



The Bar Council

Statement of the Bar Council on Recent Legislative Proposals in Samoa impacting the Rule of Law

The Bar Council expresses its concern at the recent legislative proposals set out on 17th March 2020 by the Samoan government within the Constitution Amendment Bill 2020, the Land and Titles Bill 2020 and the Judicature Bill 2020. These bills, introduced at the same time as COVID-19 public health legislation, among other matters of concern, remove the constitutional right of Samoans to seek judicial review of a decision of the Land and Titles Court in Samoa's independent Supreme Court and potentially reduce the independence of the judiciary.

Senior judges and lawyers in Samoa are concerned that these significant constitutional reforms are being progressed rapidly without the necessary consultation. The Samoan Law Society says the three proposed bills would effectively remove the judicial primacy of the Supreme Court and impair the independence of the judiciary, since the changes would empower an executive body - the Judicial Services Commission - to dismiss judges without cause or due process.

Plainly these new measures risk diminishing the independence of the senior judiciary and, could negatively affect the public's perception of the same – thereby eroding confidence in the Rule of Law. The Bar Council believes that these wide-ranging measures have not been sufficiently evaluated by the relevant stakeholders. The Bar Council would urge the government of Samoa to work with the Samoan Law Society and other civil society organisations to examine these

three contentious bills in further detail, ensuring that vital access to justice, public confidence in the justice system and the independence of the judiciary are not undermined.

The Bar Council of England and Wales