

Chief Justice of Samoa launches Mediation rules

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Chief Justice, His Honour Patu Tiava'asue Falefatu Sapolu yesterday launched Samoa's Mediation Rules 2013 during a gathering at the Samoa Tourism Authority (STA) fale.

Prime Minister Tuilaepa Sa'ilele Mallelegaoi was among Cabinet Ministers and senior government officials present. Also present was the Speaker of the House, La'auli Leuatea Polata'i'ivao as well as members of the judiciary. His Honour Patu said the launch yesterday was a significant milestone for Samoa.

"Mediation is something very new but very old in Samoa," he said. "Mediation has many similarities with the traditional Samoan way of settling disputes through the village council or the matai of a family.

"However, unlike our traditional dispute resolution system, professional mediation is a facilitative process; it is neither advisory nor determinative in nature."

Chief Justice Patu said the Mediation Rules 2013 were formally "endorsed by His Highness, the Head of State on the advice of Prime Minister with the concurrence of the Rules Committee."

"And the week before last, the Alternative Dispute Resolution Amendment Act 2013, which is made up of amendments of the alternative dispute resolution act 2007, was passed and also endorsed by the Head of State.

"These two significant milestones have been achieved within the scope of the commercial mediation project."

"And the project is the result of collaboration between the International Finance Corporation, the Supreme Court of Samoa and the Ministry of Justice and Courts Administration."

A key part of the mediation process is the Accredited Mediators of Samoa Association (AMSA). The group is a professional and dynamic association of accredited Mediators facilitating resolution of disputes.

The organisation was established in December 2012 and has 23 members. They are committed to facilitating disputes and will achieve its vision through: Education, Training and professional development; Operating under an established set of guiding principles; and Forging and strengthening strategic partnerships and networks.

Yesterday, Chief Justice Patu acknowledged everyone who has been part of the process up until this point, especially Professor Nadja Alexander.