforced the boycott and paraded in Apia. New Zealand, whose earlier policy had been characterized by indecision and even timidity, over-reacted and dispatched two warships to Apia whose contingent of marines landed and arrested many Mau

⁴⁶Ibid., p. 8.

⁴⁷"New Zealand: The Government Attitude," The Round Table, June, 1928, p. 679.

⁴⁸Grace E. Wills, "Vailima, The Seat of a Mandate," The Christian Century, (January 27, 1932), 120.

⁴⁹"New Zealand: More About Samoa," The Round Table, June, 1929, p. 668.

leaders.⁵⁰ Although those arrested were soon released, New Zealand's action only hardened Samoan attitudes toward the administration.

In spite of the incendiary atmosphere, violence and bloodshed were avoided until December 29, 1929. Then on the occasion of a Mau parade welcoming a returning exile,⁵¹ the administration police tried to arrest certain of the Mau leaders. Fighting broke out and the police fired into the crowd killing several men including the prominent Samoan chief and Mau leader, Tamasese.⁵² After this tragedy, although the non-cooperative passive resistance campaign continued, a truce was worked out and conditions improved until 1933 when Nelson returned from his banishment. With Nelson's return the Mau again began to reassert itself and press its demands.⁵³ The result was the same as before as Nelson was convicted of sedition and banished from Samoa for ten years.⁵⁴ The situation continued to deteriorate during the next two years,

⁵⁰"New Zealand: The Government Attitude," The Round Table, p. 681.

⁵¹Not Nelson but instead another European leader who had been banished for only two years.

⁵²Grace E. Wills, "Heaven-Bursters in Western Samoa," Asia XXXIV(December, 1934), 743.

⁵³Marc T. Green, "Is It Stalemate in Samoa," Pacific Islands Monthly, (August 22, 1933), 6.

⁵⁴O. F. Nelson Exiled from Samoa," Pacific Islands Monthly, March 16, 1934, p. 35.

but the victory of the Labor Party in the December, 1935, New Zealand Parliamentary elections heralded a new era in New Zealand's administration of Western Samoa and in her attitude toward Samoan problems and grievances.

The New Zealand Labor party, as its sister socialist parties throughout the Commonwealth and the world, traditionally had been more sympathetic to the problems and aspirations of dependent peoples than the other more conservative, often imperialistic, parties in New Zealand. This basically different viewpoint toward dependent peoples had manifested itself in 1927 when the Labor party had opposed in Parliament the granting of power to deport and banish inhabitants of Samoa.⁵⁵ Furthermore this deeper commitment to the principles embodied in the League and its mandate system meant that Labor had been a consistent and vocal critic of New Zealand's administration of Western Samoa.⁵⁶ Specifically, Labor had criticized the type of administrative officials assigned to Samoa and had suggested that concessions be made to the Mau.⁵⁷ Indeed, Samoa, reminiscent of India in England, had become a political football and had been an issue in the last several New Zealand elections. So the news of Labor's victory at the polls was wildly acclaimed in Samoa.

⁵⁵Condliffe, New Zealand in the Making, p. 408.

⁵⁶Wood, Op. Cit., p. 332.

⁵⁷"New Zealand: The Parliamentary Session," The Round Table, December, 1929, p. 213.

and hopes were raised that basic changes would follow.⁵⁸

One of the first acts of the new Prime Minister, Michael Savage, was to arrange for the return to Samoa of Nelson.⁵⁹ No other single action could have had such a favorable effect on popular feeling in Western Samoa. Shortly afterwards a two man Goodwill Mission led by Honorable F. Langstone, Minister of Lands, was appointed to visit Samoa and investigate internal affairs there. The Goodwill Mission arrived in Samoa in June, 1936, and immediately announced that the Mau was no longer considered a seditious organization and further granted the Mau the right to assemble as it liked.⁶⁰ The Goodwill Mission remained in Samoa for more than a month and a number of changes in legislative and constitutional arrangements resulted. Prominent among these changes were: the cancellation of back taxes; the repeal of the administration's right to banish individuals; the increase of Samoan membership on the Legislative Council from two to four; and the extension of social services.⁶¹

Other relatively minor concessions were made in the

⁵⁸"Mau's Joy," Pacific Islands Monthly, January 24, 1936, p. 22.

⁵⁹"O. F. Nelson to Return," Pacific Islands Monthly, April 23, 1936, p. 6.

⁶⁰R. W. Robson, "Samoa in Throes of Political Re-arrangement," Pacific Islands Monthly, VI(July 21, 1936), 15.

⁶¹"A Goodwill Mission in Samoa," Pacific Islands Monthly, August 19, 1936, pp. 3-4.

next few years, but far more important than any actual changes was the attitude with which Labor approached its role as a mandatory power. Labor leaders were friendly and flexible in their approach to Samoa and its problems, and they seemed to possess greater understanding of the Samoan mind and character. The importance of this difference in approach was not lost on the Samoans and their leaders and tension quickly died down so that normal relations between the New Zealand administration and the Samoan community were soon re-established. As the Mau leaders were absorbed into the administrative organization, the Mau ceased to advocate active opposition or passive resistance and peaceful relations continued throughout the remainder of the Mandate period.⁶²

In summary the Mau was not the result of a few grievances advanced by resentful whites and recalcitrant Samoans. It was a manifestation of a cultural-psychological condition in Samoan life characterized by cultural conflict and change, psychological stress, social disintegration, and a general unbalance, all of which stemmed from the intrusion of an alien culture which undermined the traditional way of doing things without offering easily adaptable alternatives.⁶³ The particular policies of New Zealand in the early 1920's merely triggered the syndrome of ills affecting Samoan life. The New

⁶²Wood, Op. Cit., p. 333.

⁶³Keesing, "Samoa: Islands of Conflict," pp. 297-298.

Zealand administrators, lacking training in both anthropology and colonial administration, had no inkling as to the real nature of the movement. Their contention that the entire movement was the work of Nelson and a few other part-Samoans, while perhaps superficially plausible, simply never allowed them to formulate policies which might have ameliorated the situation.⁶⁴

In part the Mau, which actually resembled a religious revival movement more than a political movement, represented a reassertion of the matai system and fa'aSamoan ways against Europeanization and unwanted change. At the same time it was a harbinger of the future as for the first time practically all inhabitants of Samoa rallied to a common cause and were united in purpose instead of being divided into parochial and often dissident groups. The spirit of unity generated by the Mau provided Samoa's nationalist movement with a basis of support far more comprehensive than supported independence movements in many other dependent areas.

A Critique of New Zealand's Administration of Western Samoa

A fair and impartial evaluation of New Zealand's administration of Western Samoa during the mandate period is

⁶⁴Proof of the speciousness of their theory as to the cause of the Mau can be seen by the rapid improvement in conditions after 1935 when the Labor party was willing to accept the fact that the Samoans might have what to them were legitimate complaints and was willing to approach these complaints with a more conciliatory attitude.

no easy task. Critics and supporters of the institutions and policies implemented in Samoa by New Zealand differ sharply in their interpretations and conclusions. Certainly there is room for legitimate disagreement.

However, several serious weaknesses of the mandate administration and also some criticisms of New Zealand's policy must be pointed out. First, and most serious, authority and responsibility were diffused and difficult to locate within the hierarchy of organization that extended from Apia to Wellington to Geneva.⁶⁵ To the Samoan, with his penchant for personalism, this vague and impersonal system was entirely alien. Indeed, "perhaps no less comprehensible form of government" could have been "devised for a Polynesian people than the impersonal mandates system."⁶⁶ A related weakness which is more directly a criticism of New Zealand was that for most of the mandate period New Zealand's approach to her role as administrator was a muddled one characterized by indecision and vacillation.⁶⁷ This trait was illustrated most clearly in New Zealand's policy toward the Mau. The steps taken against the Mau such as the banishments, naval visits, and lectures, only irritated the Samoans without cowing them,

⁶⁵Keesing, A Memorandum on the Mandated Territory of Western Samoa and American Samoa, p. 34.

⁶⁶Keesing, Modern Samoa, p. 104.

⁶⁷Corner, Op. Cit., p. 139.

while the conciliatory measures were too meager and too obviously insincere to placate anyone.⁶⁸

Another and more reprehensible mistake by New Zealand was her already mentioned failure to win the confidence and support of the non-Samoan elements of the population. This group particularly the half-castes might well have served as responsible leaders during this transitional period, but instead New Zealand so completely alienated them that they worked against the administration during most of the mandate period.

Certain structural weaknesses in the administrative organization became apparent with the passage of time. For example, there was a tendency to make all important decisions in Wellington. This centralization of decision-making seemed to reflect a lack of confidence in the Administrator which was most unfortunate as to the Samoans the Administrator was the only tangible symbol of authority. Then after 1923 New Zealand became unrealistic in its demands on the minor Samoan officials as powers and responsibilities uncommensurate with

⁶⁸ Although the situations were somewhat different, the following statement by Keesing makes most interesting reading and illustrates the advantage from an administrative viewpoint of a forceful--even authoritarian--administration:

"It would seem that the administrative success of the German regime up to 1913 and also of the Naval government in American Samoa to the present has been due very largely to the fact that almost absolute power and responsibility were centered in the hands of the Governor."

Keesing, Memorandum on the Mandated Territory of Western Samoa and American Samoa, p. 25.

their knowledge and training were given to these officials. New duties such as the collection of taxes, the levying of fines, and the inspection of plantations, were assigned to the officials, and although from a Western bias these duties might have seemed simple and even trivial, to the Samoan they were alien and complicated and often involved arbitrary decisions concerning the official's family and friends. In addition most of the Samoan officials, such as village majors, plantation inspectors, and faipules, had quasi-legislative-executive-judicial functions. This non-separation of functions in positions filled by persons of such limited experience and knowledge proved to be fraught with danger as many officials could not cope with the temptations offered by their positions.⁶⁹

Another shortcoming of the mandate administration which aggravated all the other previously mentioned weaknesses was New Zealand's inability to obtain the services of really outstanding men to fill the administrative positions in Samoa. Due to New Zealand's small population and also because of the very limited number of attractive career administrative posts available in Samoa, this lack of capable officials was constant.⁷⁰ Equally unfortunate was that officials were assigned

⁶⁹Keesing, Modern Samoa, pp. 169-170.

⁷⁰Lord Lugard, Great Britain's representative on the Permanent Mandates Commission and recognized authority on colonial administration, once went so far as to suggest that New Zealand might use experienced men from the British Colonial Office. League of Nations, Minutes of Permanent Mandates Commission, 26th Session, 1934, p. 122.

to Samoa for periods of only two or three years which was barely enough time to become thoroughly familiar with the problems and needs of Samoa. Then, also, there was not sufficient specialized training for those who were assigned to Samoa, and there was a lack of continuity among the officials with the result that on occasion several experienced senior officials left Samoa at the same time with disastrous effects.⁷¹ These staffing problems meant that there was an almost constant lack of expert analysis and long-term planning.

Finally, New Zealand never seemed to make any serious attempts to obtain needed information about conditions in Samoa. An extensive economic survey as was later conducted in the trusteeship period would have proven most beneficial in economic planning. Even more important the Administrators of the 1920's and early 1930's did not make serious attempts to "get to know" the Samoans.⁷² Also in spite of numerous suggestions to do so, New Zealand never engaged the services of a trained anthropologist or psychologist. It is hardly possible to estimate the wealth of useful information and valuable suggestions that such a professional could have provided the mandate administration.

Certainly, there were also things to praise in New Zealand's administration of Western Samoa. As compared to the

⁷¹Corner, Op. Cit., pp. 140-141.

⁷²Ibid., p. 143.

German colonial period, there was a basic change in the way in which Samoa was regarded. The idea that Samoa was to be exploited was distasteful to almost all New Zealanders, and so naturally the policy of always placing the interests of the Samoans paramount evolved. Although as noted this policy should have been tempered to make the influential whites and part-Samoans less resentful and more conciliatory, the philosophy back of the policy speaks well for New Zealand's motives.

This change in spirit also meant that the authoritarianism which had characterized the German period was incongruous with New Zealand's values and goals. However successful such authoritarianism might have been in maintaining order, New Zealand's political tradition had no room for such a policy and the long-range benefits of the absence of such authoritarianism surely outweighed ephemeral advantages which might have been gained through such a policy. Hence the fact that New Zealand was "too democratic and egalitarian to take firm measures when faced with a popular movement"⁷³ probably worked to her advantage over the long run. Equally, New Zealand's devotion to democratic principles and ideals meant that she never tried to still the voices of her critics in Samoa. Even at the height of the Mau, when an effective world-wide anti-New Zealand propaganda campaign--often emanating from dubious sources and relying on twisted facts--was in full swing, no

⁷³ Ibid., p. 139.

censorship restrictions were imposed on Samoans or visiting journalists.

The general improvement in health and education standards as well as New Zealand's willingness to spend money in the interest of Samoa have already been mentioned and are definitely pluses to New Zealand's credit. Finally, there was a willingness to confer some authority and responsibility upon Samoans. This meant that even though in some instances the authority was only nominal and in others the responsibility came before the Samoans were ready to assume it that Samoans obtained at least limited administrative or legislative experience which was to prove valuable in the post-World War II period.

In final summary, New Zealand's administration during the mandate period can be severely criticized for several shortcomings and weaknesses which a more far-sighted and flexible mandatory might have avoided. But at the same time advances were made on several fronts and considering the fates of other mandated territories, Western Samoa may well have been fortunate to have been administered by New Zealand.

The League of Nations and Western Samoa

Although it is difficult to fairly evaluate New Zealand's administration of Western Samoa during the mandate period, an evaluation of the role played by the League of Nations and its Permanent Mandates Commission is considerably

easier for not even the most avid supporters of the League can reasonably contend that the League performed any really worthwhile functions with regard to Western Samoa. The Permanent Mandates Commission was the organ chiefly concerned with the mandate system and its role was:

To study the reports, note the facts, clear up doubts, question the representatives of the mandatory power and report subsequently to the Council.⁷⁴

The Permanent Mandates Commission was obviously hampered by its lack of first-hand knowledge about Samoa as it had to rely chiefly on the annual reports submitted by New Zealand. Power to conduct on-the-spot investigations would have been extremely helpful.

But considering that the members of the Permanent Mandates Commission were usually experienced individuals, fully capable of accurately ascertaining the real facts in spite of the fragmentary nature and euphemistically-worded style of the annual reports, a much more serious reason for the ineffectiveness of the Permanent Mandates Commission was its basic lack of powers. As will be recalled, the mandate system was born only after the most severe birth pains, and in particular the relationship between the League and the class "C" mandatories was a nebulous one. The result was that the Permanent Mandates Commission exercised extreme caution when dealing with the mandated territory of Western Samoa.

⁷⁴League of Nations, Minutes of the Permanent Mandates Commission, 16th Session, 1929, p. 123.

This extreme timidity and lack of resoluteness prompted one observer to maintain that the "League's examination of the annual reports on mandated territories is so completely useless as to be pathetic."⁷⁵ Actually members of the Permanent Mandates Commission seemed to go out of their way to emphasize the Commission's lack of power and to disclaim any suggestion that it might be able to play a more significant role. For example, Martial Merlin, a member of the Permanent Mandates Commission, in 1928 said:

That the mandatory power acted with full freedom and had full authority to administer exactly as it liked; it had full responsibility. The Mandates Commission did not interfere in any way with the administration, which the mandatory power carried out as it thought best. The Mandates Commission might afterwards criticize the administration and examine the cause of situations which might arise and it might make suggestions as to what had been done and what might be done in the future. The mandatory power, however had full discretion in all cases.⁷⁶

And in 1929 Pierre Orts of the Commission went so far as to tell New Zealand's representative at the Commission meeting that he hoped the New Zealand representative would:

Allow the Commission to refrain from prescribing definite remedies for the position in that territory as that would be highly presumptuous on the part of a body which was not sitting on the spot and it would involve shifting responsibilities. Under the mandate system, the mandatory power and the Council of the League supervised. Its supervision was exercised through the Permanent Mandates Commission, which formed an opinion of the administration

⁷⁵"Annual Farce," Pacific Islands Monthly, December 15, 1938, p. 61.

⁷⁶League of Nations, Minutes of the Permanent Mandates Commission, 13th Session, 1928, p. 137.

from the mandatory's reports and its representatives' explanations. If it suggested methods and insisted upon them, the Commission would be putting itself in the position of the mandatory power.⁷⁷

With such limitations it is clear that the League's influence in Western Samoa's affairs during the mandate period was minimal.

⁷⁷League of Nations, Minutes of the Permanent Mandates Commission, 16th Session, 1929, p. 115.

CHAPTER IV

WESTERN SAMOA AND THE TRUSTEESHIP SYSTEM

On December 13, 1946, the General Assembly of the newly formed United Nations approved by a vote of forty-one to six, with the Soviet bloc in opposition, the trusteeship agreement for Western Samoa.¹ Western Samoa was no longer a League of Nations mandated territory; instead, it had become a United Nations trust territory, a status it was to retain until independence was achieved on January 1, 1962. This transition from League mandate to United Nations trust territory did not occur overnight but rather was the result of several factors, the most important of which was careful planning. The purpose of this chapter is to examine why and how Western Samoa became part of the United Nations trusteeship system and also to explain the trusteeship system particularly as it applied to Western Samoa. In order to accomplish this purpose it will be necessary to examine what was happening in Western Samoa during the years of World War II.

¹The New York Times, December 14, 1946, p. 1.

Samoa During the War

As previously described, there was a marked improvement in New Zealand-Samoan relations after the Labor party assumed power in late 1935. Nevertheless, considering the unfavorable legacy of the Mau period and also the fact that over ten per cent of the white population was German, New Zealand had cause to suspect that Western Samoa might be a trouble spot if war with Germany should break out. Indeed, in the late 1930's there began to build up sentiment in New Zealand and elsewhere in the Pacific for giving up the mandate and letting the United Kingdom take over the administration of Western Samoa.² The chief reasons advanced for such a radical--and probably illegal--action were that New Zealand had had an unhappy record of administration in Western Samoa and also that such a move would enable Great Britain to more easily develop a plan of defense for the South Pacific.³ Although such a move might have had the support of the Samoans at an earlier time, any desire for annexation by Great Britain had dissipated by the late 1930's,⁴ and apparently the Labor party never seriously considered such a move. And although there was some Nazi propaganda in 1938 and 1939,⁵ its effect

²"Future Control of Samoa," Pacific Islands Monthly, February 15, 1939, p. 14.

³Ibid.

⁴Arpad Szigetvary, "Will Samoa Reunite?," Asia XXXVI(August, 1936), 509.

⁵"Samoan Attitude to Germany," Pacific Islands Monthly, December 15, 1938, p. 23.

was nil and there were no indications of any subversion or Samoan disloyalty during the war.

In September, 1939, after war had broken out in Europe, about forty Germans were placed in an internment camp near Apia.⁶ Within a few weeks all except fifteen of this group were paroled and were again following their usual occupations.⁷ The remaining fifteen German nationals all of whom had Nazi leanings were removed to New Zealand.⁸ More important than these superficial manifestations of the conflict in Europe was the tendency of the Samoans to regard the war as being external to their interests. The spokesman of the Fono of Faipules summed up the Samoans' feelings in a statement to the Administrator on September 13, 1939 in the following words:

We prayed for God's help but whether it is the will of God or the stubbornness of Europeans, war has begun. We still pray to God to end it. We thank your Excellency for your clear exposition of what has occurred. We consider such affairs should be left as the responsibility of the nations who have been unable to prevent war.⁹

Considering this attitude, New Zealand's policy of keeping the Samoans out of the war was an obvious one.

⁶"In Camp in Samoa," Pacific Islands Monthly, November 15, 1939, p. 61.

⁷"German Opinion in Samoa," Pacific Islands Monthly, November 15, 1939, p. 61.

⁸"Nazis Removed From Samoa," Pacific Islands Monthly, December 15, 1939, p. 8.

⁹Quoted in Wood, Op. Cit., pp. 334-335.

The outbreak of the war in the Pacific with Japan in late 1941 ushered in a hectic era which was to bring many changes to Samoa. Immediately after Pearl Harbor there was the fear of a Japanese invasion. In spite of the fact that Samoa was practically defenseless, as fewer than fifty regular military men were stationed there, it was unrealistically decided to defend the islands in case of an attack although it was agreed that the Samoans should not be armed.¹⁰ Fortunately actual warfare never reached Western Samoa, although in January, 1942, the United States Naval Base at Pago Pago in American Samoa was shelled by a small Japanese vessel.¹¹ Of far greater potential military value to Western Samoa than anything New Zealand might have done was the agreement with the United States arrived at on March 20, 1942, providing for the occupation of Western Samoa by United States Marines. Shortly afterwards, the Marines began to arrive in force and until the end of 1943 there were about 10,000 American servicemen stationed in Western Samoa.¹² During this time the conduct of civil administration and the maintenance of internal order continued to be the responsibility of New Zealand, but the defense of Western Samoa was taken over by the United

¹⁰Ibid., p. 335.

¹¹"High Prices in Samoa," Pacific Islands Monthly, May 15, 1942, p. 29.

¹²Wood, Op. Cit., p. 335.

States forces.¹³

The presence of 10,000 American servicemen in such a small insular area as Western Samoa was certain to have a considerable effect. The most easily detected, though not necessarily most far reaching, effect of the United States forces was on the economy. Since the beginning of the war in Europe in 1939, Western Samoa had been suffering through a mild depression as trade had been greatly restricted because of the lack of markets and the shortage of shipping.¹⁴ The "Yankee dollar" soon remedied that situation as the Americans needed a large labor force and proceeded to hire the necessary workers from the Samoan villages. Far more Samoans than ever before suddenly found themselves working for wages; and these wages were considerably higher than the previous rates. In addition the spending of the Americans injected a great deal of money into the economy.¹⁵ The immediate result of these changes was a dollar-inspired boom period which particularly manifested itself in the related areas of external trade and internal finances. For example, imports into Western Samoa increased thus: L154,335 (1941), L299,664 (1942), L605,911 (1943); while the budget which showed a L2,000 deficit in

¹³New Zealand, Twenty-Second Report on the Mandated Territory of Western Samoa, 1945, p. 3.

¹⁴"War's Effect on Samoa," Pacific Islands Monthly, July 15, 1941, p. 38.

¹⁵Wood, Op. Cit., pp. 335-336.

1940-41 jumped to a L55,000 surplus in 1944-45.¹⁶

Socially and politically, the effect of the United States troops is far more difficult to assess accurately. The Samoans who were unaccustomed to handling money apparently did not allow the period of economic prosperity to change their basic way of living, as they tended to spend money not on European luxuries but instead on items of Samoan intercourse. This meant that when the tide of money receded to a normal level the Samoans had less of a problem of readjustment than if they had become dependent on European products.¹⁷ Still, judging by other Pacific areas such as Fiji, the social impact of the United States Marines must have been considerable. The political effects are dealt with more appropriately in the next section.

The Development of the Desire for Self-Government

It is not possible to prove a causal relation between the wartime social and economic changes resulting from the occupation of Western Samoa by United States Marines and a renewed interest in self-government. Yet interest in self-government did begin to become vocal during this period, and it seems reasonable to assume that the presence of so many Americans tended to make the Samoans more discontent with

¹⁶ New Zealand, Twenty-Second Report on the Mandated Territory of Western Samoa, 1945, p. 16.

¹⁷ Ibid., p. 7.

their own situation. Certainly the defensive security and economic prosperity provided by the United States troops left the Samoans free to concentrate their attention and efforts on their own internal problems.

The demand for self-government had begun to be heard in 1942, and by 1944 it was clearly audible. In June of that year the Governor-General of New Zealand, Sir Cyril Newall, paid a visit to Western Samoa and was greeted by the Fono of Faipules with some solid criticism of New Zealand's administration in Samoa.¹⁸ For several months the situation continued to deteriorate and serious trouble seemed to be a real possibility. However in December, 1944, the Prime Minister of New Zealand, Peter Fraser, carried out a long-deferred intention by personally visiting Samoa in order to get an on-the-spot impression of conditions. This visit by Fraser proved to be of crucial importance in New Zealand's relationship with Western Samoa, for although no changes in administrative organization or policy were enunciated, Fraser left no doubt of his personal sympathy with the Samoans and their causes and perhaps even more importantly firmly recognized Western Samoa's right to self-government.

Upon Fraser's arrival in Western Samoa, the Fono of Faipules presented him with a list of eleven remits. Heading the list of remits was a firm request for self-government

¹⁸Wood, Op. Cit., p. 337.

immediately after the war. The remaining ten requests were relatively minor and simply rounded out the first by aiming at the progressive displacement of European administrative officials by Samoans.¹⁹ The general attitude of the Samoans was summed up by one of the Fautua, Tamasese, in an address to Fraser in the following words:

That is the main aim of the people, to get their freedom and their liberty. The earnest desire of all Samoans is that they may manage their own affairs in their country . . . If Samoans are not capable yet to hold positions under full-European heads of departments . . . I submit that if we cannot get capable men to fill any of these positions . . . the blame for that should be on the New Zealand Government . . . it is the intention of the Mandate that the mandatory power should train and teach the people to become capable of managing the affairs of Government . . . The relationship between the New Zealand Government and the Samoan people has been in existence now for 30 years. I think there should have been capable people (Samoan) trained in that period to become officers in the Administration of Samoa . . . We desire to see Government officials, part-Samoan and Samoan, treated the same as the overseas officials and enjoying the same privileges.²⁰

This situation was definitely potentially explosive particularly as there were doubts in some minds as to whether the Faipules genuinely represented the wishes of the Samoan community.²¹ Fraser, however, with his benevolent and

¹⁹"New Zealand's Prime Minister in Western Samoa," Pacific Islands Monthly, January 19, 1945, p. 8; "What the Samoans Want," Pacific Islands Monthly, February 17, 1945, p. 17.

²⁰Quoted in Stanner, Op. Cit., p. 349.

²¹For example, Stanner in his The South Seas in Transition feels that the entire self-government movement of this era was inspired almost solely by the personal ambitions of a few Samoan chiefs. He maintains on page 353 that "the

conciliatory attitude serving him in good stead handled this difficult situation with tact and aplomb. He met with the

Fono of Faipules and in an important speech said:

New Zealand had laid upon her after the Great War of 1914-1918 the mission, the trusteeship, of Samoa and its people and it was understood that Samoa would be administered not for the benefit of New Zealand or anyone else but for the benefit of Samoa . . . I regret that in the years that have gone serious mistakes were made and enormities were raised and the people were divided through lack of understanding or appreciation of the difficulties particular to the country . . . I want you to feel that the New Zealand Government wants to administer this trusteeship along with you as co-trustees for the future of this country . . . Under the mandate and our New Zealand-Australia Agreement²² we are pledged to promote the training and education of Samoans so that they can take an increasing part in the Administration and finally be able to assume self-government . . . in the past more could have been done to train Samoans for official responsibility . . . The New Zealand Government will be pleased when it

mass of Samoans were relatively indifferent." However, this argument seems to overlook a fundamental fact of Samoan life: namely, that traditionally a small number of matai took the lead in political affairs. Therefore to say that most Samoans were "relatively indifferent", even if true and others would probably disagree with Stanner's assumption, is not to minimize the movement for self-government or to prove that it was desired by only a few scheming chiefs.

²²This New Zealand-Australia Agreement was signed in 1944 and is generally known as the Canberra Pact. The Pact, which is sometimes referred to as the "Monroe Doctrine of the South Pacific", broadly asserted the special responsibilities and interests of New Zealand and Australia in the Pacific area and served notice that any changes in the existing control of the Pacific islands would require their agreement. The Pact further announced the two countries' intention to promote the advancement and well-being of the peoples of the Pacific islands and also said that to accomplish this purpose a regional organization with advisory powers would be established (in 1947 the South Pacific Commission was created). R. R. Cunninghame, "The Development of New Zealand's Foreign Policy and Political Alignments," New Zealand's External Relations, ed. T.C. Larkin (Christchurch, New Zealand: Pegasus Press Limited, 1962), pp. 21-22.

is possible for all important Administrative offices to be filled by fully trained, educated and efficient Samoans but in administering our trust we must ask for and insist upon equal training and efficiency, otherwise we will be betraying the Samoan people as a whole.²³

Even though no detailed planning concerning Samoa's future was revealed by Fraser in this speech or during his visit, henceforth Samoa's destiny obviously was to be self-government. The Samoans were by no means completely pacified by Fraser's words, but his sincerity and sympathetic attitude probably helped prevent a reversion to non-cooperation. Certainly his personal interest in their political advancement and well-being as demonstrated by his visit and words, void though they were of details or promises of immediate changes, was realized and appreciated by Samoan leaders.

Shortly after his return to New Zealand, Fraser left for the San Francisco Conference, which convened on April 25, 1945, and at which the charter of the United Nations was formulated. The story of the formation of the United Nations is, of course, not pertinent to this thesis, but an examination and understanding of the United Nations trusteeship system is essential as Western Samoa was a United Nations trust territory for more than fifteen years.

Steps to Trusteeship

By 1939 and 1940 it was apparent that the League of Nations and its mandate system would not survive World War II.

²³Quoted in Wood, Op. Cit., pp. 338-339.

During the early 1940's there was much speculation as to the future of the mandates after the war, and gradually three possible alternatives evolved. First, the mandate system could simply disappear along with the League with the mandatories retaining control of their territories and treating them as colonial possessions. Secondly, the mandatories might be allowed to directly annex their mandated territories. Lastly, the mandated territories, together with captured German and Japanese colonies and possibly even ordinary colonial possessions, might become the objects of an invigorated and expanded international trusteeship system.²⁴

This latter view, which strongly appealed to the anti-colonial tradition of the United States, was enthusiastically supported by many prominent Americans, but Great Britain tended to take a dim view of any plan which would mean the internationalization of her colonies.²⁵ Winston Churchill's famous statement that he had not become the King's First Minister in order to preside over the liquidation of the British Empire merely reflected a general British attitude. But rather quickly the idea of some sort of international supervisory system took hold, and the main point of disagreement centered on whether ordinary colonial possessions should

²⁴J. M. Ward, "Mandates to Trusteeship: The International Trusteeship System," Trusteeship in the Pacific, ed. A. H. McDonald (Sydney: Angus and Robertson, 1949), p. 5.

²⁵R. N. Chowdhuri, International Mandates and Trusteeship Systems (The Hague: Martinus Nijhoff, 1955), pp. 27-29.

be included within the system. New Zealand made clear that she accepted the principle of international trusteeship on the occasion of the Wellington Conference in November, 1944, when she and Australia resolved that:

Colonial Powers should undertake to make regular reports to an international body analogous to the Permanent Mandates Commission, set up within the framework of the general organ. This body should be empowered to publish reports of its deliberations and to inspect the dependent territories.²⁶

No serious discussion of a trusteeship system at a high international level occurred until the Yalta Conference of February, 1945.²⁷ At Yalta both Churchill and Stalin definitely opposed the inclusion of ordinary colonial territories within the new trusteeship system. Instead, the Big Three agreed that the principle of territorial trusteeship should apply only to existing League mandates, territories detached from the enemy as a result of the war, and any other territory which might "voluntarily" be placed under the proposed trusteeship system.²⁸ The Big Three then made sure that no territories in which they might have an interest could be placed in the trusteeship system by the delegates at the forthcoming San Francisco Conference by expressly providing in the Yalta Agreement that "no discussion of actual territory is

²⁶K. H. Bailey, "Dependent Areas of the Pacific: An Australian View," Foreign Affairs, XXIV(April, 1946), 498.

²⁷Ward, Op. Cit., p. 9.

²⁸Chowdhuri, Op. Cit., p. 35.

contemplated at the forthcoming United Nations Conference or in the preliminary consultations."²⁹ Thus, the San Francisco Conference was to concern itself with the actual establishment of the trusteeship system, and then at some future date the territories to be placed under the trusteeship system would be agreed upon.

At San Francisco Peter Fraser was chosen chairman of the committee whose task it was to deal with the trusteeship question.³⁰ The assignment of such an important chairmanship to a man from such a small country as New Zealand was probably due to New Zealand's progressive position with regard to trusteeship and also because of Fraser's recognized personal qualities.³¹ The specific function of Fraser's committee was to draft the text of the international trusteeship system for inclusion in the United Nations Charter. The Big Five performed much of the work of the committee through informal consultation among themselves, but still throughout the Conference the Colonial Powers were pitted against the Soviet Union, China, and India, all of whom championed the rights and causes of dependent peoples.³² What emerged from the myriad

²⁹The New York Times, March 17, 1955, p. 38.

³⁰James N. Murray, Jr., The United Nations Trusteeship System (Urbana, Illinois: The University of Illinois Press, 1957), p. 31.

³¹Wood, Op. Cit., p. 340.

³²A. J. Rogers, "Politics in the Establishment of Trusteeship," Trusteeship in the Pacific, ed. A. H. McDonald, Op. Cit., p. 23.

of meetings and compromises were Chapters XI, XII, and XIII of the United Nations Charter.³³

The Finished Product: The International Trusteeship System

The New Zealand-Australian view that all dependent areas should be included within the trusteeship system was not acceptable to other nations, yet in Chapter XI all members controlling "non-self-governing territories" agreed to promote the "political, economic, social, and educational advancement" of peoples in such areas and to point them toward "self-government".³⁴ Chapter XII concerned itself with the underlying principles of the trusteeship system. The basic objectives of the trusteeship system were declared to be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.³⁵

³³See Appendix 5 for Chapters XI, XII, and XIII of the United Nations Charter.

³⁴United Nations Charter, Chapter XI, Article 73.

³⁵Ibid., Chapter XII, Article 76.

In spite of the idealistic objectives of the system, the Yalta Agreement was followed as international trusteeship was made entirely voluntary with no nation being required to place any territory within the system.³⁶ Moreover nothing was specified concerning the terms of the trust agreements which would actually bring territories under the mantle of the system as "the terms of trusteeship for each territory to be placed under the trusteeship system" should be agreed upon by the "states directly concerned" and then approved by the General Assembly.³⁷ In other words, a trusteeship for a particular territory would be created only if the country in charge of the territory desired such action and then negotiated an agreement to bring the territory within the scope of the trusteeship system.

Chapter XIII dealt with the Trusteeship Council which was the pivot of international supervision over the trusteeship system. The Charter stipulated that the Trusteeship Council should consist of the nations administering trust territories, the permanent members of the Security Council who did not administer trust territories, and as many other nations elected for three year terms as might be necessary to ensure that the total number of members of the Trusteeship Council was equally divided between those members which administered

³⁶Ibid., Article 77.

³⁷Ibid., Article 79.

trust territories and those which did not.³⁸ The Charter also empowered the Trusteeship Council to consider reports submitted by the administering authority, to accept and examine petitions, and to provide for periodic visits to the respective trust territories.³⁹ So the San Francisco Conference framed the principles and objectives of the international trusteeship system and established the machinery which was to supervise the administration of Western Samoa from the time of its metamorphosis from mandate to trust territory in December, 1946, until its independence a decade and a half later.

The United Nations trusteeship system differed from the League of Nations mandate system in several important respects. First, the trusteeship system was theoretically much wider in scope as it potentially embraced any and all dependent areas including the former mandates, while the mandate system being formed as part of the peace settlement of World War I was logically confined to ex-enemy territories.⁴⁰ A more important difference was that the United Nations trusteeship system allowed far greater flexibility than had the mandate system. Under the mandate system mandates were rigidly classified as either "A", "B", or "C" types with

³⁸Ibid., Chapter XIII, Article 86.

³⁹Ibid., Article 87.

⁴⁰Murray, Op. Cit., p. 43.

prescribed objectives and principles for each classification, but the trusteeship system did not provide classifications for trust territories as each trust agreement could vary according to the particular circumstances of the territory concerned.⁴¹ Also of considerable importance was that for all territories brought within the trusteeship system either self-government or independence, depending upon which would be the more suitable, was specifically laid down by the Charter as the objective of these territories. The mandate system had recognized the objective of independence of only "A" mandates, although the possibility that "B" and "C" territories might attain independence was not ruled out.⁴²

The League Covenant made the Permanent Mandates Commission very much a subsidiary body to the League Council as the Council organized the Permanent Mandates Commission and also gave the Commission its powers. But the Charter of the United Nations set up the Trusteeship Council as one of the six principle organs of the United Nations and carefully defined its membership, powers, and procedure.⁴³ The Permanent Mandates Commission had been composed of private experts appointed on a basis of their personal merits and competence

⁴¹Ralph Bunche, "The Trusteeship System and Non-Self-Governing Territories in the Charter of the United Nations," State Department Bulletin, XIII(December 30, 1945), 1039.

⁴²Murray, Op. Cit., pp. 43-44.

⁴³Ibid., p. 44.

and were not considered representatives of any country. The United Nations departed from this precedent as instead individuals on the Trusteeship Council were merely the representatives of nations.⁴⁴ Finally the entire trusteeship system was strengthened relative to the mandate system by the Trusteeship Council's power to "provide for periodic visits to the respective trust territories".⁴⁵ The Permanent Mandates Commission had not possessed the power of on-the-spot inspection and its effectiveness had been considerably impaired by its lack of first-hand knowledge. This weakness was corrected in the trusteeship system and the information provided by visiting missions was to prove to be of great value to the Trusteeship Council in the performance of its supervisory function.⁴⁶

In summary, the United Nations trusteeship system represented a decided advance over the League of Nations mandate system, as the trusteeship system was more flexible, guaranteed the peoples of dependent areas within the system more rights, particularly political rights, and provided a stronger mechanism for the protection of those rights and for the supervision of the system.⁴⁷

⁴⁴Chowdhuri, Op. Cit., pp. 182-186.

⁴⁵United Nations Charter, Chapter XIII, Article 87.

⁴⁶Ward, Op. Cit., p. 16.

⁴⁷Murray, Op. Cit., p. 45.

From Mandate to Trust Territory

New Zealand welcomed the establishment of the trusteeship system and at once began taking the steps necessary to change Western Samoa from a mandate to a trust territory.⁴⁸ The formal decision to place Western Samoa under the trusteeship system was made by the New Zealand Cabinet on December 18, 1945,⁴⁹ and on December 31, 1945, when its offer was conveyed to the first meeting of the General Assembly of the United Nations, New Zealand became the first United Nations member to offer to place a territory under the trusteeship system.⁵⁰

The next step in the transition of Western Samoa to a trust territory was the drafting of the trust agreement. New Zealand made it clear that during this interim period until the trusteeship agreement was approved she would continue to administer Western Samoa in accordance with the terms of the League mandate.⁵¹ The primary responsibility for the formulation of the trust agreement for Western Samoa rested with New Zealand, although the Charter required that all "states directly concerned" at least be consulted and be agreeable to

⁴⁸"New Zealand: Some Aspects of External Affairs," The Round Table, March, 1948, p. 620.

⁴⁹Wood, Op. Cit., p. 342.

⁵⁰The New York Times, January 1, 1946, p. 1.

⁵¹The Times (London), April 13, 1946, p. 3.

the terms of the trust agreement.⁵² During the drafting of the agreement New Zealand was influenced by four major considerations:

the interests of the Samoans; the provisions of the United Nations Charter relating to trusteeship; the desirability of following as closely as possible the form of the mandate; and the need for the agreement to be acceptable to the states "most directly concerned."⁵³

New Zealand considered those states "most directly concerned" to be Australia, France, the United Kingdom, and the United States. The United States was the only state with which involved negotiations were necessary. For a time the United States was very anxious to conclude a bilateral agreement with New Zealand which would have declared Upolu a strategic area,⁵⁴ sanctioned the construction of military bases on Samoa, and recognized the United States right to take over all defense facilities on Western Samoa whenever it thought necessary.⁵⁵ New Zealand, while not directly disagreeing with the views of the United States, felt that the American requirements could be met under a normal trusteeship

⁵²United Nations Charter, Chapter XII, Article 79.

⁵³Wood, Op. Cit., p. 344.

⁵⁴The San Francisco Conference had provided for what were referred to as "strategic areas" which would be subject to ultimate Security Council supervision rather than to General Assembly supervision and which also the administering authority could close to international supervision. The Trust Territory of the Pacific administered by the United States was the only territory to be officially designated "strategic." Francis B. Sayre, "Legal Problems Arising from the United Nations Trusteeship System," American Journal of International Law, XXXII(April, 1948), 290-293.

⁵⁵Wood, Op. Cit., p. 343.

agreement and consequently strongly opposed the suggestion that Upolu be deemed a strategic area. Subsequently, as the American views on the necessity for bases in the Pacific changed, the United States agreed to New Zealand's draft agreement. Australia quickly approved the agreement, and France and Great Britain gave their concurrence after expressing some uneasiness over clauses which they felt would allow New Zealand the right to let the United States construct military bases in Western Samoa.⁵⁶

Originally, New Zealand had planned to submit the draft agreement to the people of Western Samoa in order to ascertain their feelings, but under the pressure of the need to get the agreement approved by the General Assembly as quickly as possible in order to make the trusteeship system operational, New Zealand first delivered the agreement to the United Nations and two days later on October 30, 1946, communicated it to the Administrator of Western Samoa for submission to the Samoans.⁵⁷ Naturally, the news that they would have no chance to even negotiate on possible amendments to the draft agreement greatly upset the Samoans and caused extreme resentment.⁵⁸

⁵⁶Ibid., pp. 343-345.

⁵⁷Stanner, Op. Cit., p. 354.

⁵⁸Ibid. In fairness to New Zealand it should be noted that the negotiations with the "states directly concerned", particularly the United States, took much longer than anticipated and thus it was impossible to adhere to the original schedule.

A Fono of all Samoa, consisting of the Fautua (high chiefs who were honorary advisers to the Administrator), Samoan members of the Legislative Council, members of the Fono of Faipules, Samoan judges, Samoan officials, chiefs, and orators, was called and met for several days in mid-November.⁵⁹ The Administrator, Colonel F. W. Voelcker who had been appointed in October, 1945, addressed the Fono and attempted to explain the draft agreement. After deliberating for more than a week, the all-Samoan Fono decided not to accept the draft agreement as presented to it by the New Zealand government.⁶⁰ Instead, the Fono composed several resolutions, embodied in the following letter, which were transmitted to the Prime Minister of New Zealand for subsequent delivery to the United Nations. The letter read:

Sir—We, the Fautua, Members of the Legislative Council, Associate Judges, Faipule and District Representatives of all Western Samoa, respectfully ask you to submit to the present session of the United Nations' Organization, through the New Zealand Government, the freely expressed wishes of the Samoan people, as declared at a Fono held at Mulinu'u on 18th November, 1946, based on our firm belief in the principles of the Atlantic Charter, which have been proclaimed throughout the world and confirmed by the House of Parliament in New Zealand, and for which millions of lives have been sacrificed.

The proposed Draft Agreement of the Trusteeship, concerning which you sought our views, was discussed at length at the said Fono and, while we recognise that this represents an advance upon the Mandate, we feel that an acceptance of it would bring us no nearer our

⁵⁹Josiah Crosby, "The Future of Western Samoa," International Affairs, XXIV(January, 1948), p. 92.

⁶⁰"Samoans' Plea for Unity and Self-Government," Pacific Islands Monthly, March, 1947, p. 6.

ultimate aim of self-government, for which we have earnestly and consistently striven under the Mandate.

We are appreciative of the progress in social services and the sympathetic treatment accorded to us during the past ten years by the Labour Government, and would like to express herein our sincere gratitude for the efforts made on behalf of the rights of the small nations by the Right Honourable the Prime Minister, before the Council of the United Nations' Organization.

On the basis of the sacred rights of self-government, as upheld and defended by the British Commonwealth of Nations, and on the principles of the Atlantic Charter, we feel confident that our resolutions, as set out hereunder, will be granted:

1. We humbly beseech that Samoa be granted self-government.
2. We earnestly pray that New Zealand will see fit to act as Protector and Advisor to Samoa, in the same capacity as England is to Tonga.
3. We sincerely pray that the unnatural division of the islands of the Samoan group, enforced by the Three Powers in the past without the consent of the Samoans, be left in abeyance until a meeting can be arranged between Eastern and Western Samoa.

Yours very respectfully,
(signatures follow).⁶¹

In effect, the Samoans felt that they were ready for self-government and that they needed New Zealand's assistance only in conducting foreign relations, supervising financial affairs, and in supplying departmental specialists.

Voelcker tried to convince the Samoans that the trust agreement represented "a tremendous advance" over the mandate status and argued that they should accept it. He maintained that there was no fundamental difference between the Samoans' wishes and the principles of the draft agreement as both agreed that the ultimate aim was self-government with the only

⁶¹Quoted in "Samoans Reject Trusteeship," Pacific Islands Monthly, December, 1946, p. 12.

difference between them being how and when. He pointed out that the Samoans wanted self-government immediately whereas New Zealand felt there still must be more education, preparation and political development.⁶² The Samoans, however, would not buy this defense of the agreement and insisted that their petition be forwarded to Prime Minister Fraser in New Zealand and hence to the General Assembly of the United Nations.

As the draft agreement already had been submitted to the United Nations and, as in any event, the United Nations could have taken no action with regard to Samoa until it was officially a trust territory, the petition had no effect during the period of negotiation over the trust agreement. When the General Assembly reconvened in October, 1946, for the second part of the first session, New Zealand's draft agreement for Western Samoa as well as seven other draft agreements were submitted for approval. The General Assembly's Fourth Committee (Trusteeship Committee) was assigned the task of scrutinizing and debating the agreements, and it soon appointed a subcommittee before which modifications to any draft could be proposed.⁶³ The subcommittee elected to consider one draft agreement singly rather than to try to deal simultaneously with all eight, and the one chosen was the agreement for

⁶²"Samoans' Plea for Unity and Self-Government," Op. Cit., p. 6.

⁶³United Nations, General Assembly, Official Records of the Second Part of the First Session, Fourth Committee (November-December, 1946), pp. 116-120.

Western Samoa.⁶⁴ The draft agreement for Western Samoa was the subject of a great deal of controversy in the next few weeks as it was understood that decisions on the Samoan agreement would establish a precedent for handling questions arising with the other seven.⁶⁵

In all there were over two hundred and seventy-five proposed changes, some of which were of major importance and whose debate prompted serious splits within the subcommittee,⁶⁶ to the draft agreement for Western Samoa, but finally the subcommittee and New Zealand agreed on only two of a significant nature and only one of those caused heated discussion.⁶⁷

⁶⁴Murray, Op. Cit., p. 55.

⁶⁵Ibid., p. 65.

⁶⁶Some examples of major proposed changes whose adoption would have radically changed New Zealand's draft agreement and indeed the whole trusteeship system included: a proposal to place an exact time limit on the period of trusteeship to ensure the independence or self-government of the territory; a proposal to delete the clauses of the agreement giving New Zealand as the administering authority the right "to establish naval, military and air bases and to erect fortifications" and "to station and employ armed forces" in the territory and the right "to take all such other measures in accordance with the Purposes and Principles of the Charter" as are "necessary to the maintenance of international peace and security and the defense of Western Samoa (this proposal, in particular, was the subject of bitter controversy); and a proposal to make the United Nations, rather than New Zealand, the administering authority. In general these proposals had the support of the Soviet Bloc, India, China, and the Philippines and were opposed by the Western nations. Murray, Op. Cit., pp. 57-63.

⁶⁷It must be explained that even if the subcommittee had voted a change in the draft agreement New Zealand or any other would-be administering authority would have been under no compulsion to accept the change. Rather she could refuse

The first and more controversial change saw the words "as an integral part of New Zealand" eliminated from Article III of the draft agreement.⁶⁸ Initially, Article III stated:

The administering authority shall have full powers of administration, legislation and jurisdiction over the territory, subject to the provisions of this agreement, as an integral part of New Zealand, and may apply to the territory subject to any modifications which the administering authority may consider desirable, such of the laws of New Zealand as may seem appropriate to local conditions and requirements.⁶⁹

The deletion of "as an integral part" removed any suspicion that New Zealand might be considering Western Samoa to be part of New Zealand. In spite of the fact that Sir Carl Berendsen, New Zealand's representative on the Trusteeship Council, disavowed any intention on the part of New Zealand either in the past, present, or future to make Western Samoa part of New Zealand, the subcommittee's recommended change was accepted by his country in the interest of harmony.⁷⁰

The second and less controversial change was the insertion of the word "free" before the words "political institutions" in Article V. The sentence, as amended, read: "The administering authority shall promote the development of free political

to accept the change and instead force a vote on the original draft agreement. This meant that nations which would have liked to see changes in the draft agreement would usually accept the original agreement rather than jeopardize the chances of the territory's entry into the trusteeship system.

⁶⁸"Western Samoa Trusteeship Agreement," United Nations Bulletin, December 10, 1946, p. 49.

⁶⁹"Samoans Reject Agreement," Op. Cit., p. 12.

⁷⁰Murray, Op. Cit., pp. 57-58.

institutions suited to Western Samoa."⁷¹

At last on December 13, 1946, the General Assembly with the Soviet Bloc still in opposition approved the text of the trust agreement for Western Samoa.⁷² Western Samoa had completed the transition from a League of Nations mandate to a United Nations trust territory. A brief examination of Western Samoa's position as a trust territory is needed in order to understand her new status.

Under the terms of the trusteeship agreement, New Zealand continued as the administering authority but bound herself to achieve the basic objectives of the international trusteeship system as expressed in Article 76 of the United Nations Charter.⁷³ When combined with articles of the trust agreement which required the development of free political institutions, New Zealand was committed to advance Samoa toward independence as quickly as was practical. In support of this primary objective, New Zealand was pledged to prohibit slavery, slave-trading, and forced labor; to control the traffic in arms; to control intoxicating spirits, opium, and narcotic drugs; to ensure freedom of conscience and freedom of worship, freedom of speech, of the press, of assembly, and of petition; to continue and extend a general system of

⁷¹"Western Samoa Trusteeship Agreement," Op. Cit., p. 49.

⁷²The New York Times, December 14, 1946, p. 1. See Appendix 6 for the trust agreement for Western Samoa.

⁷³See page 115.

education including post-primary education and professional training; and to report annually to the United Nations General Assembly on conditions in Western Samoa.⁷⁴

The terms of the trusteeship agreement differed only slightly from the terms of the mandate agreement except in two important respects. Whereas the mandate agreement made no reference to the matter of self-government, under the trusteeship agreement New Zealand was obliged to promote self-government or independence in Western Samoa. Indeed, the whole trusteeship system was based on the principle of eventual independence for all the dependent peoples entrusted to the system. A related difference, already explained, is that Western Samoa was no longer to be administered as "an integral portion of the Dominion of New Zealand." The second major difference, which never effected Western Samoa as much as it might have, was that the trusteeship agreement allowed New Zealand to establish naval, military, and air bases in Western Samoa and to erect fortifications as well as to station and employ armed forces there.⁷⁵

In summary, the establishment of the international trusteeship system and the transition from a mandate to a trust territory irrevocably placed Western Samoa on the road

⁷⁴Ernest Beaglehole, "Trusteeship and New Zealand's Pacific Dependencies," Journal of the Polynesian Society CXI(June, 1947), 146, as taken from the trust agreement for Western Samoa.

⁷⁵Crosby, Op. Cit., pp. 91-92.

to independence. What was still obscure was the speed with which New Zealand would allow Western Samoa to travel and the route which she would follow. However regardless of Western Samoa's new legal status with its promises of economic and political advancement, of more importance to Western Samoa's general development and to her dream of independence was the basic attitude of the New Zealand government. During the war years Fraser had become convinced that New Zealand's policy which had been characterized by drift and indecision must take on new shape and force. Fraser had no panacea for Samoa's problems and complaints, but the solution lay in his and the Labor party's--and perhaps by this time all of New Zealand's--attitude. This attitude can best be described as a belief that if a choice should have to be made between efficient government and orderly public administration on one hand and self-government on the other, then New Zealand must opt in favor of self-government and the cultivation of good will. In other words good government was no substitute for self-government, and the main regulative factor in determining policy was to the be maintenance of goodwill between Western Samoa and New Zealand.⁷⁶ Independence was inevitable; still to be decided was when and how.

⁷⁶Wood, Op. Cit., pp. 345-347.

CHAPTER V

THE INTRODUCTION OF SELF-GOVERNMENT

New Zealand administered Western Samoa as a United Nations trust territory for slightly more than fifteen years. During this time New Zealand based her trusteeship policy on the need for rapid political development in Western Samoa. New Zealand and the Trusteeship Council, as well as the Samoans, were in agreement that complete independence was the only satisfactory status for Western Samoa. Accordingly, Western Samoa's political institutions were in a state of almost constant change until independence was achieved in 1962. Although any division within the trusteeship period must necessarily be somewhat artificial, two fairly distinct periods can be distinguished. The first was from 1947 to 1959, when constitutional changes were introduced which allowed Western Samoa to become internally self-governing. The second was 1959 to 1962 during which the actual transition to independence took place. Our concern in this chapter is the 1947-1959 period.

The United Nations Mission to Western Samoa

The petition¹ drawn up by the Samoan leaders in November, 1946, was submitted to the United Nations in January, 1947, and was brought before the Trusteeship Council on March 9, 1947.² During the Council's preliminary consideration of the petition, there was wide recognition of its importance, both because of its intrinsic significance and because it represented the first genuine test for the trusteeship machinery.³ New Zealand realized the potential implications of the situation, and its representative on the Trusteeship Council, Sir Carl Berendsen, urged the Council to send an enquiry commission to Western Samoa in order to get a first-hand report on conditions there.⁴ New Zealand maintained that the merits of the petition could not be judged without adequate information,⁵ and the Council agreed. On April 24,

¹See pages 123-124.

²George Barrett, "Samoan Tribal Chiefs Petition United Nations to Unite Isles in Self-Government," The New York Times, March 10, 1947, p. 1. Also, it should be noted that as early as December, 1946, when the Trusteeship Committee was examining the proposed draft trust agreement for Western Samoa, New Zealand had disclosed the contents of the petition. Ward, Op. Cit., p. 40.

³Lawrence S. Finkelstein, "Trusteeship in Action: The United Nations Mission to Western Samoa," International Organization II (June, 1948), 269.

⁴Ibid., pp. 264-265.

⁵Yearbook of the United Nations, (Lake Success, New York: Department of Public Information, United Nations, 1946-47), p. 579.

1947, it decided to send an investigating mission to Western Samoa.⁶

The Trusteeship Council experienced some difficulty in selecting the members of the mission but finally chose Francis B. Sayre, the President of the Council, Pierre Ryckmans, Belgian representative on the Council and former Governor-General of the Belgian Congo, and Senator Eduardo Cruz-Coke of Chile.⁷ In addition, Dr. Felix Keesing, whose works have been referred to several times, was employed as a professional expert on Samoa.⁸ Two precedents were set by this action. First, the Trusteeship Council took this opportunity to slightly increase its own powers by making clear that this visit was not considered a "periodic" visit as under Article 87 of the Charter but that rather it was a special visit to investigate a petition.⁹ The second precedent was the Trusteeship Council's ruling that members of the mission were acting for the Council and not as representatives of their respective countries.¹⁰ Before discussing the mission's work in Western Samoa, political developments there since the formulation of the petition must be mentioned.

⁶ Peter Calvocoressi, Survey of International Affairs 1947-48 (London: Oxford University Press, 1952), p. 525.

⁷ Finkelstein, Op. Cit., pp. 270-271.

⁸ Ibid., 271.

⁹ Yearbook of the United Nations 1946-47, Op. Cit., p. 579.

¹⁰ Finkelstein, Op. Cit., p. 272.

After the Samoan petition demanding self-government was submitted to the United Nations, the small European¹¹ population became increasingly concerned about the future of Western Samoa. On February 3, 1947, a meeting of this group was held at Apia to discuss the implications of the trusteeship agreement and the Samoan demand for self-government and also to attempt to arrive at a common front.¹² After lengthy discussion and over the protests of both those who wanted Western Samoa incorporated into the British Empire and those who felt self-government should not be seriously considered, a resolution was adopted expressing sympathy with the Samoan demands but adding that there should be at least a ten year "transition period" before Western Samoa became self-governing.¹³

Meanwhile the Samoans were behaving in a rather desultory manner. After the submission of their petition to the United Nations, they did little else until the announcement that the mission would visit Western Samoa. This news greatly excited the Samoans as they realized the visit would provide

¹¹"European" is used in this instance to mean the several hundred pure whites living in Western Samoa rather than the approximately 5,000 Euronesians who were officially classified as European.

¹²"Samoans' Plea for Unity and Self-Government," Pacific Islands Monthly, March, 1947, p. 6.

¹³Ibid.

them an opportunity to make their views known in a most direct manner, but they were also alarmed as they feared that the New Zealand officials in Samoa would be arbitrary and would try to ridicule their case. They knew that Peter Fraser was sympathetic to their cause but suspected the local officials of being opposed to constitutional reform.¹⁴ Fortunately these fears were to be proved groundless.

The need for a united front was recognized by the Samoans, and on May 22, 1947, a fono met to prepare their case for presentation to the mission.¹⁵ This was a most difficult task because even the Samoan leaders were not accustomed to thinking in concrete constitutional terms. Their limited governmental and administrative experience simply had not prepared them for the technical task of drawing up detailed constitutional proposals. Consequently, a draft constitution emerged only after a most laborious process, and even then it was a very rudimentary document.¹⁶ In final form the Samoan plan for the future government of the territory included the following main points: (a) recognition of the Fautua as the joint head of the government; (b) the forty-one Samoan Faipules (representatives) with the addition of three or four

¹⁴J. W. Davidson, "Political Development in Western Samoa," Pacific Affairs XXI (June, 1948), 144.

¹⁵Ibid., p. 145.

¹⁶Ibid.

European representatives were to form the actual government; (c) a representative of New Zealand was to hold the power of veto, but this power was hedged with so many restrictions that it was virtually non-existent; (d) the creation of advisory health, education, public works, and finance committees to assist the Faipules; (e) and, a request that all Crown Estates¹⁷ should be immediately given to the Samoans.¹⁸ Obviously, the Samoans were thinking in terms of almost immediate self-government.

The United Nations mission left New York in late June and after spending one week in New Zealand arrived in Apia on July 4, 1947.¹⁹ The Trusteeship Council's terms of reference stipulated that the mission was to confine itself only to those features of the petition which involved Western Samoa's form of government and was not to concern itself with the territory's request for union with American Samoa, as the Trusteeship Council felt this aspect of the problem was beyond its jurisdiction.²⁰ Thus, the mission's task was to assess Samoan and European sentiment, to determine how "ready" for

¹⁷This Crown land was commonly referred to as the Reparation Estates and had belonged to Germany before World War I. Since the issuance of the mandate New Zealand had operated this land as a government enterprise with profits going into the general Samoan budget.

¹⁸"Western Samoan Government," Pacific Islands Monthly, August 18, 1947, p. 7.

¹⁹"UNO Trusteeship Mission in Western Samoa," Pacific Islands Monthly, July 18, 1947, p. 9.

²⁰Finkelstein, Op. Cit., p. 270.

self-government was Western Samoa, and to make recommendations concerning Samoa's future and form of government to the Trusteeship Council.²¹

The mission conducted its inquiry with care and patience, and with the full consent and cooperation of the administrative officials, availed itself of all possible sources of information. The Fautua, the Faipules, chiefs and orators of outlying districts, missionaries, European residents of Apia, and governmental officials were interviewed.²² The mission remained in Western Samoa almost two months, leaving on August 28th. It then returned directly to New York in order to complete its work, and on September 12, 1947, the members of the mission agreed on the official text of their report to the Trusteeship Council.²³ The report proposed striking changes in the administrative organization of Western Samoa and so needs to be examined in some detail.

The report took full cognizance of the Samoans' desire for self-government, stating "that only a dramatic movement

²¹

It must be understood that the mission was not intended to make decisions but rather was a fact-finding body which was to make recommendations to the Trusteeship Council. Furthermore any actual changes in administration had to be instituted by New Zealand, but New Zealand had already said that she would give great weight to the mission's recommendations.

²²

Finkelstein, Op. Cit., p. 274.

²³

United Nations, Trusteeship Council, Official Records: Second Session, Special Supplement No. 1, Report to the Trusteeship Council by the United Nations Mission to Western Samoa, 1947, (Lake Success, 1948), p. 7.

toward self-government can satisfy the aspirations of the people."²⁴ It further pointed out that:

The only way to promote education in self-government is to put political responsibility into the hands of the people to a degree where they can learn. Training in self-government can come only through actual experience, sometimes costly . . . Certainly self-government must not be made to await the slow acquisition of any Western form and philosophy of government, nor must its character be shaped arbitrarily by an outside authority.²⁵

However, even when credit was given to the "Samoan political organization" by saying that it was "capable of forming a basis for progressive self-government", the report took care to observe that "this organization is as yet immature in terms of the needs and standards of modern government."²⁶

Moreover, the report noted that:

The Samoans are not at the present time capable of assuming, without assistance from the outside, the full responsibility of the government of their country . . . The Samoan people themselves recognize to a considerable degree their own limitations and the necessity of receiving help. They showed this by their request that New Zealand act as protector and adviser, and also in their willingness to accept outside technical aid in the administration. However, they will not welcome such help if they do not have a government which they feel is their own, and in which they have an important, or even a dominant role in the making of decisions.²⁷

In other words, the mission's report solidly endorsed the Samoan hope of self-government but tempered this approval by adding that such a change was not immediately practical.

²⁴Ibid., p. 25.

²⁵Ibid., pp. 22, 24.

²⁶Ibid., p. 23.

²⁷Ibid., pp. 24-25.

The report then proceeded to examine the existing governmental structure of Western Samoa and to suggest specific changes which would implement its basic recommendation of more self-government and responsibility for the Samoans. In essence the major changes proposed by the mission were:

- (a) a "Government of Western Samoa" should be established, headed by a "Council of State" composed of the High Commissioner (rather than the Administrator as he was previously called) and the Honorable Fautua, acting as a body;
- (b) the existing Legislative Council should be replaced by a new legislature in which the Samoans should have an absolute majority—and which should have full legislative power except for matters reserved to New Zealand;
- (c) New Zealand, as the administering authority, should retain control over the process of adoption and amendment to the constitution, external relations, defense, currency, loans, control of foreign exchange, audit of public accounts, and discharge of responsibilities imposed on her by the United Nations Charter and by the Trusteeship Agreement;
- (d) the Fono of Faipule should be continued as an advisory body.²⁸

²⁸Ibid., pp. 25-32.

With regard to the proposed "Government of Western Samoa" the report emphasized that New Zealand should vest in the High Commissioner as much of her authority as was possible. For example, the High Commissioner should preside over the legislature, exclusively initiate financial bills, possess power to initiate other bills, and have the right of veto over all measures passed by the Samoan legislature. The Fautua were to represent the Samoan people on the Council of State and also were to have the power to initiate legislation in all matters except those reserved to New Zealand.²⁹

The mission's suggestion for an enlarged legislature with increased powers was perhaps the most important feature of its report. Both Samoans and Europeans had strongly criticized the existing Legislative Council and referred to it as a "farce." Indeed, Samoan leaders indicated that they considered control of the legislature as the crux of self-government.³⁰ Nothing less than a Samoan majority in any new legislature could have satisfied them.

In addition to maintaining control over the matters already mentioned, New Zealand was to retain the right to initiate and enact legislation through Acts of the New Zealand Parliament and Orders-in-Council of the Governor-General. However, the report did state that it hoped that these powers would be used sparingly. Also, New Zealand was authorized to

²⁹Ibid., pp. 25-28.

³⁰Ibid., pp. 28-29.

appoint the Chief Judge of the High Court as well as the High Commissioner.³¹ Concerning the Faipules, the report stressed that the retention of the Fono of Faipules should be a matter left entirely to the Samoans, but it did remark that the Faipules appeared to serve an extremely useful purpose by acting as links between the central government and the traditional political districts.³²

In the remainder of the report, which dealt with non-political matters, the mission recommended improved educational facilities, increased emphasis on public works, and additional agricultural experimentation in order to diversify production.³³ The report was published in October and at its next session in December, 1947, the Trusteeship Council examined the report and endorsed its findings. The Council also made a special recommendation to the effect that the Samoans should be encouraged and assisted to assume increasing responsibilities for self-government and that they be accorded full self-government as soon as they were ready for it.³⁴

The Development Plan of 1947

Meanwhile, during the time that the mission was in Western Samoa, New Zealand was also studying the situation.

³¹Ibid., p. 27.

³²Ibid., pp. 32-33.

³³Finkelstein, Op. Cit., p. 277.

³⁴Benjamin Rivlin, "Self-Determination and Dependent Areas," International Conciliation (January, 1955), p. 230.

She was gauging the feelings of the Samoans as well as working closely with the members of the United Nations mission. The result was that on August 27, 1947, just one day before the mission departed from Apia, Walter Nash, the Acting Prime Minister of New Zealand, announced the details of a new system of government for Western Samoa.³⁵ The timing of the announcement--still before the recommendations of the mission had been made public--caused some criticism as it was feared that New Zealand's action might look as if she were trying to circumvent or by-pass the Trusteeship Council.³⁶ In reality, such was not the case, as New Zealand was already well aware of the nature of the as yet undisclosed recommendations of the mission, and she simply thought it advisable to initiate the needed reforms as early as possible rather than waiting until the General Assembly officially approved them (which at the earliest would have been in September, 1948).³⁷

New Zealand's plan for the political development of Western Samoa included, almost exactly, all the changes suggested by the mission. Indeed, in its published report the mission mentioned that:

Two days before the Mission's departure from Apia, the New Zealand Government in a statement in Parliament

³⁵See Appendix VII for the full text of Nash's statement.

³⁶"Self-Government for Western Samoa," Pacific Islands Monthly, September 17, 1947, p. 26.

³⁷"New Zealand: Island Trusteeships," The Round Table, March, 1948, p. 621.

outlined its plans for the new government of Western Samoa . . . It is a matter of very great satisfaction to the Mission that these plans are so closely in line with the recommendations contained in this report. It is the ardent hope of the Mission that this programme will point the way to a bright future for Western Samoa and its people.³⁸

Thus, keeping in line with the mission's report, the basic purpose of the development plan was to "give the Samoans an increased measure of responsibility immediately, and prepare them for taking further progressive steps toward self-government."³⁹

The development plan proposed three basic constitutional changes: first, and of minor importance, the former administration of Western Samoa henceforth was to be referred to as the "government" and the Administrator was to be renamed the "High Commissioner", in order to emphasize the changed relationship between New Zealand and Western Samoa;⁴⁰ second, and of considerably greater importance, a Council of State, consisting of the High Commissioner and the Honorable Fautua,⁴¹ was to be created as an advisory body to help in considering matters of policy;⁴² third, and by far the most

³⁸Report to the Trusteeship Council by the United Nations Mission to Western Samoa, 1947, Op. Cit., p. 55.

³⁹Statement made in the House of Representatives of New Zealand on August 27, 1947, by the Acting Prime Minister, Walter Nash.

⁴⁰Stanner, Op. Cit., p. 361.

⁴¹At this time there were three Fautua (an additional Fautua having been appointed in 1936), but in 1948 one of the Fautua died and no replacement was ever named.

⁴²Davidson, Op. Cit., p. 146.

important, the old ineffectual Legislative Council, which with the "advice and consent" of the former Administrator had "made laws", was to be abolished and replaced by a Legislative Assembly with real legislative powers and a majority of Samoan members.⁴³

Furthermore, through this development plan New Zealand hoped to accomplish three things:

to establish Samoan culture and tradition as one of the foundations of the future political structure; to confer a substantial measure of political responsibility upon representatives of the Samoan people immediately; and to recognize and accept Samoan aspirations to complete self-government.⁴⁴

A closer examination of the development plan will reveal how it meant to achieve these three objectives which were essential to Samoa's political development.

The first of these objectives was provided for in the establishment of the Council of State. The office of Fautua, or High Adviser, originally had been established by Germany and had been continued by New Zealand as a means of recognizing the holders of important "princely" titles without giving them any real power. The Council of State's purpose was to ensure that the Fautua would be associated with the High Commissioner and would be involved in the Samoan government at the highest level. The High Commissioner was to be required to bring all

⁴³ Ibid.

⁴⁴ J. W. Davidson, "The Transition to Independence: The Example of Western Samoa," The Australian Journal of Politics and History VII(May, 1961), p. 24.

government legislative proposals and all other matters relating to Samoan custom before the Council for its advice. Also, the Fautua along with the High Commissioner were to represent the government on all formal occasions.⁴⁵ In a very real sense, the Council of State was to play the role of the legitimizing myth in Samoan government.

The second objective, that of conferring a measure of political responsibility upon the Samoans immediately, was realized in the proposal to abolish the old impotent Legislative Council in favor of a Legislative Assembly with a Samoan majority.⁴⁶ Specifically, the development plan called for a Legislative Assembly composed of the members of the Council of State (with the High Commissioner acting as president and having a casting but not a deliberative vote), eleven Samoan members⁴⁷ to be chosen by the Fono of Faipules,⁴⁸ five European members elected by the adult European population, and six official members.⁴⁹ The new Legislative Assembly was

⁴⁵Ibid., p. 24.

⁴⁶Ibid., p. 24.

⁴⁷In 1948 when one of the Fautua died, the number of elected Samoans was increased to twelve.

⁴⁸The development plan also provided for the continuation of the Fono of Faipules (Samoan Advisory Council), composed of forty-one district representatives, whose chief function was to voice the opinions of the people in the outer villages.

⁴⁹New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1950, p. 10.

to have full legislative powers on all matters affecting Western Samoa except external affairs, defense, and certain financial matters, although all ordinances and statutes passed by the Legislative Assembly still would have to receive the assent of the High Commissioner.⁵⁰ Moreover, the advantages of the new system went beyond the merely formal; in the future government proposals would have to be presented in such a manner as to win the support of the elected members, and at the same time the members would have to become much more familiar with the work of the government.⁵¹

The third objective, that of recognizing and accepting Samoan aspirations to complete self-government, was the subject of the final sentence of the government announcement which read:

The present proposals are intended only as the first steps in a process which will not end until the Samoan people are able to assume full responsibility for the control of their own affairs.⁵²

A clearer declaration of New Zealand's intentions would be hard to imagine.

The development plan, including all the provisions already discussed, became a reality on November 25, 1947, when

⁵⁰Ibid., p. 9.

⁵¹Davidson, "The Transition to Independence: The Example of Western Samoa," p. 24.

⁵²Statement made in the House of Representatives of New Zealand on August 27, 1947, by the Acting Prime Minister, Walter Nash.

the New Zealand Parliament passed the Samoan Amendment Act, 1947, which was to become effective on March 10, 1948.⁵³ As previously mentioned, the Trusteeship Council endorsed the United Nations Mission's report in December, 1947, and in 1948 the General Assembly also approved the report. Because of their close proximity and also because of the obviously intended similarity between the plan advanced by the mission and the changes instituted by the Samoan Amendment Act, the two developments, although technically unrelated, should be evaluated together.

In summary, the 1947 Samoan Amendment Act incorporated all the political changes suggested by the mission in its report.⁵⁴ Undoubtedly, as she had closely cooperated with the mission members, New Zealand already knew what would be recommended in the published report at the time that Nash announced the proposed development plan. New Zealand's readiness to invite the United Nations to dispatch a visiting mission to Western Samoa and her subsequent willingness to initiate the mission's recommendations spoke most eloquently of her intention to fulfill her trusteeship obligations. New Zealand's actions and the physical presence in Western Samoa of the United Nations mission members were tangible signs, the

⁵³New Zealand, Twenty-Fifth Report on the Administration of the Territory of Western Samoa, 1948, p. 5.

⁵⁴Although, certain suggested non-political proposals were not acted upon until later.

significance and ultimate meaning of which the Samoans could not fail to understand and appreciate. Then with the enactment of the Samoan Amendment Act, Samoans were, for the first time, in a position to exercise real influence and even to help determine government policy. They were finally invested with more than merely nominal authority. Indeed, from the Samoan viewpoint the practical, but even more the symbolic, importance of the Samoan majority on the new Legislative Assembly can scarcely be over-emphasized. Perhaps, even more important than these immediate changes was the assurance given by the 1947 Act that it was only the first in a series of developments which would eventually culminate in complete self-government. Certainly, an important step in the direction of self-government had been taken.

The Establishment of the Executive Council

Although the next few years were devoid of constitutional change, they were not barren in so far as political development was concerned. Samoans began to regard the government as "our government" and the feeling of distance between the "government" and the "governed" was drastically reduced.⁵⁵ The Samoan members of the Legislative Assembly participated much more actively in the debates and did not blindly follow the wishes of the Fautua but instead demonstrated surprising

⁵⁵Davidson, "The Transition to Independence: The Example of Western Samoa," p. 25.

independence.⁵⁶ Furthermore, the Fono of Faipules began to use the secret ballot on certain occasions instead of always deciding issues in fa'aSamoan fashion. It also began appointing an increasing number of progressive younger men to the Legislative Assembly.⁵⁷ Another completely unprecedented development was the formation in 1951 of a Samoan political party. The Samoan Democratic Party, as the new party named itself, supported several general reforms but specifically aimed at a broadening of the franchise so that all Samoans, not just matais, would have a direct voice in the selection of the Faipules.⁵⁸ Even though the Samoan Democratic Party did not prosper (it eventually disappeared), it represented an important milestone in Samoa's political development and at the same time briefly focused attention on an issue which increasingly was to be a problem — the conflict between the matai system and the principle of universal suffrage.

A second United Nations mission visited Western Samoa for twelve days in July, 1950.⁵⁹ In general the mission

⁵⁶"Western Samoan Assembly Begins New Task," Pacific Islands Monthly, August, 1948, p. 12.

⁵⁷Yearbook of the United Nations, 1952, (Lake Success, New York: Department of Public Information, United Nations, 1953), p. 598.

⁵⁸"New Samoan Political Party," Pacific Islands Monthly, June, 1951, p. 37.; Samoan Bulletin, (Apia, Western Samoa) February 1, 1952, p. 6.

⁵⁹New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1951, p. 7.

described the effects of the 1947 constitutional reforms as far-reaching and encouraging but at the same time noted that the Samoans still had a "genuine and urgent desire for immediate self-government."⁶⁰ Nevertheless, the mission, while recognizing that progress had been made, did not think that the Samoans were yet ready for full self-government. Instead, the mission felt that emphasis should be placed on making the existing institutions work. However, the mission did suggest that the Samoans should participate more at both policy-making and administration levels within the executive branch of the government and, to this end, suggested the establishment of an Executive Council in which Samoans would participate.⁶¹

New Zealand took the mission's suggestion under consideration, and early in 1952 the Honorable T. Clifton Webb, New Zealand's Minister of Island Territories, visited Western Samoa to discuss, along with other things, the creation of an Executive Council. In his meetings with the Legislative Assembly and the Fono of Faipules, the Samoans made it clear that they favored the establishment of an Executive Council but definitely felt that Samoans should be in the majority.⁶² Subsequently, an Executive Council was established by the

⁶⁰Yearbook of the United Nations, 1951, (Lake Success, New York: Department of Public Information, United Nations, 1952), p. 663.

⁶¹Ibid.

⁶²Minutes of Meeting Between Hon. T. Clifton Webb and the Council of State, the Legislative Assembly, and the Fono of Faipules, February 7, 1952.

Samoan Amendment Act, 1952, and it came into being early in 1953. The Executive Council was composed of the High Commissioner, the two Fautua, three official members appointed by the High Commissioner, three Samoan members of the Legislative Assembly also appointed by the High Commissioner but on the nomination of the elected Samoan members of the Assembly, and one European member of the Assembly also appointed by the High Commissioner on the nomination of the other European members.⁶³ Thus, the Samoans, while not in the majority, were not a minority as five members were European and five were Samoan.

The function of the Executive Council was defined as "to confer and advise the High Commissioner on the forming, determining, and implementing of the policy of the Government of Western Samoa."⁶⁴ In practice, the Executive Council played an increasingly influential role in matters of government policy as each of the four elected members had certain government departments allotted to him for which he and an associated official member of the Council jointly were responsible. Valuable experience was gained in this manner, and gradually the Executive Council was to assume other executive functions.

⁶³New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1952, p. 36.

⁶⁴Ibid., p. 37.

The Movement Toward Self-Government

On March 19, 1953, the Prime Minister of New Zealand, the Right Honorable S. G. Holland, issued a comprehensive statement on political, economic, and social advancement in Western Samoa and thereby set in motion forces which were to carry Samoa to the threshold of independence. The statement advanced proposals of a constitutional nature for the future state of Western Samoa and appropriately was officially referred to as the "Development Plan." Holland boldly asserted that the Development Plan's objective in the political field was to assist Samoa to develop:

- (1) A strong, responsible, and representative central government whose authority is accepted by the community, and which is Samoan in outlook, personnel, and in the bases of its powers.
- (2) A united population comprising all Samoan citizens, regardless of race.
- (3) The administrative machinery, the institutions, and the knowledge necessary for the solution of the political, social, and economic problems that will come during the next generation.⁶⁵

The statement then proposed that a constitutional convention, representative of all sections of the Samoan community, should be held before the end of 1954 and that the convention should consider a constitutional plan for the future state of Western Samoa.⁶⁶ Holland continued by suggesting

⁶⁵Statement by the Right Honorable S. G. Holland, the Prime Minister of New Zealand, quoted in United Nations Visiting Mission to Trust Territories in the Pacific, 1953, Report on Western Samoa, New York, 1953, p. 14.

⁶⁶Ibid.

that the constitutional plan should include provision for:

- (1) A common citizenship for all inhabitants of Western Samoa.
- (2) A single legislature, known as the House of Representatives, consisting of approximately forty to forty-five members, presided over by a Speaker elected by the House, and replacing the present Legislative Assembly and Fono of Faipule.
- (3) The direct election in secret ballot of members of the Legislature upon the widest suffrage the Samoan people feel able to accept (the Apia electorates at least having universal suffrage).
- (4) The eleven traditional political districts to be the constituencies, with each district returning one member for each 2,000 to 2,500 of its total population.
- (5) The method of appointment and tenure of office of the Head of the State.
- (6) Executive Government to be conducted by Premier and Cabinet Ministers, all of whom will be members of, and collectively responsible to, the House of Representatives.
- (7) Western Samoa to control her own Public Service.
- (8) The special relationship between New Zealand and the future self-governing State of Western Samoa.⁶⁷

New Zealand also emphasized that the details outlined in the Plan were proposals open for discussion and not arbitrary edicts, as the statement explained:

The proposals--are--being submitted for the most careful consideration and discussion by all sections of the Samoan community. The New Zealand Government feels that these should commend themselves to the Samoan people, but if, upon full consideration, it is clear that they genuinely desire some other form of government than is proposed, or some changes in the details of these proposals, then such a desire will be given most careful and friendly consideration by New Zealand.⁶⁸

Naturally, this positive statement was well received in Western Samoa. The Honorable Tupua Tamasese, one of the Fautua, proclaimed:

⁶⁷Ibid.

⁶⁸Ibid.

This is a day of days for Western Samoa. Words cannot express our gratitude to the New Zealand government for its frank and open-minded statement of policy. We have no fear of the future of Samoa under the guidance of New Zealand.⁶⁹

The second Fautua, Honorable Malietoa Tanumafili, was more succinct but no less exuberant as he commented, "This is a bombshell. We didn't expect so much."⁷⁰

Samoan and European attitudes toward New Zealand's suggestions had to be fathomed and to accomplish this task the High Commissioner appointed a Working Committee on the Development Plan consisting of the High Commissioner, his special assistant, Samoan and local European political leaders,⁷¹ and certain government officials who acted as advisory members.⁷² More specifically, the Working Committee, which held its first meeting in September, 1953, not only was to discuss the Development Plan but also:

to prepare a simple Samoan version; to recommend ways of disseminating and explaining it to the people; to ascertain the opinions held by various sections of the community about the Plan and to prepare a detailed

⁶⁹ The Evening Post (Wellington, New Zealand), March 20, 1953, p. 20.

⁷⁰ Ibid.

⁷¹ These were the two Fautua, the three elected Samoan members of the Executive Council and the one elected European member of that same body, three members of the Legislative Assembly, and three Faipules.

⁷² Mary Boyd, "Political Development in Western Samoa and Universal Suffrage," Political Science, VIII (March, 1956), 59-60.

constitutional scheme for the Constitutional Convention--.⁷³

During the time that the Working Committee was in deliberation, two general criticisms began to be voiced by many Europeans and a few Samoans. These were: (1) that the Plan attempted to do too much at once in the political field; (2) and, that there was not enough emphasis on economic development. Although, each criticism contained some element of truth, the High Commissioner⁷⁴ rejected the first by maintaining that it was good to have long range political objectives and discredited the second by pointing out that the biggest obstacle to economic development was uncertainty as to Samoa's political future and suspicion of New Zealand's intentions.⁷⁵ However, of greater importance than either of these two general criticisms was the almost solid front of Samoan opposition to the suggestion that the matai system be altered by the acceptance of the principles of universal suffrage. The Samoan members of the Working Committee and the Legislative Assembly strongly insisted that it was much too soon to introduce such a sweeping change in Samoan life and tradition.⁷⁶

⁷³New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1953, p. 32.

⁷⁴The office of High Commissioner had been filled since 1949 by G. R. Powles. Powles remained in office until early 1960 and deserves considerable credit for the orderly political development of those years.

⁷⁵Western Samoa, Legislative Assembly Debates, March 15, 1954, p. 2.

⁷⁶"Powers of Samoan Chiefs," Pacific Islands Monthly, May, 1954, p. 19.

Finally, in July, 1954, after twenty-seven meetings the Working Committee presented to the High Commissioner a report containing provisional recommendations concerning the various suggestions outlined in Holland's Development Plan.⁷⁷ The Working Committee recommended a single legislature to replace the existing Legislative Assembly and Fono of Faipules and suggested that this new legislature should consist of forty-one Samoan members, five European members, and two official members.⁷⁸ Rather than the members of the new legislature being chosen from the eleven traditional political districts on the basis of population, as had been advocated in the Development Plan, the Working Committee proposed that they should represent the forty-one Faipule constituencies. With regard to suffrage, the Committee stated that "for the time being" only matais should have the right to vote or be nominated as candidates for election. A register of matais should be established for each constituency encompassing all matais entitled to vote according to Samoan custom, and any candidate nominated by a majority of the matais in his district would be elected while in cases where no majority could be obtained a secret ballot among the matais in that constituency

⁷⁷ New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1954. p. 33.

⁷⁸ The two official members were to be the Ministers of Justice and Finance.

would determine who the district representative would be.⁷⁹ This recommendation obviously was a direct refutation of New Zealand's hope that the Samoans would accept universal suffrage.

Basically, these suggestions⁸⁰ indicated that the Working Committee was concerned that changes be introduced in a slow gradual manner which would not seriously upset fa'a-Samoan procedures and customs. In addition, the members of the Committee had reason to suspect that the raising of controversial issues such as universal suffrage and representation based on population might slow the progress of the movement toward self-government.⁸¹ So in fact, the British system of government was being adapted to meet the requirements of the matai system.

The 1954 Constitutional Convention

Although the Working Committee and its recommendations represented the opinion and authority of Samoa's political leaders, this fact alone did not mean that its proposals would be acceptable to the Samoa people; instead, the fa'aSamoan procedure of consultation, discussion, and unanimous agreement

⁷⁹New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1954, pp. 224-225.

⁸⁰Recommendations were made by the Committee concerning each of the issues raised in the Development Plan but comment on the other less spectacular proposals is reserved until the discussion of the Constitutional Convention itself.

⁸¹Boyd, Op. Cit., p. 61.

still had to be honored.⁸² Accordingly, the Constitutional Convention, which also was to help bridge the gap between the more politically sophisticated leaders and the more parochial traditional matais, was organized in such a way as to allow the Working Committee's report to be dealt with in a fa'aSamoa manner. As the Constitutional Convention not only made important decisions concerning Samoa's political development but also illustrates the interaction and mutual influence of Western political procedures and fa'aSamoa methods, it deserves our close attention.

The Convention, which assembled on November 10, 1954, and sat until December 23, 1954, consisted of 170 delegates⁸³ representative of all elements of the Samoan community.⁸⁴ The Convention was opened by the High Commissioner who attempted to recapitulate why the delegates had been assembled. He explained:

This convention is being held so that the Samoan people can think and speak for themselves and so that the New Zealand government may be satisfied that whatever proposals are made will represent the views of all the Samoan people or at least a substantial majority of them. The New Zealand government cannot just hand out

⁸²Ibid., p. 61.

⁸³Included were the Fautua, members of the Legislative Assembly, the forty-one Faipules, eighty-two additional Samoan representatives (two from each Faipule district), seven additional European representatives, and a number of special representatives.

⁸⁴New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1954, p. 33.

self-government to Samoa as a gift. Self-government cannot be reached in one step. It must be reached by dignified, orderly, and careful steps comparable to the considerable advances made in recent years.⁸⁵

After his opening address, the High Commissioner withdrew leaving the Convention to select its own chairman. Thereupon, the Fautua, Hons. Tamasese and Malietoa, were unanimously chosen as joint chairman.⁸⁶

A Steering Committee, whose purpose was to recommend the rules of procedure and order of business and which was composed of five Samoans and two Europeans, was elected by a majority vote and a secret ballot. Debates were conducted according to parliamentary rules which, however, were loosely enforced as most delegates were not familiar with parliamentary procedure.⁸⁷ These Western innovations were educational steps toward political democracy, but at the same time greatly lengthened the proceedings as matais, in typical Samoan fashion, tended toward long repetitious speeches.

The procedure of the Convention may have been Western, but the spirit was definitely Samoan as decisions ultimately were the product of extended consultation and always were officially agreed upon by all the delegates.⁸⁸ But this

⁸⁵Western Samoa, Proceedings of the 1954 Constitutional Convention, November 10, 1954.

⁸⁶Ibid.

⁸⁷Boyd, Op. Cit., p. 62.

⁸⁸The only exception to this pattern of unanimity occurred on the final day when the youthful High Chief,

superficial appearance of unanimity was merely the fa'aSamoan way of arriving at decisions and certainly did not mean that there was a lack of serious discussion or that there was agreement on all questions. It simply demonstrated that fa'aSamoan methods and customs had triumphed over the parliamentary procedure of debate and majority voting.⁸⁹ The Samoans' political education had been furthered while still they had retained the essence of their own traditional procedures.

The recommendations officially adopted by the Convention made it plain that the Samoans wanted to continue their political development along lines modelled on the British parliamentary system.⁹⁰ In general, the Samoans accepted the pattern suggested in New Zealand's Development Plan while the Working Committee's proposals were adopted almost verbatim.⁹¹ In brief, the Convention recommended:

- (1) A special relationship should be maintained with New Zealand; (2) a single Legislature should replace

Mata'afa, strongly protested the Convention's decision to disregard his claim to equal consideration for the position of Head of State. This action was definitely counter to Samoan custom and must be interpreted as an indication of the underlying strains between modernization and traditional ways. Western Samoa, Proceedings of the 1954 Constitutional Convention, December 23, 1954.

⁸⁹ Boyd, Op. Cit., pp. 62-63.

⁹⁰ The recommendations by the Convention only expressed Samoan sentiment and, of course, were not binding on New Zealand. However, New Zealand already had declared that the official suggestions would be accorded the utmost consideration.

⁹¹ See Appendix VIII for the official recommendations of the Constitutional Convention.

the present Legislative Assembly and Fono of Faipules and should be composed of 41 Samoan members (to be increased to 45), five European members and two official members; it should have full power to make all laws necessary for the peace, order and good government of Western Samoa, subject only to the restriction of a suggested suspensory veto of the Head of State and to any restriction which might be advisable due to the relationship with New Zealand; and it should eventually have full power to amend the Constitution; (3) in the Samoan constituencies only Samoan matais should have the right to vote or to be nominated as candidates for election; (4) the two present Fautua should together be the first Head of State; they should act together and with equal power and their term should be for life; (5) a premier and cabinet should control the executive government from the time that the new legislature is established; (6) the Government of Western Samoa should control its own Public Service, and a public service commissioner should be appointed by the Government of Western Samoa and should be subject to any directions on policy matters that he might receive from that Government.⁹²

Compared to the Working Committee's recommendations, the Convention's proposals differed in only two respects. First, in the Convention's recommendation for the continuation of matai suffrage the significant phrase "for the time being" was omitted. In other words, the Convention felt that matai suffrage should be perpetuated indefinitely. However, the presence of progressive groups was felt at the Convention as fourteen of the ninety-one speakers on the suffrage question supported universal suffrage with only matais being candidates.

Also, an attempt by traditional groups to include in the recommendation a statement that matai suffrage should be

⁹²Yearbook of the United Nations, 1955, (Lake Success, New York: Department of Public Information, United Nations, 1956), pp. 290-291.

continued "for ever and ever" was defeated.⁹³ Secondly, the Convention suggested that the number of constituencies be eventually increased from forty-one to forty-five so as to give more equitable representation to certain more populous districts. In effect, these two amendments illustrated that the Convention was not opposed to political change but that it felt innovations should be introduced slowly and cautiously in the Samoan manner.⁹⁴

As the Constitutional Convention had been called in order to ascertain Samoan attitudes toward political development, its resolutions immediately were forwarded to New Zealand for study and comment. In June, 1955, New Zealand's Minister of Island territories, the Honorable T. L. Macdonald, issued an interim reply on behalf of his government.⁹⁵ In this reply, Macdonald stressed that New Zealand was very pleased that the recommendations of the Constitutional Convention were so closely akin to the system outlined in the 1953 Development Plan. He took special note of the Convention's feeling that the matai suffrage system should continue by commenting:

The New Zealand Government understands that this recommendation reflects the present wish of an overwhelming majority of the Samoan people and it therefore agrees that suffrage in Samoan constituencies will be limited

⁹³Boyd, Op. Cit., pp. 63-65.

⁹⁴Ibid., p. 63.

⁹⁵New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1955, p. 15.

for the time being to matais.

I desire to make clear, however, that the New Zealand Government does not share the misgivings of the Convention that a widening of the formal basis of political representation would necessarily have harmful effects; on the contrary, it is of the opinion that Samoan custom, which in the past has shown itself capable of adjustment to the needs of a changing society, might thereby be strengthened and rendered more capable of meeting the challenge which will inevitably face the emerging state.⁹⁶

Not only was New Zealand agreeable to the retention of matai suffrage, but Western Samoa was further informed that New Zealand would also acquiesce, in general, to all the Convention's suggestions except with regard to the setting up, at the time of the formation of the new legislature, of a Premier and Cabinet. New Zealand had given this proposal serious consideration and while agreeing that a Premier and council of ministers ultimately should be instituted had concluded that cabinet government should be deferred for a short time in order to allow the Samoans to learn more about executive government. Instead, during the period of legislative re-organization, the High Commissioner should continue to act as the chief executive.⁹⁷

Macdonald also announced that he would visit Western Samoa in early July and requested the Legislative Assembly and the Fono of Faipules to complete their discussions of New

⁹⁶"New Zealand Government's Interim Reply to the Recommendations of the Constitutional Convention," as reprinted in New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1955, p. 212.

⁹⁷Ibid.

Zealand's interim reply by then. In response, the Samoans at a joint session of the two legislative bodies re-affirmed the recommendations of the Constitutional Convention. During his visit to Samoa, Macdonald conferred with the Legislative Assembly and the Fono of Faipules and attempted to explain New Zealand's future plans for Samoa while also exploring the ideas of the Samoans.⁹⁸ In these meetings, Macdonald stressed that although eventual self-government was assured New Zealand must retain her responsibility in Western Samoa for a considerable number of years. On behalf of the Samoans, Tamasese thanked New Zealand for advancing the cause of Samoan self-government but added that the Samoan people believed they were ready to assume the responsibilities of government.⁹⁹ All the meetings were characterized by restraint and courtesy, as both Macdonald and the Samoans were anxious to create a firm base of understanding from which to launch the constitutional changes.

In December, 1955, almost three years after the announcement of the proposed Development Plan, New Zealand issued its "Proposals for Further Constitutional Development in Western Samoa"¹⁰⁰ which outlined the steps by which Western Samoa

⁹⁸"Samoans Again Urge Claim for Full Self-Government," Pacific Islands Monthly, August, 1955, p. 123.

⁹⁹The Evening Post (Wellington, New Zealand), July 6, 1955, p. 11.

¹⁰⁰See Appendix IX for verbatim text of these proposals.

would achieve internal self-government.¹⁰¹ New Zealand's final Development Plan embodied all the 1954 Constitutional Convention's recommendations¹⁰² except the request for the introduction of cabinet government at the time of the formation of the new legislature. As the interim reply had stated, New Zealand felt full cabinet government should be deferred until additional executive experience was obtained. Therefore, New Zealand outlined a three stage process for the introduction of the cabinet government whereby: in 1956 there would be an increase in the number and responsibilities of elected members on the Executive Council; in 1957 with the formation of the new legislature, both the elected and official members of the Executive Council would become ministers and the Executive Council would in effect become a council of ministers although it would still remain responsible to the High Commissioner; and, lastly, sometime during 1960 the High Commissioner and Fautua would withdraw from the Executive Council and it would then function as a cabinet.¹⁰³ Self-government for Western Samoa was not only outlined; it was on a time-table.

¹⁰¹New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1955, p. 34.

¹⁰²See page 162.

¹⁰³"Proposals for Further Constitutional Development in Western Samoa," as reprinted in New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1955, pp. 218-219.

The Implementation of Self-Government

New Zealand's proposals were discussed and accepted in principle by a joint session of the Legislative Assembly and the Fono of Faipules in February, 1956.¹⁰⁴ In May, 1956, the New Zealand Parliament passed the Samoan Amendment Act, 1956, which provided that the Executive Council, previously an advisory body, should become "the principal instrument of policy of the High Commissioner in his administration of the executive government of Western Samoa."¹⁰⁵ The Act also required that, with certain exceptions,¹⁰⁶ the High Commissioner consult with the Executive Council in the exercise of all of his powers, and that he act in accordance with the advice of the Executive Council in any matter which he was obliged to bring before the Council.¹⁰⁷ Furthermore, the Executive Council was enlarged by the addition of one more Samoan member nominated by the Samoan members on the Legislative Assembly and one other European member nominated by the Europeans on the Legislative Assembly.¹⁰⁸ In addition, the

¹⁰⁴New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1956, p. 12.

¹⁰⁵Ibid., p. 23.

¹⁰⁶The principal exceptions to this rule were matters relating to defense and external affairs.

¹⁰⁷New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1956, p. 23.

¹⁰⁸This increase in membership meant that the Executive

responsibility of individual members of the Executive Council was increased as all members of the Council except the High Commissioner and the Fautua were assigned portfolios.¹⁰⁹ The net effect of this Act was to transform the Executive Council from a purely advisory body into an executive organ with effective powers and to pave the way for the establishment of cabinet government, in accordance with the constitutional plan.¹¹⁰

The next major step in Samoa's progress toward self-government was taken on October 11, 1957, with the passage by the New Zealand Parliament of the Samoan Amendment Act, 1957.¹¹¹ In brief, the 1957 Act revamped the Legislative Assembly, enlarged the Executive Council, and abolished the Fono of Faipules. The Legislative Assembly was practically completely reconstituted. Its membership was re-defined to include:

- (a) Forty-one Samoan elected members representing single

Council consisted of the High Commissioner, the Fautua, three official members who were officers in the service of the government (in practice the Secretary to the Government, the Financial Secretary, and the Attorney-General), four Samoan members, and two European members (both the Samoan and European members were appointed by the High Commissioner from the members of the Legislative Assembly on the nomination of the respective groups within the Assembly).

¹⁰⁹New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1956, p. 24.

¹¹⁰United Nations, Trusteeship Council, Official Records: Eighteenth Session, (June 7—August 14, 1956), Supplement No. 6, United Nations Visiting Mission Report on Western Samoa, 1956, (New York, 1956), p. 4.

¹¹¹New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1957, p. 22.

member constituencies elected for a period of three years.

- (b) Five European elected for a period of three years.
- (c) Not more than three official members to hold office during the High Commissioner's pleasure.¹¹²

As the previous Assembly had consisted of the members of the Council of State, twelve Samoan members nominated by the Fono of Faipules, five European members elected for a period of three years, and not more than six official members, the new Assembly greatly increased the representation of the Samoans.

In accordance with the wishes of the 1954 Constitutional Convention, only matais could vote for or be elected Assembly members. Actually, the Act stipulated that a ballot election would be necessary only if no one could gain majority support from the matais of a district in fa'aSamoan manner, and in the first election in November, 1957, ballots were required in only ten of the forty-one Samoan constituencies.¹¹³ The 1957 Act did not expand the powers of the Legislative Assembly, since the Assembly, subject to the High Commissioner's approval, could already legislate on all matters except defense, external affairs, and Crown Land, but the Act did provide that the Assembly was to elect its own Speaker, instead of the High Commissioner acting as President of the Assembly, as formerly

¹¹²Ibid., p. 25.

¹¹³"11 Europeans for Five Seats," Pacific Islands Monthly, November, 1957, p. 18.

had been the case.¹¹⁴

The 1957 Act was principally concerned with the re-organization of the Legislative Assembly, but it also enlarged the Executive Council. One more Samoan member, chosen in the same way as the other elected members (not including the Fautua). Moreover, the members of the Executive Council were officially designated as ministers; the Act thus continuing the introduction of cabinet government.¹¹⁵ This meant that, apart from the presence of the Council of State, the Executive Council had all the powers and functions of the cabinet which was scheduled to replace it in 1960. Another provision of the Act abolished the Fono of Faipules, which had served as a link between the central government and the people of the outlying districts since the days of German administration. Henceforth, this liaison function was to be performed by the members of the Assembly, their constituencies being the same as those of the former Faipules.¹¹⁶ Except for the High Commissioner's role in the legislative process and his position on the Executive Council, effective control of the government of Western Samoa now rested with the Samoans.

Western Samoa did not teeter on the brink of self-government for long; internal self-government was fully

¹¹⁴New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1957, p. 20.

¹¹⁵Ibid., p. 24.

¹¹⁶Ibid., p. 28.

achieved in 1959. According to the program of constitutional development agreed upon by New Zealand and the Samoan leaders in 1955-56, cabinet government--with the implications of complete internal self-government--was not to have been introduced until the end of 1960. However, due to the smoothness of the other changes and also because of the desirability of allowing the Samoans to gain as much experience as possible before independence, New Zealand with the full accord of the Samoans, decided to push ahead more rapidly.¹¹⁷ Subsequently, the Samoan Amendment Act, 1959, made very extensive changes in Samoa's constitutional structure. Basically it established cabinet government and replaced the High Commissioner as the executive head of Samoa with the three-member Council of State.¹¹⁸

The Act was passed by the New Zealand Parliament on September 1, 1959, and it provided that cabinet government should be instituted on October 1st of that same year.¹¹⁹ The Prime Minister was to be selected by the Legislative Assembly from among its members and was to be officially appointed by the Council of State. After his appointment, the

¹¹⁷Yearbook of the United Nations, 1959, (Lake Success, New York: Department of Public Information, United Nations, 1960), p. 380.

¹¹⁸New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1959, p. 20.

¹¹⁹The Samoans had known for several months, however, that cabinet government would be introduced on October 1st.

Prime Minister was empowered to choose nine other Legislative Assembly members to compose his cabinet.¹²⁰ The duty of the cabinet was, in the words of the Act, "the general direction and control of the Government of Western Samoa."¹²¹ Furthermore, in accordance with the parliamentary form of government, the cabinet was directly responsible to the Legislative Assembly. It held office only as long as it retained the confidence of the Assembly. In fact the only departure from normal cabinet procedure was the provision that decisions made by the cabinet were not to take effect for seven days. This unusual feature was to allow time for the Council of State, if it desired, to request a review by the Executive Council, but the Cabinet was under no obligation to follow the recommendation of the Executive Council and this device was used sparingly.¹²²

The 1959 Act vested executive government in the three member Council of State (the High Commissioner and the Fautua); and provided that it should exercise all the powers formerly residing in the High Commissioner. This meant that the Council, whose decisions were made by majority vote, possessed the

¹²⁰The Act required that at least one of the ministers be a European and in the first cabinet two Europeans were selected.

¹²¹New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1959, p. 20.

¹²²Ibid., p. 26.

powers normal to a constitutional sovereign such as to assent to bills, prorogation, dissolution, and appointment of the cabinet. Its only unusual power was its right to request a review by the Executive Council of decisions of the cabinet; however, it had no veto over these decisions.¹²³

The 1959 Act also drastically changed the positions of the Executive Council and the High Commissioner within the structure of Samoan government. The Executive Council, as reconstituted, was composed of the members of the cabinet and the members of the Council of State sitting jointly. It was no longer a decision-making body, and it took no part in the formation of policy. The Council had two functions, one of a purely formal nature and the other of little practical importance. First, the Council of State could not act except on advice tendered by the Executive Council--which, in practice, only meant upon the advice of the Cabinet as in the parliamentary system--and secondly, the Council could review cabinet decisions although it could not veto or alter them.

The High Commissioner was, of course, no longer head of the executive government. He remained as President of the Council of State, but his vote counted no more than those of the Fautua. Actually, his main function was to act as New Zealand's representative in Western Samoa. In this capacity, he remained responsible for defense and external affairs and was the main channel of communication between New Zealand and

¹²³Ibid., pp. 25-26.

the Western Samoan government. Otherwise his role was strictly advisory.¹²⁵ The last change occasioned by the 1959 Act was the withdrawal from the Legislative Assembly of the official government members. This left the Assembly consisting of the forty-one Samoan members and the five European members. The legislative powers of the Assembly were not enlarged; already it could legislate with respect to all matters except defense and foreign relations.¹²⁶ Thus, the changes instituted in 1959 left the Samoans in complete charge of the internal affairs of Western Samoa. For the Samoans self-government was no longer a dream; it was a reality.

In summary, the years between 1947 and 1959 were crucial ones in Western Samoa's political development. The constitutional changes introduced during the period transformed Western Samoa from a position in which she had been dominated by a foreign country to a status which saw her in control of all her internal affairs. These changes were initiated with a speed and smoothness which would have amazed even the most optimistic observer in 1946. New Zealand deserves high praise for the manner in which she supervised Samoa's political development during these years. Careful consideration was given to the Samoans' wishes as consultation and negotiation always preceded actual change. But, even more importantly,

¹²⁵Ibid., p. 21.

¹²⁶Ibid., p. 26-27.

New Zealand proved willing to accept the Samoan point of view in most instances rather than forcing unwanted and unappreciated changes on the Samoans. This willingness on the part of New Zealand to institute only those constitutional innovations wanted by the Samoans insured that the political evolution of Western Samoa would proceed at a pace and in a direction entirely compatible with Samoan custom and tradition.

In conclusion, it should be noted that little has been said concerning the role played by the United Nations in Samoa's development during the 1950's. This is because the speed of the constitutional changes instituted by New Zealand left the United Nations with little more to do than to approve New Zealand's actions. United Nations missions visited Western Samoa in 1953 and 1956 and on both occasions commented most favorably upon New Zealand's administration of Western Samoa and, in particular, praised the speed and manner in which New Zealand was fulfilling her trusteeship obligation of preparing Western Samoa for self-government. The United Nations was to be somewhat more active with regard to Samoa during the next few years, and accordingly its role will receive commensurate treatment as we turn our attention to the period immediately preceding independence.

CHAPTER VI

THE TRANSITION TO INDEPENDENCE

The introduction of full cabinet government on October 1, 1959, made Western Samoa completely self-governing, but New Zealand remained in charge of defense and foreign affairs and, of course, also retained the power to amend Samoa's constitution and to make structural changes in Samoa's government. In short, ultimate responsibility for Samoa still rested with New Zealand as Western Samoa was not yet an independent state. However, implicit in New Zealand's long-range policy statement of 1955, which had outlined the steps to cabinet government, was the understanding that termination of the trusteeship agreement and subsequent removal of all New Zealand's legal responsibility would follow shortly after the establishment of cabinet government.¹ Thus, between 1959 and 1962, the institutional changes necessary for an independent Western Samoa were formulated and implemented.

¹"Samoa Comes of Age," The Round Table, September, 1961, p. 351. However, it needs to be noted that New Zealand never intended to completely abandon Western Samoa upon her independence. Rather, both New Zealand and Western Samoa understood that New Zealand would continue to offer financial aid and administrative assistance.

The Working Committee on Self-Government

Actually, even before the introduction of full cabinet government, the planning of the changes necessary for independence had already begun. Early in 1959 New Zealand stimulated the formation of a sixteen member "Working Committee on Self-Government"² composed of the Fautua, the seven elected members of the Executive Council, and seven other members of the Legislative Assembly.³ The broad task of this Committee was "to discuss and make provisional decisions upon all matters concerning the attaining of self-government."⁴ In other words, the Committee was established to consider the constitutional problems involved in the transition to independence, and it was, in fact, to draw up a provisional constitution for subsequent submission to a Samoan constitutional convention. In addition, the Committee was to consider the future relationship

² Although the Working Committee referred to "Self-Government", its real meaning was "Independence." In reference to Western Samoa, New Zealand always used the term self-government synonymously with independence but with the knowledge that in the United Nations Charter (as in this study) the terms were used to denote two different statuses. "International Organizations: Summary of Activities, United Nations, Trusteeship Council on Western Samoa," International Organization, Autumn, 1959, p. 585.

³ "Memorandum on the political future of the Trust Territory of Western Samoa under New Zealand Administration," as quoted in Annex II of Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, (New York, 1959), p. 26.

⁴ Western Samoa, "Memorandum by Council of State," January, 1959, Legislative Assembly Proceedings, Sessional Paper 1959, No. 1.

between Western Samoa and New Zealand and was to suggest the terms of an agreement or treaty defining that relationship.⁵ Due to the legal nature of its work, the Committee's request for a constitutional adviser was met, and Dr. J. W. Davidson, Professor of Pacific History at the Australian National University, was appointed to that position by the Samoan leaders.⁶ Later the Committee was also assisted by Professor C. C. Aikman, Professor of Law at Victoria University in Wellington and New Zealand's constitutional adviser on Western Samoa.⁷ The legal, as well as practical, advice tendered by these two experts proved most valuable during the writing of the constitution.

The Working Committee began its task on February 3, 1959, when its first meeting was held. Most of its deliberations were carried out during three long periods of meetings: during March and April of 1959 when the principal problems were defined and discussed in general terms; in January, February, and March of 1960 when most of the draft constitution was written; and in May, June, and July of 1960 when the draft constitution was completed and other ancillary points settled.⁸

⁵Ibid.

⁶Ibid.

⁷"Samoa Comes of Age," Op. Cit., p. 352.

⁸Western Samoa, Draft Constitution of the Independent State of Western Samoa (Apia, Western Samoa: Government Printer, 1960), p. ii.

During the first series of meetings in March and April of 1959, the Committee was occupied with the consideration and framing of data papers relating to some of the more difficult problems involved in the transition to independence. This enabled the members of the Committee to become acquainted with the scope of their work and at the same time to form more definite ideas concerning some of the controversial issues on which later they would have to make decisions. These initial meetings also allowed the Committee to establish rules of procedure with regard to future work and to set up priorities.⁹

The most important accomplishment of the Committee during March and April was the preparation of proposals concerning future Samoan citizenship. The objective of the Committee was to ensure that in the future the exercise of political rights would be limited to citizens of Western Samoa. This meant it was necessary to eliminate the possibility of dual citizenship which would allow a person to participate in Samoan politics while at the same time retaining citizenship in another country. Nevertheless, the members did not want to preclude Samoan citizenship to anyone who desired to become a citizen and who was willing to take an appropriate Samoan oath of allegiance.¹⁰ With these principles in mind, a detailed set of proposals was drawn up. Professor Aikman,

⁹Davidson, "The Transition to Independence: The Example of Western Samoa," p. 32.

¹⁰Ibid., pp. 32-33.

on his return to New Zealand and with the assistance of New Zealand law draftsmen, wrote a draft citizenship bill. The draft bill was discussed by the Working Committee in August and passed by the Legislative Assembly in September, 1959, as the Citizenship of Western Samoa Ordinance.¹¹

In essence, the Citizenship Ordinance provided four ways by which inhabitants of Western Samoa might become Samoan citizens. These ways were:

- (a) Birth — All persons born in Western Samoa are Western Samoan citizens:
- (b) Descent — Any person, one of whose parents was born in Western Samoa may be a Western Samoan citizen:
- (c) Naturalisation — Any aliens living in the Territory and able to comply with certain conditions relating to length of residence and otherwise are entitled to apply to be naturalised as Western Samoan citizens:
- (d) Registration — Any alien woman married to a Western Samoan citizen may, subject to certain conditions, become a Western Samoan citizen.¹²

Anyone with dual citizenship was given until July 8, 1960, (ten months after the passage of the Ordinance) to chose the one they wished to exercise. After that date only citizens of Western Samoa were to be allowed to participate in politics.¹³ Europeans felt that this procedure was grossly unfair as they

¹¹J. W. Davidson, "The Citizenship of Western Samoa Ordinance," Journal of the Polynesian Society, LXVIII(June, 1959), 147.

¹²New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1959, p. 15.

¹³Ibid.

argued that it was unreasonable to expect them to opt for citizenship in a state whose constitution and basic laws had still not been determined. Yet, they were expected to renounce their present nationality in order to play a part in the forming of Samoa's constitution and basic laws.¹⁴ This reasoning obviously had merit and so the deadline for a final decision was subsequently pushed back to December 31, 1961, the last day before independence.¹⁵

The Committee's basic discussion on the form of the executive government was expedited by New Zealand's decision to introduce full cabinet government on October 1, 1959, rather than at the end of 1960 as had been originally planned. New Zealand's action meant that there was a model for observation and so allowed the Committee a few months in which to evaluate how well the new system was working before drafting the new constitution in 1960. The election of Samoa's first Prime Minister by the Legislative Assembly was a spirited affair which saw the Honorable Flame Mata'afa Faumuina Mulinu'u II chosen by a vote of thirty-two to fourteen.¹⁶ Mata'afa, a holder of one of Western Samoa's four princely titles, had

¹⁴"West Samoa's Europeans are in a Dilemma," Pacific Islands Monthly, July, 1960, p. 21.

¹⁵New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1960, p. 16.

¹⁶"He's West Samoa's First Prime Minister," Pacific Islands Monthly, October, 1959, p. 23.

formerly been Minister of Agriculture and his past statements had branded him as a progressive. His selection as Prime Minister was to be a wise decision as he has proved to be both a man of ideas and a capable administrator.

The United Nations Mission to Western Samoa

In 1958 New Zealand suggested to the Trusteeship Council that, in view of the possibility of the termination within the next few years of the trusteeship agreement for Western Samoa, a special United Nations mission should visit Samoa in order to make recommendations on the nature and timing of the final steps prior to independence. Therefore, the Council decided on July 29, 1958, to send a special visiting mission to Western Samoa.¹⁷ The mission¹⁸ left New York on March 14, 1959, and after a week in New Zealand it reached Western Samoa on March 25. During its three weeks in Samoa, the mission met with the Fautua, the members of the Legislative Assembly, the Working Committee on Self-Government, and also visited rural districts in Upolu and Savai'i before

¹⁷United Nations, Trusteeship Council, Official Records: Twenty-fourth Session (June 2—August 6, 1959), Supplement No. 2, Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, (New York, 1959), p. 1.

¹⁸The mission was indeed a distinguished one. Its members included: Arthur Lall of India (Chairman), Omar Loutfi of the United Arab Republic, Jacques Kosciusko-Morizet of France, and Sir Andrew Cohen of the United Kingdom, all of ambassadorial rank and all having served as their country's permanent representative on the Trusteeship Council.

returning to New Zealand and then to New York.¹⁹

New Zealand's decision to advance the introduction of cabinet government was announced shortly before the mission's arrival in Samoa, and consequently much of the mission's time was spent in ascertaining Samoan sentiment concerning the proposed constitutional changes.²⁰ In general, the mission found the Samoans in solid support of the changes. Furthermore, the mission also endorsed the changes as being in accord with New Zealand's trusteeship obligations and in the best interests of the Samoans.²¹ In addition, the mission dealt with a number of political issues which would be confronting Western Samoa during the transition to independence, and its recommendations with regard to these issues need to be examined in more detail.²²

Plebiscite

A matter of great concern to the mission, the Samoan leaders, and New Zealand was the manner in which Western Samoa was going to satisfy the requirement of the United Nations Charter that independence be achieved in accordance

¹⁹Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, Op. Cit., p. 1.

²⁰See pages 171-174 for discussion of these constitutional changes.

²¹Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, Op. Cit., pp. 6-10.

²²The mission did, of course, deal with economic, social, and educational problems but our interest is primarily confined to its work with political issues.

with "the freely expressed wishes of the peoples concerned".²³ In practice, the General Assembly had interpreted this language to mean that the people of the trust territory must express themselves concerning the termination of the trust agreement either through a plebiscite or a resolution passed by a legislature elected on the principle of universal suffrage.²⁴ If applied to Western Samoa, this would mean that because the members of the Legislative Assembly owed their positions to the matai system instead of universal suffrage, a plebiscite would be necessary in order to approve the termination of the trusteeship agreement and to endorse the constitution after it was drafted by the constitutional convention. Most of the Samoan leaders were opposed to such a plebiscite as they felt the decisions concerning the termination of the trust agreement and the approval of the constitution should be made in fa'aSamoa fashion.²⁵ These leaders, however, did not want to take a chance on slowing the movement toward independence and so agreed to a plebiscite.²⁶ Their statement issued after a meeting of the Fautua and the members of the Legislative Assembly declared:

²³United Nations Charter, Article 76.

²⁴Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, Op. Cit., p. 21.

²⁵"Procedural Clash in Western Samoa," Pacific Islands Monthly, April, 1959, p. 21.

²⁶"Self-Government for Western Samoa will be to Schedule," Pacific Islands Monthly, July, 1959, p. 33.

This meeting of the Hon. Fautua and Members of the Legislative Assembly, having now given careful consideration to the procedure for the termination of the Trusteeship Agreement and in particular to the need to satisfy the General Assembly of the United Nations that the request for the termination of the Agreement is in accordance "with the freely expressed wishes of the people," recommends:

(1) That a plebiscite should be held in which the people of Western Samoa would be asked whether or not they agree to the termination of the Trusteeship Agreement and to the enactment of the proposed Constitution, and Treaty of Friendship with New Zealand.

(2) That all persons over the age of 21 should take part in this plebiscite.²⁷

The mission members were pleased by this decision but did caution the Samoans that the precise terms of the question to be asked at the plebiscite would have to be determined by the General Assembly in consultation with New Zealand.²⁸

Future Role of New Zealand

A second matter on which the mission focused its attention was the future relationship between Western Samoa and New Zealand. From the beginning of Samoa's development toward self-government, her leaders had expressed interest in maintaining a special relationship with New Zealand after independence.²⁹ In 1946 in the petition to the United Nations and again at the time of the 1954 constitutional convention, the Samoans had explicitly stated a desire for a relationship

²⁷Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, Op. Cit., p. 21.

²⁸Ibid.

²⁹"Samoa Comes of Age," Op. Cit., p. 361.

somewhat similar to that existing between Great Britain and Tonga. But upon closer examination the Samoans realized that Tonga's status was little different from an old-fashioned protectorate and as such was not compatible with their aspirations; nor was such an arrangement likely to satisfy the United Nations.³⁰ Thus, the United Nations mission took it upon itself to explore this question with the two governments.

When in Wellington, New Zealand's Prime Minister, Walter Nash, informed the mission that his government felt that a treaty should be entered into after Samoa's independence. He did not elaborate in detail but did make clear that New Zealand would expect to perform for Western Samoa only those functions which Samoa would want New Zealand to carry out.³¹ Then in Samoa the mission elicited from the Samoans a resolution which stated that "it is in the best interest of Western Samoa to enter into a Treaty of Friendship with New Zealand." Furthermore, this treaty was to "deal with matters of external affairs and defence" but "ratification should not take place until after the termination of Trusteeship in order that the two parties to the Treaty shall possess equal status."³² In other words, Western Samoa wanted to continue a

³⁰Ibid., p. 362.

³¹Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, Op. Cit., p. 20.

³²Ibid.

close relationship of equals. While the mission was in Wellington on route back to the United Nations, New Zealand again indicated a willingness to work out an agreement and further stressed that Samoa's attainment of self-government was in no way conditional upon the conclusion of such a treaty.³³

Citizenship and Elections

The mission also made recommendations regarding the still embryonic Citizenship Ordinance and the electoral system. The Citizenship Ordinance was still being formulated by the Working Committee, but the mission exhibited considerable perceptiveness as it pointed out that it would be unreasonable to expect someone to opt for or against Samoan citizenship without knowing the details of the proposed constitution. Therefore, the mission suggested that at least the main terms of the constitution should be made public in a definite form well ahead of the deadline for choosing Samoan citizenship.³⁴ Initially, as already mentioned, the mission's recommendation was not followed, but later the logic of its suggestion was recognized and implemented. With regard to the electoral system, the mission was particularly anxious that the separate electoral roles for Samoans and Europeans be replaced by some system which did not rely on race as its basis. The mission's suggestion was that in addition to the general matai role

³³Ibid.

³⁴Ibid., p. 8.

there should be a non-matai role "on which all persons, whatever their racial origin, living outside the scope of the matai system and not enjoying its privileges or carrying out its obligations should be entitled to register."³⁵ This suggestion was to furnish the basis of the system proposed by the Working Committee and adopted by the constitutional convention.

Timing

The last major action by the United Nations mission was the approval of a timetable for Samoan independence.³⁶ New Zealand originated the timetable and delivered it to the mission for approval with the understanding that it represented only a tentative schedule.³⁷ After outlining the passage of the Samoan Amendment Act of 1959, the Citizenship Ordinance and the introduction of cabinet government, the timetable continued:

1960

June/July Trusteeship Council asked to recommend that item "Question of Western Samoa" be placed on agenda of fifteenth session of General Assembly.

³⁵Ibid., p. 10.

³⁶It again needs to be noted that the mission's report was not authoritative in itself as its suggestions and observations had to be officially approved by both the Trusteeship Council and the General Assembly. In fact, however, the mission's reports were usually endorsed in full, and such was the case with the 1959 mission's report.

³⁷Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, Op. Cit., p. 22.

| | |
|-----------|---|
| 1961 | |
| May | Plebiscite held in Western Samoa. |
| June/July | Trusteeship Council examines report of plebiscite commissioner and is asked to make recommendation to General Assembly concerning termination of Trusteeship Agreement. |
| August | New Zealand Parliament passes legislation authorizing the issue of an Order in Council abrogating New Zealand powers over Western Samoa upon termination of the Trusteeship Agreement (e.g., after 31 December 1961). |
| November | General Assembly asked to take appropriate action in respect of Trusteeship Agreement (e.g., termination of an agreed date such as 31 December 1961). |
| 1962 | |
| January | Conclusion of Treaty of Friendship between New Zealand and Western Samoa. ³⁸ |

By any standards, the mission's visit must be considered as a success. Most importantly, the Samoans had agreed to a plebiscite. In addition, the mission succeeded in establishing closer rapport between New Zealand and Western Samoa with regard to their future relationship. Furthermore, the mission had made useful suggestions concerning both the Citizenship Ordinance and the electoral system. Finally, a tentative schedule outlining Samoa's transition to independence had been submitted to the mission and approved by it. In summary, the Western Samoans not only had been assured that independence was certain but had been told to expect it by January 1, 1962.

The Constitutional Convention

In January, 1960, the sixteen member Working Committee

³⁸Ibid.

on Self-Government began preparation of the draft constitution.³⁹ As the Committee's meetings were conducted in private and as no minutes were kept, it is impossible to know precisely its procedure or the exact nature of its discussion. However, each part of the draft constitution was made public as it was written, and in July the Committee finished its task by publishing the draft constitution in completed form.⁴⁰ The constitution was modelled along fairly well established lines and consisted of twelve parts: I, the Independent State of Western Samoa and its Supreme Law; II, Fundamental Rights; III, The Head of State; IV, the Executive; V, Parliament; VI, the Judiciary; VII, the Public Service; VIII, Finance; IX, Land and Titles; X, Emergency Powers; XI, General and Miscellaneous; and XII, Transitional.⁴¹ Only part IX, Land and Titles, which dealt with Samoan land tenure and matai titles, revealed that the constitution had been framed for the particular conditions of Samoa.⁴² In the course of drafting the constitution the Committee had considered various matters outside the scope of the constitution itself,

³⁹Yearbook of the United Nations, 1960, (United Nations; New York: Office of Public Information, 1961), p. 477.

⁴⁰"Samoa Comes of Age," Op. Cit., p. 354.

⁴¹Western Samoa, Draft Constitution of the Independent State of Western Samoa, (Apia, Western Samoa: Government Printer, 1960).

⁴²Davidson, "The Transition to Independence: The Example of Western Samoa," p. 34.

and its recommendations on these issues--which ranged from the jury system to public administration--were included in a series of resolutions, proposing legislation to be passed by the Legislative Assembly, which were appended to the constitution.⁴³

The calling of the constitutional convention was provided for by the Legislative Assembly's enactment of a Constitutional Convention Ordinance which established "a constitutional convention for Western Samoa for the purpose of making provision as to the constitution of Western Samoa."⁴⁴ In other words, the constitution was to emerge as an act of the Samoan people rather than deriving, directly or indirectly, from the actions of New Zealand or the United Nations. Therefore, it was imperative that the convention should be as representative as possible. It was decided that the membership of the convention should include the Fautua, members of the Legislative Assembly, three additional representatives from each Samoan constituency and ten additional European representatives, and Tuimaleali'ifano, holder of one of the princely titles who otherwise would not have qualified.⁴⁵ Being organized in this manner, the convention would be based on the

⁴³Western Samoa, Draft Constitution of the Independent State of Western Samoa, Op. Cit., pp. 57-65.

⁴⁴Quoted in "Samoa Comes of Age," Op. Cit., p. 353.

⁴⁵New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1960, p. 13.

modern electoral system, while at the same time traditional Samoan political structure would not be neglected.⁴⁶

The convention⁴⁷ convened on August 16, 1960, two months ahead of the timetable of 1959, to begin debate on the draft constitution.⁴⁸ The Honorable Fautua, Tamasese and Malietoa, acted as joint chairman of the convention. In general, parliamentary procedure was followed throughout the convention debates. The chairman introduced each article of the draft constitution and then the article was open for general debate. In practice, Professor Davidson or Professor Aikman usually started the discussion by giving an explanation of the article. In this manner the entire constitution was debated with spirit and enthusiasm but with no lack of regard for the proprieties. However, the Samoans' endemic love of flowery speeches and oratory meant that often debates were

⁴⁶Western Samoa, Draft Constitution of the Independent State of Western Samoa, Op. Cit., p. 35.

⁴⁷Unfortunately, the Citizenship Ordinance requiring a renunciation of former citizenship and an oath of allegiance to Western Samoa by July 8, 1960, in order to become a citizen with voting privileges, had not yet been postponed. Many Europeans, therefore, refused to take part in the election of the ten additional European representatives, with the result that the number of additional European representatives was reduced to five. This meant that there were 174 representatives at the convention. "Many Europeans Decline Citizenship at this Stage," Pacific Islands Monthly, August, 1960, p. 22.

⁴⁸New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1960, p. 13.

needlessly prolonged.⁴⁹

No attempt is made to review in detail the work of the convention. But the debates dealing with part III (the Head of State) merit closer examination for two reasons: first, they were the most heated and extended; and, second, the problems relating to the Head of State vividly illustrate the difficulties encountered in attempting to reconcile Samoan custom with a modern political system. In brief, the draft constitution provided that Tamasese and Malietoa should jointly assume the office of Head of State. On the death of either Tamasese or Malietoa, the survivor was to continue to fill the office. On the death of the survivor, the Legislative Assembly was to elect, for a five year term, a new Head of State.⁵⁰ The Working Committee further recommended in a resolution that the Head of State be chosen from among the four princely title holders.⁵¹ But as the latter resolution was not embodied in the constitution, eligibility for election to the office of Head of State would be, in fact, in the hands of the Legislative Assembly.

As the Honorable Fautua, particularly Tamasese, had been at the front of the march toward independence, there was

⁴⁹"No End Yet to West Samoa's Mighty Battle of Words," Pacific Islands Monthly, October, 1960, p. 23.

⁵⁰Western Samoa, Draft Constitution of the Independent State of Western Samoa, Op. Cit., pp. 14-15.

⁵¹Ibid., p. 57.

almost no opposition to making them joint holders of the office of Head of State. The idea of having the survivor serve as a single Head of State did disturb some traditionalist representatives, and an amendment was offered which would have declared the families of Malietoa and Tupua⁵² to be the "two joint holders of the office of Head of State as from the present time until the end of the world".⁵³ In other words, on the death of either Famasese or Malietoa, his successor to the family title would have also succeeded him as Head of State, and the Malietoa and Tupua families would have continued to monopolize the office of Head of State. But this motion was defeated by voice vote of the convention.⁵⁴

In contrast, the Working Committee's provision that future vacancies be filled by the Legislative Assembly caused considerably more controversy. There was some sentiment for having the new Head of State chosen by a fono of all Samoa or at least by a larger body than the Legislative Assembly, but a proposed amendment to this effect was subsequently withdrawn.⁵⁵ Much more serious was that some Samoans thought that the office of Head of State should be vested in all four of

⁵² Tupua is the name of the family represented by Tamasese.

⁵³ Western Samoa, Constitutional Convention Debates 1960, (Apia, Western Samoa: Office of the Clerk, Legislative Assembly, 1960), p. 248.

⁵⁴ Ibid., p. 272.

⁵⁵ Ibid., pp. 276-288.

the Tama-A-Aiga,⁵⁶ while others favored a continuation of the joint Head of State, and while still others felt that there should be a single holder with a system of rotation among the Tama-A-Aiga.⁵⁷ Fortunately, the Working Committee had foreseen these disagreements and had attempted to deal with them through the creation of a Council of Deputies. The Council of Deputies was to be composed of not more than three persons "qualified for election as Head of State" and its members were to be elected by the Legislative Assembly.⁵⁸ The Council--in effect the three Tama-A-Aiga who were not Head of State--officially was to perform the functions of Head of State in the event of his absence or incapacity or, in case of his death, until a new Head of State was appointed.⁵⁹ But in the course of the debates and the explanations by Dr. Davidson, it became clear that actually the members of the Council were expected to confer among themselves and then to recommend to the Legislative Assembly which one among them should become the new Head of State.⁶⁰

⁵⁶ Tama-A-Aiga is the Samoan term for the "Royal Sons" or princely title-holders of the four primary family groups.

⁵⁷ Davidson, "The Transition to Independence: The Example of Western Samoa," p. 36.

⁵⁸ Western Samoa, Draft Constitution of the Independent State of Western Samoa, Op. Cit., p. 18.

⁵⁹ Ibid., p. 17.

⁶⁰ Western Samoa, Constitutional Convention Debates 1960, pp. 300-318.

Thus the Council of Deputies served two purposes: it showed respect for Samoan tradition by ensuring a dignified, although not onerous, office to the four Tama-A-Aiga, one of whom always would be destined to become the next Head of State; and it kept the Tama-A-Aiga out of active politics which pleased most of the other Samoan leaders. At the same time, the constitution provided that a Tama-A-Aiga could refuse appointment to the Council of Deputies, or could resign. This provision would allow a politically ambitious Tama-A-Aiga, such as Mata'afa, to pursue a public career if he wished. Furthermore, if in the future Samoan opinion should cease to favor the principle of restricted eligibility for the office of Head of State, these restrictions, applicable to the Council of Deputies as well as to the Head of State, could be removed without the need of any constitutional amendment. All these provisions relating to the Head of State were debated with vigor and many amendments were offered, but in the final analysis the Working Committee's draft was accepted in its original form.

Another thorny issue debated at the convention which deserves attention is the problem of "domestic status" within Western Samoa. The two domestic classes within Samoa were "Samoan" and "European". The exact method of classification was very intricate but in essence no person who was less than one-half Polynesian could be considered a "Samoan" although a person who was more than one-half Polynesian might become a

"European". The United Nations had been most anxious to remove distinctions based on race, and Samoa had moved progressively toward that goal with the result that there remained only two areas in which the distinction was significant—the franchise and the acquisition of pule⁶¹ over Samoan land.⁶²

The Working Committee boldly attacked this controversial issue and presented to the convention, in the form of resolutions, proposals designed to resolve the dilemma. With regard to the problem of the franchise, the Committee proposed the abolition of the existing European electoral roll and its replacement by an "individual voters" role on which anyone could be registered who either had been on the European roll or had lived outside the matai system.⁶³ Concerning the question of pule over land, the Committee proposed that all persons who were related to families possessing rights to customary land should be eligible to hold matai titles and exercise pule over customary land.⁶⁴ This latter proposal meant that many part-Samoans who had been living in fa'aSamoan fashion but who had been classified as "European" and thus deprived of land rights would be able to exercise pule over customary land. As was the case with the Head of State issue,

⁶¹ Samoan term for authority or right to control.

⁶² "Samoa Comes of Age," Op. Cit., p. 360.

⁶³ Western Samoa, Draft Constitution of the Independent State of Western Samoa, Op. Cit., p. 57.

⁶⁴ Ibid., p. 62.

these proposals were heatedly argued but eventually accepted.

The convention sat for more than two months before concluding its work on October 28, 1960, at which time the completed constitution was formally adopted and signed.⁶⁵ In spite of the weeks of discussion and debate and the many proposed amendments, the approved constitution was almost a verbatim replica of the draft constitution proposed by the Working Committee.⁶⁶ Although the convention made no major changes in the draft constitution, its work should not be minimized. The convention had allowed a relatively large number of influential Samoans to study the constitution closely and to familiarize themselves thoroughly with its intricacies. Also, and of great importance, the convention officially sanctioned the constitution. This meant that the basic law which would govern Western Samoa after independence had been written and approved by Samoans themselves. There could be no suspicion that the constitution contained provisions which did not meet the approval of the Samoans. Certainly, the importance of a "legitimate" constitution to a new state can scarcely be over-emphasized.

The structure of government established by the constitution was almost exactly the same as that existing after

⁶⁵ New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1960, p. 13.

⁶⁶ "Western Samoa Completes Historic Task," Pacific Islands Monthly, November, 1960, p. 73.

the introduction of cabinet government on October 1, 1959. In fact, the only difference was that on the attainment of independence the Council of State was to be replaced by the Fautua acting as Head of State.⁰⁷ Otherwise, the structure remained unchanged.⁰⁸ Obviously, New Zealand's willingness to consult the Samoans and to respect their wishes during the 1947-1959 period was clearly reflected in the Samoans' acceptance of the basic structure of government instituted during those years. It should be added that the office of High Commissioner was abolished, and naturally, New Zealand was no longer to have ultimate responsibility for Western Samoa.

The Final Steps

As previously mentioned, the Samoan leaders had agreed at the time of the United Nations mission's visit in 1959 to a plebiscite based on universal suffrage. After the approval of the constitution by the convention on October 28, 1960, the next step on the road to independence was the holding of this plebiscite. However, appearing before the Trusteeship Committee of the General Assembly in December, 1960, Prime Minister Mata'afa maintained that a plebiscite was unnecessary as the constitution adopted by the constitutional convention

⁰⁷ New Zealand, Report to the General Assembly of the United Nations on the Administration of Western Samoa, 1960, p. 23.

⁰⁸ See pages 167-174 for a detailed description of the structure of Samoan government instituted during the late 1950's and subsequently adopted by the convention.

and the resolution re-affirming the desire for independence adopted by the convention, expressed the wishes of the Samoan people. New Zealand supported Mata'afa's contention; her representative told the Committee that the constitutional convention had been a body representative of the Samoan people.⁶⁹ Nevertheless, on December 18th the United Nations recommended:

- (1) that the Administering Authority take steps, in consultation with a United Nations Plebiscite Commissioner, to organize under UN supervision a Plebiscite in order to ascertain the wishes of the inhabitants of Western Samoa concerning their future;
- (2) that the Plebiscite should take place in the month of May 1961 and that the question to be put should be:
 - "1. Do you agree with the Constitution adopted by the Constitutional Convention on 28 October, 1960?
 - "2. Do you agree that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution?"
- (3) that the Plebiscite should be conducted on the basis of universal suffrage with all adult citizens of Western Samoa being entitled to vote.⁷⁰

Early in February the executive government of Western Samoa announced that the plebiscite would take place on May 9, 1961.⁷¹ The United Nations Plebiscite Commissioner, Dr. Najmuddine Rifai of the United Arab Republic, and New Zealand's

⁶⁹ C. G. R. McKay, "Western Samoa's Plebiscite on Independence," Journal of the Polynesian Society, LXX(September, 1961), 354.

⁷⁰ Yearbook of the United Nations, 1960, Op. Cit., p. 480.

⁷¹ McKay, Op. Cit., p. 355.

Plebiscite Administrator, C. G. R. McKay, were jointly responsible for the plebiscite and worked closely together. They publicized the plebiscite as much as possible and encouraged all adult citizens of Samoa to vote. Their hard work was rewarded on May 9 when slightly over eighty-seven per cent (37,897) of the eligible adults voted in a responsible and orderly fashion. The results were:

1st Question: 31,426 for; 4,909 against; 1,562 informal
 2nd Question: 29,882 for; 5,108 against; 2,907 informal.⁷²

So for the first time in Samoa's history, women and untitled men had directly taken part in a political decision, and they had left no doubt but that they approved of the new constitution and also of the creation of an independent Western Samoa. Ironically, by voting "yes" to both questions the Samoans, in effect, had denied themselves, at least for the present, the right to vote for the members of the Legislative Assembly as in the independent state of Western Samoa suffrage was to be restricted to the matai.⁷³

The plebiscite was a decisive state in the transition to independence. There remained only three relatively formal steps: (1) action by the Trusteeship Council recommending to

⁷²Ibid., p. 76. ("informal" votes were cases in which the voter abstained from voting on the particular question while casting a valid and counted vote on the other question.)

⁷³M. Mortimer, "Sovereign Samoa," The Contemporary Review, CC(July, 1961), 382.

the General Assembly that the trusteeship agreement be terminated; (2) the passage by the New Zealand Parliament of implementing legislation abrogating all New Zealand's powers over Western Samoa; (3) the passage by the United Nations General Assembly of a resolution terminating the trusteeship agreement as of January 1, 1962.⁷⁴

On June 22, 1961, Dr. Rifai, the United Nations plebiscite Commissioner, submitted his report on the organization, conduct, and results of the plebiscite. His report stated that the plebiscite was conducted with the utmost impartiality and in complete freedom.⁷⁵ During the same session of the Trusteeship Council, New Zealand's representative informed the Council that New Zealand had assured Western Samoa that assistance would continue after independence if Western Samoa so desired. More specifically, New Zealand was prepared to assist Samoa in the conduct of foreign affairs and to aid Samoa in her own internal development in such manner as would not limit Samoa's sovereignty.⁷⁶ Subsequently, on July 7, 1961, the Trusteeship Council unanimously recommended that the General Assembly, in agreement with New Zealand, decide to terminate the trusteeship agreement for Western Samoa on

⁷⁴United Nations, Trusteeship Council, Official Records: Twenty-Seventh Session (June 1-July 19, 1961), p. 151.

⁷⁵Yearbook of the United Nations, 1961, (United Nations, New York: Office of Public Information, 1963), p. 496.

⁷⁶Ibid.

January 1, 1962.⁷⁷

Soon after this action by the Trusteeship Council, legislation designed to end New Zealand's responsibility for Western Samoa was introduced in the New Zealand Parliament. The legislation declared that the Queen was to have no jurisdiction over Western Samoa after the termination of the trusteeship agreement between the United Nations and New Zealand. It also repealed all New Zealand legislation still in force in Western Samoa. The legislation, referred to as the Independent State of Western Samoa Bill, was officially passed on November 1, 1961, and was to go into effect on January 1, 1962.⁷⁸

Meanwhile, the General Assembly of the United Nations took its final action just before the official passage of the Independent State of Western Samoa Bill by the New Zealand Parliament. On October 12th the Prime Minister of Western Samoa formally asked the General Assembly to terminate the trusteeship agreement for his country so that Western Samoa might attain independence on January 1, 1962. The chairman of the New Zealand delegation, F. H. Corner, supported Mata'afa's request and commented: "My Government believes Western Samoa is ready to assume sovereign status."⁷⁹ With the stage thus

⁷⁷Ibid.

⁷⁸"West Samoa's Commonwealth Status Not Yet Decided," Pacific Islands Monthly, November, 1961, p. 16.

⁷⁹The Evening Post, (Wellington, New Zealand), October 13, 1961, p. 11.

set, the General Assembly endorsed the results of the plebescite and resolved that on January 1, 1962, the trusteeship agreement for Western Samoa should cease to be operative. The General Assembly further expressed the hope that after independence Western Samoa would be admitted to United Nations membership if she so desired.⁸⁰

With the final action of the General Assembly and with the passage of the Independent State of Western Samoa Bill, all the steps necessary for Samoa's independence had been taken; the next two months were merely a period of marking time. Duly, on January 1, 1962, in an impressive ceremony attended by official representatives from Australia, the United States, Great Britain, France, the Netherlands, and the Prime Minister of New Zealand, the Right Honorable Keith J. Holyoake, Western Samoa officially became an independent state.⁸¹ A goal toward which the Samoans had worked for almost one hundred years had been reached. The road leading to independence had been neither short or always smooth, but it had been travelled. Western Samoa's domination by foreign governments was only a memory.

Relations Between New Zealand and Western Samoa

Before moving to an evaluation of Western Samoa's

⁸⁰Yearbook of the United Nations, 1961, Op. Cit., p. 496.

⁸¹New Zealand, "Independence Celebrations in Western Samoa: 1-5 January 1962," External Affairs Review, XII (January, 1962), p. 3.

development during the trusteeship period and to a brief look at the future, attention needs to be given to Samoa's relations with New Zealand since independence because, as briefly described already, the groundwork for these relations was laid between 1959 and 1962.

One of the last acts of the Samoan constitutional convention in 1960, before dissolving itself, was the passage of a resolution pertaining to future relations with New Zealand. The resolution, in part, read:

The Constitutional Convention, in this, its final meeting - - -

Welcomes the clear and friendly understanding between the Governments of Western Samoa and New Zealand, whereby both Governments agree that the sovereignty of Western Samoa should be complete and unqualified and that the two countries should continue to work together, on terms agreeable to both Governments;

Welcome the offer of the Government of New Zealand to provide assistance to the Independent State of Western Samoa;

Recommends:

- (a) That the framework of future co-operation between New Zealand and the Independent State of Western Samoa should be laid down in a Treaty of Friendship between the two sovereign states to be signed after Independence Day;
- (b) That, in particular, the Government of the Independent State of Western Samoa should request the Government of New Zealand to afford:
 - (i) administrative and technical assistance;
 - (ii) assistance in carrying out its external affairs in such a manner as will not detract from the responsibility of the Government of the Independent State of Western Samoa to formulate its own international policy.⁸²

⁸²Western Samoa, Constitutional Convention Debates 1960, Op. Cit., pp. 889-890.

In other words, Western Samoa expressed a definite interest in maintaining close relations with New Zealand and, in particular, declared that she wanted technical and administrative aid as well as assistance in carrying on foreign relations.

During the years of trusteeship New Zealand had been most generous in making grants to Western Samoa, and she had made it clear that such aid would not automatically stop when Samoa became independent. In fact, even before independence was achieved, New Zealand offered a grant of £400,000 to be spread over five years to improve the Samoan education system.⁸³ Then, on January 1, 1962, Prime Minister Holyoake, in the course of his congratulatory speech in Apia, offered an additional £45,000 annually for five years in order to help Western Samoa strengthen its system of administration.⁸⁴

While these offers of assistance were gratefully accepted by the Samoans, the most significant development in New Zealand and Western Samoan relations occurred on August 1, 1962, when a Treaty of Friendship between the two countries was signed.⁸⁵ Under this Treaty,⁸⁶ New Zealand agreed to

⁸³The Evening Post (Wellington, New Zealand), January 3, 1962, p. 19.

⁸⁴Text of the speech delivered by Right Honorable K. J. Holyoake, P. C., Prime Minister of New Zealand, at the Independence Day Ceremonies, 1 January 1962. Reproduced in External Affairs Review, Op. Cit., p. 31.

⁸⁵The New Zealand Herald (Auckland, New Zealand), August 3, 1962, p. 3.

⁸⁶See Appendix X for complete text of the Treaty of Friendship.

"consider sympathetically requests from the Government of Western Samoa for technical, administrative and other assistance."⁸⁷ In addition the Treaty provided that:

The Government of New Zealand shall, for as long as the Government of Western Samoa wishes, and in such manner as will in no way impair the right of the Government of Western Samoa to formulate its own foreign policies, afford assistance to the Government of Western Samoa in the conduct of its international relations. In particular the Government of New Zealand will:

- (a) when requested, act as the channel for communications between the Government of Western Samoa and other Governments and international organizations;
- (b) when requested, and where permissible and appropriate, undertake the representation of the Government of Western Samoa at any international conference at which Western Samoa is entitled to be represented;
- (c) when requested, supply Western Samoa with information concerning international affairs;
- (d) undertake the diplomatic protection of nationals of Western Samoa in other countries and perform consular functions on their behalf.⁸⁸

Thus, by this Treaty of Friendship Western Samoa authorized New Zealand to conduct Samoa's international diplomacy but with the understanding that Samoa was to formulate her own foreign policies and with the written assurance that either government could terminate the Treaty at any time upon its own desire.⁸⁹

Considering Western Samoa's small size and the Samoans'

⁸⁷Treaty of Friendship Between the Government of New Zealand and the Government of Western Samoa, (Wellington, New Zealand: Department of External Affairs, 1962), p. 3.

⁸⁸Ibid., p. 4.

⁸⁹Ibid.

limited experience in international affairs, the decision to rely on New Zealand as a channel of communication with other governments and as a representative at international conferences was a very sensible step. In spite of her small size, Western Samoa will be involved in some international organizations such as the South Pacific Commission and various special agencies of the United Nations. This treaty will allow Samoa to choose when she wishes to be directly involved in international affairs and when she would rather that New Zealand represent her. Obviously, such a position has advantages.

Lastly, comment is needed on Western Samoa's defense arrangements. During the trusteeship period, New Zealand was responsible for Samoa's defense. This was not an onerous responsibility, since Western Samoa's sequestered location and lack of involvement in international politics meant that there was little need for elaborate defense measures. Indeed, New Zealand did not even find it necessary to station troops in Western Samoa. Similarly, since independence, Western Samoa has not found it necessary to devise detailed defense arrangements. There is no need for any armed forces, and so Samoa is spared the expense of a standing army. Certainly it is to Western Samoa's advantage to follow a policy of non-involvement in the cold war and such is apparently her intention. Also, although the Treaty of Friendship made no reference to Samoa's defense needs, there is little doubt but that

New Zealand would offer troops or take whatever steps might be necessary to provide for Samoa's defense in the event of a crisis.

CHAPTER VII

EVALUATIONS AND PROSPECTS

With the coming of Samoan independence on January 1, 1962, both New Zealand and the United Nations were relieved of all responsibilities for Western Samoa. Their tasks had been completed. Before examining Western Samoa's problems and development in the post-independence period, an evaluation of the roles played by New Zealand and the United Nations during the trusteeship period is needed.

A Critique of New Zealand's Administration of Western Samoa During the Trusteeship Period

Western Samoa's advance from a dependent trust territory to a self-governing independent state represents one of the smoothest transitions to independence to have taken place in any former colony or trust territory. Even in recent years, when at last most of the Colonial Powers have recognized that the "wind of change" is blowing and have been willing to allow their former possessions to accede to independence, seldom has the path to nationhood been less fraught with bitterness and strife than in the case of Western Samoa. Much of the credit for the smoothness of Samoa's development must

be accorded to New Zealand. Indeed, unlike the mandate period, where there is room for legitimate disagreement as to the merits of New Zealand's administration of Western Samoa, little except praise is appropriate when evaluating New Zealand's administration of Western Samoa during the trusteeship period. In particular, this praise is deserved when the primary focus of attention is on Western Samoa's political development. Let us examine more closely why New Zealand's policy was so successful in preparing Western Samoa for independence.

One of the key factors contributing to the success of New Zealand's policies and consequently to Samoa's smooth political advancement was Peter Fraser's decision, made immediately after World War II, to place the responsibility for determining the future pace and direction of Samoa's political development primarily with the Samoans themselves.¹ In other words, paternalism as a principle of administration was abandoned. This meant that, before constitutional changes were decided upon, New Zealand always consulted with the Samoans to ascertain their attitude toward the proposed changes. Thus, support from the Samoans for the proposed changes were ensured. For example, before New Zealand introduced its 1947 Samoan Amendment Act she already had received

¹J. W. Davidson, "Smooth Progress to Independence," The Press (Christchurch, New Zealand), December 30, 1961, p. 10, as reprinted from Sydney Morning Herald.

the views of the Samoans through their consultations with the United Nations mission; and, again, with regard to the 1953 Development Plan which lay bare New Zealand's ideas for Samoa's development almost until the time of independence, New Zealand emphasized that her proposals were only suggestions and informed the Samoans that through their Working Committee and Constitutional Convention they were free to make any recommendations which they might wish and further promised that such recommendations would be "given most careful and friendly consideration."² Moreover, this promise was kept as the changes suggested by the Samoans were accepted almost without exception.³

The importance of New Zealand's willingness not only to consult and negotiate with the Samoans regarding every proposed constitutional change during the late 1940's and throughout the 1950's but also to follow their advice can hardly be over-emphasized. This represented a radical shift from the policy pursued during most of the mandate period when important decisions often were announced without any prior negotiation with the Samoans or at best after only perfunctory consultation. This change in policy, particularly when combined with the increased personal interest in Samoa's

²Statement by the Right Honorable S. G. Holland, the Prime Minister of New Zealand, quoted in United Nations Visiting Mission to Trust Territories in the Pacific, 1953, Report on Western Samoa, New York, 1953, p. 14.

³See pages 161-165.

political future shown by New Zealand leaders such as Fraser, Holland, and Nash, had a very favorable effect on the Samoans and made them much more willing to cooperate with New Zealand in the difficult task of implementing the trying changes of the late 1940's and 1950's. Basically, New Zealand did the most difficult thing of all: she accepted the fact that her ideals and values might not be the same as those of the Samoans and then was willing to let the Samoans be their own guide and pacer.

Another extremely important aspect of New Zealand's policy which contributed to the smoothness of Samoa's transition to independence was the recognition by New Zealand of the deep desire of the Samoans for political autonomy. Not only did New Zealand recognize this desire, but she also made it clear at the beginning of the trusteeship period that she was in sympathy with the Samoans' desire for independence and that she would work with them to attain that goal. In 1947 at the time of the announcement of the constitutional changes for Western Samoa, New Zealand's Acting Prime Minister Nash added the following assurance:

The present proposals are intended only as the first steps in a process which will not end until the Samoan people are able to assume full responsibility for the control of their own affairs.⁴

⁴Statement made in the House of Representatives on August 27, 1947, by the Acting Prime Minister, Walter Nash, quoted in Report of United Nations Visiting Mission to Western Samoa, 1947, p. 39.

This statement, when coupled with the terms of the trusteeship agreement, made the Samoans fully cognizant that New Zealand had recognized and accepted the legitimacy of their aspirations for independence. This knowledge on the part of the Samoans that New Zealand was pledged to work toward Samoan independence allayed the Samoans' suspicion concerning New Zealand's motives and goals and thus allowed New Zealand officials and the Samoan leaders to work together with a high degree of harmony and mutual good will.

New Zealand also demonstrated an increased understanding of the Samoans and their desire for independence by providing in 1955 an outlined time-table of the remaining steps to self-government.⁵ This move by New Zealand furnished additional proof of her sincerity and more importantly provided an overall framework which encouraged all concerned to make their actions conform to the schedule.

As a by product of the above-mentioned techniques, two highly important policies evolved. First, due to New Zealand's readiness to grant the Samoans independence as soon as they were ready for the related responsibilities, Samoans constantly were being placed in positions of authority in which they could obtain the experience necessary to make them ready for independence. Indeed, the whole trend of the constitutional changes of the late 1940's and 1950's was

⁵See pages 166-167.

directed toward allowing the Samoans to assume more and more responsibility for their own affairs. Therefore, when independence came, Western Samoa was blessed with a relatively large number of leaders who possessed some legislative and executive experience. As can be seen from the examples of other former dependent areas, a certain number of such leaders are essential for stable government after independence.

Secondly, New Zealand's willingness to introduce only those changes which the Samoans wanted and to accept the suggestions of the Samoans meant that the institutions which emerged from the trusteeship period had been molded and approved by the Samoans and also had retained those aspects of Samoan custom which the Samoans considered essential. For example, New Zealand did not insist that universal suffrage replace the matai system as a method of selecting political representatives. Moreover, New Zealand ensured that the traditionally influential title-holders were given a dignified position by creating the Council of State and appointing the Fautua to the Council. The result was that Western Samoa was provided with a form of government based on the British parliamentary system and thus highly suitable for life in the twentieth century, but which at the same time, retained those facets of Samoan custom necessary to give it legitimacy in the eyes of the mass of the Samoans.

The most often repeated criticisms of New Zealand's administration of Western Samoa during the trusteeship period

are that New Zealand pushed Western Samoa toward independence with "indecent haste"⁶ and that New Zealand neglected Samoa's economic development.⁷ The first criticism seems to emanate mainly from colonial-oriented conservatives who still yearn for the days of the "white man's burden" and can easily be brushed away by pointing to the orderly manner in which New Zealand led Samoa to independence. New Zealand planned Samoa's independence step-by-step for more than fifteen years, and by any relative standard Western Samoa must be said to have been ready for independence. Undoubtedly, if independence had been delayed for another ten years, Western Samoa would have been more ready, but the resentment and bitterness resulting from such a delay would have more than nullified possible administrative advantages. New Zealand's attitude toward this criticism was summed up by Walter Nash, New Zealand's Prime Minister from 1957 to 1960, when in 1959 he commented that New Zealand "believed that people can only learn the art of government by practising it."⁸

The second criticism, pertaining to New Zealand's

⁶"Too Much Haste in Western Samoa," Pacific Islands Monthly, January, 1959, p. 19.

⁷The New Zealand Herald (Auckland, New Zealand), December 21, 1960, p. 8; The Press (Christchurch, New Zealand), August 4, 1961, p. 20; The New Zealand Herald, December 29, 1961, p. 5; "Independent Samoa Faces Grim Financial Future," Pacific Islands Monthly, December, 1961, p. 29; "Samoa Comes of Age," Op. Cit., p. 363.

⁸"Western Samoan Cabinet Takes Over," Pacific Islands Monthly, November, 1959, p. 23.

neglect of Samoa's economic development, is more serious. Unfortunately, even a summary treatment of Samoa's economic development during the trusteeship period is beyond the scope of this study. Some of the problems affecting Samoa's economy already have been referred to, and it is true that in comparison with political development, economic development lagged during the trusteeship period. But New Zealand and the Samoans felt that political independence was of primary importance and both further believed that independence might improve Samoa's economy. Furthermore, it needs to be stressed that the trusteeship period saw a tremendous absolute economic development and in fact must be considered as a boom period. For example, production of cocoa, copra, and bananas increased considerably, and Western Samoa ran a favorable trade balance almost every year of the trusteeship period.⁹ In addition, New Zealand continued its policy of giving grants for public works, education, and social services, and for the first time authorized an economic survey to aid in long-range planning.¹⁰ In brief, Western Samoa's political advancement did outstrip her economic development, but economic development is always a slow process. To have held up independence until all Samoa's economic problems were solved would have been unthinkable.

⁹New Zealand, Official Yearbook 1960, (Wellington, New Zealand: R. E. Owen, Government Printer), 1960, p. 1140.

¹⁰See pages 10-14 for references to this survey.

The United Nations and Western Samoa

As has been pointed out, the United Nations trusteeship system represented a decided advance over the League of Nations mandate system.¹¹ For Western Samoa, the result of this advance was that the United Nations played an important role in her political development whereas the influence of the League of Nations had been negligible.¹²

Under the mandate system there had been no guarantee that class "C" mandates would ever become self-governing or independent, but one of the basic objectives of the trusteeship system was "to promote progressive development toward self-government or independence" in the trust territories.¹³ Since this objective was also included in the trusteeship agreement for Western Samoa, the Samoans were assured of eventual independence and so had considerably more respect for the trusteeship system and its purposes than had been the case with the League of Nations mandate system. Practically, this changed attitude toward the international supervisory system meant that the Samoans were inclined to cooperate with the United Nations visiting missions and to go along with their suggestions.

¹¹See pages 120-122 for a discussion of the differences between the mandate system and the trusteeship system.

¹²See pages 101-104 for an evaluation of the League of Nations role in Western Samoa.

¹³United Nations Charter, Chapter XII, Article 76.

The most notable improvement of the trusteeship system over the mandate system lay in the power of the Trusteeship Council to authorize visiting missions to the trust territories for the purpose of gaining first-hand information on conditions in the territories. Five United Nations missions visited Western Samoa between 1947 and 1959, and the effects of their visits were far-reaching. For example, the 1947 visiting mission spent almost two months in Samoa, and its recommendations were incorporated practically verbatim in the 1947 Samoan Amendment Act.¹⁴ Again, in 1950, the visiting mission proposed the establishment of an Executive Council in order to enable the Samoans to gain more experience in policy-making and administration within the executive branch of the government. This suggestion was followed by New Zealand in 1952 when an Executive Council, which in later years was to play an increasingly important role in the Samoan government, was created.¹⁵

Perhaps the mission which played the most important role in Samoa's development was the final mission in 1959. This mission arranged for the plebiscite pertaining to independence, helped clarify the future relationship between New Zealand and Western Samoa, helped solve the difficult problems

¹⁴See pages 135-150 for details concerning the 1947 visiting mission and the 1947 Samoan Amendment Act.

¹⁵See pages 150-153 for details regarding the establishment of the Executive Council.

of Samoan citizenship and the nature of the electoral system, and approved the time-table for Samoan independence.¹⁶

In summary, the United Nations trusteeship system provided a broad supervisory framework with definitely stated values and goals. New Zealand, as the administering authority for Western Samoa, was obligated to fulfill the purposes of the trusteeship system. In addition, the United Nations, through the Trusteeship Council with its power to authorize visiting missions, often was able to act as a middle-man between New Zealand and the Samoans and thus was instrumental in helping determine the course and speed of Western Samoa's political development.

In spite of the excellent job done by New Zealand and the United Nations in preparing Western Samoa for independence, all Samoa's problems were, by no means, solved at the time of independence. It is these continuing problems which demand our attention now.

Continuing Problems

The most immediate problem facing Western Samoa is the need for economic development. The basic problems confronting Samoa's economy have been previously described and will not be dealt with again in detail.¹⁷ In essence, the

¹⁶See pages 183-190 for a discussion of the work of the 1959 visiting mission.

¹⁷See pages 8-15 for an analysis of the Samoan economy.

problem is that greater production must be achieved if Samoa is to meet the needs of its rapidly expanding population. But, unfortunately, the traditional matai system does not lend itself to the demands of increased productivity and tends to hinder rapid economic development.

It should be pointed out that the Samoans are fully aware of the need for increased productivity and economic development and since independence have taken steps to ensure that such development occurs. For example, at the request of Samoa, the United Nations provided a very comprehensive economic report dealing with Samoa's resources and needs. The report suggested a five-year \$1,360,000 development plan which should concentrate on developing the resources of Savai'i.¹⁸ The report, which ended on an optimistic note by saying that Western Samoa had the requisites for a sound economy, proposed measures which are designed to increase Samoa's agricultural production more than twenty-five per cent during the 1964-1968 period.¹⁹ The Legislative Assembly has adopted most of the report's proposals and took a potentially very important step early in 1964 when it authorized the construction of deep water wharves to be built at Apia and Asau on Savai'i.²⁰ When these wharves are completed in 1966, they

¹⁸"Development of Savai'i: Best Hope for Western Samoa's Future," Pacific Islands Monthly, June, 1963, p. 33.

¹⁹Ibid.

²⁰"West Samoa's Boom Is On The Way," Pacific Islands Monthly, March, 1964, p. 11.

are expected to prove a great boom to Samoa's entire economy. Also, Western Samoa is actively seeking loans and aid from the United Nations and other sources.²¹ In short, Western Samoa faces serious economic problems, but she is attempting to solve them and there is no reason for undue pessimism.

Perhaps the most pressing political problem is the absence of a party system. This lack of political parties means that no individual member of the Legislative Assembly is committed in advance to support of ministerial proposals, and therefore, the government is never certain of the majority needed to get its legislation through the Assembly. Thus, stable government depends on the degree to which the prime minister and his cabinet can retain the confidence of the individual members of the Legislative Assembly.²² So far, this lack of a party system has not resulted in indecision or stalemate, but it has often unnecessarily lengthened debate.²³ At present, there are few signs that groups are emerging which eventually might coalesce into conventional political parties. However, there is a possibility that two loose blocs might develop within the next few years, one representing the younger, better-educated matais who recognize

²¹"Foreign Aid Grows For Western Samoa," Pacific Islands Monthly, July, 1963, p. 71.

²²"Samoa Comes of Age," Op. Cit., p. 359.

²³Davidson, "The Transition to Independence: The Example of Western Samoa," p. 30.

that change is inevitable and so favor modifications in traditional practices, and the other representing the older more conservative matais who oppose such changes.²⁴

Another political problem which has been mentioned several times and which is sure to become more controversial as time passes is the issue of matai suffrage versus universal suffrage. The existence of the matai suffrage system caused the United Nations considerable concern, and its visiting missions always tried to assess the feelings of the Samoan people on the subject. For example, the 1959 mission's report mentioned that it found little opposition to matai suffrage but did note that there was a "limited amount of support, even within the Legislative Assembly, for the adoption of universal suffrage with the matai alone being eligible as candidates."²⁵ Actually, the United Nations deserves considerable credit for recognizing how firmly attached that the Samoans were to matai suffrage and for not insisting on the acceptance of universal suffrage as a pre-condition for independence.

It should be pointed out that matai suffrage is, in reality, a good deal more democratic than superficially it might seem to a Western critic. First, there is roughly one matai for every seven adult Samoans.²⁶ Secondly, matais are

²⁴"Samoa Comes of Age," Op. Cit., p. 359.

²⁵Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, Op. Cit., p. 10.

²⁶Ibid.

selected by their families in a basically democratic manner and are likely to consult informally with the members of their family groups concerning political matters.²⁷ Nevertheless, critics are quick to reply that in practice non-titleholders seldom disagree with a matai and moreover, they argue that the matai system allows the higher ranking titleholders, through the prestige of their titles, to intimidate the other Assembly members and to control the Legislative Assembly.²⁸ This latter criticism, undoubtedly true at one time, no longer seems to be completely valid. With additional legislative experience the Samoans have been quick to disagree with their traditional leaders. Unfortunately, the whole question of matai suffrage versus universal suffrage has become an emotionally-packed issue. To its supporters, universal suffrage has become a fetish whose acceptance can cure all the ills of Western Samoa; while to its opponents, universal suffrage has come to represent all the evils of Western influence and must be opposed at all costs.²⁹ Obviously neither view is entirely correct, but such feelings greatly complicate the problem.

So, for the time being politics remain the prerogative of the matais since only they are eligible to vote for members

²⁷ Boyd, Op. Cit., p. 48.

²⁸ The Evening Post (Wellington, New Zealand), November 20, 1955, p. 11.

²⁹ Boyd, Op. Cit., p. 45.

of the Legislative Assembly, and of course only matais can be elected to the Assembly. However, this situation is almost certain to change in the future as already most of the salaried Samoans in and around Apia support universal suffrage.³⁰ Significantly, Prime Minister Mataafa also favors the acceptance of universal suffrage.³¹ Fortunately, the principle of matai suffrage is not prescribed by the constitution; and, therefore, the Legislative Assembly can opt for universal suffrage whenever there is sufficient support for such a change.

Still another problem facing Western Samoa is a shortage of trained administrators. This problem, which is almost endemic to new nations, means that Western Samoa will need to rely on outside help in the form of foreign administrators for some time yet.³² In fact, at present in independent Samoa, there are more New Zealand civil servants than there were before independence was granted.³³ New Zealand must bear most of the responsibility for Samoa's dearth of

³⁰Davidson, "The Transition To Independence: The Example of Western Samoa," pp. 37-38.

³¹"PM Takes Western Samoa Independence Nearer," Pacific Islands Monthly, February, 1961, p. 122.

³²In January, 1962, a report by the United Nations regional representative for South East Asia stated that Western Samoa should expect to use expatriate personnel in key positions for at least fifteen years. "Astute Mr. Spence Looks West Samoa Over," Pacific Islands Monthly, February, 1962, p. 42.

³³"Foreign Aid Grows for Western Samoa," Op. Cit., p. 71.

capable administrators. During most of the trusteeship period, the Samoans who were sent to New Zealand for advanced education were trained as school teachers or for technical trades rather than in public administration.³⁴ Starting in 1959, New Zealand initiated a crash program of accelerated training but it was a case of "too little and too late".³⁵

A related problem is that an increasing number of young Samoans are migrating to New Zealand where salaries and living conditions are better.³⁶ The seriousness of this problem is increased by the fact that usually those Samoans leaving Western Samoa are among the most industrious and most capable.³⁷ To illustrate the significance of this migration, the 1945 New Zealand census listed 592 persons who were born in Western Samoa as having established residence in New Zealand while by 1956 the figure had increased to 2,995.³⁸ This figure becomes even more impressive when it is realized that this meant "that one out of every thirty persons born in

³⁴Davidson, "The Transition to Independence: The Example of Western Samoa," p. 20.

³⁵However, the author had occasion while in New Zealand in 1962 to speak with several Samoans who were receiving public administration training at Victoria University, and they expressed considerable satisfaction as to the quality and value of the training they were receiving in New Zealand.

³⁶"Good Men Being Lost to Samoa," Pacific Islands Monthly, October, 1961, p. 67.

³⁷Ibid.

³⁸Ian Fairbairn, "Samoan Migration to New Zealand," The Journal of the Polynesian Society, LXX(March, 1961), 19.

Western Samoa was residing in New Zealand."³⁹ Although most of the Samoans arrive in New Zealand with the intention of returning home after furthering their education or accumulating some savings, apparently few ever return to Samoa.⁴⁰ In more recent years there has even begun a trickle of emigrants from Samoa to Honolulu and the West coast of the United States.

Other problems of a socio-political nature such as the need for stronger local government might be discussed, but the major problems facing Western Samoa as an independent state have been examined. None of these problems are serious enough to upset the steady progress of Western Samoa, and all of them can be solved if the Samoans demonstrate the same forethought and flexibility which characterized their actions during the movement to independence.

Samoa Since Independence

Since independence was achieved, most of Western Samoa's efforts have been directed toward solving her economic problems. Notice has already been taken of Samoa's five-year development plan which was set in motion early in 1964 with the decision to construct the deep water wharves.⁴¹ Other

³⁹Ibid.

⁴⁰Ibid., pp. 23-24.

⁴¹Most of the wharves' cost of £1,200,000 is to be supported by a £1,000,000 low interest loan from New Zealand. "Samoa Gets Cracking on New Harbours," Pacific Islands Monthly, February, 1964, p. 95.

features of the development plan are expected to be started by late 1964.

Although Western Samoa wisely declined membership in the United Nations,⁴² she joined the World Health Organization in May, 1962, and in February, 1963, was accepted as a member of the United Nations Economic Commission for Asia and the Far East.⁴³ These actions made Samoa eligible for United Nations aid, and considerable technical assistance has already been received. An encouraging and unexpected development was the completion of the first year of independence with a surplus of \$76,000 instead of the predicted deficit of \$232,000.⁴⁴

Western Samoa received a most severe blow in April, 1963, when Tupua Tamasese, one of the Heads of State, died after a long illness. Tamasese had been far more active politically than Malietoa, the other joint Head of State, and was more responsible than any other Samoan for the smoothness of the movement to independence.⁴⁵ Tamasese's death meant that Malietoa now became the sole Head of State for Western

⁴²"Western Samoa," UN Review, January, 1962, p. 35.

⁴³New Zealand, Annual Report of the Department of External Affairs, (Wellington: Government Printer), 1 April 1962 - 31 March 1963, p. 44.

⁴⁴"West Samoa Ends First Year With Unexpected Surplus," Pacific Islands Monthly, March, 1963, p. 9.

⁴⁵J. W. Davidson, "Tamasese: Architect of West Samoan Independence," Pacific Islands Monthly, XXXIII (May, 1963), 41.

Samoa. In accordance with the constitution, Malietoa continues as Head of State until his death. On Malietoa's death, the Head of State will be elected every five years by the Legislative Assembly. In spite of Tamasese's statue, his death caused no break in the continuity of the Samoan government. The foresight of the constitutional provisions relating to the Head of State had been tested and proved far sooner than anyone had expected.

Another unfortunate development, which clearly illustrates the clashing of fa'aSamoa custom and the principles of Western democracy, was a controversy over freedom of speech and press. During the first year of independence the two local newspapers, the Samoa Bulletin and the Samoaana, often had been very critical of the government. Early in 1963, Prime Minister Mata'afa publicly castigated the newspapers for their "unfounded and false criticisms".⁴⁶ Although the Samoan constitution definitely guarantees the right of freedom of speech, Mata'afa's action touched off a dispute concerning the extent of freedom of speech within Samoan society. Several letters appeared in the local papers arguing against freedom of speech. One writer stated that the newspapers' criticisms "were a very serious breach of custom".⁴⁷

⁴⁶Speech by Prime Minister Mata'afa quoted in "Criticism by Prime Minister," Pacific Islands Monthly, February, 1963, p. 127.

⁴⁷Quoted in "Should Speech Be Free?," Pacific Islands Monthly, April, 1963, p. 75.

Another wrote:

The views of the two newspapers are foreign views which certainly do not apply to conditions in Western Samoa and the manner in which we run our Government under the administration of the matai system--

According to our custom and tradition, insulting words create practically all troubles in Western Samoa--

True Samoan people respect their leaders and freedom of speech--should apply to matais only.⁴⁸

The controversy continued to simmer as the newspapers defended their right of criticism, and it finally reached a boiling point in July, 1963, when in the Legislative Assembly Mata'afa threatens to ban the newspapers. His statement read:

There is provided in the Constitution the right of free expression of opinion in newspapers by citizens of our country.

However, if we feel newspapers conflict with custom or are not in the best interests of the country, it is up to this Assembly to do away with the existence of newspapers in our country.⁴⁹

Fortunately, this incident blew over quickly. Mata'afa apparently realized the implications of his threatened action and soon ceased all talk of banning the newspapers. Although the potential seriousness of this situation should not be minimized, the government of Western Samoa had, in the final analysis, followed the principles of its constitution rather than the dictates of fa'aSamoa custom. Undoubtedly, other such challenges will have to be met in the future.

⁴⁸ Ibid.

⁴⁹ Speech by Prime Minister Mata'afa quoted in "Mataafa Threatens to Ban Newspapers in Western Samoa," Pacific Islands Monthly, August, 1963, p.7.

Western Samoa and the Future

The gaining of independence by Western Samoa stirred speculation of a possible union between Western Samoa and American Samoa.⁵⁰ The possibility of such a union had been discussed for many years, and in their 1946 petition to the United Nations, the West Samoans had asked that the "unnatural division of the islands of the Samoan group . . . be left in abeyance until a meeting can be arranged between Eastern and Western Samoa."⁵¹ However, even though the inhabitants of Western and American Samoa⁵² are one people in character, language, history, and tradition, there seems to be little enthusiasm in American Samoa for union.⁵³ For example, High Chief Tuitele of American Samoa said in 1961 that his Samoa would "never unite with Independent West Samoa."⁵⁴

This lack of zeal on the part of American Samoans for union with Western Samoa seems to be based on two factors: first, if the two Samoas were re-united, the chiefs of

⁵⁰ The Evening Post (Wellington, New Zealand), August 15, 1961, p. 9; "The Problems of Island Federation," Pacific Islands Monthly, October, 1961, p. 23.

⁵¹ Quoted in Crosby, Op. Cit., p. 93.

⁵² American Samoa with its slightly more than 20,000 inhabitants and only seventy-six square miles is much smaller than Western Samoa. Francis West, Political Advancement in The South Pacific (Melbourne, Australia: Oxford University Press, 1961), pp. 123; 126.

⁵³ Gray, Op. Cit., pp. 205-206.

⁵⁴ Quoted in Charles A. Borden, South Sea Islands (Philadelphia: Macrae Smith Company, 1961), p. 195.

American Samoa would be outranked by their rivals in Western Samoa; and secondly, union would mean that United States dollars would stop flowing into American Samoa and at present United States expenditures keep American Samoa quite prosperous.⁵⁵ Related to this second reason is that American Samoans, as United States nationals, have unrestricted access to Hawaii and the United States, and in recent years an increasing number have been availing themselves of this privilege.⁵⁶ Also, since independence the Western Samoans have shown little interest in union. Thus, union between American and Western Samoa does not seem imminent; but the possibility of the formation of an even broader Polynesian federation embracing perhaps Western Samoa, American Samoa, Fiji, Tonga, the Cook Islands, and Tahiti cannot be ruled out for the more distant future.

As has been pointed out, Western Samoa faces serious problems; but, at the same time, there is ample reason to believe that in the future Samoa will continue to develop and prosper. In weighing her future, Western Samoa seems to have several important factors working in her favor. First, and probably most important, Western Samoa has the advantage of having been carefully prepared for independence. This meant that Western Samoa was far more ready to assume the

⁵⁵"The Problems of Islands Federation," Op. Cit. p. 23.

⁵⁶Borden, Op. Cit., p. 222.

responsibilities of statehood than have been many other newly independent countries. The result has been that Samoa presently enjoys a stable government and there is every likelihood that this stability will continue.

A related advantage is that the stability of her government will enable Western Samoa to attract loans from international organizations and foreign aid from individual countries who otherwise might be wary of advancing money to such a small country. Another advantage is that the smooth manner in which Samoa attained independence has meant that she has not felt compelled to prove her sovereignty by severing her relations with New Zealand. On the contrary, she has continued to rely on New Zealand administrators to fill many key posts and has negotiated a treaty which authorizes New Zealand to represent her in international affairs, a realm which most freshly independent countries consider sacrosanct. Even Samoa's decision to decline membership in the United Nations has its advantages, as for the present all capable men are needed on the home front and also because the expense of a delegation in New York would be substantial considering Samoa's size and financial position.

Lastly, the Samoan people are united by a common culture, language, and religion while the Pacific ocean furnishes Western Samoa with natural geographic boundaries. This means that Western Samoa is not plagued by the deep internal divisions which have so seriously handicapped many newly

independent states, such as India, Indonesia, and the new African states. In addition, Western Samoa's isolated geographic position means that she faces no external threats and further makes it most unlikely that such threats will develop in the future. The lack of internal division and the absence of external threats are important advantages which few former colonies or trust territories can boast. Indeed these two factors, as well as the assurance of New Zealand's continued help, tend to offset the disadvantage of Western Samoa's small size. Admittedly, Western Samoa's size might at one time have marked her as an unviable territory and hence one which was not suited for independence. However, in this age of nationalism, new standards of viability must be accepted, and Samoa certainly is far better equipped to meet the challenges and problems of independence than many larger, but less well prepared, newly independent nations.

In summary, the nature of Western Samoa's past development when combined with her inherent advantages should enable Samoa to meet and survive the tests of the future.

BIBLIOGRAPHY

Articles and Periodicals

- Airey, W. T. G., and Lowe, W. S. "New Zealand Dependencies and the Development of Autonomy," Pacific Affairs, XVIII(September, 1945), 252-273.
- "Annual Farce," Pacific Islands Monthly, IX(December 15, 1938), 61.
- "Astute Mr. Spence Looks West Samoa Over," Pacific Islands Monthly, XXX(February, 1962), 42.
- Bailey, K. H. "Dependent Areas of the Pacific: An Australian View," Foreign Affairs, XXIV(April, 1946), 494-512.
- Barnett, Ward, and Pirie, Peter. "Western Samoa: Population, Production and Wealth," Pacific Viewpoint, III(March, 1962), 63-97.
- Beaglehole, Ernest. "Trusteeship and New Zealand's Pacific Dependencies," Journal of the Polynesian Society, CXI(June, 1947), 138-152.
- Blakeslee, George H. "The Mandates of the Pacific," Foreign Affairs, I(September 15, 1922), 98-115.
- Boyd, Mary. "Political Development in Western Samoa and Universal Suffrage," Political Science, VIII(March, 1956), 44-69.
- Brown, Gordon G. "Some Problems of Culture Contact with Illustrations from East Africa and Samoa," Human Organization, XVI(Fall, 1957), 11-14.
- Bunche, Ralph. "The Trusteeship System and Non-Self-Governing Territories in the Charter of the United Nations," State Department Bulletin, XIII(December 30, 1945), 1037-1055.

- Condliffe, J. B. "New Zealand's Troubles in Western Samoa," Foreign Affairs, VIII(April, 1930), 474-478.
- "Criticism by Prime Minister," Pacific Islands Monthly, XXXIII(May, 1963), 41.
- Crocker, W. H. "The Mandate for Samoa," New Zealand Affairs, (1929), 179-206.
- Crosby, Sir Josiah. "The Future of Western Samoa," International Affairs, XXIV(January, 1948), 89-99.
- Curry, Leslie. "The Physical Geography of Western Samoa," New Zealand Geographer, XI(April, 1955), 28-52.
- Davidson, J. W. "The Citizenship of Western Samoa Ordinance," Journal of the Polynesian Society, LXVIII(June 1959), 146-148.
- Davidson, J. W. "Political Development in Western Samoa," Pacific Affairs, XXI(June, 1948), 136-149.
- Davidson, J. W. "Tamasese: Architect of West Samoan Independence," Pacific Islands Monthly, XXXIII(May, 1963), 41-47.
- Davidson, J. W. "The Transition to Independence: The Example of Western Samoa," The Australian Journal of Politics and History, VII(May, 1961), 15-40.
- "Development of Savaii Best Hope For Western Samoa's Future," Pacific Islands Monthly, XXXIII(June, 1963), 33.
- Ellison, John Waldo. "The Partition of Samoa: A Study in Imperialism and Diplomacy," The Pacific Historical Review, VIII(September, 1939), 259-289.
- "11 Europeans for Five Seats," Pacific Islands Monthly, XXVIII(November, 1957), 18.
- Evans, Luther Harris. "Are 'C' Mandates Veiled Annexations?" The Southwestern Political and Social Science Quarterly, VII(March, 1927), 381-400.
- Fairbairn, Ian. "Samoan Migration to New Zealand," The Journal of the Polynesian Society, LXX(March, 1961), 18-30.
- Finkelstein, Lawrence S. "Trusteeship in Action: The United Nations Mission to Western Samoa," International Organization, II(June, 1948), 268-282.

- "Foreign Aid Grows for Western Samoa," Pacific Islands Monthly, XXXIII(July, 1963), 71.
- "Future Control of Samoa," Pacific Islands Monthly, IX(February 15, 1939), 14.
- Gallagher, Katherine J. "The Problems of the Former German Colonies," Current History, XXV(February, 1927), 663-668.
- "German Opinion in Samoa," Pacific Islands Monthly, X(November 15, 1939), 61.
- "Good Men Being Lost to Samoa," Pacific Islands Monthly, XXXII(October, 1961), 67-68.
- "A Goodwill Mission in Samoa," Pacific Islands Monthly, VII(August 19, 1936), 3-4.
- Green, Marc T. "Is it Stalemate in Samoa," Pacific Islands Monthly, IV(August 22, 1933), 6.
- "He's West Samoa's First Prime Minister," Pacific Islands Monthly, XXX(October, 1959), 23.
- "High Prices in Samoa," Pacific Islands Monthly, XII(May 15, 1942), 29.
- Holmes, Lowell D. "Ta'u Stability and Change in a Samoan Village," The Journal of the Polynesian Society, LXVI(September, 1957), 301-339.
- "In Camp in Samoa," Pacific Islands Monthly, X(November 15, 1937), 61.
- "Independent Samoa Faces Grim Financial Future," Pacific Islands Monthly, XXXII(December, 1961), 29-33.
- "International Organization: Summary of Activities, United Nations, Trusteeship Council on Western Samoa," International Organization, XIII(Autumn, 1959), 583-589.
- Johnston, W. B. "Developments in Western Samoa," The Geographic Review, XLVIII(April, 1958), 275-277.
- Keesing, Felix M. "Samoa: Islands of Conflict," Foreign Policy Reports, IX(February 28, 1934), 294-303.
- "Many Europeans Decline Citizenship at this State," Pacific Islands Monthly, XXXI(August, 1960), 22.

- "Mataafa Threatens to Ban Newspapers in Western Samoa," Pacific Islands Monthly, XXXIV(August, 1903), 7-8.
- "Mau's Joy," Pacific Islands Monthly, VI(January 24, 1936), 212-215.
- McKay, C. G. R. "An Introduction to Samoan Custom," The Journal of the Polynesian Society, LXVIII(March, 1957), 36-44.
- McKay, C. G. R. "Western Samoa's Plebiscite on Independence," Journal of the Polynesian Society, LXX(September, 1961), 354-356.
- Mead, Margaret. "The Role of the Individual in Samoan Culture," The Journal of the Royal Anthropological Institute of Great Britain and Ireland, LVIII(1928), 481-495.
- Mortimer, M. "Sovereign Samoa," Contemporary Review, CC(July, 1961), 381-383.
- Nayacakalow, R. R. "Land Tenure and Social Organization in Western Samoa," The Journal of the Polynesian Society, LXIX(June, 1960), 104-122.
- "Nazis Removed From Samoa," Pacific Islands Monthly, X(December 15, 1939), 8.
- "New Samoan Political Party," Pacific Islands Monthly, XXI(June, 1951), 37.
- "New Zealand: The Expeditionary Force," The Round Table, VI(December, 1914), 215-227.
- "New Zealand: The Government Attitude," The Round Table, XVIII(June, 1928), 679-683.
- "New Zealand: Island Trusteeships," The Round Table, XXXVIII(March, 1948), 620-621.
- "New Zealand: More About Samoa," The Round Table, XIX(June, 1929), 668-673.
- "New Zealand: The Parliamentary Session," The Round Table, XIX(December, 1929), 212-215.
- "New Zealand's Prime Minister in Western Samoa," Pacific Islands Monthly, XV(January 19, 1945), 8.
- "New Zealand: The Samoan Commission," The Round Table, XVIII(June, 1928), 664-679.

- "New Zealand: Some Aspects of External Affairs," The Round Table, XXXVIII(March, 1948), 610-621.
- "New Zealand: The Trouble in Samoa," The Round Table, XVIII(December, 1927), 191-210.
- "No End Yet to West Samoa's Mighty Battle of Words," Pacific Islands Monthly, XXXI(October, 1960), 23.
- "O. F. Nelson Exiled from Samoa," Pacific Islands Monthly, IV(March 16, 1934), 35.
- "O. F. Nelson to Return," Pacific Islands Monthly, VI(April 23, 1936), 6.
- "One Million Samoans in 100 Years?," Pacific Islands Monthly, XXXIII(December, 1962), 36-37.
- "PM Takes Western Samoa Independence Nearer," Pacific Islands Monthly, XXXI(February, 1961), 121-122.
- "Powers of Samoan Chiefs," Pacific Islands Monthly, XXIV(May, 1954), 19.
- "The Problems of Federation," Pacific Islands Monthly, XXXII(October, 1961), 23.
- "Procedural Clash in Western Samoa," Pacific Islands Monthly, XXIX(April, 1959), 21.
- Rivlin, Benjamin. "Self-Determination and Dependent Areas," International Conciliation, (January, 1955), 195-206.
- Robson, R. W. "A Goodwill Mission in Samoa," Pacific Islands Monthly, VII(August 19, 1936), 3-4.
- Robson, R. W. "Samoa in Throes of Political Re-Arrangement," Pacific Islands Monthly, VI(July 21, 1936), 14-16.
- "Samoa Comes of Age," The Round Table, LI(September, 1961), 347-364.
- "Samoa Gets Cracking on New Harbours," Pacific Islands Monthly, XXXIV(February, 1964), 95.
- "Samoan Attitude to Germany," Pacific Islands Monthly, IX(December 15, 1938), 23.
- "Samoan Economic Report is not Impressive," Pacific Islands Monthly, XXXII(February, 1962), 71.

"Samoan Legislative Council," Pacific Islands Monthly, IX(November, 1938), 26.

"Samoans Again Urge Claim for Full Self-Government," Pacific Islands Monthly, XXVI(August, 1955), 123-124.

"Samoans' Plea for Unity and Self-Government," Pacific Islands Monthly, XVII(March, 1947), 6.

"Samoans Reject Trusteeship," Pacific Islands Monthly, XVIII(December, 1946), 12.

Sayre, Francis B. "Legal Problems Arising from the United Nations Trusteeship System," American Journal of International Law, XXXXII(April, 1948), 263-298.

"Self-Government for Western Samoa," Pacific Islands Monthly, XVIII(September 17, 1947), 26-28.

"Self-Government for Western Samoa Will Be to Schedule," Pacific Islands Monthly, XXIX(July, 1959), 29-33.

"Should Speech Be Free?," Pacific Islands Monthly, XXXIII(April, 1963), 75-76.

"Sly Grog in Samoa," Pacific Islands Monthly, V(April 17, 1935), 60.

Szigetvary, Arpad. "Will Samoa Reunite?," Asia, XXXVI(August, 1936), 509-510.

Thomson, Basil. "The Samoan Agreement in Plain English," Edinburgh Magazine, LLXVI(December, 1899), 847-851.

"Too Much Haste in Western Samoa," Pacific Islands Monthly, XXIX(January, 1957), 19-20.

"UNO Trusteeship Mission in Western Samoa," Pacific Islands Monthly, XVII(July 18, 1947), 9.

"War's Effect on Samoa," Pacific Islands Monthly, XI(July 15, 1941), 38.

"West Samoa's Boom is on the Way," Pacific Islands Monthly, XXXIV(March, 1964) 11.

"Western Samoa," UN Review, VIII(January, 1902), 35.

"Western Samoa Assembly Begins New Task," Pacific Islands Monthly, XIX(August, 1948), 12.

- "Western Samoan Cabinet Takes Over," Pacific Islands Monthly, XXX(November, 1959), 23.
- "Western Samoa Completes Historic Task," Pacific Islands Monthly, XXXI(November, 1960), 71-75.
- "Western Samoa Ends First Year With Unexpected Surplus," Pacific Islands Monthly, XXXIII(March, 1963), 9.
- "Western Samoan Government," Pacific Islands Monthly, XVIII(August, 1947), 7.
- "Western Samoa Trusteeship Agreement," United Nations Bulletin, VIII(December 10, 1946), 48-51.
- "Western Samoa's Commonwealth Status Not Yet Decided," Pacific Islands Monthly, XXXII(November, 1961), 16.
- "Western Samoa's Europeans Are In A Dilemma," Pacific Islands Monthly, XXX(July, 1960), 21-22.
- "What the Samoans Want," Pacific Islands Monthly, XV(February 17, 1945), 17.
- Willis, Grace E. "Heaven-Bursters in Western Samoa," Asia, XXXIV(December, 1934), 740-745.
- Willis, Grace E. "Vailima, The Seat of a Mandate," The Christian Century, XXXVIII(January 27, 1932), 120-121.

Books

- Baker, Ray Stannard. Woodrow Wilson and World Settlement. Vol. I. Garden City, New York: Doubleday, Page and Company, 1922.
- Borden, Charles A. South Sea Islands. Philadelphia: Macrae Smith Company, 1961.
- Calvocoressi, Peter. Survey of International Affairs 1947-48. London: Oxford University Press, 1952.
- Chowdhuri, R. N. International Mandates and Trusteeship Systems. The Hague: Martinus Nijhoff, 1955.
- Clyde, Constance. New Zealand, Country and People. London: Whitcomb and Tombs, Ltd., 1925.

- Commager, Henry Steel (ed). Documents of American History, Vol. II. New York: Appleton-Century-Crofts, Inc., 1958.
- Condliffe, J. B. New Zealand in the Making. Chicago: The University of Chicago Press, 1930.
- Condliffe, J. B. The Welfare State in New Zealand. London: George Allen & Unwin Ltd., 1959.
- Cowan, James. Samoa and its Story. Christchurch, New Zealand: Whitcombe and Tombs, Ltd., 1914.
- Cumberland, Kenneth B. Southwest Pacific. London: Methuen and Company, Ltd., 1956.
- Furnas, J. C. Anatomy of Paradise. New York: William Sloane Associates, Inc., 1948.
- Grattan, C. Hartley. The Southwest Pacific Since 1900. Ann Arbor, Michigan: The University of Michigan Press, 1963.
- Grattan, C. Hartley. The Southwest Pacific to 1900. Ann Arbor, Michigan: The University of Michigan Press, 1963.
- Grattan, C. Hartley. The United States and the Southwest Pacific. Cambridge, Massachusetts: Harvard University Press, 1961.
- Grattan, F. H. H. An Introduction to Samoan Custom. Apia, Western Samoa: Samoa Printing and Publishing Company, Ltd., 1948.
- Gray, J. A. A. Amerika Samoa. Annapolis, Maryland: United States Naval Institute, 1960.
- Greaves, H. R. G. The League Committees and World Order. London: Oxford University Press, 1931.
- Hall, H. Duncan. Mandates, Dependencies and Trusteeships. Washington: Carnegie Endowment for International Peace, 1948.
- Keim, Jeanette. Forty Years of German-American Political Relations. Philadelphia: William J. Dornan, 1919.
- Keith, Arthur Berridale. War Government of the British Dominions. London: Oxford at the Clarendon Press, 1921.

- Keesing, Felix M. A Memorandum on the Mandated Territory of Western Samoa and American Samoa. Honolulu, Hawaii: Institute of Pacific Relations, 1931.
- Keesing, Felix M. Modern Samoa. London: George Allen & Unwin Ltd., 1934.
- Keesing, Felix M., and Keesing, Marie M. Elite Communications in Samoa. A Study of Leadership. Stanford, California: Stanford University Press, 1956.
- Larkin, T. C. (ed.) New Zealand's External Relations. Christchurch, New Zealand: Pegasus Press Ltd., 1962.
- Leary, L. P. New Zealanders in Samoa. London: William Heinemann, 1918.
- The Mandates System. Geneva: League of Nations, 1945.
- Masterman, Sylvia. The Origins of International Rivalry in Samoa 1845-1884. Stanford University Press, 1934.
- McDonald, A. H. Trusteeship in the Pacific. Sydney: Angus and Robertson, 1949.
- Mead, Margaret. Social Organization of Manua. (Bulletin 76.) Honolulu, Hawaii: Bernice P. Bishop, 1930.
- Morrell, W. P. Britain in the Pacific Islands. London: Oxford University Press, 1960.
- Murray, James N., Jr. The United Nations Trusteeship System. The University of Illinois Press, 1957.
- Oliver, Douglas L. The Pacific Islands. Cambridge, Massachusetts: Harvard University Press, 1951.
- Sharp, Andrew. The Discovery of the Pacific Islands. Oxford: At the Clarendon Press, 1960.
- Stanner, W. E. H. The South Seas in Transition. Sydney: Australasian Publishing Company, 1953.
- Te Rangi Hiroa. Samoan Material Culture. Honolulu, Hawaii: Bernice P. Bishop Museum, 1930.
- Toynbee, Arnold J. Survey of International Affairs 1929. London: Oxford University Press, 1930.
- Watson, Robert Mackenzie. History of Samoa. Christchurch, New Zealand: Whitcombe and Tombs, Ltd., 1918.

West, Francis. Political Advancement in the South Pacific.
Melbourne, Australia: Oxford University Press, 1961.

Wood, F. L. W. The New Zealand People at War. Wellington,
New Zealand: Department of External Affairs, 1958.

Wright, Quincy. Mandates Under the League of Nations.
Chicago: The University of Chicago Press, 1930.

Newspapers

The Evening Post. (Wellington, New Zealand), September 3,
1952.

The Evening Post. (Wellington, New Zealand), March 20, 1953.

The Evening Post. (Wellington, New Zealand), July 6, 1955.

The Evening Post. (Wellington, New Zealand), August 20, 1955.

The Evening Post. (Wellington, New Zealand), August 15, 1961.

The Evening Post. (Wellington, New Zealand), October 13, 1961.

The Evening Post. (Wellington, New Zealand), January 3, 1962.

The New York Times. January 1, 1940.

The New York Times. December 14, 1946.

The New York Times. March 10, 1947.

The New York Times. March 17, 1955.

The New Zealand Herald. (Auckland, New Zealand), December
21, 1960.

The New Zealand Herald. (Auckland, New Zealand), December
29, 1961.

The New Zealand Herald. (Auckland, New Zealand), August 3,
1962.

The Press. (Christchurch, New Zealand), August 4, 1961.

The Press. (Christchurch, New Zealand), December 30, 1961.

Samoa Bulletin. (Apia, Western Samoa), February 1, 1952.

The Times. (London), February 1, 1919.

The Times. (London), April 13, 1946.

Other Sources

Wellington, New Zealand. Public speech by Tufuga Efi Tamasese, Victoria University Law student and son of then Samoan Head of State. May, 1962.

Wellington, New Zealand. Conversation with several Samoan public administration students studying at Victoria University. August, 1962.

Public Documents

League of Nations. Covenant.

League of Nations. Permanent Mandates Commission, Minutes. Eighth Session, 1926.

League of Nations. Permanent Mandates Commission, Minutes. Twelfth Session, 1927.

League of Nations. Permanent Mandates Commission, Minutes. Thirteenth Session, 1928.

League of Nations. Permanent Mandates Commission, Minutes. Sixteenth Session, 1929.

League of Nations. Permanent Mandates Commission, Minutes. Twenty-Sixth Session, 1934.

League of Nations. Permanent Mandates Commission, Minutes. Thirty-Fifth Session, 1938.

New Zealand. Annual Report of the Department of External Affairs. 1 April 1962-31 March 1963.

New Zealand. External Affairs Review. January, 1962.

New Zealand. Official Yearbook. 1960.

New Zealand. First Report on the Mandated Territory of Western Samoa. 1922.

New Zealand. Third Report on the Mandated Territory of Western Samoa. 1923.

New Zealand. Fourth Report on the Mandated Territory of Western Samoa. 1924.

- New Zealand. Sixth Report on the Mandated Territory of Western Samoa. 1926.
- New Zealand. Seventh Report on the Mandated Territory of Western Samoa. 1927.
- New Zealand. Eighth Report on the Mandated Territory of Western Samoa. 1928.
- New Zealand. Tenth Report on the Mandated Territory of Western Samoa. 1930.
- New Zealand. Fourteenth Report on the Mandated Territory of Western Samoa. 1934.
- New Zealand. Sixteenth Report on the Mandated Territory of Western Samoa. 1936.
- New Zealand. Nineteenth Report on the Mandated Territory of Western Samoa. 1939.
- New Zealand. Twenty-First Report on the Mandated Territory of Western Samoa. 1941.
- New Zealand. Twenty-Second Report on the Mandated Territory of Western Samoa. 1945.
- New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1948.
- New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1950.
- New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1951.
(Starting with the 1951 report the title was changed to Department of Island Territories Report but for convenience the original title is used throughout this paper.)
- New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1952.
- New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1953.
- New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1954.
- New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1956.

New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1957.

New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1959.

New Zealand. Report to the General Assembly of the United Nations on the Administration of Western Samoa. 1960.

New Zealand. The Samoan Act, 1921.

Treaty of Friendship Between the Government of New Zealand and the Government of Western Samoa. August 3, 1962.

United Nations. Charter.

United Nations. Demographic Yearbook. 1962.

United Nations. General Assembly, Fourth Committee. Official Records of the Second Part of the First Session. November-December, 1946.

United Nations. Trusteeship Council, Official Records: Second Session, Special Supplement No. 1. Report to the Trusteeship Council by the United Nations Mission to Western Samoa, 1947.

United Nations. Trusteeship Council, Official Records: Twelfth Session, (16 June - 21 July, 1953), Supplement No. 5. United Nations Visiting Mission to Trust Territories in the Pacific, 1953, Report on Western Samoa.

United Nations. Trusteeship Council, Official Records: Eighteenth Session, (7 June - 14 August 1956), Supplement No. 6. United Nations Visiting Mission to Trust Territories in the Pacific, 1956, Report on Western Samoa.

United Nations. Trusteeship Council, Official Records: Twenty-Fourth Session, (2 June - 6 August 1959), Supplement No. 2. Report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959.

United Nations. Trusteeship Council, Official Records: Twenty-Seventh Session, (1 June - 19 July, 1961).

United Nations. Yearbook of the United Nations. 1946-47.

United Nations. Yearbook of the United Nations 1951.

- United Nations. Yearbook of the United Nations 1952.
- United Nations. Yearbook of the United Nations 1955.
- United Nations. Yearbook of the United Nations 1959.
- United Nations. Yearbook of the United Nations 1960.
- United Nations. Yearbook of the United Nations 1961.
- Western Samoa. Constitutional Convention Debates 1960.
- Western Samoa. Draft Constitution of the Independent State of Western Samoa.
- Western Samoa. Legislative Assembly Debates 1954.
- Western Samoa. Minutes of Meetings Between Hon. F. Clifton Webb and the Council of State, the Legislative Assembly, and the Fono of Faipules, February 7, 1952.
- Western Samoa. Legislative Assembly Proceedings, Sessional Paper 1959, No. I. Memorandum by Council of State.
- Western Samoa. Proceedings of the 1954 Constitutional Convention.

Reports.

- Stace, V. D. An Economic Survey of Western Samoa. A Report to the South Pacific Commission. Noumea, New Caledonia, 1956.
- United Nations, Report on the Population of Western Samoa, New York, 1948.

APPENDIX I

Article 22 of the League of Nations Covenant

Article 22

Mandatory System

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications of military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other

Members of the League.

6. There are territories, such as Southwest Africa and certain of the South Pacific islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

APPENDIX II

Text of Mandate Agreement for Western Samoa

Mandate for German Samoa

The Council of the League of Nations:

Whereas, by Article 110 of the treaty of peace with Germany signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German Samoa; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations) of the said treaty, a mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Dominion of New Zealand to administer German Samoa and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty, for and on behalf of the Government of the Dominion of New Zealand, has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas, by the aforementioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory not having been previously agreed upon by the members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1

The territory over which a mandate is conferred upon His Britannic Majesty for and on behalf of the Government of the Dominion of New Zealand (hereinafter called the Mandatory) is the former German Colony of Samoa.

ARTICLE 2

The Mandatory shall have full power of administration and

legislation over the territory subject to the present mandate as an integral portion of the Dominion of New Zealand, and may apply the laws of the Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 3

The Mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic, signed on September 10, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any state member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations

assumed under Articles 2, 3, 4 and 5.

ARTICLE 7

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

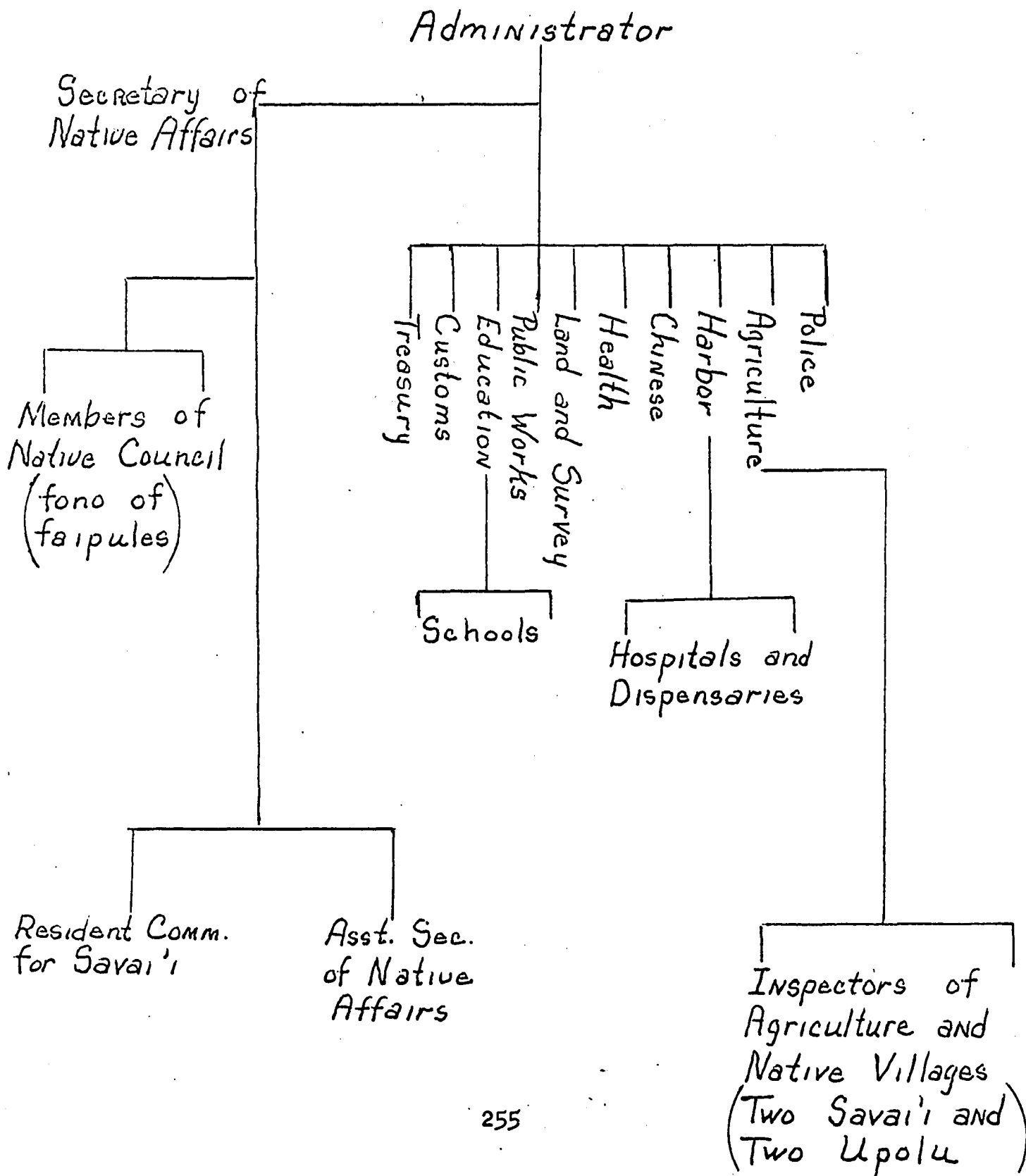
The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the treaty of peace with Germany.

Certified true copy.
Secretary-General.

Made at Geneva the 17th day of December, 1920.

Administrative Channels in Western Samoa during the Mandate Period



APPENDIX IV

Statement of "Citizens' Committee"

It does not require a student of Native affairs in Samoa to note and be struck by the inconsistency of the Government's Native policy. Nor does it need the experience of an old resident to know that such a proud and highly intelligent race as the Samoan would not tolerate the existing anomalies without resentment.

The Faipule, which were elected or selected by the districts in the Samoan way in former Samoan Governments, are now, after twenty-six years of colonial rule, still nominated by the Administrator in such a way that not one of them could offer any actual opposition to Government policy without the fear of losing his job. The two Fautuas representing the high chiefs of Samoa have never been called upon to perform the functions of the office which their designation implies—viz., "adviser": thus the office has become a sinecure when valuable service might have been obtained from it.

The Legislative Council now operates the limited legislative powers granted to the Territory, and three representatives of the Europeans are elected to it; but though the matter of Native representation has been introduced in the Council by the elected members on more than one occasion it has been turned down on every occasion by the Government majority, on the plea that the Faipule claim the Samoan to be represented only in the Faipule. For a nominated Council, such as the Faipule, to be asked to decide on such momentous question as the political advancement of the Natives is a question which may well excite resentment in the Natives, and needs no further comment.

It may, however, be mentioned here that the Faipule are not only Government officials or Civil servants, but are looked upon as such by the Natives. The Faipule have lately been vested with a large amount of administrative and executive powers in the districts, which they have exercised in a manner only worthy of the old feudal system.

Since the inauguration of mandatory rule the slogan shouted from the housetops has been that "the primary duties of the Mandatory Power are the welfare and political advancement of the indigenous population"; yet one has no difficulty in finding measures to the contrary. Offences which would have

satisfied the High Court in the issue of a warning, or at most the payment of a monetary fine by a European, have on several occasions caused the loss to a Native (including some of the highest chiefs) of his citizen's rights, the removal of his hereditary family name, and banishment from his native village. The village to which such Native is banished is alleged to be the one to which he belongs on another branch of his genealogical tree. As the genealogy of a Samoan chief is a sacred matter which may not be referred to by any one else with impunity, and the fact that the Administrator could not have even made the allegation without obtaining the information from a Samoan source, insult is indeed added to injury.

A tax of one pound (£1) per annum per adult male is imposed on the Samoan Native for medical services. This has been objected to and protested against from its very inception. With the exception of a few districts who have access to a Medical Officer, the most of the Natives can only bring serious cases to the hospital, and that is often fraught with danger in transportation. The proof of the unpopularity of the medical tax is the fact that the strongest protests against it come from the Natives of the Apia district, who live in the vicinity of the main hospital in the Territory. The Natives prefer, and rightly so, to pay for medical comforts as they receive them. They still pay for same from the chemists and others in spite of the medical tax.

The campaign against yaws, hookworm, and other endemic diseases can well be a charge on the general revenue of the country. The cost of such a campaign is, however, more than exceeded by the generous contribution by the New Zealand Government to the Medical Department of Samoa. The Natives themselves would even be prepared to pay a reasonable charge for treatment if such were necessary. The medical tax is arbitrary, and should be repealed.

The abolition of time-honoured customs of the Samoan Natives had resulted in utter disregard of the law. This is the natural outcome of all laws imposed arbitrarily or prematurely on any people. Through the Faipule the "fine-mat" custom—one which Samoans still honour and respect—has been disallowed. The celebration of marriages, the ceremony of the installation of chiefs, and even the honour paid to the dead, have all been controlled and curtailed. These restrictions, if adhered to, would cut so vitally into the prestige of the chiefs, not to say anything of "the liberty of the subject," that they are being disobeyed on every hand. The trade in fine mats particularly is going on to such an extent that if the biblical test of the guiltless casting the first stone were again made not even the most law-abiding Faipule (who are said to be responsible for the restriction) could conscientiously cast one stone. Nevertheless, these uncalled-for measures are a usurpation of the right of the Samoan people, and they recognize the danger of the opportunities

thus given all and sundry to break the law.

By a stroke of the pen, or the emanation of a brainwave, yet another very grave injustice was perpetrated on the long-suffering Samoan Native. An order was given that all Samoans living in and around Apia, other than those who were born in the district, must return forthwith to their own villages. This was followed by imprisonments and other harsh acts, which practically no other but the docile Samoan would have tolerated.

The undertaking by New Zealand of the mandate over Samoa placed upon her a solemn obligation to conduct the affairs of the Territory in a manner conducive to the best interests of the inhabitants as a whole, and more especially of the indigenous population. Settlers, residents (and especially the British) who have made their homes in these islands, must find it their sacred duty to at least protest against these injustices to the Samoan Natives, whose welfare and advancement are identical with their own best interests as well as to their ideas of democratic government.

APPENDIX V

Chapter XI: Declaration Regarding Non-Self-Governing Territories

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories; and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Chapter XIII: International Trusteeship System

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories

in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered

and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 70 shall be applicable to the peoples of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall

be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

Chapter XIII: The Trusteeship Council

Composition

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

APPENDIX VI

Text of the Trusteeship Agreement for a Pacific Territory, Western Samoa

Whereas the territory of Western Samoa has been administered in accordance with Article 22 of the Covenant of the League of Nations and pursuant to a mandate conferred upon His Britannic Majesty to be exercised on his behalf by the Government of New Zealand;

And whereas the Charter of the United Nations signed at San Francisco on 26 June 1945, provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be the subject of trusteeship agreements;

And whereas under the said Charter the international trusteeship system may be applied to territories now held under mandate;

And whereas the Government of New Zealand have indicated their willingness that the said international trusteeship system be applied to Western Samoa;

And whereas the said Charter provides further that the terms of trusteeship are to be approved by the United Nations;

Now, therefore, the General Assembly of the United Nations, hereby resolves to approve the following terms of trusteeship for Western Samoa, in substitution for the terms of the afore-said mandate.

Article 1. The Territory to which this Agreement applies is the Territory known as Western Samoa comprising the islands of Upolu, Savai'i, Manone, and Apolissa, together with all other islands and rocks adjacent thereto.

Article 2. The Government of New Zealand are hereby designated as the Administering Authority for Western Samoa.

Article 3. The Administering Authority shall have full powers of administration, legislation and jurisdiction over the territory, subject to the provisions of the Agreement, and of the Charter of the United Nations, and may apply to the Territory, subject to any modifications which the Administering Authority may consider desirable, such of the laws of New Zealand as may seem appropriate to local conditions and requirements.

Article 4. The Administering Authority undertakes to administer Western Samoa in such a manner as to achieve in that Territory the basic objectives of the international trusteeship system, as expressed in Article 76 of the Charter

of the United Nations, namely:

- (a) to further international peace and security;
- (b) to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, and to encourage recognition of the inter-dependence of the peoples of the world; and
- (d) to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 5. The Administering Authority shall promote the development of free political institutions suited to Western Samoa. To this end as may be appropriate to the particular circumstances of the Territory and its peoples, the Administering Authority shall assure to the inhabitants of Western Samoa a progressively increasing share in the administrative and other services of the Territory, shall develop the participation of the inhabitants of Western Samoa in advisory and legislative bodies and in the government of the Territory, and shall take all other appropriate measures with a view to the political advancement of the inhabitants of Western Samoa in accordance with Article 76 (b) of the Charter of the United Nations.

Article 6. In pursuance of its undertakings to promote the social advancement of the inhabitants of the Trust Territory, and without in any way limiting its obligations thereunder, the Administering Authority shall:

- 1. Prohibit all forms of slavery and slave-trading;
- 2. Prohibit all forms of forced or compulsory labour, except for essential public works and services as specifically authorized by the local administration and then only in times of public emergency, with adequate remuneration and adequate protection of the welfare of the workers;
- 3. Control the traffic in arms and ammunition;
- 4. Control, in the interest of the inhabitants, the manufacture, importation and distribution of intoxicating spirits and beverages; and
- 5. Control the production, importation, manufacture, and distribution of opium and narcotic drugs.

Article 7. The Administering Authority undertakes to apply in Western Samoa the provisions of any international conventions and recommendations as drawn up by the United Nations

or its specialized agencies with are, in the opinion of the Administering Authority, appropriate to the needs and conditions of the Trust Territory, and conducive to the achievement of the basic objectives of the international trusteeship system.

Article 8. In framing the laws to be applied in Western Samoa, the Administering Authority shall take into consideration Samoan customs and usages and shall respect the rights and safeguard the interests both present and future of the Samoan population.

In particular, the laws relating to the holding or transfer of land shall ensure that no native land may be transferred save with the prior consent of the competent public authority and that no right over native land in favour of any person not a Samoan may be created except with the same consent.

Article 9. The Administering Authority shall ensure in the Territory freedom of conscience and the free exercise of all forms of worship, and shall allow missionaries, nationals of any State Member of the United Nations, to enter into, travel and reside in the Territory for the purpose of prosecuting their calling. The provisions of this Article shall not, however, effect the right and duty of the Administering Authority to exercise such control as it may consider necessary for the maintenance of peace, order and good government.

Article 10. The Administering Authority shall ensure that the Trust Territory of Western Samoa shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the Administering Authority shall be entitled:

1. To establish naval, military and air bases and to erect fortifications in the Trust Territory.

2. To station and employ armed forces in the Territory.

3. To make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations toward the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Trust Territory.

4. To take all such other measures in accordance with the Purposes and Principles of the Charter of the United Nations as are in the opinion of the Administering Authority necessary to the maintenance of international peace and security and the defence of Western Samoa.

Article 11. The Administering Authority shall as may be appropriate to the circumstances of the Trust Territory, continue and extend a general system of education, including post-primary education and professional training.

Article 12. Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Trust Territory, freedom of speech, of the press, of assembly and of petition.

Article 13. The Administering Authority may arrange for

the cooperation of Western Samoa in any regional advisory commission, regional technical organization or other voluntary association of states, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the Charter of the United Nations.

Article 14. The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with the Charter of the United Nations and shall otherwise collaborate fully with the Trusteeship Council in the discharge of all the Council's functions in accordance with Articles 87 and 88 of the Charter. The Administering Authority shall arrange to be represented at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to Western Samoa are considered.

Article 15. The terms of the Agreement shall not be altered or amended except as provided in Article 79 of the Charter of the United Nations.

Article 16. If any dispute should arise between the Administering Authority and another Member of the United Nations, relating to the interpretation or application of the provisions of this Agreement, such dispute, if it cannot be settled by negotiation or similar means, shall be submitted to the International Court of Justice.

APPENDIX VII

Statement made in the House of Representatives of
New Zealand on 27 August 1947 by the Acting
Prime Minister, Mr. W. Nash, on political
advancement in Western Samoa

Introduction

I desire to inform the House that the Government have under consideration certain constitutional changes in Western Samoa. The House will recall that, soon after the Government assumed office, they became aware that the aspirations and political development of the Samoans enabled them to take a more responsible part in the Government of the Territory.

In the period before 1939 some preliminary steps were taken towards giving the Samoan people a greater voice in the management of their own affairs, but the disturbed conditions resulting from the war delayed the development of further measures directed to this end. In 1944 the Prime Minister, accompanied by Mr. A. G. Osborne, M. P., Parliamentary Under-Secretary, visited Western Samoa to learn at first hand the ideas held by the Samoan leaders themselves regarding political advancement.

Trusteeship Agreement

In October, 1946, a draft trusteeship agreement for Western Samoa was submitted to the United Nations by the New Zealand Government, and placed before the General Assembly for consideration and approval. This provided for the replacement of the League of Nations' Mandate by the trusteeship agreement, which brought the territory within the framework of the international trusteeship system, established under the Charter of the United Nations. The agreement was approved by the General Assembly on 13 December 1946.

In the meantime the Samoan people had been consulted regarding the terms of the draft. Their representatives declared that they recognized that the trusteeship agreement marked an advance on the Mandate, and they stated their appreciation of the sympathetic manner in which they had been treated by the Government, and of the progress made during the past ten years in developing social services, but they felt that their ultimate aim of self-government would not be furthered by accepting the agreement. Accordingly they asked that Samoa be granted self-government and that New Zealand remain as adviser and protector of Samoa.

Consultations in Western Samoa

During recent months the Government have carefully studied the whole question, and consulted with the Samoan leaders to discover in what manner the wishes of the Samoans can best be met in the immediate future.

In undertaking this task the Government have been greatly helped in an examination of the position by the members of the United Nations Mission, which, at New Zealand's request, is visiting Western Samoa in connexion with the Samoan petition to the United Nations Trusteeship Council.

Obligations of trusteeship

Under the terms of the Trusteeship Agreement New Zealand is charged with the responsibility of progressively increasing the participation of the Samoan people in the control of their own affairs. Our consultations with the Samoan leaders have led us to believe that a substantial step forward can now be taken. Accordingly, the Government have worked out plans which will give the Samoans an increased measure of responsibility immediately, and prepare them for taking further progressive steps towards self-government. These plans are now being discussed with the representatives of the Samoan people.

The details of the Government's proposals are:

Council of State

The establishment of a Council of State to advise the Administrator or the High Commissioner, as he may in future be called, on all important matters of policy affecting the Territory. This Council would be composed of the Administrator,

as representative of New Zealand, and the three Fautua, who are, at present, the acknowledged representatives of the Samoan people. Future appointments to the Council would be made by the Governor-General on the nomination of the members of the Fono of Faipule, and the Samoan members of the legislature sitting together.

Legislature

It is proposed to replace the present Legislative Council by a legislature in which the Samoan members would have an absolute majority. This body would be composed of the following groups: the members of the Council of State; eleven members nominated by the Fono of Faipule; five representatives of the local European community elected under adult suffrage; six official members.

The Administrator would act as President of the Legislature, and would possess only a casting vote. The three Fautua would have all the rights of ordinary members.

Powers of legislature

Whereas in the past the powers of the Legislative Council were limited, it is proposed that for the future the legislature should have full powers in all matters affecting the Territory. In the case of legislation on the following subjects, however, the consent of the New Zealand Government is necessary before it becomes law: external affairs, defence, the control of the Public Service, the imposition of discriminatory customs duties, currency and banking, immigration, and any matters affecting the prerogative of the Crown or the title to Crown lands.

In view of her position under the Trusteeship Agreement, New Zealand must continue to hold these general reserve powers of legislation and of disallowance of local legislation. But this necessary reserve power will not restrain the exercise of a real initiative and responsibility by the new Samoan legislature.

In regard to finance, control would be vested in the Legislature, but measures dealing with financial matters or involving expenditure would only be introduced with the consent of the Administrator. The audit of the finances of the Territory would continue to be made by the New Zealand Controller and Auditor-General.

Government of Western Samoa

In future it is proposed that the title "Administration of Western Samoa" should be replaced by that of "Government of Western Samoa". This might require a number of other consequential changes, such as a change in the title of "Secretary to the Administration" to that of "Chief Secretary".

"Fono" of "Faipule"

The Fono of Faipule, or Samoan Advisory Council, which consists of forty-one district representatives, would remain constituted as at present; its principal function being, in addition to that of nominating the Samoan members of the legislature and the holders of various other offices, to keep the Government and the Legislature aware of the opinions of the people in the outer villages.

Samoan public service

The Samoan Public Service would be removed from the control of the New Zealand Public Service Commission, and an independent Public Service authority would be appointed in Western Samoa. It would be the special function of this new authority to find means of promoting local people, both Samoan and European, to positions of responsibility as quickly as possible. In this connexion both the New Zealand Government and the Samoan leaders are aware that promotion of local civil servants to the higher posts depends upon our ability to push forward, as rapidly as possible, with our proposals for giving specialized training to officers already in the Samoan Public Service, and for providing young Samoans with the best possible education.

Profits from Reparations Estates

The Prime Minister declared during his visit to Samoa that he believed that in future all the profits made by the New Zealand Reparations Estates should be used for the benefit of Western Samoa. Many grants had been made from the New Zealand Treasury for the construction of roads, for the establishment of scholarships, for the building of a broadcasting station, and for other purposes. It was intended to continue this practice and, possibly, to give it some legal form by the establishment of a Samoan Development Fund, to which the profits of the Reparations Estates would be paid and from which grants would be made.

Other Questions

There are, in addition, certain proposals of less immediate importance, which the Government wishes to discuss with the representatives of the people of Western Samoa during the coming year. One of these is the question of Samoa status. The Samoans are anxious that any risk of an eventual clash of interests between persons of Samoan status and persons of European status shall be avoided. They hope, instead, that all those who regard Western Samoa as their permanent home will gradually move towards the possession of a common status. Another question which the Government wishes to see discussed is that of local-body Government for the villages and for Apia. These are matters, however, which the proposed new Legislature and the Fono of Faipule should have an opportunity of considering fully before any action is taken.

Conclusion

Conferences with the Fautua have been held in an atmosphere of the greatest frankness and friendliness, and the Government's proposals will now be discussed fully at a meeting being held with district representatives.

The United Nations Mission in Western Samoa has been kept informed of our plans. Their own report has not yet been submitted to the Trusteeship Council, but the Government will give full consideration to any proposals that they may make regarding the Government of the Territory. From our examination of the position and our discussions with the Samoan leaders, we are convinced that the plans we have elaborated for the development of self-government in the Territory represent a real and, I believe, a welcome advance for the people of Western Samoa.

The present proposals are intended only as the first steps in a process which will not end until the Samoan people are able to assume full responsibility for the control of their own affairs.

APPENDIX VIII

Recommendations of Constitutional Convention of Western Samoa, 1954

1. Common Citizenship and Common Status

The Convention did not discuss this topic.

2. Legislature

A single Legislature should replace the present Legislative Assembly and Fono of Faipule.

This Legislature should be presided over by a Speaker elected by the House and should for the time being consist of the following members:

Forty-one Samoan members.

Five European members.

Two Official Members (Ministers of Justice and Finance).

Elections should be held every three years, and the Legislature should not be dissolved save for these three-yearly elections.

The Legislature should have full power to make all laws necessary for the peace, order, and good government of Western Samoa, subject only to the restriction of the suggested veto of the Head of State and to any restriction which may be advisable due to the relationship with New Zealand.

The reserved subjects and enactments should remain as they are for the present, but should be reviewed as constitutional changes take place.

The Legislature should eventually have full power to amend the Constitution, but subject to some delaying or restrictive procedure, which must be worked out.

3. Suffrage

In the Samoan constituencies only Samoan matais should have the right to vote or to be nominated as candidate for election.

A Register of Matais should be established for each Samoan constituency listing the matais entitled according to

Samoa custom to vote in that constituency.

In any Samoan constituency if any candidate is nominated by a majority of the matais of the constituency he should be declared elected, but if there is no such majority nomination, a secret ballot should be held amongst the matais of the constituency.

In the case of the European elections, the suffrage, the method of election, and the qualifications for candidates should remain as at present.

4. Constituencies

The present forty-one Faipule constituencies should be the Samoan constituencies when the new Legislature is first established, but the new Legislature should at an early date review the matter of Samoan constituencies with a view to increasing the number from forty-one to forty-five.

5. Head of State

That the present Hon. Fautua should together be the first Head of State. They should act together and with equal power. Their term should be for life, but legal provision should be made to permit them to resign at any time. Future vacancies in the position of Head of State should be filled in a way to be decided by the Parliament of Western Samoa when the time comes.

6. Executive Government

A Premier and Cabinet should control the Executive Government from the time that the new Legislature is established.

The Legislature should choose the Premier by a procedure which it should settle itself. If it could not arrive at a single nomination by discussion, it would then be necessary to have a ballot for the Premier.

The Premier could be dismissed by the Head of State only after a vote of no-confidence passed by two-thirds of the members of the Legislature, but could resign at any time. Parliament should not be dissolved just because the Premier resigned or was dismissed; it should elect another Premier.

The Premier should choose the members of his Cabinet from the elected members and refer them to the Legislature for approval.

For the time being there should be two Officials (Ministers of Justice and Finance) in the Cabinet.

7. Control of Public Service

(a) That the Government of Western Samoa should control its own Public Service.

(b) This control should be exercised by a Public Service Commissioner appointed by the Government of Western Samoa and subject to any directions on policy matters that he may receive from that Government.

8. Relationship With New Zealand

The special relationship between Western Samoa and New Zealand should be maintained indefinitely, although its form may change with changing circumstances and constitutional developments.

This relationship should eventually be based on an alliance or agreement somewhat similar to the arrangement at present existing between the United Kingdom and the Kingdom of Tonga, but it is recognized that the Trust status of the Territory may make special provisions necessary.

There should be a representative of New Zealand resident in Western Samoa. The status, powers, and functions of this person will depend upon the nature of the relationship between New Zealand and Western Samoa.

New Zealand will no doubt have its own suggestions to make as to what these status, powers, and functions should be, but it is clear that in some way they should concern defence, foreign affairs, and seconded officers.

APPENDIX IX

PROPOSALS FOR FURTHER CONSTITUTIONAL DEVELOPMENT IN WESTERN SAMOA

Legislature

1. The proposal of the New Zealand Government that the new single legislature should be convened in 1957 completely acceptable to the Joint Session of the Legislative Assembly and Fono of Faipule in June. Its first session could take place after the expiry of the term of the present Fono of Faipule.

2. The New Zealand Government agrees with the recommendation of the Constitutional Convention, which was reaffirmed by the Joint Session, that the legislature should be presided over by a Speaker elected by the House and that at first the elected membership of the House should consist of 41 Samoan and 5 European members. When the Samoan constituencies have been adjusted, however, the permanent non-official membership of the legislature will comprise 45 Samoan and 5 European members. There would also be two official members - the Attorney-General and the Minister of Finance - until such time as their portfolios are taken over by elected members. It may be necessary for a short time after the establishment of the new legislature to retain a third official member as Leader of Government Business, but this will depend upon the general progress that has been made by the end of 1957. It is recognized that it is highly desirable that an elected member should become Leader of Government Business as soon as possible.

3. The New Zealand Government agrees that elections for the legislature should be held every three years. The recommendation of the Constitutional Convention that the legislature should not be dissolved except for these three-yearly elections would, however, make the constitution unnecessarily rigid and tend to make the legislature less alive to the opinions and wishes of the people. For these reasons, the New Zealand Government finds itself unable to accept this part of the recommendation of the Constitutional Convention and considers that power to dissolve the legislature in

appropriate circumstances should be vested in the Head of State or, until this Head is established, in the High Commissioner.

4. The New Zealand Government agrees that the legislature should have full power to make all laws necessary for the peace, order and good government of Western Samoa. This power should be subject only to whatever restrictions may result from the powers granted the Head of State and from the relationship with New Zealand. The New Zealand Government further agrees that the reserved subjects and enactments should for the time being remain as they are at present, but should be reviewed as constitutional changes take place.

5. While noting sympathetically the wishes of the Constitutional Convention that the new legislature "should eventually have full powers to amend the constitution, subject to some delaying or restrictive procedure which must be worked out", the New Zealand Government considers that it cannot commit itself to the full acceptance of this proposal until the nature of this delaying or restrictive procedure is made clearer. This matter is not of immediate importance, and must be considered in relation to New Zealand's obligation to the United Nations under the Trusteeship Agreement. In the meantime the New Zealand Government will retain the power of amending the constitution.

6. Experience in other countries has shown that it is wise to provide that the adverse vote of a simple majority of the members of the House on any matter of confidence should be enough to remove the Premier. A provision that the Premier could be removed only on a vote of no-confidence passed by two-thirds of the Members of the House, as recommended by the Convention, could easily lead to undesirable political manoeuvring, stalemate, and even the breakdown of government. It is considered, therefore, that this part of the Convention's recommendation should not be embodied in the future constitution.

7. The recommendation that Parliament should not be dissolved just because the Premier has resigned or been dismissed, but that a new Premier should be appointed, is one that would, if written into the law, unduly restrict proper political activity. The New Zealand Government considers that in matters of this nature the course taken in any particular circumstances must not be restricted too narrowly.

Suffrage

8. It seems clear that at present the Samoan people are firmly convinced that matai suffrage is desirable. The New Zealand Government has nothing to add to what was stated by the Minister of Island Territories in his letter of 15th June 1955. The Trusteeship Council at its sixteenth session

endorsed the view of the Administering Authority that due attention should be paid to the wishes of the population and that no undue pressure should be used to impose a change; it expressed the hope, which is shared by the New Zealand Government, that the Samoan leaders would recognize the desirability of adjusting progressively their traditional system to more modern democratic methods and eventually of adopting a system of universal suffrage. The New Zealand Government considers that this adjustment would be facilitated by legal provisions permitting the extension of the franchise as and when this became acceptable to the people.

9. It is understood that a register of matai is at present being completed. With regard to the method of election in Samoan constituencies, the New Zealand Government is willing to accept the recommendation of the Constitutional Convention, which is understood to mean that if any candidate is nominated by an absolute majority (that is, over 50 per cent) of the matai in any constituency, he should be declared elected. If, however, no candidate is nominated by an absolute majority, a secret ballot should be held to decide the election. The New Zealand Government considers, however, that the Samoan people should not overlook the very real advantages which would be gained by making election by secret ballot compulsory in all cases and hopes that a development of this nature will not be long delayed.

10. The New Zealand Government also agrees with the recommendation that in the election of European candidates the suffrage, method of election and qualifications for candidates should remain as at present. It is, however, always willing to consider sympathetically any suggestions that may be made for the improvement of the present electoral arrangements.

Constituencies

11. The New Zealand Government has agreed with the recommendation that the 41 Samoan constituencies should later be increased to permit the permanent membership of 45 Samoans. It feels that an investigation should be carried out to determine the best and most equitable method of making the necessary changes in the constituencies. The adjustment should be made during the first session, so that a full house of 45 Samoan members may be elected in 1900.

Head of State

12. The first part of the recommendation of the Constitutional Convention was as follows: "The present Hon. Fautua should together be the first Head of State. They should act

together and with equal power. Their term should be for life, but legal provision should be made to permit them to resign at any time." As to the general principle involved, the New Zealand Government doubts the wisdom of having more than one person holding the office of Head of State. Because, however, of its appreciation of the special conditions in Western Samoa, it is prepared to accept this part of the recommendation, which it understands to mean that the present Fautua should at the appropriate time together become the Head of State and hold office as such as long as they both shall live, with provision made to permit the resignation at any time of either or both of them.

13. The second part of the recommendation was that "Future vacancies in the position of Head of State should be filled in a way to be decided by the Parliament of Western Samoa when the time comes." It is not clear to the New Zealand Government from this recommendation whether the Constitutional Convention wished to commit itself to the general principle that there should always be in Samoa two persons holding together the office of Head of State, or whether on the death or resignation of either of the joint holders the other should continue in office alone, or whether the so-called "vacancies" could arise in some other way. It is apparent that the Constitutional Convention considered that the question of how future vacancies should be filled was a delicate one; but the Convention also showed that it realized the importance of overcoming the difficulties connected with the position of Head of State. Mindful of its obligations to assist and advise the people of Samoa, the New Zealand Government suggests that the selection of the future Head of State should not be left to the new Parliament alone, but that some special methods of nomination more removed from every day politics should be chosen. It also suggests that if the future Head of State were appointed not for life but for a fixed term, some of the difficulties which it is at present feared may arise in connection with filling the position might be avoided.

14. The question of powers and functions of the Head of State is closely associated with that of Executive Government, which is discussed in the next paragraph. As will be seen, the New Zealand Government contemplates definite progression by steps towards Cabinet Government. During this progression the Fautua will become more closely associated with the High Commissioner in the exercise of the powers and responsibilities of Head of State and less closely associated with active politics particularly on the Legislative side.

Executive Government

15. The New Zealand Government believes that full Cabinet Government could best be reached through a series of steps—

- (1) First: A Member system of Government would be introduced with the elected Members of the Executive Council, as well as the official members, having full status as Members responsible for Departments which may be allotted to them. The High Commissioner and the Fautua would attend as they do now, and the High Commissioner would preside. The High Commissioner and the Fautua would continue to be members of the legislature and the Fautua of its Standing Committees. The question of the possible enlargement of the Executive Council, and the powers and functions of the Members, are discussed in following paragraphs. This step could be taken in 1950.
- (2) Second: Ministerial Government would be established with the Executive Council functioning as a Council of Ministers. The High Commissioner and the Fautua would still be members of the Council and the High Commissioner would preside. The High Commissioner and the Fautua would, however, cease to be members of the Legislature, which would be presided over by a Speaker elected by the House, and be led by a Leader of Government Business. This is the step which could be taken at the same time as the new legislature is set up in 1957. When it is determined that an official Leader of Government Business is not required, the Leader of Government Business would be chosen by the Legislature by a procedure it would settle for itself from amongst those persons nominated to be members of the Executive Council.
- (3) Third: Cabinet Government would be introduced with a Premier presiding over the Council of Ministers and leading the legislature. The High Commissioner and the Fautua would no longer attend meetings of the Council of Ministers, which thus would become a Cabinet. It is hoped that the new Government proposed under the first and second steps will measure up to its responsibilities sufficiently to enable the third step to be taken in 1960.

16. With full Cabinet Government thus established there would remain only one more step to be taken before it could be said that self-government had been finally achieved, namely the change in status of the representative of New Zealand and the assumption by the Head of State and the proper powers and functions of that office. When this should be done would be the subject of discussions between the new Government of Western Samoa and the Government of New Zealand.

17. Under the Member System which could be introduced in 1956, the High Commissioner in his discretion would charge any official member or any elected Member of the Executive Council with the responsibility for any Department or subject.

The elected Members would be nominated by the Legislative Assembly, but the actual allotment of "portfolios", or responsibilities for Departments, would be made by the High Commissioner in his discretion. They would be responsible to the High Commissioner for the administration of those Departmental Heads general powers of direction and co-ordination. Heads of Departments would be responsible to their Member and, in any case of disagreement between the Member and a Departmental Head, the question raised would be referred to the High Commissioner for a decision. Each Member and Departmental Head would have direct access to the High Commissioner, and the powers of elected Members would not differ in kind from those of official Members.

18. The inauguration of this Member system would be a decided step towards Cabinet Government, but, in order to obtain full advantage of it, the size of the Executive Council should be increased. This would enable more Members to have training and experience in the work of executive government, and would permit a more equitable distribution of work. It is, therefore, suggested that in 1956, the number of elected members of the Executive Council could be increased by two.

19. The New Zealand Government will consider whether, at the time as this system begins, the law could be amended to provide that the powers of the High Commissioner under the Ordinances of Western Samoa should be exercised in accordance with the advice of the Executive Council. This would mean that legally, as well as in fact, the Executive Council rather than the High Commissioner alone would be responsible for the domestic executive decision and actions of the Government.

20. After the new legislature is elected in 1957 the elected and official members of the Executive Council would become Ministers and the Executive Council would thus become a Council of Ministers. The legislation establishing the new legislature would also contain provisions for the nomination, appointment and removal of Ministers similar to those which have been found appropriate in other developing territories. As Ministers the elected and official Members would exercise the generally understood powers and responsibilities of Ministers in a Cabinet system of Government, but they would continue to be responsible to the High Commissioner, who, together with the Fautua, would remain as members of the Executive Council, the High Commissioner presiding. This arrangement is considered an essential step in the progress towards Cabinet Government. Besides giving both Ministers and Members of the new legislature a period of valuable experience and assistance, this intermediate system will keep to a minimum any legal difficulties and any confusion in the minds of the people that may arise at a time when a new legislature with new institutions and new members is being established.

21. As to Cabinet Government itself, when that is eventually established, the New Zealand Government agrees that

the legislature should choose a Premier from among its own members. It also agrees that the Premier should choose the members of his Cabinet from the members of the legislature. In the absence of a party system it may prove desirable for the Premier to refer his Cabinet to the legislature for approval. This matter can be decided, however, in the light of future experience. The recommendation that the Attorney-General (Minister of Justice) and the Minister of Finance should be the two official members of the Cabinet is acceptable.

Control of the Public Service

22. In his letter of 15th June the Minister of Island Territories said that it might be useful to give the Government of Western Samoa a more direct voice in matters affecting Public Service policy, and mentioned that the possibility is being examined of amending the legislation to provide for this. The Joint Session reaffirmed the resolution of the Constitutional Convention and added that it felt that control should be handed over immediately. The Convention had recommended that the Government of Western Samoa should control its own Public Service and that this control should be exercised by a Public Service Commissioner appointed by the Government of Western Samoa. Several speakers at the Constitutional Convention emphasized the need to preserve the complete independence of the Public Service Commissioner in all those matters that properly fall within his province and stressed the evils that might otherwise result.

23. In order to define the guarantee that rightful independence, while at the same time giving, as desired, the Government of Western Samoa a more direct say in policy matters concerning the Service, the New Zealand Government proposes that amendments to the following effect should be made to the Samoa Amendment Act 1949:

- (1) Section 3 (2) of the Act should be replaced by a section specifically defining the duties of the Public Service Commissioner as covering recruitment, appointment, dismissal, promotion, grading and salaries, discipline, leave conditions, working conditions, retirement, staff training, departmental organization and working methods etc., and conferring such other powers as are required to carry out the provisions of the Act;
- (2) Section 3 (3) of the Act should be deleted;
- (3) Section 13 (2) should be amended to provide that the Public Service Commissioner shall be satisfied that any appointment to the Service is necessary "to carry out the policy and objectives of the Government of Western Samoa and/or the Government of New Zealand";

- (4) Section 18 (1) should be amended to provide that the remuneration by way of salary and wages paid to any employee shall not exceed £1,450 a year without the prior approval of the High Commissioner;
- (5) Sections 10 and 33 should be amended to provide that the annual list of persons permanently employed in the Public Service and the regulations issued by the Public Service Commissioner should be laid before the Legislative Assembly of Western Samoa. Section 33 should be amended to provide for the regulations to be approved by the High Commissioner instead of the Minister.

24. The New Zealand Government considers that the present method of appointment of the Public Service Commissioner is appropriate under existing circumstances, and should remain for the duration of at least the first and second steps proposed. After that, the Government of Western Samoa would in this respect be wise to continue to accept help from New Zealand. The position is one which calls for considerable specialized knowledge and for unquestioned capacity to withstand local sectional pressures. A country like Samoa with limited population will find such qualities more easily in someone nominated by the Government of New Zealand, although in time the actual appointment would be made by the Samoan Government. New Zealand would, of course, continue for as long as is necessary to make available suitable specialist officers for the Samoan Public Service, and the Public Service authorities in both New Zealand and Western Samoa will need to consider what steps may be necessary to safeguard the position of seconded officers as further constitutional development takes place.

Judiciary

25. While there has been much discussion about the necessity for the independence of the Public Service Commissioner, the necessity for the independence of the Judiciary has never been questioned - and rightly so. Indeed it is noticeable that the Constitutional Convention made no recommendation on the question of the Judiciary, which does not seem to be a live issue in the Samoan mind. This is undoubtedly a recognition of the necessity for the independence of the Judiciary, and an acknowledgment of the fact, that headed as it is by a New Zealand judicial officer of high standing, it does possess that quality today. The New Zealand Government believes that this is another important aspect in which the Samoan Government would be well advised to continue for an indefinite period to accept the services of a nominee from New Zealand. As in the case of the Public Service Commissioner, the New Zealand Government believes that no change in the method of

appointment of the Chief Judge should take place at least for the duration of the first and second steps.

Relationship With New Zealand: New Zealand's Trusteeship

Obligations

26. There seems general agreement that the form of the final relationship of Western Samoa to New Zealand can be determined only at a later stage when constitutional development is more advanced. The Minister dealt with this matter more fully in his letter of 15th June.

Common Domestic Status

27. The results of the investigation undertaken by the Committee on Status are awaited with great interest. The resolution on this matter passed by the Trusteeship Council at its sixteenth session shows that the Council considers this to be an important matter, which needs careful consideration.

APPENDIX X

Treaty of Friendship Between the Government Of New Zealand and the Government of Western Samoa

The Government of New Zealand and the Government of Western Samoa,

Affirming that their relations, as Governments of sovereign and equal states, are founded upon respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations,

Recognizing that friendship, confidence, and a mutual endeavour to obtain for their peoples fuller opportunities for social progress have established a specially intimate relationship between them,

And desiring to maintain and strengthen the bonds of amity and goodwill which have hitherto existed between them and to provide for continued cooperation,

Have agreed as follows:

ARTICLE I

Relations between New Zealand and Western Samoa shall continue to be governed by a spirit of close friendship.

ARTICLE II

Where appropriate the two Governments shall consult each other on matters of mutual interest and concern.

ARTICLE III

Each Government shall ensure that citizens of the other

living within its territory are, in accordance with the normal practice between friendly states, given equitable treatment and full legal protection and access to the Courts.

ARTICLE IV

The two Governments shall continue to work together to promote the welfare of the people of Western Samoa. In particular the Government of New Zealand will consider sympathetically requests from the Government of Western Samoa for technical, administrative and other assistance.

ARTICLE V

The Government of New Zealand shall, for as long as the Government of Western Samoa wishes, and in such manner as will in no way impair the right of the Government of Western Samoa to formulate its own foreign policies, afford assistance to the Government of Western Samoa in the conduct of its international relations. In particular the Government of New Zealand will:

- (a) when requested, act as the channel for communications between the Government of Western Samoa and other Governments and international organizations;
- (b) when requested, and where permissible and appropriate, undertake the representation of the Government of Western Samoa at any international conference at which Western Samoa is entitled to be represented;
- (c) when requested, supply Western Samoa with information concerning international affairs;
- (d) undertake the diplomatic protection of nations of Western Samoa in other countries and perform consular functions on their behalf.

ARTICLE VI

Either Government may at any time give to the other Government written notice of its desire to terminate this Agreement. In such case, this Agreement shall terminate upon the expiration of three months from the date on which the notice is received.

ARTICLE VII

This Agreement shall enter into force on the date of signature.