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RAPID CHANGES TO LEGISLATION IN SAMOA OF CONCERN GIVEN ITS IMPLICATIONS ON THE RULE OF LAW

The Law Society of Samoa has raised concerns surrounding Samoa's move to pass three controversial bills without proper consultation, with the potential to eradicate the rights of Samoans from being able to Judicially review decisions, thereby eliminating the judicial primacy of the Supreme Court in Samoa.

The three bills currently awaiting Select Committee approval are the Constitution Amendment Bill, the Lands and Titles Court Bill and the Judicature Bill.

The bills are promoted on the basis that it offers a further avenue to those who lose appeals at the Land Titles Court in gaining justice, without being limited to judicial appeals to the Supreme Court on the narrow issue of procedural errors.

The move to make these sweeping and significant changes in the COVID-19 pandemic climate has raised concerns among Senior members of the Samoan Judiciary and the Law Society in that country due to the perceived lack of consultation on bills that are likely to have severe impact on the rule of law in Samoa.

The Samoan Law Society has raised the alarm and called for support.

ADLS acknowledges the Sovereign right of Samoa to make its own laws. There still needs to be some assurance that these laws are not contrary to the rule of law and Constitution of Samoa.

The Rule of Law and the maintenance of it by any Sovereign nation is of global concern, especially so in times when it is under threat. It is the duty of Law Societies such as the ADLS to speak up and lend support to the Samoan Law Society that is the protector of the rule of law in Samoa.

As a Pacific neighbour, and given the long standing relationship of friendship and support between the Law Societies of Samoa and Aotearoa, ADLS is happy to lend its support for concerns raised by the Samoan Law Society, and calls for caution and care when it comes to matters that affect the rule of law.

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ADLS