


VSA Assignment Description

Assignment Title	Legal Adviser
Assignment Modality	Standard / In-country
Assignment Number	42047
Country	Samoa
Location	Upolu Island - Apia
Partner Organisation	Ministry Foreign Affairs and Trade
Duration	12 months
Sustainable Development Goals	

1. Partner Organisation Overview

The Ministry of Foreign Affairs and Trade (MFAT) was officially established on 1 July 2003 under the Ministerial and Departmental Arrangements Act 2003 (hereafter called “the Act”). The Act incorporates the former Ministry of Foreign Affairs and the Trade Division of the former Department of Trade, Commerce, and Industry. MFAT is responsible for the administration of Government’s business with foreign countries and their governments as well as international organisations. It also endeavours to initiate and continue to provide high quality and professional policy advice to Government on the management of Samoa’s foreign and trade relations. The Ministry is committed to promoting Samoa’s national interests to achieve most benefits in relation to political, trade and economic and security objectives.

The Legal Division was created under the organisational restructuring of the Ministry of Foreign Affairs and Trade in 2017/2018. It is responsible for overall strategic legal policy advice and planning in respect to Samoa’s foreign policy, trade policy, foreign representation, relations with regional and international organizations, protocol services and support to resident and non-resident diplomatic missions including international organizations based in Apia and implementation policy framework in relation to all areas under the Ministry’s jurisdiction.

The core focus of the Legal Division was to;

- Review and provide quality legal advice to Government on Samoa’s position on issues involving international and regional relations with other states.
- Provide legal guidance and advice on Samoa’s obligations and position in international and regional conventions, treaties and declarations and trade negotiations.
- Identify critical legal concerns for policy development focusing on the preparation of guidelines and platforms on global and regional issues of importance to Samoa.
- Provide legal advice and support on all aspects of the Ministry’s work and operations including the overseas missions work responsibilities.
- Provide legal advice on areas of contract management the Ministry is involved in.
- Provide legal advice on the application of the Diplomatic Privileges and Immunities Act 1978.

For technical/operational management and advice, the Legal Division is also responsible for providing legal advice and support in relation to;

- Accession to/ratification of international treaties and conventions and to monitor the implementation of treaty obligations and compliance.
- Trade agreements and legal scrubbing or verification of draft agreements.
- Representation overseas through overseas missions.
- The application of scholarship policies.
- Drafting and finalizing of contracts of employment or services for the purposes of the Ministry.

Since creation of the Legal Division, the Ministry has launched an International Treaty Making Manual, and Legal Database of International Treaties. The Manual improves the understanding around treaty making, its significance and implications; provides an overview of the treaty making process; identifies the steps for becoming a party to different types of treaties; clearly outlines the requirements for proposed treaty action, including who has authority to take such action; and establishes a standard practice for preparing submissions/recommendations to Cabinet.

Approved in 2020, the Manual must be followed by Government Ministries and Corporations when signing up to or withdrawing from a Treaty. The Database: serves to record all international agreements entered by Samoa, the details of the Agreement, treaty action taken, entry into force for the agreement, entry into force for Samoa, the Parties, domesticating legislation, and any legal advice provided. To be clear, this includes multilateral agreements and bilateral agreements such as Tax Information Exchange Agreements, MOAs, Host Country Agreements and Exchange of Notes/Letters. Both have increased the need for legal services within the Ministry and to Government stakeholders.

2. Assignment Overview

At the commencement of CHOGM preparations in 2023, with the creation of a National Taskforce and centralized coordination by the Ministry of Foreign Affairs and Trade - the Legal Division took on additional responsibility for assisting in coordination related to All Commonwealth Forums (the Commonwealth Business Forum (CBF), Commonwealth Women's Forum, Commonwealth Youth's Forum, and Commonwealth People's Forum (CPF)).

This included but was not limited to, attending weekly, fortnightly, and monthly taskforce meetings with national focal leads/organisers, and Commonwealth Secretariat and Commonwealth Accredited Organisations representatives and Joint meetings with Commonwealth Secretariat and Commonwealth Accredited Organisations representatives and national leads (both local and abroad) preparation of briefing materials, review of policy and concept papers, review of programmes, budget planning and preparation, drafting of legal documents for clear separation of functions and responsibilities etc.

A VSA volunteer would significantly contribute to ensuring that the Division provides to the Ministry and Government stakeholders timely, high quality legal advice and guidance in the performance of its functions. They would also be able to assist advice in the performance of tasks and responsibilities necessary for delivery of a successful Commonwealth Heads of Government Meeting (CHOGM) 2024, if we are fortunate enough to gain a volunteer before this international event in October. However, if this does not happen before October 2024, we would still very much appreciate volunteer assistance when VSA is able to recruit the best candidate to assist our team.

3. Goal/Outcomes/Outputs

Goal

The MFAT Legal Division will have improved systems, improved capacity for retention of institutional knowledge, effective delivery and performance of legal services.

The Legal Division will function more efficiently in delivering and executing its key mandate and secretariat roles to All Forums National Sub-Committee and the National Taskforce.

Furthermore, the team's capacity will be enhanced in;

- Assisting the Legal Division in responding to requests for legal services within the Ministry (both across the Divisions and abroad for overseas missions) and advising external stakeholders where requested.
- Assisting in the facilitation and coordination, of the Focal Leads of the 4 Forums of the 2024 CHOGM Meeting (if a volunteer is recruited before then).

Outcome 1

Review and advise on Samoa's legal framework for administration of foreign affairs (in relation to contract management, diplomatic privileges and immunities and others).

Work alongside the team;

- Review existing legislation and records in relation to the administration of foreign affairs functions and responsibilities
- Provide legal advice on effective implementation of existing legislation under the mandate of the Ministry
- Train and build capacity on the job in an environment of shared learning in this area.

Outcome 2

Provide legal guidance and strategic advice on Samoa's obligations and positions in foreign affairs matters, internationally and in the region.

Work alongside the team;

- Review and provide legal advice on Samoa's responsibilities towards the conventions, treaties, and declarations.
- Review and provide legal advice on Samoa's position in trade negotiation and agreements.
- Provide recommendations for improvement where needed and effective implementation.
- Train and build capacity on the job in an environment of shared learning in this area.

Outcome 3

Identify areas of critical legal concerns for strategic policy development to serve the interests of Samoa.

Work alongside the team;

- Assist and provide legal advice on guidelines on internal or international policies and regional issues of importance to Samoa – where needed.
- Provide legal advice on Samoa's bilateral relations and development policy dialogues with key bilateral and development partners.
- Assist in legal policy development where needed.
- Train and build capacity on the job in an environment of shared learning in this area.

Outcome 4

Assist the team in the coordination of the Focal Leads of the 4 Forums of the 2024 CHOGM (if recruited prior to October).

Work alongside the team;

- Plan and facilitate 4 Forums the Legal Division ACEO is leading.
- Advise and assist the team in how to bring the 4 Forums together efficiently and effectively.
- Train and build capacity on the job in an environment of shared learning in this area.

4. Reporting, Working Relationships and Capacity Building

In collaboration with the local team, identify the key areas for scheduled training sessions (agreed upon as priority areas), as well as informal brown bag lunches – environments conducive to shared learning. Upon request, provide workshops for MFAT staff to increase their understanding of the legal positions of the Ministry in all aspects of Foreign and Trade, in the region and internationally. Capacity strengthening will take place through a variety of activities, including training, mentoring, coaching, collaboration, and knowledge sharing.

As needs on the ground may change over time, the volunteer is encouraged to review and update the Assignment Description on arrival in consultation with the partner organisation and VSA Programme Manager. By their very nature, development situations can involve significant change, so it is advisable that the volunteer periodically reviews and reflects on the Assignment Description throughout the Assignment to ensure the best development outcomes are being achieved.

5. Selection Criteria/Position Requirements

Professional Specifications

Essential

- Bachelor's degree in law, political science, governance, international relations or related field.
- At least six (6) years proven experience;
 - Public Service Lawyer with experience in commercial and / or international law or Foreign Service or related profession in government.
 - Working with central government parliamentary systems or similar sub-national government systems.
- High level of proficiency in Windows MS Office, Excel, PowerPoint and/or Statistical Software.
- Experience conducting organisational reviews/stocktakes and/or situational analyses.
- Excellent analytical skills and report writing with a proactive, energetic approach to problem solving.

Desirable

- Post graduate degree in law, political science, governance, international relations or related field.
- Experience working with legislatures and drafting from any of the Pacific Small Island Developing States.
- Experience working with parliamentary committees.
- Experience in operations or administrative management.
- Experience working in a developing country context or poorly resourced region.
- Experience in executing change management.

Personal Specifications

Essential

- An understanding of issues likely to impact on foreign affairs and trade in a developing country context.
- Strong ability to think innovatively in an environment with limited resources and monetary support.
- Diplomatic, politically savvy, and able to work within diverse political and cultural settings.
- Demonstrated communication and high-level interpersonal skills to promote co-operation between organisations.
- Able to solve problems in a creative and timely manner.
- Ability to be flexible and easily adaptable in a different working environment.

Desirable

- Understanding and experience living in the Pacific region.
- Ability to maintain a positive attitude no matter the circumstances.
- A willingness to learn and use Samoan.

6. VSA Essential Attributes

- Commitment to volunteering, to VSA and to the partner organisation
- Cross cultural awareness
- Adaptability and a willingness to approach change or newness positively
- Able to form good relationships, both personally and professionally, with work colleagues and in the community
- Resilience and an ability to manage setbacks
- Initiative and resourcefulness
- An ability to facilitate learning through skills exchange

7. Country Context

For more information about Samoa, see [VSA in Samoa](#)

Refer also to the following links;

- Untold History of Samoa: [Untold Pacific History | Episode 3: Samoa - NZ's Colonisation of Samoa & the Mau Movement | RNZ - Bing video](#)
- New Zealand Aid Programme in Samoa: [MFAT NZ & Samoa-4YP.pdf](#)
- Samoa Government Website: [Government of Samoa \(samoagovt.ws\)](#)
- Samoa Tourism Authority: [Samoa Tourism Authority - Corporate Website](#)
- Pocket Guide of Samoa: [A Brief History of Samoa 📖 - Samoa Pocket Guide](#)
- Beautiful Samoa: [Uncover the History of Beautiful Samoa | Samoa Tourism](#)

8. Living and Working Situation

VSA Samoa team will source basic, comfortable, and furnished accommodation in a safe location, that is within the budget of the programme, prior to the volunteer's arrival.

The MFAT office is in the FMFM II Government Building, Level 3 – located in central Apia. The Prime Minister and Cabinet Ministers also have their offices in the same building. It is close to all amenities, and safe and secure working environment.

The volunteer will be allocated, a desk, computer in the Legal Division's office that has air conditioning, internet access, landline (shared). The team at this stage comprises of the ACEO and the research officer.

Additional Information

Standard Assignment (12 months or more)

Residency status

VSA volunteers must be New Zealand citizens or have New Zealand permanent residency status, and currently living in NZ.

Pre-departure briefing

As part of the volunteer's contract, successful candidates will be required to take part in a pre-departure briefing course run by VSA in Wellington and complete all required pre-reading.

Final appointment

Final appointment will be subject to satisfactory medical and immigration clearances (costs covered by VSA), partner organisation acceptance, and successful completion of the pre-departure briefing course.

Family status

VSA supports partners to accompany volunteers on assignments of six months or longer. However, volunteers with accompanying dependents will not be considered for this assignment.

Fundraising

VSA funding stakeholders are both the Ministry of Foreign Affairs and Trade (MFAT) and donors. We ask volunteers and accompanying partners to fundraise to help cover the cost of sending volunteers throughout the Pacific and beyond. Fundraising can be as simple as doing something you enjoy with a group or friends, and our Fundraising team is available to help you every step of the way.

Vaccination requirements

Potential volunteers are advised that VSA's insurers require volunteers to be vaccinated, prior to departure, in accordance with the instructions of VSA's medical adviser. VSA covers the cost of any required vaccinations.

Children's Act

While on assignment, VSA volunteers may be required to work with children and/or may choose to participate in informal activities in their own time that involve interactions with children (such as coaching teams or teaching English). VSA is committed to the protection of vulnerable children and adults, which also includes meeting our commitment under the Children's Act 2014.

The information requested during the application process is necessary to assist VSA to determine applicant suitability to work and/or interact regularly with children and is part of a series of pre-selection checks undertaken on all applicants for VSA assignments.

Volunteer package

The volunteer's package includes the following:

Reimbursements and grants

1. The volunteer may be entitled to an establishment grant to help them set up in their country of assignment, and a rest and respite grant after a specified period of active service in-country to encourage the volunteer to take a break away from the immediate assignment location. These grants depend on the length and location of the assignment. The volunteer's contract will specify any grant entitlements.
2. A resettlement grant of NZ\$200 will be paid for each month the volunteer is on assignment. This is payable on completion of the assignment.
3. The volunteer will receive a monthly living allowance of \$1900 SAT.

Accommodation

Basic, comfortable furnished accommodation will be sourced by VSA. In some circumstances volunteers may be asked to share accommodation.

Airfares and baggage allowance

VSA will provide the volunteer with economy airfares to and from New Zealand for their assignment plus a baggage allowance.

Insurance

VSA will provide travel insurance to cover baggage and personal property, and non-routine medical expenses for the duration of the assignment. Further details of the insurance cover will be provided during the volunteer pre-departure briefing.

Utilities

VSA will reimburse volunteers reasonable expenses for household utilities while on assignment.

Final terms and conditions relating to the specific volunteer assignment will be confirmed in a personalised volunteer contract.