

To Be Clear on Alienation of Customary Land in Samoa 1998 – 2022

Taking the sovereign rights of Aiga to our ancestral lands without our consent and without the consultation of a referendum as required by Article 109 of the Constitution of Samoa is unlawful and theft.

What is the word for taking someone's land?

Confiscation, from the Latin *confiscatio* 'joining to the fiscus, i.e. transfer to the treasury' is a legal seizure by a government or other public authority.

Since 2008 all land registered under the Land Titles Registration Act 2008 issues the person, who is registered as the owner with a freehold title, while the sovereignty or absolute ownership and total control of that parcel of land passes to the government.

Aumua Ming Leung Wai, ex Attorney General and his cousin, the academic, who strongly supports the HRPP party, Dr Iati Iati avoid discussing this simple concept of sovereignty and the powers given by Section 32 of the Land Titles Registration Act 2008 to the government.

They would have you believe that alienation of customary land can only happen if it is sold and purchased.

This Latin term *suppressio veri suggestio falsi* applies to their argument.

It means to suppress truth and suggest a false alternative.

It is also called a half lie.

Suppressio veri, suggestio falsi

Black's Law Dictionary: 2nd Edition

Definition:

Suppression of the truth is (equivalent to] the suggestion of what is false. *Paul v. Hadley*, 23 Barb. (N. Y.) 521, 525.

Sovereignty is a political concept that refers to dominant power or supreme authority: to have sovereign power is to be beyond the power of others to interfere.

So when customary land is registered the land rights of all others are inferior or less than the right of the government.

The person registered as the owner on the certificate of title is issued with a freehold title. All Aiga traditional land rights are destroyed.

Using S.32 of the LTRA 2008 they transferred all land in Samoa into government ownership as the absolute sovereign owner while granting owners registered on the title a lesser freehold title.

This is why MNRE say they only deal with freehold land and why the land register is hidden.

THE UGLY TRUTH ABOUT S.32 Land Titles Registration Act 2008

The LTRA 2008 was passed without a national referendum as required by Article 109 of Samoa's Constitution.

It is a forbidden legal device as set out in Article 102 of Samoa's Constitution.

The LTRA 2008 violates Article 102 of the Constitution, which states as follows:

'No alienation of customary land - It shall not be lawful or competent for any person to make any alienation or disposition of customary land or of any interest in customary land, whether by way of sale, mortgage or otherwise howsoever...'

It was forced upon Tui Atua Tupua Tamasese Efi by Tuilaepa and supported by 2 legal opinions:

Aumua Ming Leung Wai and Papali'i Malietoa Malietau [these opinions are missing]

It is therefore unlawful and struck down by article 2 of the Constitution but with all branches of government willing to PRETEND our people have suffered tremendously.

Court cases involving land fraud are backed up for years and families of the corrupt run interference and block attempts for Justice.

Courts are underfunded and plenty of corrupt cash support the wrongdoers.

Let us look at what happens when land is registered using S.32 Of the LTRA 2008.

Look at the section below:

32. Estate of registered proprietor paramount-

- (1) Notwithstanding the existence in any other person of any estate or interest which but for this Act might be held to be paramount or to have priority, the registered proprietor for the time being of any estate or interest in land recorded in a folio of the Register shall, except in case of fraud, hold the same, subject to such other estates and interests and such entries, if any, as are recorded in that folio, but absolutely free from all other estates and interests that are not so recorded..except

(d) any right granted by or under an Act:

[MAKE LAWS WITH TOTAL CONTROL]

(i) to enter, go across or do things on land for the purpose specified in the Act,

[DO WHATEVER IT LIKES]

(ii) to recover taxes, duties, charges, rates or assessments by proceedings in respect of

land;

[TAX: ASK FOR MONEY AND MAKE YOU PAY]

(iii) to expropriate land; or

[TAKE THE LAND FROM YOU]

(iv) to restrict the use of land;

[BLOCK OWNERS WISHES: TELL YOU WHAT YOU CAN OR CANNOT DO]

It is not okay for the government to develop resources such as fisheries, minerals, medicinal plants or to use resources such as rivers or the sea or Samoan genetic material in partnership with foreigners, form companies to create wealth and ignore the traditional owners in each village and district.

This is a theft from the traditional owners and is forbidden by the Constitution.

It is theft from Aiga.

The Fa'aSamoa has never given up the rights of its Aiga to its airspace, fisheries, minerals, water rights, plants, genetic or other treasures of any description to the government.

This includes all rights and relationships of any description from a molecular level of value to Samoans from the Heavens to the center of the Earth within Samoan territory.

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