

**PARLIAMENTARIANS FOR GLOBAL ACTION  
REGIONAL PACIFIC ISLAND STATES PARLIAMENTARY WORKSHOP ON MOBILIZING  
PARLIAMENTARIANS TO ADVOCATE FOR IMPROVED COMPLIANCE WITH THE UN  
PROGRAMME OF ACTION ADDRESSING THE ILLICIT TRADE IN SMALL ARMS AND LIGHT  
WEAPONS**

Honourable Members of Parliament for Samoa and representing pacific island countries present here today.

1. It is my privilege and honour to speak to you today about the ratification and domestication process that Samoa undertakes for any international treaty Samoa becomes a signatory to and subsequently domestication of that treaty.
2. I will use as an example the Arms Trade Treaty that Samoa signed in 2013, ratified in 2014 and began the process of domestication with the first step realised in 2017 when the Conventional Arms Act was passed in Parliament.
3. In Samoa that process that is established for ratification is that a Government Ministry or Agency will approach the Attorney General either directly or through Cabinet to provide a legal analysis on the implications of ratifying a certain International Treaty. The Attorney General's report/legal analysis is presented to Cabinet for a decision on whether to proceed with ratification or not. The Analysis of the Attorney General will take into account the laws that are already in compliance with an international instrument and those that will require amending.

***Ratification***

4. With regard to the Arms Trade Treaty ("ATT"), Cabinet approved for signing onto this Treaty in 2013 and ratified it in 2014. The ATT is a Treaty that regulates the transfer or trade of conventional arms for the purpose of using in committing international war crimes such as genocide etc.

***Domestication***

5. With regard to the domestication of the ATT, Samoa began its domestication process after meeting in New Zealand to discuss the model legislation provided through the Small Arms Survey Office (Geneva).
6. There are 2 ways to domesticate an international Treaty. Countries can either adopt a model law or develop its own law using the Treaty as a guide. In the case of the ATT, Samoa used the model law, not in adopting it directly into our national laws, but rather as a guide on how Samoa's laws can be amended to comply with the ATT.
7. With the use of model legislation, the Attorney General's Office (Legislative Drafting Division) developed a Legislation Plan to be discussed with relevant stakeholders. Relevant stakeholders were then identified which in the case of the ATT are as follows:

- a. Samoa Police Service;
    - i. Transnational Crime Unit;
    - ii. Maritime Division;
  - b. Customs and Border Control Division of the Ministry for Revenue;
  - c. Ministry of Foreign Affairs and Trade;
  - d. Ministry of the Prime Minister and Cabinet;
  - e. Samoa Airport Authority;
  - f. Samoa Shipping Services;
  - g. Samoa Ports Authority;
  - h. Quarantine Division of the Ministry of Agriculture and Fisheries.
8. The Legislation Plan outlines major policy questions to be addressed when drafting the instrument domesticating the treaty. Such questions include, whether a stand-alone new Agency is to be established to be the focal point for the Bill, or whether current agency structures could be utilised due to resource constraints. As is confirmed in the Conventional Arms Act 2017, the decision made was to use existing agencies who will in a collaborative effort implement the Treaty.
  9. When all the policy questions are addressed the drafting process begins as well as consultation of the major stakeholders affected by the Bill. Most stakeholders were part of the taskforce committee.
  10. After all the required consultations were carried out, and all stakeholders are in agreement of the draft Bill, the Bill is then finalised and submitted to Cabinet by the main implementing agency which in this case is the Ministry of the Prime Minister and Cabinet.
  11. Cabinet approved in 2017 the Conventional Arms Bill to be referred to Parliament for tabling which was then tabled and passed on 20.12.2017. This completes the first phase of domestication of the ATT.
  12. The next phase is to focus on its implementation. This will require drafting regulations to coordinate the collective efforts of the different Government Agencies in implementing the Act when required. This is where Samoa is now in terms of its domestication process of the ATT.
  13. In applying this ratification and domestication process for the ATT to addressing the Illicit Trade in Small Arms and Light Weapons, the same procedure will most likely be followed.
  14. It can be said that with the domestication of the ATT, Samoa can perhaps use this as a platform to further implement the UN Programme of Action Addressing the Illicit Trade in Small Arms and Light Weapons as Conventional Arms includes small arms and light weapons.
  15. I thank you for this opportunity to present to you on the ratification process that Samoa follows as well as the domestication process of any international instrument

Samoa becomes a party or signatory to. Please enjoy the rest of your stay here in Samoa.

16. Soifua ma ia Manuia.

Galumalemana Noumea L. Teueli

**ACTING ATTORNEY GENERAL**