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ABSTRACT

This paper looks at different interpretations of the 1962 Treaty of Friendship between New Zealand and Samoa, to uncover possible sources of misunderstanding between the two nation states.

The 1962 Treaty of Friendship marked the independence of Samoa from New Zealand. Unlike most international treaties of friendship, the NZ/Samoan treaty was written in the languages of both of the signatories, with both languages, English and Samoan, designated as ‘equally authentic’. In addition, the wording of this treaty differed from most international treaties in that the language of human rights and egalitarianism was used, rather than the previous terminology associated with the Treaty of Westphalia.

However, a comparative linguistic analysis reveals that, while the English version uses the language of contract and human rights, the Samoan version uses the concept of covenant and the language of Christianity and spirituality. We argue that difference in language helps to explain some of the differences in importance accorded to the Treaty in New Zealand and Samoa.
INTRODUCTION

This paper explores the relationship between New Zealand and Samoa by focusing specifically on the 1962 Treaty of Friendship between the two nations. As part of that exploration, differences in understanding about contractual and covenantal agreements, western and Samoan culture, and translation issues are highlighted.

For the New Zealand government the Treaty of Friendship signaled a new relationship with Western Samoa as an independent nation in need of some assistance from its neighbour, whereby New Zealand agreed to give special consideration to Samoa. The Treaty built on the tradition of friendship treaties as contracts between states and was written to reflect New Zealand’s commitment to human rights and egalitarianism. On the other hand, for Samoans the treaty was a sacred commitment of friendship that reflected both the Christian connections between the two nations, and the incorporation of Fa’a Samoa, the traditional customs and form of governance of its ancient nation.

Both in the wording of the Treaty, and in the operationalising of the friendship relation, Samoans have been disappointed in New Zealand. This paper contributes to the debate about cross-cultural misunderstandings in Western and Pacific relationships.

A HISTORY OF FRIENDSHIP TREATIES

The concept of friendship treaties in international relations can be traced back to the ancient Greeks who used friendship treaties to form agreements with treaty partners without having the status of allies (see Bederman, 2001, p.162). For ancient Rome, distinctions were also made between states with which Rome had a friendly relationship, those that had a duty to send military contingents to Rome upon request, and those that were virtually subordinated to Rome (Bederman, 2001, p.190).

First nation peoples and aboriginal nations had used oral treaties to settle land disputes and end conflict and war long before the arrival of European traders, settlers and colonisers. One of the earliest recorded treaties which predates 1450 is the Great Law and Peace of the People of the Longhouse between aboriginal tribes in what was to become Canada (Devere et al., 2011, p. 51). It was passed on orally from generation to generation, and the term of ‘brightening the chain of friendship’ was used to refer to the need for constant renewal and upkeep of such agreements (Ganter, 2009, p. 128).

During the Middle Ages in Europe, friendship was fairly rarely used to refer to relations between countries. However, the sixteenth century saw a ‘relative boom’ in friendship treaties among European sovereigns’ (Roshchin, 2006, p. 601). These treaties used the language of the Treaty of Westphalia of 1648, the peace treaty between the Holy Roman Emperor and the King of France, and their respective allies. The connection between peace and friendship is made explicitly with the goal of the Treaty expressed as the attainment of ‘Christian and Universal Peace, and a perpetual, true and sincere Amity’ (Treaty of Westphalia, Article 1).
From the early 1600s, treaties began to be negotiated between European powers and indigenous or first nation peoples as exploration for trade routes were sought. Many treaties of peace and friendship were signed in North America, as for example the Great Peace of 1701 between the Iroquois Confederation and New France and its allies (see Devere et al., 2011).

**FRIENDSHIP TREATIES IN THE PACIFIC.**

Nations throughout the Pacific were involved with friendship treaties in particular during the 19th and 20th centuries. The United States of America and the King of the Hawaiian Islands signed a treaty of friendship in 1849 and the King of Tonga signed a friendship treaty with the USA in 1886. There was a 1878 treaty of friendship between Samoa and the USA, and in 1979 friendship treaties were signed between the USA and Kiribati, and between the USA and Tuvalu. The Anglo-Japanese Friendship Treaty of 1854 signaled an end to Japanese isolationism. The long-term ‘special’ relationship between Britain and the Kingdom of Tonga has been recognised in a series of friendship treaties between 1879 and 1968. Tonga has also signed several friendship treaties with France (1855; 1958 and 1980), and France has also more recently entered into a friendship treaty with Vanuatu (1993). In 1885, a treaty of friendship was agreed between the Marshallese chiefs and the German Empire, which already had a treaty with Samoa signed in 1879 (see Gale and Devere, 2010).

Most of these treaties are written in the language of the larger powers, and are not based on equal partnership. These treaties use the language of the Treaty of Westphalia, promising perpetual peace and friendship, rights and privileges to the Pacific nation, in return for access to harbours and resources, and requiring the exclusion of other states (see Devere et al. 2011).

Friendship treaties were used by the Western powers competing over the islands of Samoa in which there were assurances of peaceful intentions in return for access to Samoan resources. The 1878 Treaty of Friendship and Commerce between Samoa and the United States agreed on ‘perpetual peace and friendship’ between the two nations; that the United States should have privileged access to the Port of Pago-Pago, free from Samoan jurisdiction with free trade for all goods (except firearms and war munitions); and that American citizens should have ‘free and equal participation in any privileges’ granted to any other government, citizens and nations (see Masterman, 1934). While the US acquired access to the main harbour of the islands on the eastern side of Samoa, Germany entered into a Treaty of Friendship with Samoa the following year, 1879, to gain access to the main port in the western islands of Samoa. This ‘division’ of Samoa was later reflected in the arrangement of 1899 when Germany took over control of Western Samoa and the United States took over Eastern Samoa, becoming known respectively as German Samoa and American Samoa.

**NEW ZEALAND AND SAMOAN RELATIONS: A CLASS OF CULTURES?**

The history of New Zealand’s involvement in Samoa has been characterised by a clash between the western democratic ideals of the administrative power, and the traditional system of governance, Fa-a Matai, long practised in Samoa. When war broke out in Europe, New Zealand was invited by Great Britain to seize German Samoa and from 1914 it fell under the military
administration of New Zealand. Six years later, in 1920, the Council of the League of Nations confirmed that the renamed ‘Western’ Samoa was to be a mandated territory of New Zealand (Meleisea & Meleisea 1987; Wendt 2004; Yale 2013). Meleisea (1987) claims that it was New Zealand’s neglect, lack of competence, and misunderstanding of the culture that encouraged a divided Samoa to unite behind a push for a system of government based on Aganu’u Fa’a Samoa, or Samoan traditions.

The loss of Samoan lives at the beginning of New Zealand’s administration raised questions about whether New Zealand was adequately equipped to deal with its new responsibility. In 1918, an influenza pandemic reached Samoa via the New Zealand passenger and cargo ship, Talune, that resulted in the deaths of at least 20 percent of the Samoan population (Meleisea, p. 121). The Mau movement of the 1920s and 30s highlighted discontent with New Zealand’s administration. Rooted in the Samoan past, and based on traditional rivalries with grievances related to land and titles, the Mau movement demonstrated some of the incompatibilities between Fa’a Samoa and the basic tenets of rational-legal authority grafted onto Western Samoa both by the German and then by the New Zealand administrations (see for example Meleisea 1987 & Wendt 2004). The Mau movement was an alliance between the Samoan chiefly elite and some Europeans who were unhappy about the New Zealand administration, and according to Meleisea provided a unifying focus for Samoans seeking a government based on Samoan traditional institutions (p. 154). During a protest procession on 28th December 1929, a skirmish broke out between Mau supporters and local police. Eleven Samoan leaders, all holders of high paramount chiefly titles were killed when New Zealand police opened fire (Melisea, 1987; Field, 1991). One of those killed was Tupua Tamasese Lealofi III, a prominent Samoan leader who, it is claimed, was trying to restrain the crowd when he was shot (Condliff, 1930, p. 474).

However, a transformation in the political atmosphere had begun by 1936 with ‘a goodwill mission by the Labour Government (Davidson, 1967). Over time, changes and improvements were made to legislation, the election roll, the structures of institutions and the public service, and there was evidence that the intention of New Zealand administrators was to help Samoa to develop ‘towards self-government’ (Davidson p. 307). Meanwhile, Samoan political participation grew and debates took place about the future structure of the Samoan political system. The United Nations General Assembly was uncomfortable with Samoa’s call for independence based on restricted matai suffrage and required a universal plebiscite on the termination of trusteeship (Davidson, p. 360 and Hensley, 2005, p. 112). A constitution was drafted and in May 1961 the plebiscite held endorsed both the constitution and the termination of New Zealand’s trusteeship by almost 80 percent of the voting population (Davidson, p. 406). At midnight on 31 December 1961, ‘the church bells throughout Samoa rang out to mark the birth of a nation’ (Davidson, p. 410). Tupua Tamasese Maeole, the son of the slain leader, Tupua Tamasese Leolafi III became joint head of state with Malietoa Tanumafili II, the son of the advisor to New Zealand’s chief administrator. A few months later the Treaty of Friendship between the Government of Western Samoa and the Government of New Zealand was signed in Apia.
According to Kerslake (2010, p. 97), correspondence between the New Zealand Prime Minister and New Zealand’s High Commissioner in Western Samoa prior to independence indicated that it was important for New Zealand to continue to have a strong relationship with Samoa and to ‘endeavour to ensure that Western Samoa continues to look to New Zealand as its most intimate friend’ (correspondence between PM and Mr. J.B. Wright, 8 July 1960, as cited in Kerslake, 2010, p. 97). Kerslake also refers to evidence that ‘it was the wish of the Samoan people and government’ that there should be a formal agreement to recognise Western Samoa’s special relationship with New Zealand. She notes that the Treaty of Friendship was ‘thoroughly discussed between both governments’ (p. 98). Although New Zealand had no obligation to ‘burden itself with Samoa’s independence’, New Zealand chose to ‘continue to act for Samoa to further its interests and this is acknowledged in the Treaty of Friendship’ (p. 99).

The 1962 Treaty of Friendship between the Government of Western Samoa and the Government of New Zealand affirms that it is between two governments of ‘sovereign and equal states’ and that the relationship between the two governments is founded on respect for human rights and ‘the purposes and principles of the Charter of the United Nations’ (Preamble). It recognises that there is an intimate relationship between the two states based on friendship, confidence and ‘a mutual endeavor to obtain for their peoples fuller opportunities for social progress’ (Preamble). It is stated that both governments want to maintain and strengthen ‘the bonds of amity and goodwill’ that have existed between them, and to ‘provide for continued cooperation.’ (Preamble).

The first three articles to the treaty are about mutual cooperation. In Article I, it is agreed that ‘relations between New Zealand and Western Samoa shall continue to be governed by a spirit of close friendship’ (Article I). The governments agree to ‘consult each other on matters of mutual interest and concern’ (Article II); and to ‘ensure that citizens of the other living within its territory’ are given ‘equitable treatment and full legal protection and access to the Courts’ as is normal practice between ‘friendly states’. (Article III). Articles IV and V concern New Zealand’s agreement to help Western Samoa, working with the Samoan government to ‘promote the welfare of the people of Western Samoa’ and to ‘afford assistance to the Government of Western Samoa in the conduct of its international relations’ for as long as this is its wish, and in a way that does not ‘impair the right of the Government of Western Samoa to formulate its own foreign policies’. Article VI includes a clause whereby either government can terminate the treaty by way of written notice. (Article VI).

This treaty differs from most other friendship treaties between a Western power and a Pacific nation, in that, it uses the language of human rights and equality, agrees that the Western power should provide welfare and assistance to the Pacific Nation, does not provide for any special access for New Zealand to Samoan resources, and rather than promising ‘perpetual peace and friendship’, allows for the termination of the treaty by either party in written notice. Another major difference was that the treaty was written in the languages of both parties, and that both language versions of the treaty were designated as ‘equally authentic’ (Article VII).
TRANSLATION AND INTERPRETATION ISSUES IN THE TREATY OF FRIENDSHIP

The egalitarian nature of the treaty and the good will on both sides gave hope to the Samoan government and people that New Zealand would indeed be a special friend to their former colony. However, while the declaration of the texts of both the English language and Samoan language versions of the treaty as ‘equally authentic’ was laudable in terms of a recognition of equal status, issues related to different interpretations and understandings have emerged. An in-depth study using the Brislin Model of translation of three key terms in the Treaty reveals that there are inconsistencies in terminology used in the two versions of the treaty which have different connotations related to secular and spiritual understandings of the relationship. The three key terms analysed in this paper are:

- Treaty/Charter/Agreement (Feagaiga)
- Friendship/Friendly/(Fa’auo/Fefa’auoaga/Fealofani)
- Spirit (Agaga)

**Treaty/Feagaiga**

The Samoan word used in the title of the New Zealand Samoan Friendship Treaty to represent the word ‘Treaty’ is Feagaiga. A back translation into English of the Samoan word ‘Feagaiga’ would be ‘Covenant’. The English word ‘covenant’ is not used at all in this treaty. There is a Samoan word maliliega that would be appropriate to translate ‘treaty’ which is used for an agreement or contract (see Ligaliga, p. 83).

The term ‘Treaty’ is used only once in the English version, in the title, whereas the term ‘Feagaiga’ is used on six occasions. Not only is it used in the title, but it is also used to translate the word ‘charter’ as in Charter of the United Nations (in the Preamble), and for the English word ‘agreement’ in Articles VI (as in ‘terminate this agreement’) and Article VII (as in ‘agreement shall enter into force’ and ‘have signed this agreement’).

The most common term in English for agreements that mark the relationship between sovereigns, states and nations is ‘treaty’. A treaty as defined by the International Law Commission is: ‘any international agreement in written form, whether embodied in a single instrument or in two or more instruments and whatever its particular designation … concluded between two or more States or other subjects of international law and governed by international law’ (Brownlie, 1990, p. 605). Other appellations used can include convention, protocol, covenant, charter, statute, act, declaration, concordat, exchange of notes, agreed minute, memorandum of agreement, or modus vivendi.
The concept of ‘covenant’ or ‘feagaiga’ is used for relationships that are considered to be highly significant and sacred in Samoan society. Ligaliga (2013, p. 96) identifies three covenants or feagaiga. The most sacred is the one that binds a brother and a sister. The Samoan saying ‘o le i’oimata o le tuagane e fa’apena fo’i le tuafafine i le tuagane’ means that it is the brother’s role to make sure that his sister’s needs are met and maintained, no matter how hard that task is. The sister respects her relationship with her brother but she has the authority to curse his wife and children (Silipa, 2008). The concept of feagaiga allows a reciprocal balancing role between the brother and the sister (Huffer & So’o, 2005, p. 322).

The second covenant exists within extended families. The family is the nucleus of Samoan society, and the link with other families is by means of a binding covenant. This covenant used to come in the form of a child, born through intermarriage between high-ranking families. This child has special respect and privileges within the immediate and extended family and forms a bond between families based on blood, land and titles (Papali’I, 2002). The feagaiga at the village political level used to play a role of creating balance between a fono a matai (chiefly council) and the fono a tama’ita’i (daughters of matai council). While this balance has since been set aside in many cases, people ‘still refer daily to the concept of feagaiga’ (Huffer & So’o, 2005, p. 322).

Papali’i (2002) suggests that a third covenant was created when Christianity arrived on the shores of Savaii in 1830. In the Judeo-Christian tradition, a covenant is a sacred agreement, with biblical references to God’s promise to the Israelites and their commitment to worshiping only him (see for example Niehaus, 2007). The arrival of Christianity coincided with a 30 year conflict (1800-1830) in Samoa over paramount chief titles and appeared to fulfill the prophecy of an ancient Samoan war goddess, Nafanua, that a new religion would rule over the old gods ((Tufaeono T’u’u, 2002; Wendt, 2004). The covenant extended to the London Mission Society missionaries was based on the familial covenant. The term fa’afeagaiga was given to the missionaries who stayed in Samoa. This sacred title is extended to all ministers of religion to the current day.

It is clear that the Samoan term carries with it spiritual overtones and in addition has traditional meanings that give the word ‘feagaiga’ a significance not evident in the English word for covenant. The term ‘treaty’ in English does not embody such spiritual or sacred notions. There is a Samoan term maliliega that could have been applied that conveys a sense of agreement or contract free from spiritual connotations.

**FRIENDSHIP/FA’A-UOGA**

There are not the same translation difficulties with the word friendship as used in the title of the Treaty. A back-translation from Samoa to English reveals no significant translation issues with representing ‘friendship’ as ‘fa-auo’. Uo is the most common word for translating friend, and fa’auoga is the relationships of friendship. However, there are some contextual complexities as there are different understandings of what is involved in friendly relationships in the Western and Pacific traditions.
Western conceptual history relates back to the writings of the ancient Greeks and Romans, and there is a substantial literature on the philosophical concept of friendship, usually translated as *philia* in Greek and *amicitia* in Latin. Philia is distinguished from *eros* (romantic love), *agape* (spiritual love) and *xenia* (usually translated as ‘guest friendship’). Xenia is the concept that seems to be the most appropriate use of friendship with regard to treaties, although philia was the term used during antiquity. Xenia was a ritualised form of friendship related to the bonds and moral obligations to strangers and citizens of other cities (Herman 1987; Easterling 1989).

What marks guest friendship out from other forms of friendship is that the relationship is always between those with different group identities. Xenophilia as hospitality to strangers, contrasts to xenophobia, the fear and hatred of strangers. Once this relationship has been established, ‘the partners are expected to render each other assistance, not while living together, but while dwelling at some distance from each other’ (Herman, 1987, p. 30).

The use of friendship for describing relationships between states in the Western tradition has been neglected in the academic literature until fairly recently (see for example, Oelsner 2007; Roshchin 2009; Vion 2007). The legal use of friendship has been inconsistent, unself-conscious and unsystematic (see Lieb, 2007) and the concept of friendship as used in international relations has oscillated between the use of friendship ‘as a contractual politico-juridical tool’ and the ‘maxims of friendship as an ethical relationship’ (Roshchin, 2009, p.153).

The concept of guest friendship or hospitality is a very important part of Samoan (and Pacific) culture and also relates to the tradition of travelling back and forth (*malaga*). Magala is used to describe both the spiritual journey of being on earth, as well as a trip with a specific purpose and the formal travelling group (Lilomaiaava-Doktor, 2009, p. 9-10). The person, family or village that sets out for a *malaga* take with them gifts of food and fine mats. However, if the *malaga* had nothing with them, they are nevertheless welcomed by the hosts (see Mageo, 2001, p. 192). Each village and family has a space set aside for any unexpected guests, or passing travellers. When the visitors are planned for, elaborate feasts are prepared in welcome.

This concept of *malaga* is closely related to family and the bonds of family are seen as being much firmer than some types of friendships. The Samoan saying *O le uo i aso uma, a o le uso i aso vale* (friends for all seasons and kin in moments of crisis) reflects the idea that friends rise and die each day with the rising and setting sun, whereas family is always present in your hour of need (see Ligaliga, 2012, p. 37).

Papali’i (2002) identifies four types of friendships in Samoa: contact friends (acquaintances with whom you communicate when you need a favour); casual friends (encountered in an environment such as sports games or the workplace); close friends (intimate friends with whom you have intimate relationships and with whom you share deep secrets) and committed friends (the highest level of friendship where friends will give their lives for the other).

Relationships in Samoa are identified in particular according to boundaries (*tuaoi*) that provide the structure and organisation for society. These boundaries operate at all levels of Samoan society such as the family, village, district and church. There are familial boundaries between parent and child, between siblings, between husband and wife, between immediate and extended...
families. There are also boundaries which define rank and status, like the boundaries that exist between the titled and untitled, between men and women in a Samoan village, and also between the village and different religious denominates. Conflict occurs when boundaries are crossed.

It is paramount for individuals to understand the sacred nature of their \textit{va} or the spaces between people in order to value, nurture, and at times, \textit{teu} or make better their relational interactions (Melani, 2010). The principle of \textit{teu le va} ensures that these sacred spaces or boundaries are maintained and cared for. \textit{Teu le va} needs to be maintained between husband and wife, between parents and their children, as well as between God and humans. These principles also apply to the \textit{ifoga} process or Samoa’s indigenous reconciliation process (see Ligaliga et al., 2013). \textit{Teu le va} enables parties to rebuild their relationships. It is multi-relational, situational and also has spiritual inferences (Melani, 2010).

**FRIENDSHIP/FEALOFANI**

While there are no particular problems with the translation of ‘friendship’ as ‘fa’auo’ in the title of the Treaty, there are some translation implications related to other terminology associated with friendship including ‘intimate relationship’/ ‘faia mafana fa’apitoa I lo la ua va’ (Preamble); ‘bonds of amity and goodwill’ / ‘o le fealofani ma le alofa’ (Preamble); ‘spirit of close friendship’/ ‘fa’apea le agaga fefa’auoaiga (Article I); and ‘friendly states’/ ‘va o malo fealofani’ (Article III).

The Samoan word ‘fealofani’ is used in the Treaty to translate ‘bonds of amity’ and ‘friendly’ whereas a back-translation into English would be ‘unity’ or ‘harmony’. The connotation in Samoan is a much closer relationship, of working and living together, rather than just being friendly, polite and non-aggressive which is the English connotation of states being ‘friendly’ to each other. The root of the word \textit{fealofani} is the word for love or \textit{alofa}, rather than ‘\textit{uo}’ or friendship. \textit{Alofa} has been used too to translate ‘goodwill’ in the Preamble. As one of the principal components of the Samoan ethos, according to Ala’ilima (1984), is not so much friendship as ‘alofa’, a relationship of love and bond. \textit{Alofa} is:

… sharing, giving, helping, responding and contributing to the needs of others. It is willing participation in ones’ family, village, and community affairs. It is love expressed physically in the giving and receiving of material goods and services, and the confirmation of being part of the social group… it permeates all levels of the social life of Samoa (Ala’ilima, p. 96).

There is a large literature in English about the relationship between love and friendship that assesses the conceptual similarities and differences (see for example Goiceochea, 1995; Singer, 1994; Ackerman, 1995; Jenkins et al., 2005; Chanter, 1996). By the 20th century ‘love’ in English was associated primarily (although not exclusively) with romantic and sexual relationships or erotic passionate love (for a discussion of different types of love see for example Singer, 1994; Norris, 2006), and was not conventionally used in international relations documents. In the Polynesian languages, the word translated as love, for example alofa (Samoan), aloha (Hawaiian), aroha (Maori), is used more broadly. Originally used for ‘love of kin’ the term also
referred to the idea of ‘god is love’ (Ohnuma, 2008, p. 368). In Samoan culture, relationships including those of kinship, love and friendship, are governed by the building blocks of respect, obedience and honour that form the principle of sacred spaces/\textit{va tapuia}.

Although a back translation of \textit{alofa} would not generally yield the term ‘goodwill’, it does reflect several elements of \textit{alofa} more closely than the English use of ‘love’. Goodwill can be described as kindness, generosity, cordiality, altruism and philanthropy. Goodwill does incorporate some of the concepts of sharing, giving and helping that are important aspects of \textit{alofa}. Goodwill also carries with it a sense of duty, altruism and philanthropy as doing things for the other. However, it does not necessarily imply any close or long-lasting relationship. In a business context, goodwill accumulated becomes a tradeable resource.

The translation of ‘friendship’ does not create any major understandings, however, there are issues about the translation of the English terms of friendly, amity and goodwill. The introduction of the concept of \textit{alofa} produces highly significant connotations of closeness, compassion and commitment that are not necessarily associated with the English terminology.

**SPIRIT/AGAGA**

Article 1 of the Treaty states that the ‘relations between New Zealand and Western Samoa shall continue to be governed by a spirit of close friendship’ where ‘spirit’ is translated as ‘\textit{agaga}’. While this is the only place where the word ‘spirit’ is used in the English version, in the Preamble to the treaty the English phrase ‘Recognizing that friendship’ is rendered into Samoan as ‘recognizing the spirit of friendship’ (\textit{Fa’apea le Agaga Fa’auo}) (see Ligaliga, 2013, p. 93). The term ‘spirit’ does have spiritual and religious connotations in English, but in the context of a Treaty it is associated more closely with legal language, such as the term ‘spirit of the law’ that refers to a generic form of ideals and subject matter. The phrase ‘the spirit of the law’ is used to contrast to the ‘letter of the law’, or the literal wording of a contractual obligation. The ‘spirit of the law’ or the ‘spirit of a contract’ would refer to the intentions of those making the law. So the ‘spirit of friendship’ could be interpreted in English to mean ‘with friendly intent’. In the English idiom ‘in the spirit of’ also reflects enthusiasm or passion towards, reflecting emotions and sentiments of eagerness. This is more in line with the secularism of New Zealand society (Dakin, 2007).

This sense of the word ‘spirit’ is not found in the Samoan dictionary. Back-translations for ‘\textit{agaga}’ include spirit, soul, ghost, psyche, existence and life (Ma’Ia’I, 2010). \textit{Agaga} is related primarily to traditional understandings of the soul and belief in spiritual apparitions common in Samoan culture. Before the arrival of western Christianity to Samoa in 1830, Samoan society was animistic, and each island had its own spirits. \textit{Taulaitu}, was the title of someone who was considered to have the capacity to link the living and the dead, and it was through the \textit{Taulaitu} that the spirits communicated, and to whom families and individuals would go to speak to the dead. As a result of this, spirits became a normal part of Samoan society (Meleisea & Meleisea, 1987).

Christianity brought a new way of thinking about the term spirit, and by the time of independence
Samoan traditional society and Christianity were to a large degree merged. Christian values are embedded in Samoa’s founding documents. Samoa’s motto *fa’avae le atua Samoa*, translated as ‘Samoa is founded on God’, reflects Samoa’s commitment as a society to Christian beliefs and values. The first paragraph of the Samoan constitution refers to ‘… sovereignty over the Universe belongs to the Omni-present God alone, and the authority to be exercised by the people of Samoa within the limits prescribed by his commandments is a sacred heritage.’ (Meti, 2002). Samoa’s spirituality as a culture is likely to have given more spiritual significance to the term ‘*agaga*’ than is embedded in the term ‘spirit’ in the more secular New Zealand culture.

**UNREALISED EXPECTATIONS**

Samoan expectations of the new relationship with New Zealand as laid out in the Treaty of Friendship might reasonably have been that this signified a covenant binding the larger country as a brother to the smaller more vulnerable Samoa as the sister. This conception of the Treaty as a sacred covenant recognising Samoan tradition could also be reasonably interpreted as a sacred covenant between two Christian nations who recognise the scriptural significance of the covenant between man and God. The spiritual aspect of the covenant is reinforced not only by the naming of the Treaty as a covenant, but also by reference to the relationship as being ‘in the spirit’ of friendship, a significant spiritual relationship that would involve unity, love and harmony.

There were intentions on the part of the New Zealand government to be of assistance to Samoa and to work with their government ‘to promote the welfare of the people of Western Samoa’. However, this is limited in the wording of the Treaty to ‘considering sympathetically requests … for technical, administrative and other assistance’ (Article IV); and ‘afford[ing] assistance’ to the Government of Western Samoa when requested in its foreign policy (Article V).

In addition, Article III that gives assurance that ‘citizens of the other living within its territory are…. given equitable treatment and full legal protection and access to the Courts’ was not upheld in the case of the ‘Dawn Raids’ in New Zealand. The ability to live and in New Zealand was regarded as an important opportunity for Samoans. In 1970, purportedly ‘in the spirit of close friendship’ embodied in the Treaty of Friendship, a Samoan immigration quota was set up to provide the opportunity for 1,100 Samoan citizens to gain permanent residence in New Zealand each year. There were also quotas for non-Samoan Pacific Islanders, but this was for smaller numbers. (Tuvalu Events). According to Kerslake (p.50), as long as there was a demand for unskilled labour in New Zealand, a blind eye was turned on Samoans, other Pacific Islanders and other immigrant groups arriving on temporary visas or arriving in greater numbers than the quota allowed.

When a recession hit New Zealand in the 1970s, the so-called ‘Dawn Raids’ commenced. Over the next ten years, New Zealand government officials used discriminatory practices to target Pacific Island illegal immigrants, including raids carried out in the early hours of the morning when suspected ‘overstayers’ would be awoken from their beds and immediately repatriated (Kerslake, pp. 50-51). New Zealand’s immigration policy had been tilted towards accepting migrants from England, Scotland and Wales, and there was evidence that British persons with
similarly expired visas were not sought out in the same way as Pacific Island overstayers (Te Ara Encyclopedia). This was seen by Samoans as a breach of the Treaty of Friendship, and the case was tested in the Privy Council by the Lesa versus Attorney General case which led in the same year to the 1982 Protocol to the Treaty of Friendship between the Government of New Zealand and the Government of Western Samoa.

This protocol concerning immigration and citizenship was added as an integral part of the Treaty. It gives citizens of Western Samoa the right to claim special treatment under the New Zealand law governing citizenship, in recognition of the special relationship, and the ‘ties of history, friendship and law’, and granted Samoans coming to New Zealand permanent residence, and New Zealand citizenship upon application (United Nations Treaty Series). The protocol was enacted through New Zealand legislation in the Citizenship (Western Samoa) Act 1982 (New Zealand Parliamentary Counsel Office).

When Samoa celebrated 40 years of Samoan independence in 2002, it was deemed appropriate by the Labour Prime Minister, Helen Clark, to unexpectedly make an apology to the Samoan people when she officially acknowledged the ‘inept and incompetent early administration by New Zealand’ and expressed sorrow and regret for past injustices, little known in New Zealand, but well known in Samoa (Clark, 2002).

However, there remain barriers to Samoan immigration to New Zealand, and the 1,000 yearly quota is seldom filled, although Samoans are still very keen to be able to immigrate (personal communications, July precise date, 2011). In 2004, the Deputy Prime Minister of Samoa, Misa Telefoni, is reported to have referred to ‘defects’ in the way the friendship treaty was handled. He expressed disappointment that Samoa was not included in the 46 countries (including Germany) whose citizens could enter New Zealand without a visa. He pointed out that Samoa was the only country with a friendship treaty with NZ, and yet ‘our people have to go through very onerous visa applications and scrutiny before they’re even allowed access to New Zealand’ (BBC Monitoring Asia Pacific, 2004).

In addition, there are disappointments related to Article IV of the original Friendship Treaty that states ‘the two Governments shall continue to work together to promote the welfare of the people of Western Samoa’. Samoans in New Zealand continue to be over-represented among the most disadvantaged of the population, and for Samoans in Samoa New Zealand’s involvement has not necessarily lead to improved outcomes. A 2009 report on Samoa and New Zealand’s bilateral aid programme comments that ‘the level of hardship people [in Samoa] are experiencing is deepening, with an estimated 20 percent living below the poverty line, and 6 per cent living in extreme hardship (Koszler, 2009, p. 22). While NZAid is considered to be ‘the most valuable forms of foreign assistance to civil society organisations’, Iati (2009, p. 41) demonstrates that the funding process is less than satisfactory.
CONCLUSION

Samoa’s first experience of friendship treaties with Western powers was with the United States of America in 1878 and the German Empire in 1879, at the height of competition for access to sea routes through the Pacific. These treaties used the language of the Treaty of Westphalia promising ‘perpetual peace and friendship’ in return for favoured nation status to the powers that needed harbour facilities and access to land as they crossed the Pacific for trading and military purposes. In a subsequent arrangement, these two nations divided the Samoan islands into German Samoa on the west and American Samoa on the east.

New Zealand’s involvement with Western Samoa began when it was rewarded for its war efforts during WW1 by being granted trusteeship of German Samoa by the League of Nations. The Friendship Treaty with Western Samoa was not signed until 1962, when Western Samoa became independent from New Zealand. This Friendship Treaty was worded very differently from previous friendship treaties, acknowledging two equal governments, agreeing that New Zealand assist Samoa, with no obvious benefit being granted to New Zealand, and with both the English and Samoan versions affirmed as ‘equally authentic’.

New Zealand diplomats were proud of their efforts to recognise Western Samoa (see Hensley 2005), but the Treaty of Friendship between these two nations does not feature prominently in New Zealand’s history or politics. On the other hand, the Treaty of Friendship for Samoa was considered to be of much more significance, with disappointment of unrealised expectations when it appeared that the friendship was of less importance to New Zealand.

The relationship between the two nations had been difficult from the beginning of New Zealand’s administration, with a clash between the rational-legal implementation of control and the ancient Samoan customs and form of governance. In addition, New Zealand was considered to have caused great harm to the Samoan people, firstly, by allowing the spread of influenza from NZ which decimated 20 per cent of the island nation’s population, and secondly, in the shooting of eleven leaders with chiefly title during a protest procession.

In the lead up to independence, relations had improved, and the 1962 Friendship Treaty seemed to promise the protection by New Zealand in the role of an elder brother of the more vulnerable younger sister of Samoa. However, New Zealand’s treatment of Samoa, especially during the 1970s and the Dawn Raids when ‘overstayers’ were forcibly repatriated, did not seem to reflect this sacred relationship of care and protection.

When we consider the two versions of the Treaty of Friendship, the Samoan and the English version, and examine in more detail three terms used in the two versions of the treaty: Treaty/Charter/Agreement (Feagaiga); Friendship/Friendly (Fa’auo/Fefa’auoaiga/Fealofani); and Spirit (Agaga), it is clear that the type of language used, and the understanding of the different cultures, provides quite different interpretations or impressions about what is the significance of this Treaty.

The English version is clearly written as a contract between two Governments. The sense is of a kindly, benevolent agreement for New Zealand to assist in a minimal way the new Samoan
government. New Zealand is endeavouring to recognise Samoa’s new status as an independent nation and there is no pressure put on Samoa to accept this assistance. The intention seems to be for New Zealand to act as a friendly, sympathetic neighbour. While there is reference to intimacy and closeness, this friendly contract can be terminated by either party in writing at any time.

On the other hand, in the Samoan version, there is much more reference to the covenantal and spiritual nature of the agreement. The relationship between the two nations is referred to in terms that are used to describe some of the most important relationships in a culture where an understanding of obligation, boundaries and sacred spaces forms the basis of the very way of being. The religious connotations of the language give the impression that this agreement is of spiritual significance to two nations that have a common bond in Christianity. There seems to be the promise of more than just a distant friendship, but rather a deeply caring, compassionate and respectful relationship that would be concerned to balance up the inequalities between the two.

ENDNOTES

1 Western Samoa became independent from New Zealand in 1962. Previously known as German Samoa, it has reverted to its ancient name, Samoa in 1997. However the islands to the east of Samoa are still known as American Samoa and have been an unincorporated territory of the United States since 1899.

2 The only other friendship treaty in the Pacific where both language versions of the treaty are deemed equality authentic is the 1980 Treaty of Friendship and Cooperation between France and Tonga.


4 For a discussion of the complexities and debate about the interpretation of these concepts see Bloom 1993; Brunt (1965); Devere (2000); Fitzgerald (1996); Price (1989); Nussbaum (1986); Singer (1966).
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