

## The Controversial Use of the Gender Quota in the 2021 Samoan General Election: A Personal Perspective – Part 1

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The first of this two-part In Brief series outlines the events that followed the 2021 Samoan general election and contextualises them in terms of gender norms in Samoa. Part 2 describes the gender quota that was passed by Samoa's parliament in 2013 and used for the first time in the 2016 general election, as well as discusses its use (or misuse) in the aftermath of the 2021 general election.

In the midst of the COVID-19 pandemic, Samoa held a general election on 9 April 2021 that resulted in a tie: 25 seats were won by the Human Rights Protection Party (HRPP) led by the incumbent Prime Minister Tuilaepa Sailele Malielegaoi and another 25 seats were won by Faatuatua i le Atua Samoa ua Tasi (Samoa United as One in Faith (FAST)) led by Fiamē Naomi Mata'afa.<sup>1</sup> An independent, Tuala Tevaga Iosefo Ponifasio, was left holding the balance of power. Whilst the nation waited for him to decide which political party he would join, and therefore which party would form majority government, it was announced that another woman would be elected through the gender quota, on the understanding that the constitution requires the proportion of seats occupied by women to be 10 per cent.

The declaration that Ali'imalemanu Alofa Tuuau would return to parliament on the gender quota meant that HRPP would hold more seats than FAST. Independent member of parliament Tuala Iosefo Ponifasio then announced he would join FAST, resulting in a new tie, with each party now having 26 seats. FAST filed a case before Samoa's Supreme Court seeking to disallow the additional HRPP seat. The court ruled in favour of FAST, making them the government elect. Despite this, the Head of State called for a second general election on 21 May 2021, although this was later declared 'unconstitutional' by the Supreme Court.

The Head of State issued a proclamation calling for the new

parliament to sit on or before 24 May 2021, just within 45 days of the general election, as required by section 52 of the Constitution of the Independent State of Samoa. With the first female prime minister-elect and her cabinet due to be sworn in, on the dawn of 24 May, the FAST party, invited guests and the judiciary turned up to find the doors of the Maota Fono i Tiafau (Parliament House) locked. The judiciary then commanded the swearing-in of the elected prime minister, the speaker of the house and his deputy and the 13 cabinet ministers. This ceremony was done in a tent outside the Maota Fono on the same evening. The caretaker prime minister and attorney general described the swearing-in ceremony as illegal and 'unconstitutional' (Feagaimaali'i 25/5/2021). At the time of publication, the turmoil continues.

Since the invocation of the gender quota, there has been significant debate in Samoa about its relevance, as well as women's position in Samoan culture and society more broadly. This debate reminds me of the Samoan proverb:

*O Samoa o le atunuu tofi, e le o se atunuu taliola. O le atunuu ua uma ona tuulaupua ma tuumatamaga mea uma* (Samoa is a country that is called, not a country that is waiting to be granted life).

The proverb understands Samoa as a country with defined social stratifications, boundaries, roles and responsibilities. As we carry out our duties, we are obligated to respect the *va* (relative spatial relationship) between the boundaries or distinctions that are culturally and technically produced, and therefore always embody particular relational meanings with the environment and other individuals. We respect the *va* based on the shared understanding that it is the core and essence of our existence and belonging. It directs our paths and is considered key to determining our positions for the present and the future. This particular proverb is often used in situations where things seem to be getting out of hand, to remind a caucus of the principles of their decision-making and consider the matter not as individuals but as part of a collective. As Samoans, we do not decide as individuals, but rather value the consensus of the collective. Most importantly, we are born into a society that is already defined and

we are guided by established values and beliefs.

Samoans hold high regard for their women and widely believe that women are equal to men. This is reflected in the cultural ideology that both men and women have inherited equal rights to family resources, including rights to land and the right to become a family chief (*matai*). Women are to be treated and served with utmost respect and protected and guarded wherever they go.

What does this mean for Samoan women in politics? Like men, women desirous of a political career need to obtain a chiefly title — the need to become a *matai*. The process of obtaining this chiefly title is based on *tautua* (service), and over the years men have been bestowed chiefly titles much more often than women. The over-representation of men as *matai* has influenced the analysis of women's political representation in Samoa (mostly from an outsider's perspective). Yet, there is also a Samoan cultural explanation for men's numerical dominance among chiefly title holders: a sister and her brother are bound in a sacred covenant called *feagaiga* (brother and sister covenantal relationship) where the brother's role is to serve and protect his sister no matter what the situation. For the sister, *feagaiga* guarantees equal rights with the brother. The sister is honoured with the title of *taupou* (ceremonial virgin), which is the Samoan feminine status equivalent to the chiefly title bestowed upon the brother. These ascribed statuses bring with them assigned responsibilities, where the women are known as the healers, teachers, priestesses, makers of wealth and peacemakers. By contrast, men are the protectors, the caretakers, the spokesman for the family, the cultivators, the builders, the warriors and other prescribed roles that are considered heavy duties. Decisions regarding safety, wellbeing and the upholding of social stratifications are considered as such and have always been made by the brothers with the endorsement of the sisters. In this covenantal relationship, the conferring of the chiefly title to the brother by the sister is a testament of the sister's appreciation of and thanksgiving for the hard work and service by the brother. In the Samoan context, the act of title referral by the sisters is a highly respected practice, and is regarded as the norm within Samoan society.

These gender norms show that women have a legitimate source of power and leadership in Samoan culture and society. Samoan women have prestigious cultural status, evidenced in the pivotal role they play in ceremonial practices, their participation in village and church developments and their contribution to Samoa's claim to independence. In Part 2 of this series, I reflect on the gender quota in light of women's cultural status in Samoa and discuss the (mis)use of the quota as a strategy to win a deadlocked election.

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## Author notes

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## References

Feagaimaali'i, J. 25/5/2021. [Swearing in 'Unconstitutional': A-G.](#) *Samoa Observer*.

## Endnotes

1. Mata'afa was Samoa's first female cabinet minister and served as deputy prime minister (2016–20) as a member of HRPP before joining FAST.

